City of Santa Fe

Agenda

CITY CLERK'S OFFICE
DATE 11/16/12 TIME 11:35a
SERVED BY
RECEIVED BY

PLANNING COMMISSION
Thursday, December 6, 2012 - 6:00pm
City Council Chambers
City Hall 1st Floor - 200 Lincoln Avenue

A. ROLL CALL
B. PLEDGE OF ALLEGIANCE
C. APPROVAL OF AGENDA
D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS
MINUTES: November 1, 2012
FINDINGS/CONCLUSIONS: None

E. CONSENT CALENDAR

1. **Case #2012-122. High Summit Master Plan and Final Development Plan Time Extension.** Review of Land Use Department Director's approval of a one year time extension for the High Summit Development and Master Plans originally approved by the Extraterritorial Zoning Commission in 2003. Siebert and Associates, agents for Yvette J. Gonzales, Trustee. (Heather Lamboy, Case Manager)

F. OLD BUSINESS

1. **Case #2012-30. Bienvenidos General Plan Amendment.** JenkinsGavin Design and Development Inc., agent for Bienvenidos Properties LLC, requests approval of a General Plan Future Land Use Map Amendment to change the designation of 7.62± acres of land from Community Commercial and Transitional Mixed Use to Residential Low Density (3-7 dwelling units per acre). The property is located south of Rufina Street and west of Richards Avenue. (Dan Esquibel, Case Manager) ***The Governing Body remanded this case to the Planning Commission for reconsideration.*** **(TO BE POSTPONED TO JANUARY 3, 2013)**

2. **Case #2012-31. Bienvenidos Rezoning to R-5.** JenkinsGavin Design and Development Inc., agent for Bienvenidos Properties LLC, requests rezoning of 7.62± acres of land from R-3 (Residential, 3 dwelling units per acre) to R-5 (Residential, 5 dwelling units per acre). The property is located south of Rufina Street and west of Richards Avenue. (Dan Esquibel, Case Manager) ***The Governing Body remanded this case to the Planning Commission for reconsideration.*** **(TO BE POSTPONED TO JANUARY 3, 2013)**

G. NEW BUSINESS

1. An ordinance relating to the Land Development Code, Chapter 14 SFCC 1987 regarding Airport Road, creating a new Section 14-5.11 SFCC 1987 to establish an Airport Road Overlay District and making such other stylistic or grammatical changes that are necessary. (Councilor Dominguez) (Matthew O'Reilly)

2. **Case #2012-109. Villas Di Toscana Development Plan Amendment.** Jon Paul Romero, agent for Vistancia, LLC, requests an Amendment to the Development Plan to privatize the streets, street lighting, landscaping and approved trails. The property is zoned R-3 PUD (Residential, 3 dwelling units per acre, Planned Unit Development) and is located between Governor Miles Road and I-25, east of Camino Carlos Rey. (Dan Esquibel, Case Manager) **(POSTPONED FROM NOVEMBER 1, 2012)**

3. **Case #2012-124. 417 and 419 East Palace Avenue Preliminary Subdivision Plat.** JenkinsGavin Design and Development agent for Palace Avenue Office Suites, LLC, requests Preliminary Subdivision Plat approval for 2 lots on 0.78± acres. The property is zoned BCD (Business Capitol District)/ East Marcy/East Palace Subdistrict. (Dan Esquibel, Case Manager)

4. **Case #2012-117. Arroyo Central (Tierra Contenta Tract 50) Final Subdivision Plat.** David Thomas of the Tierra Contenta Corporation, agent for the Santa Fe Community Housing Trust, proposes Final Subdivision Plat approval for a 24-lot single family residential subdivision. The property is zoned PRC (Planned Residential Community) and is located on the southwest corner of Plaza Central and Contenta Ridge Drive. (Heather Lamboy, Case Manager)

5. **Case #2012-104. Aguafina Rezoning to R-5.** JenkinsGavin Design and Development, agent for Aguafina Development, LLC, requests to rezone 5.73± acres from R-1 (Residential, 1 dwelling unit per acre) to R-5 (Residential, 5 dwelling units per acre). The property is located south of Agua Fria Street and west of Calle Atajo, at 4702 Rufina Street and 4262 Agua Fria Street. (Heather Lamboy, Case Manager)

6. **Case #2012-123. Windmill Hill at Las Placitas Compound Preliminary Subdivision Plat with Variance.** JenkinsGavin Design and Development, agent for Doug and Peggy McDowell, requests Preliminary Subdivision Plat approval for four single-family residential lots on 1.48± acres. A variance is requested to reduce the minimum street width from 38 feet to the width of existing access easements of 29 feet and 20 feet. The property is located at 623½ Garcia Street, and is zoned R-3 (Residential, three dwelling units per acre). (Donna Wynant, Case Manager)

H. STAFF COMMUNICATIONS
I. MATTERS FROM THE COMMISSION
J. ADJOURNMENT

NOTES:

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

SUMMARY INDEX
CITY OF SANTA FE
PLANNING COMMISSION
December 6, 2012

ITEM	*ACTION*	*PAGE*
CALL TO ORDER/ROLL CALL	Quorum	1
APPROVAL OF AGENDA		
Consideration of the Consent Agenda	Item Removed	2
Approval of the Agenda	Approved [amended]	2
APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS		
MINUTES – NOVEMBER 1, 2012	Approved [amended]	3
FINDINGS/CONCLUSIONS: NONE	None	3
CONSENT CALENDAR		
CASE #2012-122. HIGH SUMMIT MASTER PLAN AND FINAL DEVELOPMENT PLAN TIME EXTENSION. REVIEW OF LAND USE DEPARTMENT DIRECTOR'S APPROVAL OF A ONE YEAR TIME EXTENSION FOR THE HIGH SUMMIT DEVELOPMENT AND MASTER PLANS ORIGINALLY APPROVED BY THE EXTRATERRITORIAL ZONING COMMISSION IN 2003. SIEBERT AND ASSOCIATES, AGENTS FOR YVETTE J. GONZALES, TRUSTEE	Recommend approval	3-5
OLD BUSINESS		
CASE #2012-30. BIENVENIDOS GENERAL PLAN AMENDMENT. JENKINSGAVIN DESIGN AND DEVELOPMENT INC., AGENT FOR BIENVENIDOS PROPERTIES LLC, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 7.62± ACRES OF LAND FROM COMMUNITY COMMERCIAL AND TRANSITIONAL MIXED USE TO RESIDENTIAL LOW DENSITY (3-7 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED SOUTH OF RUFINA STREET AND WEST OF RICHARDS AVENUE	Postponed to 01/10/13	5
CASE #2012-31. BIENVENIDOS REZONING		

ITEM	ACTION	PAGE
TO R-5. JENKINSGAVIN DESIGN AND DEVELOPMENT INC., AGENT FOR BIENVENIDOS PROPERTIES LLC, REQUESTS REZONING OF 7.62± ACRES OF LAND FROM R-2 (RESIDENTIAL, 3 DWELLING UNITS PER ACRE) TO R-5 (RESIDENTIAL, 5 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED SOUTH OF RUFINA STREET AND WEST OF RICHARDS AVENUE	Postponed to 01/10/13	5
NEW BUSINESS		
AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987, REGARDING AIRPORT ROAD, CREATING A NEW SECTION 14-5.11 SFCC 1987 TO ESTABLISH AN AIRPORT ROAD OVERLAY DISTRICT AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY	Recommended approval [amended]	5-17
CASE #2012-109. VILLAS DI TOSCANA DEVELOPMENT PLAN AMENDMENT. JON PAUL ROMERO, AGENT FOR VISTANCIA, LLC, REQUESTS AN AMENDMENT TO THE DEVELOPMENT PLAN TO PRIVATIZE THE STREETS, STREET LIGHTING, LANDSCAPING AND APPROVED TRAILS. THE PROPERTY IS ZONED R-3 PUD (RESIDENTIAL, 3 DWELLING UNITS PER ACRE, PLANNED UNIT DEVELOPMENT) AND IS LOCATED BETWEEN GOVERNOR MILES ROAD AND I-25, EAST OF CAMINO CARLOS REY	Postponed to February 2013	17-31
CASE #2012-124. 417 AND 419 EAST PALACE AVENUE PRELIMINARY SUBDIVISION PLAT. JENKINSGAVIN DESIGN AND DEVELOPMENT AGENT FOR PALACE AVENUE OFFICE SUITES, LLC, REQUESTS PRELIMINARY SUBDIVISION PLAT APPROVAL FOR 2 LOTS ON 0.78± ACRES. THE PROPERTY IS ZONED BCD (BUSINESS CAPITOL DISTRICT) EAST MARCY/EAST PALACE SUBDISTRICT	Recommended approval	31-33

ITEM	ACTION	PAGE
CASE #2012-117. ARROYO CENTRAL (TIERRA CONTENTA TRACT 50) FINAL SUBDIVISION PLAT. DAVID THOMAS OF THE TIERRA CONTENTA CORPORATION, AGENT FOR THE SANTA FE COMMUNITY HOUSING TRUST, PROPOSES FINAL SUBDIVISION PLAT APPROVAL FOR A 24-LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION. THE PROPERTY IS ZONED PRC (PLANNED RESIDENTIAL COMMUNITY) AND IS LOCATED ON THE SOUTHWEST CORNER OF PLAZA CENTRAL AND CONTENTA RIDGE DRIVE	Recommended approval	33-34
CASE #2012-104. AQUAFINA REZONING TO R–5. JENKINSGAVIN DESIGN AND DEVELOPMENT, AGENT FOR AQUAFINA DEVELOPMENT, LLC, REQUESTS TO REZONE 5.73± ACRES FROM R-1 (RESIDENTIAL, 1 DWELLING UNIT PER ACRE) TO R-5 (RESIDENTIAL, 5 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED SOUTH OF AGUA FRIA STREET AND WEST OF CALLE ATAJO, AT 4702 RUFINA STREET AND 4262 AGUA FRIA STREET	Recommended approval [amended]	34-49
CASE #2012-123. WINDMILL HILL AT LAS PLACITAS COMPOUND PRELIMINARY SUBDIVISION PLAT WITH VARIANCE. JENKINSGAVIN DESIGN AND DEVELOPMENT, AGENT FOR DOUG AND PEGGY McDOWELL, REQUESTS PRELIMINARY SUBDIVISION PLAT APPROVAL FOR FOUR SINGLE FAMILY RESIDENTIAL LOTS ON 1.48± ACRES. A VARIANCE IS REQUESTED TO REDUCE THE MINIMUM STREET WIDTH FROM 38 FEET TO THE WIDTH OF EXISTING ACCESS EASEMENTS OF 29 FEET AND 20 FEET. THE PROPERTY IS LOCATED AT 623½ GARCIA STREET, AND IS ZONED R-3 (RESIDENTIAL, THREE DWELLING UNITS PER ACRE)	Recommended approval	49-52
STAFF COMMUNICATIONS	Information/discussion	52-54
MATTERS FROM THE COMMISSION	None	54
ADJOURNMENT		54

MINUTES OF THE MEETING
OF THE
PLANNING COMMISSION
December 6, 2012

A regular meeting of the City of Santa Fe Planning Commission, was called to order by Chair Tom Spray, at approximately 6:00 p.m., on Thursday, December 6, 2012, in the City Council Chambers, City Hall, Santa Fe, New Mexico.

A. ROLL CALL

MEMBERS PRESENT:
Commissioner Tom Spray, Chair
Commissioner Lisa Bemis
Commissioner Signe Lindell
Commissioner Lawrence Ortiz
Commissioner Dan Pava
Commissioner Angela Schackel-Bordegary
Commissioner Renee Villarreal
[Vacancy]

MEMBERS EXCUSED:
Commissioner Michael Harris

OTHERS PRESENT:
Matthew O'Reilly, Director, Planning and Land Use Department
Tamara Baer, Planner Manager, Current Planning Division – Staff liaison
Kelley Brennan, 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

Ms. Baer noted that Items 1 and 2 under Old Business on the agenda are incorrect and the cases are postponed to the meeting of January 10, 2012

Chair Spray asked Ms. Baer to explain Item E Consent Calendar.

Ms. Baer said this is the first time there has been a Consent Calendar on the agenda for the Planning Commission and works the same way as it does at the Council. She said the Commissioners can choose to remove Item E(1) to ask questions, if not, they can approve the Consent Calendar and then go on to approve the rest of the Agenda. She said the request is for a time extension only, and removing it for discussion does not open it to a discussion on the merits of the case.

Consideration of the Consent Agenda

MOTION: Commissioner Lindell moved, seconded by Commissioner Bemis, to remove Item #E(1) from the consent Agenda for discussion.

DISCUSSION: Commissioner Schackel-Bordegary asked if Commissioner Lindell has questions about the case, or if it is more a procedural exercise we're going through.

Commissioner Lindell said it is both.

VOTE: The motion was approved on a voice vote, with Commissioners Bemis, Lindell, Ortiz, Schackel-Bordegary and Villarreal voting in favor of the motion and Commissioner Pava voting against [5-1].

Chair Spray asked if this now goes into the regular agenda, and Ms. Baer said yes.

Chair Spray asked if we can approve the agenda with that change and Ms. Baer said yes.

Approval of the Agenda

MOTION: Commissioner Villarreal moved, seconded by Commissioner Schackel-Bordegary, to approve the Agenda, as amended, with the corrections to the caption of Items F(1) and (2), and removing Item E(1) from the Consent Calendar for discussion.

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

D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

1. MINUTES – NOVEMBER 1, 2012

The following corrections were made to the minutes:

Page 8, paragraph 3, line 4, correct as follows: "... for ~~emergent~~ emergency situations, ..."

Page 8, paragraph 4, strike the last sentence as follows: ~~"He said this probably will happen, now that there is a formal Resolution moving forward.~~"

MOTION: Commissioner Villarreal moved, seconded by Commissioner Pava, to approve the minutes of the meeting of November 1, 2012, as amended

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

2. FINDINGS/CONCLUSIONS: NONE

E. CONSENT CALENDAR DISCUSSION

[Removed for discussion by Commissioner Lindell]

1. CASE #2012-122. HIGH SUMMIT MASTER PLAN AND FINAL DEVELOPMENT PLAN TIME EXTENSION. REVIEW OF LAND USE DEPARTMENT DIRECTOR'S APPROVAL OF A ONE YEAR TIME EXTENSION FOR THE HIGH SUMMIT DEVELOPMENT AND MASTER PLANS ORIGINALLY APPROVED BY THE EXTRATERRITORIAL ZONING COMMISSION IN 2003. SIEBERT AND ASSOCIATES, AGENTS FOR YVETTE J. GONZALES, TRUSTEE. (HEATHER LAMBOY, CASE MANAGER)

A Memorandum dated November 21, 2012, with attachments, to the Planning Commission, for the meeting of December 6, 2012, from Heather Lamboy, Senior Planner, Current Planning Division, to the Planning Commission, is incorporated herewith to these minutes as Exhibit "1."

The staff report was presented by Heather Lamboy via. Please see Exhibit "1" for specifics of this presentation.

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

Mr. O'Reilly said this is the first time extension under the new rules that the Commission adopted when it adopted the changes to Chapter 14, noting in the past developments were good for 2 years with up

to an 18 month extension. The changes to Chapter 14 lengthened the amount of time the development was good and allowed administrative time extensions, with the administrative approval to be reported to the Planning Commission in case the Commission had any problems with that. This is the first of those to come before the Planning Commission under the new process.

Chair Spray asked if it is appropriate to ask for public comment on this item, and Ms. Baer said, "I believe it is not. This is not a public hearing."

Commissioner Lindell said she wanted to clarify and be clear that the there is discussion in the packet about the financial guarantee to revise the previous HOP Agreement. She said HOP is no more, and asked, because there will be a new agreement, if this will come back to the Commission – is this considered to be a substantial change to the existing agreement.

Mr. O'Reilly said no, it is not considered to be a significant change.

Ms. Baer said because the original project was approved under the HOP Agreement and not Santa Fe Homes, we are continuing the approval under the HOP agreement. The applicant is speaking with the Santa Fe Homes administrator, with the understanding that any agreement which was made continues to be effect, with the fact that the affordable housing was given a reprieve of some sort and that would apply to this as well. Nevertheless, whatever agreement was made, with that exception, would be under the old agreement.

Commissioner Lindell said there is a letter in the packet from Yvette Gonzales, and asked who is Yvette Gonzales.

Ms. Lamboy said Yvette Gonzales is the Bankruptcy Trustee for the group of people that represents the ownership. She said because this is in Bankruptcy, Ms. Gonzales is the Bankruptcy Trustee and is the Applicant in this case.

MOTION: Commissioner Pava moved, seconded by Commissioner Lindell, to recommend to the City Council the approval of Case #2012-122, High Summit Master Plan and Final Development Plan Time Extension, with all conditions of approval as recommended by staff.

DISCUSSION: Ms. Baer said it would be a one-year extension to December 31, 2013. She said under the Code, as written, the Director actually grants the one year and the Planning Commission accepts that recommendation.

Chair Spray said then the only motion which needs to be made is to accept the Planning and Land Use Director's recommendation and Ms. Baer said this is correct.

RESTATED MOTION: Commissioner Pava moved, seconded by Commissioner Lindell, to accept the recommendation of the Planning and Land Use Director in Case #2012-122, High Summit Master Plan and Final Development Plan Time Extension, to grant a time extension to December 31, 2013.

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

E. OLD BUSINESS

A Memorandum dated November 28, 2012 for the December 6, 2012 Planning Commission meeting, to the Planning Commission, from Daniel A. Esquibel, Land Use Planner Senior, Current Planning Division, indicating the Applicant is requesting postponement of Case #2012-30 and Case #2012-31 to the Planning Commission meeting of January 10, 2012, is incorporated herewith to these minutes as Exhibit "2."

1. **CASE #2012-30. BIENVENIDOS GENERAL PLAN AMENDMENT. JENKINSGAVIN DESIGN AND DEVELOPMENT INC., AGENT FOR BIENVENIDOS PROPERTIES LLC, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 7.62± ACRES OF LAND FROM COMMUNITY COMMERCIAL AND TRANSITIONAL MIXED USE TO RESIDENTIAL LOW DENSITY (3-7 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED SOUTH OF RUFINA STREET AND WEST OF RICHARDS AVENUE. (DAN ESQUIBEL, CASE MANAGER)** ***The Governing Body remanded this case to the Planning Commission for reconsideration).*** **(To be postponed to January ~~3~~ 10, 2012)**

2. **CASE #2012-31. BIENVENIDOS REZONING TO R-5. JENKINSGAVIN DESIGN AND DEVELOPMENT INC., AGENT FOR BIENVENIDOS PROPERTIES LLC, REQUESTS REZONING OF 7.62± ACRES OF LAND FROM R-2 (RESIDENTIAL, 3 DWELLING UNITS PER ACRE) TO R-5 (RESIDENTIAL, 5 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED SOUTH OF RUFINA STREET AND WEST OF RICHARDS AVENUE. (DAN ESQUIBEL, CASE MANAGER)** ***The Governing Body remanded this case to the Planning Commission for reconsideration).*** **(To be postponed to January ~~3~~ 10, , 2012)**

Case #2012-30 and Case #2012-31, are postponed to the Planning Commission meeting of January 10, 2012.

G. NEW BUSINESS

1. **AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987, REGARDING AIRPORT ROAD, CREATING A NEW SECTION 14-5.11 SFCC 1987 TO ESTABLISH AN AIRPORT ROAD OVERLAY DISTRICT AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY (COUNCILOR DOMINGUEZ). (MATTHEW O'REILLY)**

A Memorandum dated November 29, 2012, with attachments, to the City Council; Public Works;

CIP & Land Use Committee; and Planning Commission, from Tamara Baser. Current Planning Division Manager, William Lamboy, Land Use Planner Senior and Alfred Walker, Assistant City Attorney, is incorporated herewith to these minutes as Exhibit "3."

Councilor Dominguez, sponsor of the bill thanked the Commissioners for their service, noting he is a former member of the Planning Commission. He said he will talk about the vision, the reason this was brought forward, the process, how we got to this point and the intent of this bill.

Councilor Dominguez said with regard to the vision, the City's ability to annex has created a "cookie-cutter" situation along the Airport Road corridor. He said many areas are or were governed by the County and much is governed by the City, noting Tierra Contenta also is in the mix. He said this collaboration has created challenges for the residents for many years. He said there is also not enough park space and there are very few medical facilities existing in the corridor. He said his vision is to create a healthy safe community. People need to have places to live, work, recreate and to shop. Councilor Dominguez said this is the first of the initiatives he will be bringing forward to help to create that vision.

Councilor Dominguez said Resolution 2011-15 directs staff to assemble a team to start to gather data, so we can discussion how to fulfill the vision. He said Catherine Mortimer was the team leader, and was instrumental in getting the team together. He said the team established a schedule to complete the process in a year. He said there were a lot of discussions about definitions - healthy community, healthy food zone and such He said they were able to gather a lot of data, and compare it to other communities and to the disparities in this community – just looking at raw data. He said they also were able to get the UNM Planning Group to help us to look at the data and to gather more data. He said it was a data driven process.

Councilor Dominguez said the data indicated there are 2,000 public school people in 4.5 square miles, and the park space available to the residents is minimal compared to the rest of the City. He said there are more than 20,000 people living in the 4.5 square miles, noting there are both City and County properties in this area.

Councilor Dominguez said there were 3 prongs to the public process, noting 300-500 people were engaged in the process, which is significant, because this is a part of our community that isn't engaged. He said they struggled to be sure they could engage constituency as well as to do what they could to create a community, and inform people about what we were doing and encourage them to get involved. He said there were 3 series of meetings. First, they hired a consultant to go out and have "coffee table discussions," and sit in peoples' living rooms and talk to them in small groups about how they felt about that area and the City in general. Secondly, there were 2 café style meetings, which was broken up into tables of 8, where they had discussions about pedestrian access, healthy food zones, education, and such. Finally they had two meetings where they had policy discussions with constituents who had been engaged in the entire process. He said the feedback was consistent with the vision to create a healthy and safe community.

Councilor Dominguez said this bill is two-pronged. One, is the built environment. He wants to introduce architectural integrity beyond what Chapter 14 requires – for example, making sure it is more

pedestrian friendly, offer incentives such as opportunities to purchase fresh fruits and vegetables, health clinics and farmers markets. The incentives are intended to fulfill those things that the public clearly said they want.

Councilor Dominguez said the second piece of this deals with the alcohol regulations, which he thinks is important in this area and community-wide. He said our entire nation is grappling with alcohol and substance abuse. He said they plan to do 4 things with regard to alcohol which are: 1. Regular the density so that Airport Road doesn't become over-saturated with liquor stores; 2. Regulate advertisement so Airport Road doesn't become a billboard for alcohol advertisement. He said these two are key to our land use authority and our police powers.

Councilor Dominguez said the other two things they want to do are more controversial – the elimination of the sales of miniatures behind the counters of some of the convenience stores. The other is the definition of segregated sales. He said he hopes this language will move forward and will withstand challenges from the liquor industry and others.

Councilor Dominguez said all of these things are best practices which have proved to curb underage drinking, address the issues of alcohol and substance abuse in our community, and begin to improve the quality of life for the residents in that part of our community.

Councilor Dominguez thanked the Commission for its time and City staff for the work done in this endeavor.

Mr. O'Reilly said Councilor Dominguez summed this up very well, so unless the Commission would like a detailed presentation, he will just stand for questions.

Public Hearing

Speaking to the Request

Chair Spray gave everyone two minutes to speak to the issue.

Danielle Sprayer said she lives in La Cienega and attends Capital High School and is a member of S.W.A.T. [Student Wellness Action Team]. She thanked the Council for its interest in "fixing up the area." They are hoping to see more groceries stores and recreation areas for kids. They support the policies regarding alcohol sales and advertising which helps the youth and prevents underage drinking.

Morgan Preston said she lives at 2210 Miguel Chavez Road, and has friends and knows people who live on Airport Road, noting she used to live there as well. She said anything that can improve the quality of life of any part of Santa Fe is a great idea, and we should help limit underage drinking, because it is a problem in this area and all across the country. She said, "And I think that if we have proven ways that will reduce underage drinking, why not put them into place. It just makes sense."

Shelley Mann-Lev, 2663 Via Caballero del Norte, Chair of the Santa Fe Underage Drinking Prevention Alliance, said it has been a great privilege to be part of the development in this process. She has been engaged and she is excited for the City to take a pro-active stance to protect the health and safety, and to create a City where all of us would want to live. She support the efforts of Councilor Dominguez and the community to do what they can around alcohol and around what we want to see.

John Salazar, 3002 Camino del Griego, said he doesn't believe he needs to twist any arms on the Commission to move this forward to Council with a recommendation for approval. He thanked Councilor Dominguez, Matthew O'Reilly, staff and the members of the public who put their time and effort into this legislation. He said he grew up in the family projects off Airport Road and as an adult, he lives off Airport Road. He attended Capital High School. He said, "I'm someone from the South Side, born and raised." He believes this Ordinance is a good first step in setting standards that will bring development, other than strip malls, liquor stores and gas stations. He said, "I've always respected and appreciated the work Councilor Dominguez has done for our side of town. And having served with Director O'Reilly along with Commissioners Bordegary and Lindell, I know Matt's passion for the South Side, so I have no problem standing up here and saying I support this Ordinance. So I just want to tell you, the people of the South Side need this, along with the City of Santa Fe.

The Public Testimony Portion of the Public Hearing Was Closed

Mr. O'Reilly he would like to add one thing which was not in the staff report. An ENN meeting was held about the proposed Ordinance a few weeks ago at the Southside Library. He said about 30 people attended, and staff and the sponsor were able to make some changes to the Ordinance to reflect the concerns of those who attended. He said Commissioner Harris also attended the meeting. He said he wanted to get this into the record.

The Commission commented and asked questions as follows:

- Commissioner Pava said the way he reads the Ordinance he doesn't see that this prohibits the sales of beer and wine at sit-down restaurants.

  Councilor Dominguez said this is correct, noting the intent is that it does not apply to sit-down-restaurants.

- Commissioner Pava asked if we are looking to preclude certain business establishments or brands, or is it just a matter of what they sell..

  Councilor Dominguez said this is complicated, because the State allows a whole slew of different kinds of licenses – package liquor to a tent license, and asked Ms. Mann-Lev to speak to this in terms of "who it is we're trying to have an impact on."

Ms. Mann-Lev said the intent of the first part of the alcohol policies, the first of "which is to restrict alcohol density, is to restrict the clustering." She said it isn't s specific type. She said when there is density of alcohol outlets in one area it is dangerous for a community, noting the problems in downtown Albuquerque. She said the State has restrictions on what localities can do, but they believe, and the Councilor in his work with Legal believes, that we can create space, so that they aren't clustered closely together, so we will have fewer and no dangerous pockets. She said good research has been done, based on the fact that when alcohol outlets are not as densely packed, there are fewer problems for the community.

- Commissioner Pava said then we aren't specifically trying to target certain businesses that frequent other parts of Cerrillos Road, St. Francis or St. Michaels.

  Ms. Brennan said there is no distinguishing among retailers or brands or anything like that. She said, "It is a fundamentally neutral regulation."

- Commissioner Pava said he wants to understand the rationale for the 500 foot separation for mobile food from the schools.

  Councilor Dominguez said this is an attempt to get a better handle on some of the mobile food vendors that exist out there, and tend to "pop-up sometimes wherever." He said it is also to have the discussion about coming up with different kinds of regulations for mobile food vendors in general throughout the City.

- Commissioner Pava said there has been a proliferation of a variety of mobile food vendors throughout Santa Fe, and asked how that relates to the Airport Road proposed overlay and if there are health concerns associated with mobile vendors closer to schools. Or is this just a matter of spacing the vendors.

  Councilor Dominguez said it is all of the above. They want to make sure there isn't an over-saturation of mobile food vendors, but they also want to come up with policy in the future which would allow or require some of the mobile food vendors to serve healthier food. He said the debate for the future is how to define "healthy food."

  Mr. O'Reilly said, as you know, the Airport Road area is what is called a "checkerboard area," where there are places in the City which have been annexed and places in the County. There are a lot of businesses and other things which were approved by Santa Fe County prior to November 2009, when the City assumed land use jurisdiction for this area. He said there are a number of mobile food vendors which have been in place on Airport Road for some time. He said it is very likely if those were coming in today as new mobile food vendors, they would not have been approved by the City for various reasons. One, they are on lots where there isn't sufficient parking, safe ingress/egress and there is more than one mobile food vendor crammed into a small parking lot. These situations create problems.

Mr. O'Reilly said you can see how these things become problematic driving down Airport Road around 11:00 p.m., on Saturday. He said the policy of the City has not been to put existing businesses out of business, simply because the City assumed land use jurisdictions, so the City honors the existing businesses, including the mobile food vendors. He said by creating a 500 foot spacing between new mobile food vendors which would come in, it is hoped to at least ameliorate some of the problems which have occurred because the food vendors are too close together. He said this is unique to the Airport Road area.

- Commissioner Schackel-Bordegary said she finds Councilor Dominguez's vision intriguing. She said she grew up in Santa Fe and lived off Airport Road at one time. She said what he is proposing is sort of planning backwards, which is intriguing, commenting she doesn't know that we have rules and experience with that, other than in annexation which brings checkerboard areas together. She commended Councilor Dominguez on the outreach and public involvement. She said she would like to know more about the involvement of young people at Capital High School through Ms. Mann-Lev, and the impressions of other high school students. She asked Councilor Dominguez if he would care to comment on that involvement.

  Councilor Dominguez said he has worked with the Alliance for some time and they have done a tremendous amount of work to gather the data from students across the City and asked Ms. Mann-Lev to comment.

  Ms. Mann-Lev talked about how she works with kids in groups who are dedicated to serving their school communities, peers and the larger community. She said the Airport Road area is the most child-dense family centered area in Santa Fe, noting about 1/3 of the School District lives in that area. She said she met with the S.W.A.T., and spoke with talk to them about their hopes and dreams. She said the S.W.A.T. group created a 7 minute video about Airport Road and showed all of the tobacco and alcohol ads at the time. She said this is where our community future is. She said because of Councilor Dominguez's engagement, these kids saw they could have influence and participate in helping the future.

  Commissioner Schackel Bordegary thanked everyone for the work they are doing.

- Commissioner Lindell thanked Councilor Dominguez for his vision on this. She said sometimes the "devil is in the details." She said language on page 7, lines 11-17 of the Ordinance speaks to the height of outdoor lighting. She asked the reason it is only 12 feet which seems very low to her and lessens the security. She said someone with a yardstick could knock out a light.

  Mr. O'Reilly said that provision applies to lights which are mounted on the building. He said pole lights can be up to 20 feet tall. He said putting in these lights doesn't relieve anyone from the requirement to comply with the City's photometric standards for lighting parking lots and entrances to buildings, so the lumination level would not change.

- Commissioner Lindell asked the purpose for having the lights so low.

Mr. O'Reilly said the lower the lights, the less visible they are from off-site.

- Commissioner Lindell spoke about incentives, saying, for example, what would be the approximate permit fees on a full size grocery store in the area.

  Mr. O'Reilly said he doesn't know the exact number, however, the permit costs for the Walgreen's recently built on Airport Road were about $60,000.

- Commissioner Lindell said she doesn't know how necessary it is to provide those kinds of incentives, noting businesses are inclined to go to places where over time they would be profitable – they won't come if they won't be profitable, no matter what the incentives. She said, "So that is for the record that I say that."

- Commissioner Lindell said with regard to public art and active play opportunities, the Ordinance talks about reducing the permit fees in an amount equal to the cost of the public art. She asked who will put a price tag on the public art.

  Mr. O'Reilly said it will be handled in the manner that they accept construction cost estimates for other parts of a development. He said in the case of infrastructure which has to be built, they require those estimates to be prepared by a licensed engineer, and checked by our staff to be sure they are valid. In this case, they would be looking for an invoice or document from the installer of the art in terms of cost, and then use that to offset the permit fees.

- Commissioner Lindell said every part of this dealing with alcohol sales is for the good of the entire City and not just Airport Road. She said page 10, line 15, provides "...alcoholic beverage sales comprise less than sixty percent of total sales of a business..." She asked who will determine this, who will follow up, and how we will know where the 60% is.

  Councilor Dominguez said one of the reasons we are doing this on Airport Road is there is an abundance of vacant land there and it where the majority of the growth is, and in many ways, they are trying to "get ahead of the curve" and potentially apply some of this to the entire City. He said there will be some legal challenges to some of this, and believes it would be appropriate, in this case, to take a small bite now, and maybe a larger bite later.

  Councilor Dominguez asked Ms. Mann-Lev to address the 60%.

  Ms. Mann-Lev said, with regard to segregated sales, where there is more than 60% of its sales are from alcohol – something completely a liquor sales, such as Kelly liquors where segregated sales don't make sense – they are looking at businesses that sell many things other than alcohol. She said anything over 60% is primarily a liquor store.

  Mr. O'Reilly said this is correct. He said we really need to have liquor sales segregated from the rest of the store when there is a store which isn't a full-blown liquor store which sells other things that might entice kids to come in.

- Commissioner Lindell noted page 12, line 21, provides, "The alcoholic beverage licensee shall notify the land use director at least ten business days prior to making any changes to the floor plan." She asked if this refers to changes to the entire store or to where the liquor is sold.

  Mr. O'Reilly said it would be changes to the floor plan which will impact how the business is segregating its liquor sales from the rest of the sales, which has to be submitted to the Land Use Director for review to ensure they will meet the purpose and intent of the Ordinance and the liquor sales areas will remain properly segregated.

- Ms. Lindell asked if that is what the language says.

  Mr. O'Reilly said if it isn't clear, clarifying language could be added.

- Ms. Lindell said unless we review documents carefully, down the road we wind up with something which wasn't what we really wanted, commenting the intent of this is wonderful, and wants to do this as well as we can.

  Mr. O'Reilly agreed, saying the intent of this passage is so someone doesn't get a plan approved and then completely change it a month later, and unsegregate the liquor sales area. The intent is that they need to notify the Land Use Director before making any changes to the floor plan that involve segregation of liquor sales.

  Councilor Dominguez said he had to convince Mr. O'Reilly to incorporate this into the Ordinance, commenting Mr. O'Reilly correctly articulated the intent.

- Commissioner Villarreal commended Councilor Dominguez and the public that participated in this process, commenting it is important to address disparities, particularly involving Southwest Santa Fe and Airport Road. She asked if any of the discussions involved the immigrant community and if they were done in both English and Spanish.

  Councilor Dominguez said yes, noting they made a significant effort to include the immigrant community. He said in fact part of the main criteria for the consultants was the ability to reach out to the immigrant community, and which already has a relationships with that particular community. He said in the Café concept discussions, some of our staff was there to articulate in Spanish, and the people hired by the consultant were able to communicate bilingually as well.

- Commissioner Villarreal said she shares some of Commissioner Lindell's concerns about the ability of the City to regulate and enforce many pieces of the Ordinance. She said, "I hope the City Council can look at ways to make these maybe a little bit more sharp so we can figure out how to refine them, so that we have the ability to enforce them." She asked who would be enforcing the Ordinance provisions.

  Mr. O'Reilly said it would be the Land Use Director and/or their designees, noting the fines are up to $500 per day and 90 days in jail for each day that the violation continues. He said the Land Use

Department isn't necessarily planning to have someone going up and down Airport Road on a daily basis, but there aren't that many of these alcoholic beverage sales activities on Airport Road, noting it is fairly easy to check that they are complying with the Ordinance – signage, sales of miniatures and such. He said the City has the teeth to support the Ordinance.

- Commissioner Villarreal said she is in favor of the majority of the Ordinance. However, there isn't enough detail about the mobile food vendors and how this will be approached. She said she feels this is an up and coming area the City needs to better address City-wide and not just in the Southwest part of town. She said some of the currently existing food vendors on Airport Road sell a lot healthier food than the fast food chains, such as McDonalds. She feels the City needs to get a better handle on the regulations around vendors, but she can't support that portion.

- Commissioner Villarreal said she thinks there needs to be a better rationale, especially with regard to the cart vendors that come to the parks which can't be within 500 feet of a park or library. She doesn't see the reasoning for that. She said she wants the rest of the Ordinance to move forward, but asked that the Commission reconsider that section to address the mobile food vendors more in detail and to research this issue in more detail as well.

  Councilor Dominguez said he has no objection to doing this, reiterating the intent was to look at the concept, noting there are lots of models throughout the country where, if you can prove heathy vending, the vendors are allowed and encouraged to be by parks, schools, etc. He said we don't have a clear handle right now on that issue. He said in some communities any kind of mobile food is restricted, whether or not healthy, around schools just for the sake of pedestrian safety and that sort of thing. He said that isn't a problem or issue here, but he is willing to take that back to the Governing Body and he has no objection to removing that item at this time, unless he can come up with something better by the time it goes to Council.

- Commissioner Villarreal said she feels that could be a stand alone Ordinance because there are great food vendors coming up in the City, and she will address this after the other Commissioners have commented.

- Commissioner Bemis asked what were the top concerns of the people that attended the meeting at the Library.

  Mr. O'Reilly said there was a wide variety of people at the meeting, residents, business owners, developers, owners of existing alcohol establishments. He said the concern of people who had alcohol establishments was the requirement in the existing Ordinance which required segregated alcoholic beverages whether existing or new. He said one of the establishments was so small it would have been impossible, physically, for it to change its floor plan, so they would have to stop selling alcohol. He said the response was that those provisions would apply only to new businesses after the effective date of the Ordinance. He said the requirements about advertising and sales of miniatures do apply to all locations, whether new or existing.

Mr. O'Reilly said another concern was whether this would apply to residential properties. He said there are places in the corridor such as the Country Club Subdivision Phase 2 of the annexation area, where residential lots back onto Airport Road, between Country Club Drive and Fairley Road. There is a provision in the new Ordinance which exempts residential properties.

Ms. Baer said there was concern about whether this applies retroactively. She said this does not apply retroactively to people which are already there, and the provision applies only to new development and major remodeling where you comply to the extent possible in the remodel.

Mr. O'Reilly said the Ordinance is heavy on landscaping and in making those kinds of improvements to the corridor. There were concerns with the requirement to have trees which at maturity would be 30 feet which would interfere with utility lines. The Ordinance was modified so that requirement could be adjusted where there were existing utility lines in the way.

- Chair Spray said he would echo what Commissioner Lindell said about incentives. He wonders about leaving money on the table. He said there was a similar discussion when we discussed waiving building permits for residential construction for a limited time. He said it was a substantial amount of money, and questions the difference that would make. He asked if staff could calculate the amount of lost revenue.

Mr. O'Reilly said he can do that. He said in terms of comparing this to the City's reduction in residential impact fees, in the first 6 months the residential impact fees went to zero and the City saw an 87% increase in the construction of new, single family residential units. He said he can't say that was due to the reduction in impact fees, but he can't say it didn't have something to do with it. He said may of the incentives the Council has put in place to spur constriction also contributed to that. He is unsure what impact the incentives will have, but there will be a FIR before it goes to Finance and the City Council will attempt to estimate the revenue loss to the City.

Councilor Dominguez said the City offers incentives throughout Santa Fe in one way or another. The word "incentive" shouldn't be taken as bad, because the incentives have been articulated clearly by constituents as things they want. He pointed out there are more than 20,000 people in a 4.5 sq. mile area, without one single dental office. He said these are some of the things they say they need, and the intent is to provide the needed services. He has lived in the area for almost 30 years, and raised his children there, he understands their desire to have some of these incentives. He said, "I love the area, I love the community, but there definitely are things we can do better, and I think there is one way we can push the cart, if you will."

- Chair Spray said there are many parts of the City and they would like to have something, which he thinks as fair, and he thinks it's good to bring this kind of business to the south side, but "I just think it's a question that should be put out there."

- Chair Spray asked if there is a certain square footage required for a grocery store or a farmer's market, and who would determine that. He said if that incentive is as powerful as we hope it could, how could we determine that – would the Director do that.

Mr. O'Reilly said mostly yes, noting it is possible that someone would disguise itself as a grocery store and become something else later, noting staff deals with these kinds of things on a daily basis. He said staff was thinking that if most of these were sufficiently defined they wouldn't have the problem.

Mr. O'Reilly said with regard to the 87% increase in construction, that is the total volume of permits and is almost doubling the number of new residential permits issued by the City. He said the City's incentives for building affordable homes are tremendously importance to the builders. He spoke about the Esplanade Village Project near Auto Zone which is extremely tight on funds, and any incentives directly impact whether or not they can do a project, especially in terms of affordable homes..

- Chair Spray asked Ms. Brennan if the proposed Ordinance has been vetted.

  Ms. Brennan said she has reviewed the Ordinance, noting most of the alcohol provisions were drafted by Alfred Walker, so she didn't do that. She said, "But in terms of the other provisions, yes."

- Chair Spray said he has a lot of questions about the alcohol beverage part, and asked what the City's role can be, and if a legal challenge is expected in light of the fact that there are State statutes in this regard.

  Ms. Brennan said, "I can say I discussed it conceptually with Alfred, and while this is I won't say completely novel, it is sort of forward-thinking, but I think he is cofortable with it, and understands there may be challenges, and I think you may have further comment on that."

  Councilor Dominguez said, "I'll do the best that I can, but essentially our Land Use Code, our ability to zone gives us a lot of these powers in terms of things like density and advertisement. We do it throughout the City for various things, whether it be homes or how we advertise in the Historic District. You're right, the two more challenging components are the sale of miniatures, something that was tested in Albuquerque, but we think we may have found a way to address the reason it was denied in Albuquerque, and I couldn't tell you what that was."

  Councilor Dominguez continued, "But the second thing, with regard to segregated sales, that is also is defined by the State in State Statute, but it's very vague. And so we're adopting some of that language, and I think eventually we can have applicants look at that language and interpret it in a way that is feasible to the intents of the Ordinance. And so, we're really just taking some of that State language and hoping it gets interpreted the way we want it to be."

  Ms. Brennan said, "I would just add to that, that to the extent our regulation doesn't conflict with State Regulation, but fills in some spaces, it's acceptable."

- Chair Spray said, "I see, and that would be your understanding of how it has been drafted to this point. Is that correct." Ms. Brennan said, "I believe so."

MOTION: Commissioner Pava moved, seconded by Commissioner Bemis, to recommend to the City Council the approval of the proposed Ordinance, as presented by staff, and further clarifying Section 11 Incentives, Section 12 Mobile Food Vendors and Section 13(C)(iii) Floor Plan Review by the Planning Director.

FRIENDLY AMENDMENT: Commissioner Viarrial would like to amend the motion to eliminate Section 12 relating to Mobile Food Venders in order to further study regulations around food vending.

DISCUSSION ON THE FRIENDLY AMENDMENT: Commissioner Pava said this Commission is recommending that the Council consider approving the proposed ordinance, and it was his intention that the Council have those conversations since they are the ones charged with making this legislative decision and fine-tuning it. He said recommending the deletion of Section 12 would "actually preclude that conversation from occurring, if I'm not mistaken."

THE AMENDMENT WAS NOT FRIENDLY TO THE MAKER AND SECOND. Commissioner Pava said if members of the Commission have other language, he would consider it. He said, "I think, as worded that we clarify that, among others, that Section 12, that the City Council, having read through the record, would understand our concerns regarding that absolute prohibition, that some of us do have."

MOTION TO AMEND: Commissioner Villarreal moved, seconded by Commissioner Lindell, to amend the motion to eliminate Section 12 relating to Mobile Food Venders in order to further study regulations around food vending to complete a more robust ordinance around that topic.

DISCUSSION ON THE MOTION TO AMEND: Ms. Villarreal said the reason she wants Section 12 eliminated from the proposed Ordinance, is so they can do further study so they can come back with an Ordinance that makes more sense and is more robust around this topic. She said the time frame to get the Ordinance to the City Council wouldn't allow that, and the reason she would like to eliminate it.

Ms. Brennan said, "I would just say that if the amendment is friendly to the maker, then you vote on the motion as amended. If it is not friendly to the maker, then you vote on the amendment before voting on the motion."

Chair Spray said the Maker and Second have indicated that the Friendly Amendment is not Friendly.

VOTE ON THE MOTION TO AMEND: The motion was approved on a roll call vote, [5-1], as follows:

> **For:** Commissioner Bemis, Commissioner Lindell, Commissioner Ortiz, Commissioner Schackel-Bordegary and Commissioner Villarreal.
>
> **Against:** Commissioner Pava. [5-1]

VOTE ON THE MOTION, AS AMENDED: The motion, as amended, was approved on a roll call vote, [6-0], as follows:

For: Commissioner Bemis, Commissioner Lindell, Commissioner Ortiz, Commissioner Pava, Commissioner Schackel-Bordegary and Commissioner Villarreal.

Against: None.

There was a short recess at this time

2. **CASE #2012-109. VILLAS DI TOSCANA DEVELOPMENT PLAN AMENDMENT. JON PAUL ROMERO, AGENT FOR VISTANCIA, LLC, REQUESTS AN AMENDMENT TO THE DEVELOPMENT PLAN TO PRIVATIZE THE STREETS, STREET LIGHTING, LANDSCAPING AND APPROVED TRAILS. THE PROPERTY IS ZONED R-3 PUD (RESIDENTIAL, 3 DWELLING UNITS PER ACRE, PLANNED UNIT DEVELOPMENT) AND IS LOCATED BETWEEN GOVERNOR MILES ROAD AND I-25, EAST OF CAMINO CARLOS REY. (DAN ESQUIBEL, CASE MANAGER) (Postponed from November 1, 2012)**

DISCLOSURE: Commissioner Ortiz said he would like to disclose his relationship with the agent for this case. He said, "Mr. Romero has been my boss on certain projects. We've worked together on certain engineering projects, and at this point, I have no involvement whatsoever with Villas Di Toscana. I'm not involved, I haven't been involved with Mr. Romero in the past year, but he is a close personal friend of mine, and I feel very comfortable, at this point, to be fair and impartial in evaluating this case after reviewing it. So, I just wanted to make everybody aware of that."

Chair Spray said, "Thank you Commissioner Ortiz. I appreciate that. Does anybody on the Commission have any issues with that. Please say it now. All right, I thank you very much, Commissioner. I appreciate hearing on that."

A Memorandum dated November 26, 2012, with attachments, to the Planning Commission, for the meeting of December 6, 2012, from Daniel A. Esquibel, Land Use Planner Senior, Current Planning Division, is incorporated herewith to these minutes as Exhibit "4."

An aerial color photograph of the subject site, submitted for the record by Daniel A. Esquibel, is incorporated herewith to these minutes as Exhibit "5."

A packet of information entered for the record by Jodie Good, is incorporated herewith to these minutes as Exhibit "6."

The Development Plan, Amended Development Plan and Subdivision Plat in this case, are incorporated herewith to these minutes by reference, and are on file with and can be obtained from the Land Use Department.

The Staff Report was presented by Daniel Esquibel. Please see Exhibit "4," for specifics of this presentation.

RECOMMENDATION: The Land Use Department does not support this request. If the Planning Commission recommends approval of this request, staff recommends the following conditions:

1. All conditions and agreements related to design and construction shall remain intact.
2. The HOA shall continue to maintain infrastructure commensurate to city standards and conditions of approval.
3. Easements shall remain in place to allow maintenance of utility services for city water and sewer.
4. Applicant seek approval to amend Annexation Agreement before the Governing Body.

Public Hearing

Jon Paul Romero, Agent for Vistancia, LLC, the owners, was sworn. Mr. Romero said the project originally was approved in 2005-2006. The original owner defaulted due to the tough economic times, and the project sat defunct for a while and it wasn't completed. However, approximately 13 were built and occupied. He said about 1½ years ago the property was purchased by new owners from Houston, and they decided to move forward with completing the development.

Mr. Romero said he started the project in January 2011, by setting up initial meetings with the City to find out what was needed to complete the project. He said a lot of things have transpired with respect to the economy and home sale in the area. He said during the process of trying to close out the project, doing various draw-downs and trying to complete the infrastructure, staff suggested and recommended it would be easier to close out the project if it was a private subdivision. He took the idea to the developers and the HOA when they were incorporating the Homeowners Association ["HOA"] documents, and they thought it was plausible and reasonable and it was a good idea.

Mr. Romero said Jodie Good is distributing some documentation he didn't have at the time the presentation was prepared [Exhibit "6"].

Mr. Romero said they met with the neighborhood and the HOA, and everybody is in agreement that they would like to move forward with privatizing the streets and the subdivision, so they can have control over the maintenance. He said it still will be a public facility the public will be able to use, but the HOA would have control over maintenance of the streets, the trails, the sidewalk and the landscaping. He said in the documents Ms. Good is passing out [Exhibit "6"] there are initial costs which the HOA paid this year, which would be incurred by the City if it were to take over this project, as per the prior approvals. He said they spent $41,000 in maintenance for irrigation, trails and landscaping, trash removal, noting there were no snow removal costs.

Mr. Romero said, "Right now, what we're asking is that the Planning Commission consider that we reverse the original approval of the streets becoming public, where the City would take over the streets and maintain the streets, trails and remaining infrastructure."

Mr. Romero said there are a few things in the Staff Report with which he doesn't agree. He said a lot of the information pertains to the closure and completion of infrastructure. He doesn't disagree with any of the information in the Staff Report, but right now the request is to amend the Development Plan and amend the Plat. He said, "We're not in disagreement with some of the other information that's in this document. The items that still exist for closeout is a punch list. The punch list has been reduced significantly. The letter of credit that we currently have on file has been reduced from $420,000 to $289,000, so there's appropriate funds still in there to make sure that the project is completed per the standards."

Speaking to the Request

Jodie Good, 3170 Viale Tresana was sworn. She and her husband purchased their house in 2008 and have been there through the decline of the housing market and economy, and they now are seeing the houses starting to be purchased and occupied which is great. She said the best thing is that they thankfully now have a developer who is willing to put money into the project and proceed forward with it. She said they are in support of privatizing the streets and becoming a gated subdivision, and they have discussed the pros and cons of this with the other homeowners.

Ms. Good continued, "And we have all agreed unanimously that this is what we would like to have, is a gated community. For one reason, we have several reasons, but the primary reason is for security. The area we have found has a history for many many years of being called different names. One I've heard it called is The Hole. And many teenagers, many people have come out there and they drink and do drugs and so forth. And to this day, we currently have issues with people coming out, and we have caught them, we have called the police, we have created a neighborhood watch. And we've seen these types of things decline, decrease, thankfully, but with the gates, it would certainly help. We're doing our best on that"

Ms. Good continued, "The other thing is I think, from a marketing standpoint, we feel that it will increase property values. It is an area that we all have fallen in love with because it's in a central location and we have a wonderful neighborhood. And on the walking path issue, I understand that since they have been put in it's crusher rock, I think it's called. And originally in 2005, it was supposed to be asphalt." Ms. Good said they already have asphalts on the street and concrete sidewalks. She said they like having a dirt crusher pathway is beautiful and more natural looking for Santa Fe and their neighborhood, better for your knees when you are walking, and all of the community loves it so far.

Mr. Good said, "I just wanted to express our feeling as a Homeowners Association, that all of us are for the privatized streets and gates, and we feel very secure with how the developer is proceeding with the project. We like everything that he's done. So, that's it. Thank you."

Greg Calka, 3000 Governor Lindsey Road [previously sworn]. Mr. Calka said the front of his house looks directly into the development. He said it has been a long time since this development had progressed since it was approved in 2005 or 2006 – about 7 years. He said part of the requirements put in place at that time were two roads for access into the development which necessitated moving the road

from the original plan which put it right in front of his house. He said part of the agreement was that the developer would provide a wall on his property to block headlights from people coming out of the development and sweeping across the front of his house. He said the wall has not been built. He said part of that is because there have been several owners of the property and the situation in the real estate market. He said, "I would like to ask the Commission that whatever changes are made tonight to the plan, that that part of the plan still exists and that the developer will provide a wall as originally agreed to back in 2005-2006."

The Public Testimony Portion of the Public Hearing Was Closed

The Commission commented and asked questions as follows:

- Commissioner Pava referred to the letter in the Commission packet to Jon Paul Romero from Matthew O'Reilly, dated October 15, 2012, where Mr. O'Reilly lists 9 items which have to be addressed, and asked if all 9 items have been addressed to the satisfaction to staff.

  Mr. Esquibel referred this to R.B. Zaxus, Director, Technical Review Division, who said her inspector went out today to check on the status of these items, and reported as follows:

  Item #1, the vertical cut slopes. There were two areas of vertical cut slopes which are not allowed by Code because it is too steep. One is still in place as a vertical cut slope, the other one seems to have sloughed a little bit, and didn't look as if it has been graded, but sloughed a little bit so it didn't look totally vertical any more. This item is considered to be still open and uncompleted.

  #2, the trails system. Nothing has changed there. It is still a four-foot trail of crusher fines, instead of a 6 foot trail that is paved, so it is incomplete.

  #3 the tot lot called for preserving trees. When we discussed this with the applicant 2 weeks ago, the day after this letter was written, he had agreed to plant 4 evergreen trees in the tot lot which was going to have future play areas. The inspection today revealed that probably about 7-8 Austrian pine trees have been planted on top of the slope above the tot lot, so there is questionable compliance in terms of the location. The number of trees is good. She sees that as not totally resolved.

  #4 landscaping irrigation system. There was a leak in the system a while back and the Parks Division went out to verify that the leak had been repaired. There has been no formal acceptance of the landscaping itself. In addition, she said what the Parks Division stated did not comprise a final acceptance of the irrigation system, but that it was working at that time.

#5. Erosion protection at some of the arroyo crossings. In a discussion with the Applicant on October 16th, he reiterated that the design engineer was going to provide some drawings for repair of that. However, nothing has been presented in this regard, so this also is an open, incomplete issue.

#6 They do have a letter signed by a representative of PNM that the streetlights have been accepted which is in the packet.

#7 The [inaudible] of several sanitary sewer manholes are low on one of the streets which is to remain gravel base, and already is a private street. However, she wants the driving surface to be flush with the manholes. She saw pictures of that today, and it looks to be 6-7 inches low, which means the tire will sink into the manhole area. This is a fairly minor item, but it is incomplete.

#8 Ms. Zaxus did not mention Item #8 in her presentation.

#9 is in regard to the location of two monument signs. A license agreement is in process, but not complete, because a signature is needed which is required to amend the licensing agreement for a revised location of the monument signs.

Ms. Zaxus detailed the process of accepting a subdivision when work is totally complete, meaning there has been an inspection where they develop punch list items which are taken care of. They go out and do a final inspection and say they are all done. At that point they want as-built drawings and test reports and such in terms of paperwork, as well as a certified letter to draw down the amount of the financial guarantee prepared by the design engineer, certifying that certain items have been done. They then draw down the letter of credit to 10% of the original amount, write an acceptance letter saying the City is taking over maintenance of the public items. They then go into a one-year warranty period. So the City maintains the public items at that point. They do an 11 month inspection to see if there are items which have failed during the 11 month period, and if not, at the end of the one year, they release the remainder of the letter of credit and the project is taken over totally by the City at that point.

Ms. Zaxus said currently, they have 11% of the original letter of credit they are holding, noting they haven't had a pay release request since July, so there are still remaining items to get them to that point.

– Commissioner Pava said it is unclear to him from the drawing and the aerials whether or not the trails in this part of the City's network already are built, noting we are talking about accepting these trails to certain City standards. He asked if there is already some connectivity along I-25 in this general area.

Ms. Baer said the property labeled R-1 to the east, to the right on the screen, is still vacant, although it is anticipated that a major trail would occur along I-25, going all the way down and connecting to the trail in Las Soleras. So the City anticipates a major trail to be there, but the other

portions of it have not been built. The trail that was on what is now called the Villas Di Toscana property originally was approved a 6 foot wide asphalt trail, and it was installed as a 4-5 foot crusher fine trail.

- Commissioner Pava asked if the trail in Tract B would be considered or treated differently ultimately than some of the trails which he sees in other parts of the subdivision. He said, "Or would the City standard, in your opinion, need to apply to all of the trails that are in some state of development in the subdivision."

  Ms. Baer said, "We're not asking them to bring the trail to current City standards, which would be a 10-foot wide, paved trail. We're asking that they comply with the original condition of approval, which was a 6-foot wide, asphalt trail.".

- Commissioner Pava said in the handout they just received from Ms. Good [Exhibit "6"], behind the cover letter from PNM, page 2 of 3, there is a paragraph he would like to bring to Ms. Brennan's attention, at the top of the page, regarding a conversation with commissioners.

  Mr. Brennan said this would be an *ex parte* communication and it is inappropriate. And if it is a fact, the commissioner or commissioners who were spoken to should certainly disclose it now.

- Mr. Pava asked Mr. Romero if he has an explanation.

  Mr. Romero said this was an email sent to his clients, and when he said "commissioners" he actually meant City Councilors. He said he spoke to a couple of City Councilors and took them to this particular project to let them know how he would approach it with respect to the amendment to the development plan. He said he typically does most of his work at the County level and inadvertently said Commissioners instead of Councilors. Mr. Romero said he also wants to clarify the reason this is here is for clarification, because in the Memo to you it said there wasn't a signed letter from PNM. He said, "I attached that because I spoke both to Dan and to Tamara. I sent this prior to this document coming out, this memorandum that went to you. And to show that I had actually turned in the document from PNM that was signed. So I was just trying to bring clarification to that. That other information was to explain to my clients that I had talked to some City Councilors about the project, and they were Councilors of that District."

- Responding to the Chair, Ms. Brennan said, "If it was not Commissioners, then that does not affect the process here. However, to the extent this goes on to the City Council, it would have to be addressed there as *ex parte* communication."

- Commissioner Villarreal asked how many people currently live in the subdivision today.

  Mr. Romero said, "There are 14 homes that are built, 12 of them are occupied, 2 are for sale. One's a model home and one's another home that's for sale."

- Commissioner Villarreal asked Mr. Romero if all 12 residents were present at the ENN meeting and in favor of privatization at the ENN meeting.

  Mr. Romero said, "Not all of them were in favor, but they had all voted in favor of the project, every household member. And at the ENN all the surrounding neighbors voted for the current conditions that are out there as everything is being built. The ENN circulates to a 300 foot radius from the development, so there was a turnout, Dan of what, 23 people."

  Mr. Esquibel said, "Roughly."

  Mr. Romero said, "And everyone was in favor."

- Commissioner Villarreal asked, "In favor of improving, meeting Code or privatization. I think those are different things."

  Mr. Esquibel said, "The information was presented to the people there as a vote. How many people are in favor of this project as we move forward with it, and it was a unanimous vote at the meeting, and that was requested by the applicant."

- Commissioner Villarreal said, "And that doesn't include a privatization discussion."

  Mr. Esquibel said, "They did discuss what they wanted to do at the ENN, in terms of the subdivision. Some people were asking for additional trees up against I-25 that lived in the subdivision, one of the phases in the front of this particular subdivision so it can reduce the amount of noise coming off of I-25, but they said they'd have to look at that later, but that didn't have anything to do the ENN at hand.

- Commissioner Villarreal said, "So, in regard to the discussion of privatization, there hasn't been a specific conversation with homeowners about what that means to the owners when they become privatized."

  Mr. Esquibel said he would have to ask the applicant what kinds of discussions they had with the homeowners and what they voted on.

  Mr. Romero said, "The HOA president is here, and she can speak a little bit more about that. But prior to the ENN, the owners came down and they had extensive meetings with the homeowners and the Homeowners Association while they were preparing the HOA documents, the articles of incorporation and they got unanimous buy-in on all the costs that were going to be incurred by them, by the streets becoming privatized, by the landscaping being maintained by the HOA rather than the City, by the trails being maintained by the HOA and not the City. And with all the information that was provided to them, they voted unanimously to accept that as one of the conditions. And if she would like to elaborate on some of those comments or conversations, I would defer those to Ms. Jodie Good, the President of the HOA for Villas Di Toscana."

- Commissioner Villarreal said she would like to hear from Ms. Good to understand what was discussed in terms of costs.

  Jodie Good said there are two other homeowners here from the subdivision who also can help to explain this. She said, "What we were told is we were given the exact budget of what the development would cost, whether it's lighting, electricity, the streets, the maintenance, but we also have a developer who is incurring, I believe, and I haven't looked at the notes recently, but I think that each homeowner is 1/65th of the cost. And so the developer is actually taking on the majority of the cost, even though the Homeowners Association, as we grow and so forth, that will start to transfer."

- Commissioner Villarreal asked, "So currently, what are the HOA costs."

  Ms. Good said, "We are paying $225 per quarter which is what... per homeowner."

- Commissioner Villarreal asked, "And did they calculate what it would cost once privatization is in place."

  Ms. Good said, "Yes. And basically that is the cost that we are at, and for increases and so forth, as the community develops, it's going to be split between more of the homes there."

- Commissioner Villarreal asked, "If the subdivision becomes privatized, how does that affect... I guess what I'm thinking about is liability, so if roads aren't up to par, or there's issues with, I don't know, possibly fire hydrants, or there's certain infrastructure which prevents emergency response, who is liable for some emergency situation that doesn't get to the place in time.".

  Mr. O'Reilly said, "First, whether infrastructure is going to be private or public, doesn't change the fact that that infrastructure has to be completed to certain minimum standards period. If that infrastructure later becomes private, it would be completely and entirely the responsibility of the homeowners association and they would be liable if anything was to go wrong with it, or someone was to get hurt while using it."

- Commissioner Villarreal asked, "Including the trail systems if someone were to be on their trail system and there was an injury, then the HOA would be liable if there were... if it escalated to that point."

  Mr. O'Reilly said yes.

- Commissioner Schackel-Bordegary asked the applicant to provide an explanation of the handout [Exhibit "6"] we got here tonight, which is a spreadsheet of the project cost savings to the City of Santa Fe by the infrastructure remaining private. She doesn't quite follow it, and wonders if he could "describe for me what it is that this is telling us."

Mr. Romero said, "Basically, this is a spreadsheet that I put together to show you what the cost that we spend per year to date, as the HOA is paying. Under the top box, you see that we spent $41,641 this year for cost for watering of landscaping was a big one, $20,000, it's $19,789. That was the water bill that we paid to the Sangre de Cristo Water Company. If this would become public when the City takes it over after a year, that water bill would go to the City, so that's a savings that the HOA is willing to absorb every year if you grant this request. Maintenance of landscaping. You know the City of Santa Fe has a lot of parks and they are stretched to get to all the landscaping along the streetscape to maintain it. We spent $1,731 per month, which comes out to $20,722 a year for a maintenance contract with Heads-Up Landscaping. Heads Up is the one that did the installation of the landscaping which is more extensive that what was approved in the original development. We did that for marketing purposes."

Mr. Romero continued, "The streetlight bill, this is estimated by my electrical engineer. We had 6 streetlights, typically a monthly cost for those 6 would be $90. It translates into $1,080, so that's

the savings that would be to the City." The street maintenance, trash pickup removal is already rolled into the maintenance of the landscaping. Annually it would be $41,000. The other long term costs are costs the City would incur.

Mr. Romero spoke about the cost of routine maintenance to the streets, and based on the square footage, his engineer estimated that would be around $70,000, which probably is conservative. The landscape and trail maintenance would be an ongoing, long term cost. Mr. Romero continued to review each and every cost listed, reiterating that the HOA bought into this. Please see Exhibit "6" for specifics of these costs.

- Responding to Commissioner Schackel-Bordegary, Mr. Romero said, "I wasn't involved in the HOA budget discussions. I was with the owners and the HOA."

- Commissioner Schackel-Bordegary said, "So if I could ask you. It was in your comments earlier in response to Commissioner Villarreal's questions, and I have a question here, I think you said you were presented a budget."

  Mr. Romero said, "Yes."

- Commissioner Schackel-Bordegary asked, "What was that dollar amount. Do you remember."

  Ms. Good said, "I'm so sorry, I don't recall, do you remember how much. $40,000 is what... a year.

- Commissioner Schackel-Bordegary asked, "Okay, and then am I correct in my math, my cowgirl math, that current dues average to $900 per year per homeowner."

  Ms. Good said yes.

- Commissioner Schackel-Bordegary said, "And I just had one more question, probably for staff, and in the packet, it's the May 6, 2009, letter from John Griego to Roger Hunter, and it has two exhibits. Exhibit A Work Items to be Addressed, and Exhibit B Closeout Package Checklist. I'm look at the, I believe it's the Closeout Package Checklist which is a punch list I'm guessing. This is dated January 18, 2011. Can you tell me the context of this letter and/or the status of these items. I say that, because I think there's been a lot of work done since then, but whether this is complete or not, I don't know."

  Ms. Baer said, "Those items were outstanding in 2011. Since that time, we've identified a new list which covers some of those items and dismisses others of them. And those are the ones Ms. Zaxus referred to in the more recent letter from Mr. O'Reilly. In some ways, it's moot what was happening in 2011. At this time, we still have, I believe it's like 7 or 8 outstanding items that Ms. Zaxus went over."

  Commissioner Schackel-Bordegary said has seen some of those completed because she walks there, and she has been curious about the status of matters.

- Commissioner Ortiz said he would like to make a comment based on Commissioner Villarreal's question on privatization. He lives in a private subdivision, a gated community and they are liable for anything that happens in that community, and their dues pay for all the maintenance things – streets, sewer rehab. He said the City provides the water, but the sewer is their responsibility. He has lived there for 20 years and it was private for 10 years before that, commenting it has worked fairly well for them. He said most of the time subdivisions want to get out of privatization and come into the City, and this request is unique. He said it is important that that the infrastructure meet City standards.

- Commissioner Ortiz noted that there are conditions of approval in the Staff Report. He said there is a staff recommendation in the staff report that you comply with the following conditions. He asked Mr. Romero, if the Planning Commission recommends approval, if he is amenable to complying with the 4 conditions listed under the recommendation.

  Mr. Romero said they are in agreement that everything should be built to City standards. The condition with which they aren't in agreement is the trails system. When approved in 2006, it is a 5 foot wide paved trail and what exists is a 5 foot wide base course trail. All they would have to do is to come and put asphalt over it, but during the discussions, the community wanted it to be base course. He said the City has built base course trails in the Railyard and in Frenchy's Park. They aren't against a paved trail, and there is a paved trail along the whole front of the corridor, along Governor Miles Road. He said they even built a section between Governor Miles Road and the back of the property that wasn't part of the original development plan at a cost of $10,000. He said they are saying is they're in agreement with everything, but that they would like to have the ability not to pave that section of the trail. They are in agreement with the punch list, noting it was quite extensive in 2011 and they're down to 7 items as stated before, and those will be completed in a timely fashion.

- Commissioner Ortiz said he presumes it isn't a financial burden to build the trail, it's really a desire of the homeowners to keeping the trail unpaved.

  Mr. Romero said this is correct. He said, "At the close of the day, if we need to pave it, we'll pave it, but does it have to be done tomorrow – like the planting of the trees when we had the meeting with the City Attorney. We're going to plant those four Austrian pines in the park, but we're going to do it in the spring so it has a better opportunity to live when we can water them." He said all tree and shrub that have died have been replaced, noting they put in an extensive irrigation system along I-25 that wasn't originally designed, to make sure this vegetation lives.

  Mr. Romero said the intent of the new owners and developers is to have a subdivision they can market, and they want to market that it is a private subdivision that's going to be open to the public. He said all of the trails will be open to the public.

- Commissioner Lindell asked Mr. Romero the approximate cost to put the asphalt on the trail.

  Mr. Romero said the initial cost to build the trail was about $85,000. The trail is already in place with a base course. They would have to come back and prep it, and said he doesn't have that information because that's not what they're requesting. He said an estimate would be between $50,000 and $70,000.

- Commissioner Schackel-Bordegary said she is speaking as someone who uses the trails. She appreciates Commissioner Ortiz's line of questioning. She said if this is the outstanding issue to which the applicant doesn't agree, the condition about the trails, she said she is in agreement with that. She walks all over this neighborhood and prefers base course, noting there are City and ADA standards, and such. However, she is unclear how all the trails out there got asphalt dumped on them so quickly. She said, to her, something shady went on with the trails system out there and how it got paved.

  Commissioner Schackel-Bordegary continued, "I'm not convinced that the trail system is so ironclad. The right thing was designed and built according to what people want, so I just want to make that statement. I walk a lot. I like getting off the gosh darned asphalt, walking in the arroyo. So I am speaking as a walk person and person in that neighborhood. What is important though is connectivity. And there's a glitch, and I have a picture on my cell phone right here of where that sidewalk doesn't connect to the existing trail. It's a little embarrassing for you all and you need to fix that, no matter what. That's all I'm going to say on this."

  Mr. Romero said, "That is correct. There is a portion of the asphalt that does not connect, because we had to break it out to put the landscaping in. It's going to connect, so there will be a connection. We have over a mile of sidewalk in there that people can walk. We have ½ mile of paved trail and we have about 3/4 mile of base course trail that connects to the trail system that's in place. I know the City has some long term goals to do some stuff in the future. But, if you look to the east of us and to the west of us, there's nothing. There's dirt roads or jeep trails. So we felt something that the community and the neighbors from the other homeowners associations enjoy

was walking. When I'm out there, they say keep up the good work, we love it. I go, we finished more trails that were base course."

Ms. Brennan said, "I would ask Commissioner Schackel-Bordegary to share the photograph with the other Commissioners."

- Chair Spray asked if the HOA still under the control of the developer.

  Mr. Romero said yes.

- Chair Spray asked how many units have to be sold before that goes into the Homeowner's Association.

  Mr. Romero said, "50%."

- Chair Spray said then they have built 14 of the 65.

  Mr. Romero said, "The total development was approved at 64. We've done a reduction in density to try to improve the size of the lot for marketing purpose. So, we've lost 2 lots. We have 6 affordable homes that are going to be build within the development, in case you didn't know about the affordable housing that we have in place."

- Chair Spray asked what is the total, and Mr. Romero said they have 50 left to build.

- Chair Spray said at half of the 64, at 32 the control would go to the Association, and Mr. Romero said it is correct, noting the developer is brunting the majority of the cost for all of these things until they reach that halfway point.

- Chair Spray asked Mr. Esquibel to comment on the spreadsheet that was handed out [Exhibit "6"].

  Mr. Esquibel said he didn't get a copy.

- Chair Spray asked that a copy be given to Mr. Esquibel. He said he would like to know Mr. Esquibel's thoughts on the short term costs and the long term costs – do these seem reasonable. He said perhaps Ms. Baer or Director O'Reilly might want to comment as well, noting these are the proposed potential cost savings.

  Mr. Esquibel said, "Unfortunately, this is information that we weren't able to provide to those DRT members who would actually be able to comment on those. While we can provide some interjection to that, it would be those departments that would actually be providing those necessary answers that would be beneficial to this committee."

- Chair Spray said he can appreciate that, since he is seeing this for the first time. He asked Mr. Esquibel or Mr. O'Reilly, if there is any precedent in the City for this sort of thing – have we ever had a development where got in the middle of it and then they said they want to make it private.

  Mr. O'Reilly said he would be surprised if this hasn't happened before, but would say it is very infrequent. He completely agrees with Commissioner Ortiz's statements that the inquiries we usually get at the Land Use Department, which are passed to Streets & Drainage and others, are requests from people who have private roads and they suddenly want the City to take them over. Unfortunately, most of the time, those are roads that are woefully below standards and there is no way the City could ever take them over which creates problems. He said they certainly have had requests from people to gate subdivisions. They uniformly reject those requests, unless the streets already are private. He asked Ms. Baer her thoughts.

  Ms. Baer said the one that comes to mind is Vista Primera, but that was built in the County, and then they wanted to put up gate, so it was already private, so we had nothing to say about that.

- Chair Spray said he is trying to get a bead on this. He said we just had a discussion about offering incentives to build certain businesses in a particular area, which he thinks is great, but might be forgone revenue. Here we have someone saying I'm going to save you money in doing this. He asked if there is a philosophical problem, and judging from what Mr. Esquibel wrote, there is not.

  Mr. Esquibel said, "I have talked with some of the DRT members regarding this and they seemed to indicate that if they wanted to do it, they didn't seem to have a problem with it, and as you can tell from some of the comments in the packet, they did not really say anything negative about it. Our contention namely is that the subdivision, in and of itself, be built to the City standards that it was originally approved for, so that they do take over that subdivision and maintain it to the standard that it was original approved at, which meets our minimum level for health, safety and welfare under the Code."

  Mr. O'Reilly reiterated that he agrees with the comments by Commissioner Ortiz, and he would say it is very likely that at some point in future, whenever, the then owners are going to want the City to take over the streets. He said the burden can be expensive, noting he can't comment about any of the numbers. He said one reason the subdivision where Commissioner Ortiz happens to live works so well is that it was built to full City standards and probably could easily be accepted by the City if the residents wanted to do so.

  Mr. O'Reilly said, "The staff maintains its position that whatever is done here, the infrastructure here should be built fully to all City standards.

- Chair Spray said then it appears the sticking point, in terms of cost, is primarily the trail issue, the paving of the trail. He is trying to see what that dollar issue might be.

  Mr. O'Reilly said, "It appears, based on what's been said tonight that that may be the sticking point. I would just point out the information that the applicant handed out tonight, showing pictures

of base course trails all over the City, they've omitted to show you many pictures of paved trails all over the City, including ones in Tierra Contenta, the Arroyo Chamiso Trail and many other trails that are paved." He said the Annexation Agreement which was signed with the previous developer, clearly states that this trail is to be a 6-foot wide, asphalt trail, hence the requirement to go back to the City Council to amend that agreement if the Commission recommends that.

Ms. Baer said that is a part of the Annexation Agreement. She said she has had conversations with John Romero, Traffic Engineer, where people have come to him asking the City take back streets and he might be more able to address how frequently that happens.

John Romero said people do come asking the City take over their streets, and in all of those cases their streets aren't up to City standards, so they explain that they have to do that before the City will take them over. He said when that happens "they bag it." He said it does seem that the burden of the maintenance is a lot more than they expected to bear. He then explains to them is when the property is developed it was decided to make these private roads and that's what they bought into.

- Chair Spray said then from staff perspective, it is fine for this development to be privatized as long as the required infrastructure has been put in place to the City's specifications.

Ms. Baer said, "It is just a little bit more complicated, in part because part of the property already has been deeded to the City, so the City now owns it. The open space adjacent to I-25 is owned by the City. And so one mechanism for them taking back the trail would be through a license agreement with the City, in which the City would allow them to build it to City standards and then maintain it. Also, the two entrance ways that come into the development already are City streets. Because, you see where that arroyo is, parallel to Governor Miles, the street that goes through that has already been built to City standards and it's a City street. So then we would have little pieces that would be City streets, because that's in City right-of-way. And then the rest of it would become a private street. So again, we don't necessarily have a problem with that, but it wasn't clear that they wanted to put gates on. If they put gates on, you have to ask what the access is to that trail. So, that could be made a condition in some way if you wanted to go that way."

Ms. Baer continued, "And also, I'd just like to call to your attention, we never saw... what was handed out tonight [Exhibit "6"], which says that it's a Revised Development Plan. This is not what was advertised for your consideration. We've never seen this. We haven't reviewed it, so please don't sort of accidentally approve a Revised Development Plan that we haven't had a chance to look at."

- Chair Spray said then only the one in the packet is the one for consideration this evening, and Ms. Baer said yes.

- Chair Spray said, "So then you would say, Ms. Baer that it is possible for us to grant this, but there would have to be some kind of licensing back to the..."

Ms. Baer said, "That's on the trail. And then there also are some City easements that the City already has accepted, that are on parts of the road. They're utility and access easements that have been turned over and accepted by the City. And it's not clear whether they want those back or not."

- Chair Spray asked Ms. Baer if staff has discussed any of this with the applicant.

  Ms. Baer said yes.

- Commissioner Pava said in light of what we've heard for the last hour, he thinks there is merit to some of this proposal. However, he doesn't think this is fully ready for consideration. He said we've gained an appreciation of some of the complexities with the situation as it is. He said "It is what it is at this point." He believes there probably is an opportunity for further work between the Applicant and City staff to come to something amenable that we actually can "get our hands around." He said with this being said, there has been progress, but this Commission would be diligent if we were to postpone consideration of the case to allow adequate time for staff and the applicant to come a little closer on the proposal.

MOTION: Commissioner Pava moved, seconded by Commissioner Bemis, to postpone Case #2012-109, the Villas Di Toscana Development Plan Amendment, to the first Planning Commission meeting in February 2013.

FRIENDLY AMENDMENT: Commissioner Ortiz said he would also like staff to schedule a field visit as well so we can see what currently exists. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER COMMISSIONERS.**

VOTE: The motion, as amended, was approved on a voice vote, with Commissioners Bemis, Ortiz, Pava, Schackel-Bordegary and Villarreal voting in favor of the motion and Commissioner Lindell voting against [5-1].

3. <u>CASE #2012-124.</u> 417 AND 419 EAST PALACE AVENUE PRELIMINARY SUBDIVISION PLAT. JENKINSGAVIN DESIGN AND DEVELOPMENT AGENT FOR PALACE AVENUE OFFICE SUITES, LLC, REQUESTS PRELIMINARY SUBDIVISION PLAT APPROVAL FOR 2 LOTS ON 0.78± ACRES. THE PROPERTY IS ZONED BCD (BUSINESS CAPITOL DISTRICT) EAST MARCY/EAST PALACE SUBDISTRICT. (DAN ESQUIBEL, CASE MANAGER)

A Memorandum dated November 26, 2012, for the Planning Commission meeting of December 6, 2012, with attachments, to the Planning Commission, from Daniel A. Esquibel, Land Use Planner Senior, Current Planning Division, is incorporated herewith to these minutes as Exhibit "7."

An aerial color photograph of the subject site, entered for the record by Daniel Esquibel, is incorporated herewith to these minutes as Exhibit "8."

A copy of the documents used by Hillary Wells in her presentation is incorporated herewith to these minutes collectively as Exhibit "9."

The Easement Plat is on file with and may be obtained from the Land Use Department.

The Staff Report was presented by Daniel Esquibel. Please see Exhibits "7" and "8" for specifics of this presentation. Mr. Esquibel said, with regard to the condition to the open space, the applicant has presented a landscaping plan to which the City has agreed.

RECOMMENDATION: The Land Use Department recommends approval with conditions as outlined in this report and more specifically outlined in Exhibit A [Exhibit "7"]

Public Hearing

Presentation by the Applicant

Hillary Wells and Jennifer Jenkins, JenkinsGavin Design and Development, 130 Grant Avenue, agents for the applicant were sworn.

Ms. Wells presented information via power point. Please see Exhibit "9" for specifics of this presentation. She said, "As you can see here, we have an aerial of the subject property, Palace Avenue is here to the South and Armijo Street. There are 3 buildings on the property, 417 East Palace Avenue comprises the two buildings on the west and 419 East Palace is this building in the rear. And the proposed lot line will split off 419 from 417 into two properties. As you can see from the aerial, this property really functions as a compound. It really, from the street, reads as a single property and this will not change. The property will maintain its character and basically there will be an invisible line separating these two properties."

Ms. Wells continued, "Here you can view from Palace Avenue and you can see that this is the building at 417. Access is between 417 and the neighboring property. 419 is in the rear. And you can really see from this photo that 417 presents basically the front yard for the entire property and that the property does read as a compound. Here we have the entrance. Here is 419. You can see some of the parking spaces here, and this again is a neighboring property. Here, we have the open space for 419 and we will be landscaping this open space as Dan mentioned, in accordance with City conditions. We do have a landscape plan. It's a conceptual plan at this point that we have just generated. We will submit a final landscape plan at final subdivision."

Ms. Wells continued, "We are in agreement with all staff conditions. And I just want to point out again on this aerial, you can see that 417 has abundant open space that already has established landscaping and street trees. And again, we will be Improving the landscaping for 419 which will really improve the experience from the street as well. So I'm happy to stand for any questions."

Speaking to the Request

There was no one speaking for or against this request.

The Public Testimony Portion of the Public Hearing Was Closed

The Commission commented and asked questions as follows:

- Commissioner Lindell said she would like staff to clarify what is a serial subdivision, so everyone is clear on that.

  Mr. Esquibel said, "I believe the Ordinance, as of March 1st, identifies that if you subdivide within 5 years, you have to follow the subdivision rules and regulations. Since they subdivided last year, this would fall under that definition as a subdivision, requiring them to go through the subdivision process."

- Ms. Lindell said she just wanted to be clear, because this is a substantial change.

  Mr. O'Reilly said this is the first time the City has had to implement this new provision of the Code. He said this particular change was discussed at length in the Chapter 14 Subcommittee meetings.

MOTION: Commissioner Lindell moved, seconded by Commissioner Villarreal, to recommend to the City Council the approval of Case #2012-124, 417 and 419 East Palace Avenue Preliminary Subdivision Plat, with all conditions of approval as recommended by staff.

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

4. CASE #2012-117. ARROYO CENTRAL (TIERRA CONTENTA TRACT 50) FINAL SUBDIVISION PLAT. DAVID THOMAS OF THE TIERRA CONTENTA CORPORATION, AGENT FOR THE SANTA FE COMMUNITY HOUSING TRUST, PROPOSES FINAL SUBDIVISION PLAT APPROVAL FOR A 24-LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION. THE PROPERTY IS ZONED PRC (PLANNED RESIDENTIAL COMMUNITY) AND IS LOCATED ON THE SOUTHWEST CORNER OF PLAZA CENTRAL AND CONTENTA RIDGE DRIVE (HEATHER LAMBOY, CASE MANAGER)

A Memorandum dated November 16, 2012, with attachments, for the meeting of December 6, 2012, to the Planning Commission, from Heather L. Lamboy, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "10."

A copy of a power point presentation, *Arroyo Central Tierra Contenta Tract 50, Final Subdivision Plat*, is incorporated herewith to these minutes as Exhibit "11."

The Tierra Contenta Subdivision, Phase 2B, Tract 50 Final Subdivision and Development Plans are incorporated herewith to these minutes by reference, and are on file with and can be obtained from the Planning and Land Use Department.

The Staff Report was presented by Heather Lamboy. Please see Exhibits "10" and "11," for specifics of this presentation.

RECOMMENDATION: The Land Use Department recommends approval with conditions as outlined in this report [Exhibit "10"].

Public Hearing

Presentation by the Applicant

David Thomas, Project Engineer, Tierra Contenta Corporation, agent for the Community Housing Trust, was sworn. Mr. Thomas said the Community Housing Trust is doing the development on this particular subdivision. He said they have reviewed the conditions of approval imposed by staff and accept "every last one of them and will comply."

Speaking to the Request

There was no one speaking for or against this request.

The Public Testimony Portion of the Public Hearing Was Closed

MOTION: Commissioner Lindell moved, seconded by Commissioner Pava, to recommend to the City Council the approval of Case #2012-117 Arroyo Central (Tierra Contenta Tract 50) Final Subdivision Plat, with all conditions of approval as recommended by staff.

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

5. CASE #2012-104. AQUAFINA REZONING TO R–5. JENKINSGAVIN DESIGN AND DEVELOPMENT, AGENT FOR AQUAFINA DEVELOPMENT, LLC, REQUESTS TO REZONE 5.73± ACRES FROM R-1 (RESIDENTIAL, 1 DWELLING UNIT PER ACRE) TO R-5 (RESIDENTIAL, 5 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED SOUTH OF AGUA FRIA STREET AND WEST OF CALLE ATAJO, AT 4702 RUFINA STREET AND 4262 AGUA FRIA STREET. (HEATHER LAMBOY, CASE MANAGER)

A Memorandum dated November 16, 2012, for the December 6, 2012 Meeting, with attachments, to the Planning Commission, from Heather L. Lamboy, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "12."

A copy of a power point presentation *Aguafina Rezone from R-1 to R-5*, is incorporated herewith to these minutes as Exhibit "13."

A Memorandum dated December 6, 2012, with attached letter of concern from William Mee, President, Agua Fria Village Association dated December 5, 2012, to the Planning Commission, from Current Planning Division, is incorporated herewith to these minutes as Exhibit "14."

A copy of *Aquafina Rezone Conceptual Site Plan* is incorporated herewith to these minutes as Exhibit "15."

A copy of an email dated December 5, 2012, from Ken Kast to Liddy Padilla, entered for the record by Joanna Nesboy, is incorporated herewith to these minutes as Exhibit "16."

A copy of the documents used by Hillary Wells in her presentation is incorporated herewith to these minutes as Exhibit "17."

The Staff Report was presented by Heather Lamboy via power point. Please see Exhibits "12" and "13," for specifics of this presentation. Ms. Lamboy reminded the Planning Commission that a zoning is not a final action for the Planning Commission to recommend to the Governing Body, so there will be an additional hearing beyond this one tonight.

RECOMMENDATION: The Land Use Department recommends approval with conditions as outlined in this report [Exhibit "12"].

Ms. Baer said there is a letter on the Commissioners' desk from the Agua Fria Village Association [Exhibit "14"] regarding this case, which was received this morning by email.

Public Hearing

Presentation by the Applicant

Jennifer Jenkins previously sworn, said she is here this evening on behalf of the property owner and said the request is for the rezoning which was most adequately described by Ms. Lamboy.

Ms. Jenkins presented information via power point. Please see Exhibit "17" for specifics of this presentation.

Ms Jenkins said, "This is an aerial that shows the vicinity, and the subject property is outlined in blue. The subject of the rezone this evening relates to the southern portion here. A couple of things I would like to point out. This tract of land that is north of Rufina is one lot. It has split zoning. The Northern 2/3 of that lot is zoned R-5 right now. The lower 1/3 here is zoned R-1, and this property on the south side of Rufina, about 2½ acres is also zoned R-1. So what we have here is a need to correct a split zoning issue that was in place when the current owner purchased the property. As you know, City Code does not

allow properties to maintain two different zoning categories if they are to be developed comprehensively as one neighborhood, and that is our intent."

Ms. Jenkins continued, "So what you see here is the City zoning map. And as you can see, this parcel has R-5 zoning to the north, so our request here is really to correct a split zoning to bring this entire 9 acres into compliance with City Code to bring it all into R-5 zoning and to also place R-5 zoning on the parcel south of Rufina. So this is what the General Plan Land Use Designation Map looks like. And as you can see, the yellow that you see predominately in this area is residential low density, calling for a range of density from 3 dwellings per acre to 7 dwellings per acre. And the so the R-1 zoning.... the subject property is out of compliance with your General Plan. It doesn't even comply. So we have a two-fold intent here. Correct a split zoning issue on an existing lot of record and bring these parcels into compliance with the City's General Plan."

Ms. Jenkins continued, "So, Heather touched on some of these points. I will just reiterate a few of them. Again, we are bringing the property into compliance with the General Plan. It is currently not in compliance. We're talking about one of the ideas and themes which you've seen in the General Plan which are transitional neighborhoods. This part of town has a lot of variety in land use and types and densities. We have Agua Fria Village to the north on the other side of Agua Fria, that is also developed at a variety of densities, but could be described as semi-rural in some areas. We have residential suburban densities in the Las Acequias neighborhood to our east. We have pretty significantly denser mobile home communities to our west. The Cielo Azul project is zoned R-6. Our vision here is to create more generous sized lots than you see in our neighboring communities. And we see this as creating a transitional neighborhood that can bridge among a variety of land use intensities that we have in this area."

Ms. Jenkins continued, "Connectivity. We worked very closely with City staff to determine how this property is going to be addressed, and I imagine it will be some of our focus of our discussion this evening. And we are proposing a connection to an existing neighborhood, as well as a connection to an existing arterial. So in addition to Power Line Road, we also are connecting at Rufina Street. And then, with respect to the urban form here, although we are proposing lots that are a little more generously sized than what you see as typical in neighborhood communities, this is classic infill development and very sensitive infill development in terms of trying to relate to what is around us in a very sensitive way. We have availability of infrastructure in Agua Fria as well as in Rufina. It is a very efficient use of the City's infrastructure resources. And obviously there is affordable housing, more opportunities for affordable housing in our community. So this is not a comprehensive list, but I think these are the high points."

Ms. Jenkins continued, "With respect to the vision, this is just a rezone, but I think it's important to be transparent about, once you get the rezone, then what are you going to do. And so we felt it was important as we engage with the neighborhood to share with them what we were thinking as far as a residential community here. Just so we have our bearings, this is Rufina Street here, this is Agua Fria, as I mentioned, our access points. Again we worked very closely, and the first phone call I made when we started working on this was to John Romero, to talk about what we were going to do here. And we talked about it, and then we submitted, and there were modification and dialogue with staff and we worked very

closely with them. Where we are now as far as accessing this future neighborhood is Rufina here, and obviously the little 2.5 acre piece down on the south side of Rufina, that's the only opportunity for access which is pretty obvious."

Ms. Jenkins continued, "We worked very closely with staff to see if that point of connection would be appropriate and advisable. And they were like, yes we like that. Neighborhood connectivity is something we hear about a lot, it was in the General Plan, most of the time and most of the places, the City saw this as an appropriate connection point in addition to Rufina. And right now, as you can see, it's kind of a dirt road that's been there a long time. It's on the north side of Las Acequias Park."

Ms. Jenkins continued, "We had our original ENN and subsequently we were invited to speak to the Las Acequias Neighborhood Association, which we were happy to do. So we were able to have some follow up discussions with Las Acequias. Some of the concerns expressed about Power Line Road, of course, is a connection to a new neighborhood and what does that mean in terms of traffic and how is that potentially going to impact our neighborhood and those are all legitimate questions and concerns. But interestingly, a lot of what we also heard about Power Line Road, is Power Line Road the way it is right now is a problem. People park there to get access to the park. They're not suppose to park there. These are peoples' back yards right here. There are activities of ill repute that go on there. People dump trash there. People park and drink beer and there's beer bottles. And that little section here can be somewhat problematic. And what we shared with the neighborhood is that, in my experience doing this work for many many years, places like this that don't have a sense of place and don't have a purpose, tend to attract that kind of activity, but when you purpose it and very strategically purpose it, you can really eliminate a lot of those issues. Our vision here, as far as creating a developed, true City roadway connection from Calle Tajo into the neighborhood is a City standard, two-lane road, no parking. There is a City standard street that does not allow on-street parking, with street trees, so there's no way to get off the road to park. And so the cars can't stop. So as we go through the subdivision process, we want to work closely with the neighborhood to design something here that solves a lot of the concerns that they have been experiencing in its current condition."

Ms. Jenkins continued, "And so, like we are... as you can see these lots are very generously sized. We have 1/4 acre lots, 1/3 acre lots, things that go up to 4/10 of an acre lot. My client did his market analysis and what he discovered is that this right in the middle of town, it's very populated, but there was a desire for larger lots and to be close to services, jobs, schools, close to all those things in the City. Interestingly, when the notices for the ENN meeting first went out, we got a rash of phone calls in the first week. All the phone calls we got were from people who wanted to be on the waiting list, because they were interested in a lot when the signs went up. So it was interesting, and of course the client was delighted and we kept a list. And was, like maybe my market research was accurate. Maybe this is something that is going to be desirable. So obviously the final configuration... we have a preliminary plat process, we have a final plat process with a lot of details to work out. We're not at the place. This is not about details here tonight. This is about is R-5 zoning appropriate in this location."

Ms. Jenkins continued, "And also, I wanted to point out, in the Staff Report there was mention of how are we going to address our park dedication requirements. For a small project like this, there's a couple of options. We can actually dedicate some land, and some of the neighbors suggest it would be

nice maybe you dedicated some land that maybe could augment and enlarge our existing park. And so we talked about that. Also there's impact fees as another alternative. We want the opportunity to work closely with Parks & Recreation as well as the neighborhood as we move into the subdivision process, to say what makes more sense. If we're paying impact fees upwards of $30,000 to $40,000, that could go a long way to improving amenities in the existing Las Acequias Park, or in this little more passive open space area, where there aren't any amenities in that. Maybe that money could be earmarked and dedicated to that. Or maybe a piece of land is a better option, but we want the opportunity to explore that and come up with a solution that really makes the most sense and we get the most bang for our buck. And with that, I will be happy to stand for any questions, and I appreciate your time."

Speaking to the Request

All those speaking were sworn en masse

Chair Spray gave everyone two minutes to speak to the request.

Liddy Padilla, President, Las Acequias Neighborhood Association [previously sworn], asked if the Commissioners received their letter of November 28, 2012, with regard to the proposed rezoning, and Chair Spray said yes.

Ms. Padilla said she attended the ENN and made a presentation to address this process and there are several people here who want to speak this evening to share their concerns.

Sidney Davis, 1220, Senda del Valle, Apartment #A [previously sworn], said she owns her apartment. She is here to speak on behalf of the Homeowners Association for both Senda del Valle Compounds 1 and 2, located at 1220 Senda del Valle. She is also a member of the Las Acequias Neighborhood Association. The owners of HOA Compounds 1 and 2 are opposed to the zoning request at this time as proposed by the developers. To the west or south of Rufina the zoning is R-1. They feel it needs to remain there for the following reasons:

(1) traffic increase has been significant over the last 10 years, causing noise, congestion and pollution. They have witnessed gridlock with increasing regularity at Lopez and Calle Tajo. No traffic study has been made at this point. Increasing units per acre would exacerbate this existing study, and a traffic study is imperative before further development can be considered.

(2) families crossing Rufina from Senda del Valle on foot have more and more difficulty as cars go by at speed making it dangerous for citizens to access the park, and more traffic will make it worse for the neighborhood. The park has fallen into disrepair as the result of increased use by rising populations and they legitimately need a place to gather on hot afternoons during the summer. The increase has made it difficult for senior citizens like herself, noting she has a physical disability, to walk without worrying about sports objects hitting her. The walkways are narrowing and in some places two people can't walk side by

side on the walkway. Increased population will burden the small park even more.

(3) the developer has stated they need to increase the number of lots per acre because they do not have the funds with which to meet the City's requirement for standard improvements such as gutters, sidewalks, etc. If the developer does not have the funds to meet these requirements, it isn't their neighborhood's problems. She said for these reasons they are opposed to any change in zoning at this time.

Cheryl Odom, 1152 Vuelta de Las Acequias, the Las Acequias Subdivision [previously sworn], said she attended the ENN and read the letter of suggested covenants proposed by the developer. She has several major concerns, including the park over use. She understands there would be no parking on Power Line Road which will cause all of the traffic which would have parked there to now park on Calle Tajo which already on the weekends is solid traffic parked all the way up and down the street. She is the next street over from Calle Tajo and her back yard backs onto Calle Tajo, and once a month there is a collision, noting she is a pedestrian in the neighborhood. The NE corner of that intersection, even though there is a traffic signal, is a blind corner. No one coming down Rufina can see traffic or pedestrians on Calle Tajo. She said increasing traffic from Power Line Road to Rufina will increase the likelihood of a problem with the traffic in that neighborhood. She asked if a traffic study has been done of that intersection. She said she hears from the developer that the new category is more advantageous to our community. However, based on the covenants they have seen, there is a mention of exteriors being metal siding, which says to her that these will be mobile homes and trailers.

Amy Caplan, 915 Vuelta de Sur [previously sworn], said she lives at the very end of the establishment of the neighborhood, and has lived in her house for 17 years. When she first moved in it was considered a pretty fine home, and it still is. Within the past year, she refinanced her house, an appraisal was done, and the value of her home has gone down considerably. One, because from her back yard you can see Agua Fria, and on the other side of the fence there is now a big trailer, which is not within their neighborhood. That trailer is a very big part of the reason her property value went down. Also, when she first moved there, none of the trailers were there. They were all moved once they closed John's Trailer Park which previously located where they now have PetSmart and all those place. Those people all moved to the bark.

Ms. Caplan continued, "And "now the park, you see the park and you look all the way down and there's, I mean... and it's all mobile homes and trailers. And you go down Rufina toward the elementary school, when my kids went there, there wasn't overcrowding, but now they have kids in portables and they're popping out of the windows and everything else because the neighborhood is packed. And the supposed Power Line Road is not a road, to me it is a walking path, okay. And just bear with me... And Power Line Road is about this wide, maybe a little wider to the beginning of that step. And on one side of it are all homes with a fence and they're all backed up on the park and they really have problems from the over-use of the park and the noise and all that. And this past summer, we've had a lot more police come in to help that, but there's cars parked all the way up and down Calle Tajo, people that want to use our tiny little park, which is the only park on the south side. So if you want to put in a vision and you have this

wonderful vision for the south side of Santa Fe, this completely blows it, because the park boundary ends right there. So, basically it's a little buffer zone between the houses and the park where you could ride a bike, I could ride my bicycle down there and I can turn around and come back without hitting anything. I'm not an athlete, and that's about as wide as it is and they don't have any access road and they want to make this into an access road, which I don't think can safely be done because they're going to have to cut into part of the park and they're going to have to be backed up against all those backyards of all those neighbors who now have a hard time enjoying their back yard."

Joanna [inaudible], Vice-President of the Las Acequias Neighborhood Association [previously sworn] said she has lived there since 1991, when she had an affordable house built. She is representing Kenneth Kast a Board member who couldn't be here this evening, but he sent a letter via email [Exhibit "16"]. Joanna read his letter into the record expressing his concerns with this proposal. Please see Exhibit "16" for the text of this communication. Joanna said her concern is the amount of traffic since Rufina has opened, and because of this the traffic has become so intense on Calle Tajo it is impossible to cross the road at times when she walks her dog.

Elizabeth Wilds, 1130 Senda del Valle [previously sworn], said she lives next to the northern portion where the development is proposed. She said she has programmed the emergency number for the police into her phone so she can report the animals she has seen get hit on the road, noting she has seen a child on a bicycle get hit on the road. This is where they are proposing a 4-way intersection, and with the speeds and the design with a curve and an elementary school down the road, there is a lot of precariousness about this. She thinks the population and traffic have not been looked at very well. She is concerned with what she sees out her back window. She doesn't live by Power Line Road, but she does know people walk through that area through these properties as a walkway. She asked how the City's General Plan incorporates green space, noting on Siringo they have nice park benches, paths, etc. She said if this property is to be developed in a way that is attractive to people – healthy lifestyles and such – she wants to incorporate more green space on this or other properties in the area and consider the traffic, safety, pollution and the lifestyle they want to incorporate in the City. She said there are other proposals and they've come up with a number of houses if this is approved. A cul de sac is proposed. She has visited other areas where these things are developed and these things become thoroughfares and gridlike structures. She is from California and she has seen places bought by the cities and they would tear down places. She doesn't see a photo shop from stopping a thoroughfare from Airport all the way to Agua Fria. She said the developer said it will be a road only for emergencies now, but that may change 10 years from now with another Council that might decide differently. She doesn't want any more four-way intersections.

Paul Lucero, 1068 Avenida Linda, Las Acequias Subdivision [previously sworn], said he has lived there for 18 years and he lives close to the park and Power Line Road. He said the road is a one lane dirt road which is the access for 3 houses across from the short, narrow strip of land, and the north side of the project that we're talking about, which is accessed constantly. He said there was a mobile home there but it was updated. There are people living in the back side area. The traffic has really grown and it has to be addressed. He attended the Neighborhood Planning meetings, and the developer has

said Power Line will be a dirt road, and also the roads to the proposed homes also will be dirt. He said it is dusty and it will bring a lot of dust and dirt if it isn't addressed correctly. He said he just wanted to bring this to the attention of this Commission.

Linda Flatt, 950 Vuelta del Sur, Board of Las Acequias [previously sworn], said they live in Phase 4, and they "are past going north from the Power Line Road." She also is the coordinator for the Neighborhood Watch for the past 10 years. She said the park is a problem. Every summer cars are parked for blocks on both sides. She has counted up to 200 people in that park in one evening. Power Line Road is right beside it, which is their main concern. She said they know what happens in the summers, but it is not as bad in the winter – in the summer it is horrendous. There are police there all the time. She is working with several officers to do as much as they can to protect the people in the neighborhood from all that happens in and around the park. She said if Power Line Road is put through as the main entrance into this development, it is going to create a massive problem. She said the part they're talking about is the part being rezoned from R-1 to R-5 which is 11.5 acres. She said there may be as many as 50 to 60 cars once it is all developed, and those cars will begin going in and out, and in the summer it will be a big problem.

Ms. Flatt continued, "A lot of people had to leave, they had families here. We had 16 people representing Las Acequias. One of the women did mention, and it's a very good point, if they develop Power Line Road, it sounds lovely, to make it a double lane road. It is quite narrow, but they perhaps could squeeze it out and put trees on either side. The problem that we're going to have is we have what they call cruisers that go by the park continually every night during the week. They have their radios loud. They go back and forth and back and forth, and how do they get back and forth, they come past the park and make a U-turn right in front of our poor neighbors to the north – they make a U-turn and go back around. So what are they going to do if Power Line goes through as a major thoroughfare. They're going to go through and Rufina will also be an entrance to this development. They're going to come down past the park, zoom down that road, go down through the community that they're trying to develop, go back out on Rufina, come back around and make a big circle, continually, because I know how those guys are. The mentality is let's cruise. Power Line Road is a very serious problem. I want you to think about that."

Chair Spray said Ms. Flatt's two minutes are up and asked her to wrap up.

Ms. Flatt said, "The point is Carmichael Dominguez made a very good presentation about trying to build higher quality communities in the south side. That's what Las Acequias is looking for. We don't mind having neighbors. We like having houses there, that's fine, but we want high quality houses that are equal to what we have, which are stick built homes. Thank you."

Chair Spray said he would give Ms. Jenkins 3 minutes to respond, and then he will declare the Public Hearing closed.

Response by the Applicant

Ms. Jenkins said, "A couple of points I want to make, just really clarifications. The public access

and easement that is in Power Line Road is 58 feet wide. In addition, there is a 20 foot power line easement adjacent to that for a total of 78 feet, but the public access and utility easement portion is 58 feet wide which is plenty, and actually exceeds City standards for a collector like this, a two-lane road, a neighborhood street, frankly is what we're talking about. Because there was some concern about, is there enough room to even build the extension of a neighborhood street here, and so I just wanted to clarify that. And I have documentation if any of you are interested in seeing that."

Ms. Jenkins continued, "And with respect to how that neighborhood street connection gets designed, like I said, we can design it where you can't park on it. But if they want to be able to park on it, we can design it so they can park on it. These are the types of details that we look forward to designing as we move forward with a subdivision process. And, as was mentioned, the way discussions have gone with staff with the Fire Marshal, as well as John Romero, is that access to Agua Fria will be emergency only. Everybody recognizes that Agua Fria is overly accessed, so there is agreement among the Traffic Engineer and the Fire marshal that there is no need for any kind of regular access connection to Agua Fria, and what we are showing with the two access points is adequate. And that was really it. I'd be happy to stand for further questions."

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

The Commission commented and asked questions as follows:

– Commissioner Lindell said we are looking at a stated 21 lots here, and asked if that is correct.

Ms. Jenkins said, "I would like to clarify that. When they originally submitted the application, we had a conceptual site plan of that, but it turned out that the way we were calculating our affordable housing requirement, we had to recalculate that, because were treating the 7 lots on the south side of Rufina, this area here, as a stand-alone project, so we did an affordable calculation on that. And then we had a separate one on the portion of the project north of Rufina. And so it was explained that this is being looked at as one comprehensive subdivision, so we had to recalculate that. And originally, when we first... our initial conversations prior to an ENN, our initial conversations with John Romero, we looked at just Power Line Road for being the access for a very reasonable number of lots, only 15 lots on the north side of Rufina. And 15 lots and one point of access is considered adequate, and reducing the amount of access points on Rufina seemed to be of interest."

Ms. Jenkins continued, "But after we submitted, and there was more discussion among the Land Use staff and John Romero, it was determined that in addition to Power Line we should also access at Rufina Street. So that changed our program a little bit, so we had to take a step back and say, okay, we have two access points and we're looking at a different level of infrastructure standards that would need to be built to accommodate those two access points. So, when we went back to the Las Acequias Neighborhood Association, we showed a variety of site plan options of how this property might be subdivided and built in the future, depending on the roadway requirements, the connection requirements, the improvements on Rufina Street and such. So those are factors that we don't have all the answers for right now. We will be conducting the

Traffic Impact Analysis for Rufina when we do the subdivision. So that was our initial proposal, but it's likely that we will be looking at more lots than that, but I think our density is probably going to be about 3 lots per acre when all is said and done, is probably the range we're going to be in."

- Commissioner Lindell said that wasn't her question. She said her question is are these stick built house.

  Ms. Jenkins said the developer isn't a homebuilder, and is creating a neighborhood. He did a market study about offering larger lots. She said these obviously will be stick built homes in the neighborhood because of the affordable housing requirement. She said with respect to the restrictive covenants, if this neighborhood is going to have stick built homes that may be 100% stick built homes. It may have a manufactured housing element if there is a homeowner who chooses to buy a lot and chooses to put a manufactured home or pre-fabricated home on the lot. She said they have restrictive covenants to govern that.

  Ms. Jenkins said when they talked about the metal siding, that was to allow more contemporary style architecture to allow it as an architectural element. It was not intended to allow for substandard housing. They will bring lots to the market with the requisite infrastructure and street trees in place, and the lots will be for sale. The lots will be governed restrictive covenants – landscaping, fencing, architectural standards, home maintenance. However, it is possible there may be manufactured homes in this. She said their goal is to establish a livable neighborhood that is well maintained.

- Commissioner Pava said Cielo Azul is the large undeveloped parcel to the west, and there was reference in the Staff Report that there is a development plan for that. He asked, if Power Line Road is to be used as the ingress/egress, and Cielo Azul is required to build tub-outs for when this property is developed, what kind of traffic would be generated from this area. He asked if it will be resolved if and when Cielo Azul will be developed,

  Ms. Lamboy said the Cielo Azul Subdivision is already is on an extension which is due to expire in early 2013, noting she had inquires recently. She said it is coming to a point where they either are going to do it or not, commenting they may be before this Commission again. She said the comments in the development review process at that time, as you can see, the roadway at the center part near the open space, there is intended connection across the property to the east. The intent was to provide connectivity, because we don't want to funnel all the traffic onto Agua Fria and Rufina, and there is a request for a stub-out on the subject property for Aguafina as well. She said there is an intervening property which hasn't been part of this whole discussion, so they are uncertain as to when that would occur.

- Commissioner Pava asked, regarding manufactured homes, if it is true that one can place a manufactured home on a lot in any residential district in the City.

  Ms. Lamboy said, "That is correct. And it's also considered a single family residence, and so the references in the proposed covenants does not really clearly define whether it's going to be stick

built or whether it's going to be a manufactured home. And a manufactured home could comply with the architectural standards as well. It would be reviewed further in the subdivision approval process, if we ever get to that point."

- Commissioner Pava asked if there is a zone we could use or consider that would specify that manufactured homes would not be permitted, or does that contravene State law.

  Ms. Brennan said, "It contravenes federal law. You cannot discriminate against manufactured housing. If the lot is qualified for a single family home, a manufactured housing unit can be put on it."

- Responding to Commissioner Pava, Ms. Brennan said the covenants could [prohibit manufactured housing], but the City cannot require or regulate that type of discriminatory home choice."

- Commissioner Pava noted we received, at the 11th hour, something from the Agua Fria Village Association from Mr. Mee. He said he checked people who were copied on the letter against the ENN notice, and Ms. Odom did attend the ENN and she was copied on the letter. He asked Ms. Odom if the statement, "Our neighborhood received no notification on the proposed rezoning," is accurate in her mind and asked how she found out about this meeting.

  Ms. Odom said she is involved in a different project with Agua Fria Village, and has gotten to know Mr. Mee in that capacity. And in that capacity, she attended their Neighborhood Association meeting on Monday. She said, "I'm not aware of any of this. I don't know if they got notification. I have no way of knowing that."

  Ms. Baer said, with regard to notice, the part that is being rezoned is not within 300 feet of that Neighborhood Association. She said when the entire project comes back for subdivision, that Neighborhood Association and anyone who lives within 300 feet of the Agua Fria property line would be notified.

- Chair Spray said Ms. Jenkins mentioned that one of the things they are trying to do here is correcting a split zoning. He asked if we are under any obligation to correct any zoning. He said, "The fact that there is R-1 here and R-5 there, that could be developed by her client today.

  Ms. Baer said, "That's correct. Typically we don't like to see split zoning on any piece of land, but it's not your issue to correct. You don't have to."

- Chair Spray asked, with regard to being in compliance with the General Plan, where we talk about 3-7 units per acre, we're not obligated to make any change to comply with the plan. He asked if this is correct.

  Ms. Baer said, "That is correct. It would have been incumbent on the applicant to request to change to the General Plan if that had been necessary."

- Chair Spray said the proposal is for 11.5 acres with 21 lots, and asked Ms. Jenkins if this correct.

  Ms. Jenkins said she tried to clarify that with Commissioner Lindell. She said, "Initially, when they submitted a conceptual site plan.... we don't have a proposal for lots. We have a conceptual site plan."

- Chair Spray quoted from the 4th paragraph on page 5, 6 of the ENN report, "A neighbor asked why Ms. Jenkins chose the R-5 zoning district, if the goal is only for 18 lots on the 9 acres. Why not R-3 or R-2 if that was truly the intention. Ms. Jenkins responded that it just seemed to make sense to continue the R-5 zoning like that which is already in place in the northern portion. She said that she would discuss the possibility of a lower density zoning district with her client." Chair Spray asked Ms. Jenkins if she has had that discussion.

  Ms. Jenkins said, "Here's what we discovered, is that this is the current General Plan designation that you see there. And on this, the northern 2/3 of the property, and it has two General Plan designations. A General Plan designation of 3 to 7 dwellings per acre is the yellow. And up at the top, along Agua Fria, there's a General Plan designation of transitional mixed use. And so, if we were to... I can't just rezone this portion here to R-3, because I would be creating a split zoning, so I would have to downzone the rest of the property. And I would have to amend the General Plan which would be based on the transitional mixed use designation at the top. And typically in my field, I avoid General Plan designations unless they are necessary."

  Ms. Jenkins continued, "And secondly, with respect to zoning and looking down the road at a future subdivision, it is pretty much impossible to design a subdivision in terms of what is your lot count, what is your density, what is your access points, how are your roads going to be developed, to what standard are your roads going to be developed, are they going to be public or are they going to be private. There are a myriad of issues that get resolved at the subdivision stage. I would not be representing my client if I had to back him into a corner in terms of his lot count, if we did not know what our infrastructure requirements and expenses are going to be. Okay. That would not be being... I have my fiduciary responsibility to my client. We have been transparent, unbelievably transparent about our intention here to create the most lots in the entire neighborhood. The largest lots in the entire neighborhood. That is out intent. That is our vision, and we have been very transparent about that. However, I'm not in a position to tell my client to leave density on the table until I can tell him what his infrastructure costs are going to be. I hope... that's kind of a long winded answer to your question."

- Chair Spray said if the section is 3-7, 3 seems to fit within that, so that could be changed for the General Plan at that point. It all could be at R-3. So any change like that would make the property less valuable to your client, which he thinks is the real essence, commenting that is what he would do. If he was looking to go to R-5, he would try to make as much on them as he possibly could, because he could make as much money as possible.

Ms. Jenkins said, "That's never been our intent, to put as much... if we were going to put as much on here as we possibly could, then I would just mirror the Las Acequias development pattern. I would just put houses and back yards up against back yards. That would be the approach if we were trying to milk every lot out of this project. That has never been our intention."

- Chair Spray said, "I would never suggest that. It's just that you can get more on R-5 than you could on R-3, that's all. That's the point of that. I guess my feeling on those kinds of rezonings is that we do have an obligation, in my opinion, to do not only do what's right for the City but to do what's right by the neighborhood which has an expectation, in most cases, of having stable zoning. And we always talk about, well the area has changed, but who changes that. We change that right here by adding to it and that's what makes it... every time we make a change someone like yourself or an another developer comes through and says, the neighborhood has changed, it's all different, so that's why you should do it. So I guess my personal feeling is that I think at an R-5 and R-1, I think your client could still be well served and could still make some money off it. And even at a lower density, it seems to me, could do extremely well. And that's all I've got for that one."

- Commissioner Villarreal asked Traffic Engineer John Romero if he knows about a thorough traffic study, not just for this particular neighborhood area, but for Rufina, Agua Fria and capturing the situation and future growth – has there been a comprehensive traffic study for this area.

  John Romero, Traffic Engineer said, "No. I think Rufina was... that was the intent on Rufina was to do that." He said on all these streets – Rufina, Agua Fria, Alameda – we have infill, and infill does add more traffic to our streets. He said, "I don't what a comprehensive study would tell us, other than you build more houses, you make more babies, you create more people you get more cars. That's just the way it goes."

- Commissioner Villarreal said the letter the Commission received from the Agua Fria Village Association referenced a study done by the BBER at UNM and they were referring to a commissioned study on the annexation studies. She asked Mr. Romero if he is aware of that, or has staff seen the study to which they refer.

  John Romero said, "Yes. That study was really to analyze the physical effect on the City of annexing in the County, including operation, maintenance, staff. All that type of stuff."

- Commissioner Villarreal, "And not necessarily having a focus on traffic."

  Mr. Romero said no.

- Commissioner Villarreal said, "This is a difficult situation because there have been multiple opportunities for development in this area, because we need areas for more people to live in Santa Fe. That's really what it comes down to. And I guess I'm always curious and interested in what people say about, well we don't any more people to live in our area because it's at capacity. Well, I prefer to have more of a robust community, rather than seeing the areas in northeast Santa Fe

where we have part time residents. To me, that's pretty depressing. But I guess I'm still worried about this traffic issue and it's always coming up every time we look at this area for possible development. One of the residents, or a few of the residents said that the park in this area, Las Acequias Park, is over-used. I don't think there's such a thing as an over-used park. The issue is... the issue is... listen to me, the issue is that we don't have enough green space, open space in the south side part of town. And that, to me, is the bigger issue. And I'm hoping when the Southwest Area Park comes to fruition, that that will alleviate the situation. They are going to that park, because there's no other park to go to. So I think it's not an over-used park, I think it's that we don't have enough parks in this area. And I actually find it offensive saying cruisers are problematic. I think if people don't have enough to do, and there's not enough for community, it's not because cruisers are the problem. We had the problem in the downtown area of cruising, they eliminated it, and now there's no local people that actually go downtown, so to speak."

Commissioner Villarreal continued, "But back to the main issue. I'm having a problem with this traffic thing and it keeps coming up and so I'm feeling like there needs to be more analysis of how this is going to develop, particularly if we have this pending Cielo Azul development. So, I'd like to hear from other Commissioners. I'll yield to them.".

- Commissioner Schackel-Bordegary said, "Spurred by my fellow Commissioner's comments, I just want to echo her sentiment, concerns about traffic and the park. And I have less objection to a rezoning in this case, because I recognize that it would go through rigorous development review further. But I'm troubled by these proposals we keep seeing for this side of town, and it's like we can't figure out how to grow more places for our people to live. And so, it sort of broadens the scope to the need for greater planning. We heard earlier this evening about an overlay vision for the Airport Road corridor. This is that. And I am troubled that we would even call a park over-used. I share that. We have acres and acres of Ragle Park at Yucca and Zia."

  Commissioner Schackel-Bordegary continued, "What I'm getting at, is this is an issue for all of us to think about how we grow. I'm also troubled to not hear a definitive answer that these won't be stick built homes. I have my own opinions about longevity, and so I'm troubled by that. And I don't like that possibility, and I don't want to put residents of this part of our City in the position of having more manufactured housing shoe-horned in. That said, I don't believe this is the intent, from what I've heard about development standards, but we don't have guarantees of that. That's it. I am troubled by the fact that we have a community of people that want to use a park and we don't have enough green space. What is wrong with our City if we aren't providing enough park spaces for our children and families, that some people would actually think a park is over-used. I'm going to go home a little sad about that tonight."

- Chair Spray said we are at the point where we would have to either choose to make a recommendation or choose not to recommend this to the City Council. He asked the wishes of the Commission.

  Ms. Lamboy said, "I would just offer up an idea that I've been brainstorming back here, as I've been hearing all these comments. And one of the things that the applicant can also do, is a lot

split for that Tract C which is north of Rufina, if she were to choose to do so. And that would give, possibly, the opportunity for the R-5 zoning to stay where it is, and potentially an opportunity for a lower zoning category to be looked at for the southern tract. But of course, the lot split would be an extra action that would have to take place. Additionally, if this committee were to consider a lowing zoning category, I would just like to let the Commission know it would not have to be rezoned because it is a lower category. Only if they were to go higher, would we have to start the whole process again."

- Chair Spray asked if she is suggesting a modification in terms of a motion. He asked Ms. Brennan if we don't have to deal with the matter right in front of us here.

  Ms. Brennan said, "Certainly, if there were a lot split proposed, action would have to be postponed so the lot split could be advertised independently, so that would be the outcome of a desire to do that."

- Chair Spray said then we wouldn't take action on this at this time, if they're even interested in doing that in any way, and Ms. Brennan said this is correct.

  Mr. O'Reilly said to the second question, or Ms. Lamboy's suggestion, this Commission could choose to recommend this to a different zoning category lower than R-5. The Commission has done that in the past. This is an option.

- Chair Spray said that would be on the R-5, to downzone that.

  Ms. Baer said the matter before the Commission tonight is the lower piece that is R-1. They're asking for rezoning for that piece.

- Commissioner Pava asked Ms. Jenkins if the Commission would propose a recommendation to Council of a lesser zoning, say R-3, if she is in a position to speak as to whether or not that would be acceptable on behalf of her client.

  Ms. Jenkins said, "Probably not technically, but I think that we would be open to that. Like I said, we've been very clear about what our vision is here for this property, and so I appreciate Ms. Lamboy trying to think creatively so we can all move forward, and I like that. I like the opportunity to collaborate and come up with a win-win solution. What does trouble me a little bit, is when we look at zoning and we look at consistency, and we look at connectivity, to be surround by R-6, R-7, R-5, R-4 Mobile Home Park, and then to somehow designate this little acreage as somehow different and less worthy of this is... I'm interested in your thoughts on, because I need to come back to my client to weigh that. I'm very curious, when you look at this map and it's like hmmm, you know. And so I would love to hear your thoughts on what about this little piece here in the midst of a fully developed community is somehow unique when we're talking about 20, 15, 25 lots, is a small little neighborhood. So I would be very interested in that and very open to ideas."

– Commissioner Pava said, "Since you asked, it's late, but okay. I heard that there's 220 lots proposed on Cielo Azul, for example. And when I look at this as a planner, from my training, I see this as the last piece in a puzzle. And it's not altogether a great puzzle at this point, based on what we've been hearing, whether you think parks are over subscribed, or there are cruisers or this and that. And I've heard this throughout my career, that it's too many people, over-subscribed and what are we going to do about the street and this and that. And yet, something here rings true to me that there's a problem. This is unique because it is about the last piece in the puzzle. If I could wave a magic wand I would probably say, let the City buy it. Wouldn't that be nice. And we'll extend and make this part of a park and a parkway, but that's not going to happen. Absent that, what I think I would like to propose, Chair Spray, is to make a motion based on Ms. Jenkins' response.

MOTION: Commissioner Pava moved, seconded by Commissioner Schackel-Bordegary, to recommend the approval of Case #2012-104, Aquafina Rezoning to R-5, with a recommendation for R-3 zoning, with all conditions of approval as recommended by staff.

VOTE: The motion was approved on a roll call vote, with the Chair voting in favor of the motion to break the tie vote, [4-3] as follows:

For: Commissioner Ortiz, Commissioner Pava, Commissioner Schackel-Bordegary and Chair Spray.

Against: Commissioner Bemis, Commissioner Lindell and Commissioner Villarreal.

6. <u>CASE #2012-123.</u> WINDMILL HILL AT LAS PLACITAS COMPOUND PRELIMINARY SUBDIVISION PLAT WITH VARIANCE. JENKINSGAVIN DESIGN AND DEVELOPMENT, AGENT FOR DOUG AND PEGGY McDOWELL, REQUESTS PRELIMINARY SUBDIVISION PLAT APPROVAL FOR FOUR SINGLE FAMILY RESIDENTIAL LOTS ON 1.48± ACRES. A VARIANCE IS REQUESTED TO REDUCE THE MINIMUM STREET WIDTH FROM 38 FEET TO THE WIDTH OF EXISTING ACCESS EASEMENTS OF 29 FEET AND 20 FEET. THE PROPERTY IS LOCATED AT 623½ GARCIA STREET, AND IS ZONED R-3 (RESIDENTIAL, THREE DWELLING UNITS PER ACRE). (DONNA WYNANT, CASE MANAGER)

A Memorandum dated November 26, 2012 for the December 6, 2012 meeting, with attachments, to the Planning Commission, from Donna Wynant, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "18."

A copy of a power point presentation *Windmill Hill Preliminary Subdivision Plat*, is incorporated herewith to these minutes as Exhibit "19."

The Preliminary Subdivision Plat with attachments, is incorporated herewith to these minutes by reference, and copies are on file with and can be obtained from the Planning and Land Use Department.

The Staff Report was presented by Donna Wynant via power point, please see Exhibits "18" and "19" for specifics of this presentation. Ms. Wynant noted she mis-labeled the maps, and it needs to be changed for the record to 623 ½ Garcia Street.

RECOMMENDATION: Staff recommends approval of the Preliminary Subdivision Plat to divide the subject site into four lots, subject to the conditions of approval as outlined in the attached Development Review Team memoranda (See Exhibits A-1 through A-7) [Exhibit "18"].

Public Hearing

Presentation by the Applicant

Jennifer Jenkins, JenkinsGavin, Agent for the Applicant [previously sworn] said she is here on behalf of Doug and Peggy McDowell, who will be developing this compound off Garcia Street. She said they are in agreement with all staff conditions, and they will stand for questions. She said Mr. McDowell would like to speak briefly.

Doug McDowell, 1317B Cerro Gordo Road, owner was sworn. Mr. McDowell said they have met at length with the neighbors in the area to discuss the different issues with the water problems they have been experiencing downhill to the north on this property. He said he remediated some of the water problems on some of the older adobes there which had been renovated in the past, but for which there had been no water remediation. He said they have come up with some creative ways to capture all of the water on the property and distributing it laterally over the property, so over time the nature of the property will improve with the plantings there and the water capture being distributing underground. He said they did similar water cachements on-site, and as part of the subdivisions at Las Placitas Compound which is at the beginning of Garcia Street, which they are just finishing developing now, where all the water is kept on site. He said no water runs off the site, and it is set up for a 100 year flood at a certain amount of time, one after another. He said those are the first houses in the Historic District to receive leadership in environmental and energy design LEED gold certification. The first two have been approved, the second two are in for approval now by the United States Green Building Council, of which they are very proud to show this can be done in the Historic District and not be seen.

Mr. McDowell said they would like to do the same thing, with Commission approval, to Windmill Hill. They would all be LEED certified, noting they are doing smaller homes than those they are building now, in the 2,200 sq. ft. range, maybe 2,500 sq. ft. He said they all will be photovoltaic, solar powered, solar domestic hot water, and go for LEED certification as well. He said they have made very good friends with the Hispanic neighbors who have lived for generations in the neighborhood, who have become his guiding direction when he tells them what he is thinking of doing and asks them what they think. He said when they did Las Placitas Compound, the size of the road was big going in. He said Johnson Lane, Plaza Fatima and places in the neighborhood, are quite small and lend to the real character of the historic area. He said the arterial off Garcia is starting to look smaller due to the amount of plantings they've done, but "it will always look bigger than what is around there." He said they feel the 20 feet is plenty to "get in there," and they have addressed the neighbors concerns about coming in with a 38 feet easement, and they are using that for nothing but emergency access. He said he believes they have addressed

everyone's concerns, believes, as do the neighbors, that it is a good thing to have a 20 foot easement as opposed to a 38 foot easement. He said he hopes the Commission sees the benefit of it as well.

Speaking to the Request

There was no one speaking for or against the request.

The Public Testimony Portion of the Public Hearing Was Closed

The Commission commented and asked questions as follows:

Responding to Commissioner Lindell, Mr. McDowell said there are two gates there now. There is the main entry, the 38 foot easement which was the metal gate you saw with the cutouts which is to the north of the property. There is a coyote covered automatic gate on the NW corner of the property. He said the NW corner where the gate would be with the coyote fencing on it will be the main entrance to the property.

Commissioner Lindell said then that is existing now and is in use.

Mr. McDowell said they are both in use, they are both operational and have been so for about 5 years.

Commissioner Lindell said Mr. McDowell said the gate helps to slow traffic as well as to keep traffic out. She asked if he is speaking of the coyote gate.

Mr. McDowell said yes. He said concerns were expressed at the ENN meeting about the speed of the traffic coming through the road to Garcia Street. He said, having worked and lived in these areas for years, he finds that people who speed in small areas are the people that live there. He said the nice thing about having the gate is that people have to stop coming out of the subdivision and let the gate open before going again, so it does cause a certain amount of slow down as well. He agrees with many people that he doesn't like the concept of gates because they say, keep out, we're in here, we're not a part of your neighborhood. However, if enough attention is paid in designing something and working with nearby neighbors, you make the work you are doing within the neighborhood to be in consideration of the neighborhood and the gate doesn't have that much effect. He said if you create a subdivision which integrates itself harmoniously with the neighborhood, the gate doesn't become that big of a deal.

Mr. McDowell said at the ENN meeting he said he doesn't know whether he is going to keep the gate, and he really doesn't know what he is going to do. He reiterated that the benefit of the gate is that is slows traffic down, so he doesn't see a reason to get rid of it at this point.

Commissioner Schackel-Bordegary asked if the access to Garcia itself is gated.

Mr. McDowell said no.

Commissioner Schackel-Bordegary said she is firmly in the camp of no gates, but we have gates all over town.

Mr. McDowell said he has felt that over the years, because this was my clientele. He said in 2008 everyone's life changed a lot, especially in the construction industry. However, this is no longer his clientele. He said 4 of the 5 homes sold in Las Placitas are permanent residents, two of which were born here. His approach now is to do universal design homes, small, close to downtown, for people who want to live close to downtown. He said very few people who live here or were born here live downtown, although there are quite a few Hispanic families living close in. He said he was trying to appeal to people in his age group or older that wanted to stay in Santa Fe, had lived here a long time, and were retiring or slowing down and were right-sizing. He said it is a pleasure to be doing work the way they do now, reiterating his clientele are people who either live here, were born here or staying here.

Commissioner Villarreal commended the type of building Mr. McDowell does, and is hopeful that this kind of construction and green design, energy efficient homes will happen eventually on the south side. She is hopeful that some day green will become affordable. She said she is appreciative that he didn't say the gate was to keep out the cruisers.

Mr. McDowell said he wouldn't say that, because he remembers the cruisers downtown and they did go somewhere, and they're part of our town, whether good or bad.

MOTION: Commissioner Villarreal moved, seconded by Commissioner Lindell, to recommend to the City Council the approval of Case #2012-123, Windmill Hill at Las Placitas Compound Preliminary Subdivision Plat with variances, finding that the applicant meets the variance criteria as set out in the Staff Report, with all conditions of approval as recommended by staff.

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

Mr. McDowell introduced Trevor McDowell, an assistance dog from Assistance Dogs of the West, who works with his wife doing hospice work in Santa Fe, and he is a Hospice Assistance Dog, and thanked the Commission for allowing him to attend the meeting.

G. STAFF COMMUNICATIONS.

Ms. Baer said they are looking for volunteers for ELUC [Extraterritorial Land Use Committee]. She said when the City and County entered into a Settlement Agreement in 2008, the result was the Subdivision Planning Platting And Zoning Ordinance [SPPAZO] in 2009, which established the Extraterritorial Zoning Authority and the Extraterritorial Land Use Committee. ELUC, which

is comparable to the Planning Commission and the CDRC, has 10 members. It has not met since SPPAZO met. They need to meet now to discuss the Phase 2 Annexation. They need 5 volunteers and two alternates to serve.

Ms. Baer said the meeting hasn't been scheduled and they hope it will just be one meeting.

Mr. O'Reilly said it could be 1-3 meetings, which usually are held at the County Commission Chambers. He said if you don't volunteer, the Mayor will appoint you. After discussion it was the consensus among the Commission that Chair Spray and Commissioners Pava, Villarreal, Lindell, Harris and Schackel-Bordegary will be the members of ELUC and Commissioner Bemis and Ortiz will be the alternates.

Mr. O'Reilly said when the Governing Body approved all of the work on Chapter 14, they asked that it be reviewed at the end of 12 months for any required technical amendments and glitches. He said it's been 12 months, so very soon the Land Use Department will be bringing a packet of technical amendments to Chapter 14 to the Commission at the January 2013 meeting.

Mr. O'Reilly said the Commission indicated it wanted a presentation on the Re:Mike project. He said if it is okay with the Commission, he will ask Kate Noble, who is running the project, to come and make a short presentation to this Commission in January 2013.

Commissioner Villarreal said the UNM Planning students who were involved in the project, had asked to make a presentation related to that. She asked if there is a way to combine those presentations She was hoping that Moises Gonzales could be part of the presentation with Ms. Noble, noting Mr. Gonzales was the professor overseeing the project.

Mr. O'Reilly said if that doesn't work, we can let the Commission know when and if the students are making a presentation at another time.

Ms. Baer said Reed Liming is scheduled to make a brief presentation on the General Plan to the Commission in January 2013.

Chair Spray asked if both of those would be presenting at the same meeting.

Mr. O'Reilly said we could schedule brief updates from both of them.

Mr. O'Reilly said the Long Range Planning Subcommittee is working on the General Plan and any Commissioner is welcome at any time to attend those meetings.

Chair Spray asked if there are items which are scheduled, or items postponed to a date certain in January.

Ms. Baer said the Villas Di Toscana is postponed to February. The Bienvenidos cases are postponed to January 2013.

Responding to the Chair, Ms. Baer said the next meeting of the Commission is January 10, 2013.

H. MATTERS FROM THE COMMISSION

There were no matters from the Commission.

I. ADJOURNMENT

There was no further business to come before the Commission.

MOTION: Commissioner Schackel-Bordegary moved, seconded by Commissioner Bemis, to adjourn the meeting.

VOTE: The motion was approved unanimously on a voice vote, and the meeting was adjourned at approximately 10:45 p.m.

Tom Spray, Chair

Melessia Helberg, Stenographer

City of Santa Fe, New Mexico

memo

DATE: November 21, 2012 for the December 6, 2012 Meeting

TO: Planning Commission

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

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

---

Case #2012-122. High Summit Master Plan and Final Development Plan Time Extension. Report of Land Use Director's approval of a one-year time extension for the High Summit Development and Master Plans originally approved by the Extraterritorial Zoning Commission in 2003. Siebert and Associates, agents for Yvette J. Gonzales, Trustee. (Heather Lamboy, 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 High Summit development was originally approved by the Extraterritorial Zoning Commission (EZC) and the Board of County Commissioners in 2003. The subdivision Master Plan was amended administratively and re-recorded on December 31, 2008. The Master Plan approval for Phases 2-5 of High Summit III had a total project area of 496 acres (of which 342 was dedicated as a Conservation Easement for the Santa Fe watershed, and 82.9 acres is dedicated open space). On the remaining 154 acres, 107 dwelling units were proposed, including 14 Housing Opportunity Program (affordable) units. To date, 5 dwelling units have been constructed and another is currently under construction in Phase 2. No construction has commenced in Phases 3-5.

The High Summit development is part of the Phase 3 Annexation Area, and therefore is subject to the Subdivision, Planning, Platting and Zoning Ordinance (SPPAZO). This ordinance, which was approved by both the City and Santa Fe County, requires the City to recognize approvals

Exhibit "1"

which were granted by Santa Fe County.

The applicant is requesting a one-year administrative extension for the Master Plan approval, which is set to expire December 31, 2012. Due to financial struggles, not all of the required infrastructure is complete in the development, including an emergency access road and required affordable housing. The applicant is working with Technical Review Division staff to produce a financial guarantee for the required improvements and with Affordable Housing Division staff to revise the previous Housing Opportunity Program (HOP) agreement to better meet the affordable housing commitments for the subdivision.

The Land Use Director and staff have determined that it is in the City's interest to continue to work with the applicant to find resolution to the unresolved issues with infrastructure and the affordable housing agreement. Exhibit A contains a draft letter from the Land Use Director granting the extension subject to approval by the Planning Commission.

As stated in the approval criteria, the administrative extension may not approve revisions to the development or amendments to the conditions of approval. If any amendment is necessary, or a change to the conditions of approval is required, then the Master Plan may 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) All actions taken by the land use director under this section 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.

V. ATTACHMENTS:

EXHIBIT A: Extension Request Correspondence

1. Land Use Director Draft Letter of Approval

EXHIBIT B: Development Review Team Memoranda

1. Traffic Engineering Comments, John Romero
2. Technical Review Division Memorandum, Risana "RB" Zaxus
3. Roadways and Trails Memorandum, Eric Martinez
4. Wastewater Division Memorandum, Stan Holland
5. Water Division Memorandum, Antonio Trujillo

EXHIBIT C: Maps

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

EXHIBIT D: Applicant Submittals

1. Transmittal Letter
2. Approved Master Plan, High Summit III

City of Santa Fe, New Mexico

Exhibit A

Land Use Director Correspondence

City of Santa Fe, New Mexico

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

David Coss, *Mayor*

Councilors:
Rebecca Wurzburger, Mayor Pro Tem, Dist. 2
Patti J. Bushee, Dist. 1
Chris Calvert, Dist. 1
Peter N. Ives, Dist. 2
Carmichael A. Dominguez, Dist. 3
Christopher M. Rivera, Dist. 3
Bill Dimas, Dist. 4
Ronald S. Trujillo, Dist. 4

November 28, 2012

James W. Siebert
James W. Siebert and Associates, Inc.
915 Mercer Street
Santa Fe, NM 87501

Re: **Request for Time Extension**
High Summit III Master Plan and Final Development Plan and Subdivision

Dear Mr. Siebert,

I have reviewed the request you submitted on October 15, 2012 for a time extension of the development approvals that were granted for the High Summit III project. 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 its vicinity, that would affect the validity of those approvals. Therefore, in accordance SFCC Section 14-3.19, a one-year time extension is approved for the High Summit III development approvals, subject to the original conditions of approval approved by the Extraterritorial Zoning Commission and Board of County Commissioners in 2003, and as indicated in the amended master plan recorded on December 31, 2008.

The time extension will allow development activities to commence prior to the extended deadline, as provided in Section 14-3.19 SFCC. The approvals will expire if you do not proceed with development of the property or file for another time extension prior to December 31, 2013.

Specifically, the extensions of time are approved for the following previous development approvals:

- High Summit III Master Plan and Final Development Plan
- High Summit III Final Subdivision Plat Phases 2-5

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.

Sincerely,

Mathew O'Reilly, Director
Land Use Department

enc: SFCC Section 14-3.19

City of Santa Fe, New Mexico

Exhibit B

Development Review Team Memoranda

City of Santa Fe, New Mexico

memo

DATE: November 14, 2012

TO: Heather Lamboy, Planning and Land Use Department

VIA: John Romero, Traffic Engineering Division Director

FROM: Sandra Kassens, Traffic Engineering Division

SUBJECT: **High Summit Master Plan and Final Development Plan Time Extension. Case # 2012-122.**

ISSUE

Siebert and Associates, agents for Yvette J. Gonzales, Trustee, request a one-year time extension for the High Summit Development and Master Plans originally approved by the Extraterritorial Zoning Commission in 2003.

RECOMMENDED ACTION:

Review comments are based on submittals received on October 18, 2012. The comments below should be considered as Conditions of Approval to be addressed prior to subsequent submittals unless otherwise noted:

1. The Developer shall provide an updated Traffic Impact Analysis for this development.

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

City of Santa Fe, New Mexico

memo

DATE: October 24, 2012

TO: Heather Lamboy, Case Manager

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

RE: Case # 2012-122
High Summit Master Plan and Final Development Plan Time Extension

---

The following comment is to be regarded as a condition of approval:

A financial guarantee based on an approved engineer's estimate of cost must be provided prior to approval of any further construction on this project.

City of Santa Fe
New Mexico

MEMO

Wastewater Management Division
DEVELOPMENT REVIEW COMMENTS

E-MAIL DELIVERY

Date: October 24, 2012

To: Heather Lamboy, Case Manager

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

Subject: Case 2012-122 High Summit Master Plan and Final Development Plan Time Extension

---

The Wastewater Division has no review comments at this time for the Applicant to address.

City of Santa Fe

memo

DATE: November 14, 2012

TO: Heather Lamboy, Land Use Planner, Land Use Department

FROM: Antonio Trujillo, Water Division Engineer

SUBJECT: Case # 2012-122 High Summit III Time Extension

The City Water Division serves Phase 1 and is under contract for Phase 2 of High Summit III. The time extension requested will have to include a condition of completion as part of the time extension.

cc: Brian K. Snyder, PE, Director, Public Utilities Department CoSF
Marcos Martinez, Assistant City Attorney, CoSF

LAMBOY, HEATHER L.

From: MARTINEZ, ERIC B.
Sent: Tuesday, October 30, 2012 2:27 PM
To: LAMBOY, HEATHER L.
Cc: WILSON, KEITH P.
Subject: Case #2012-117. Arroyo Central Final Sub. Plat & Case #2012-122. High Summit Master Plan & Final Dev. Plan Time Extension

Hi Heather,

I know late as always, but James who sat in for me at DRT mentioned that LUD staff requested my review the ped easements in the first case above. On the surface, requiring both easements doesn't appear crucial. The southern easement within the open space lot adjoins another lot; unsure if this lot is owned by others and contains a similar easement to connect it fully to Camino Cuervo/Ave El Nido . The terrain thru the open space appears pretty steep requiring gabions and timber steps (as shown on the plans) restricting ADA access and may require some exception to the ADA rules and posting of signs. However, this may not sit well with the ADA folks. I'm am not aware of the TC design standards for ped easements, but the plans show a 6 ft. wide, 4" thick base course surface typical section. Because of the terrain and width, this constituents more of a wide sidewalk than a multiuse trail. I would require a 4" concrete surface within both easements for longevity and reduced maintenance (especially if the easements are dedicated to the city), unless the TC design standards trump such recommendations. Please advise to that end and if you have any questions.

Regarding the second case, there is notation of trails on the development plan and discussion in the application materials regarding the creation of trails linking to the property on the west, and the Dale Ball Trail network and National Forest Land to the south and east. Of course this was approved before my time, however, please advise whether any opportunity exists to review the details (typical section, alignment, surface, etc.) and provide further recommendations if warranted.

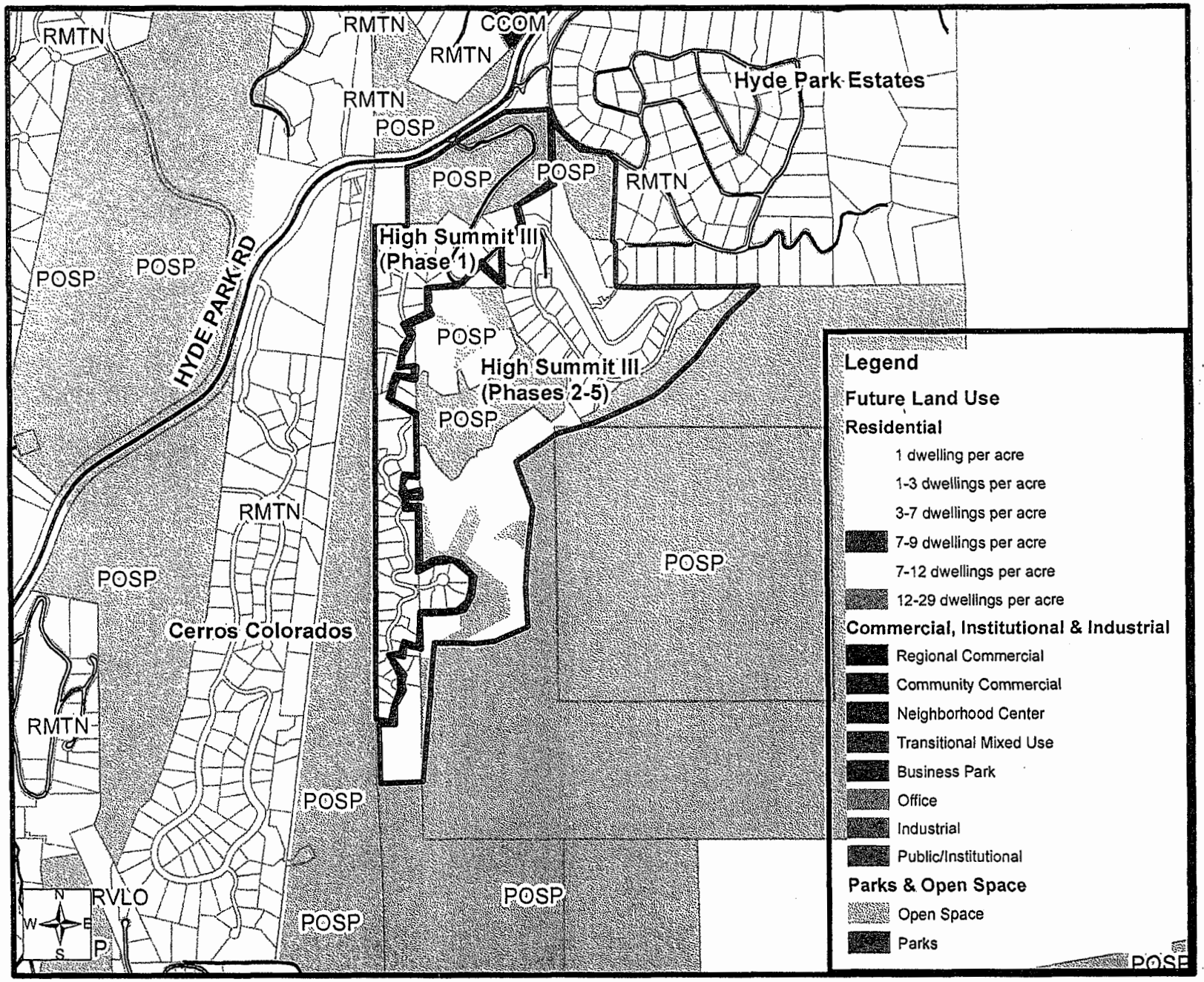
Thanks,
Eric

City of Santa Fe, New Mexico

Exhibit C

Maps

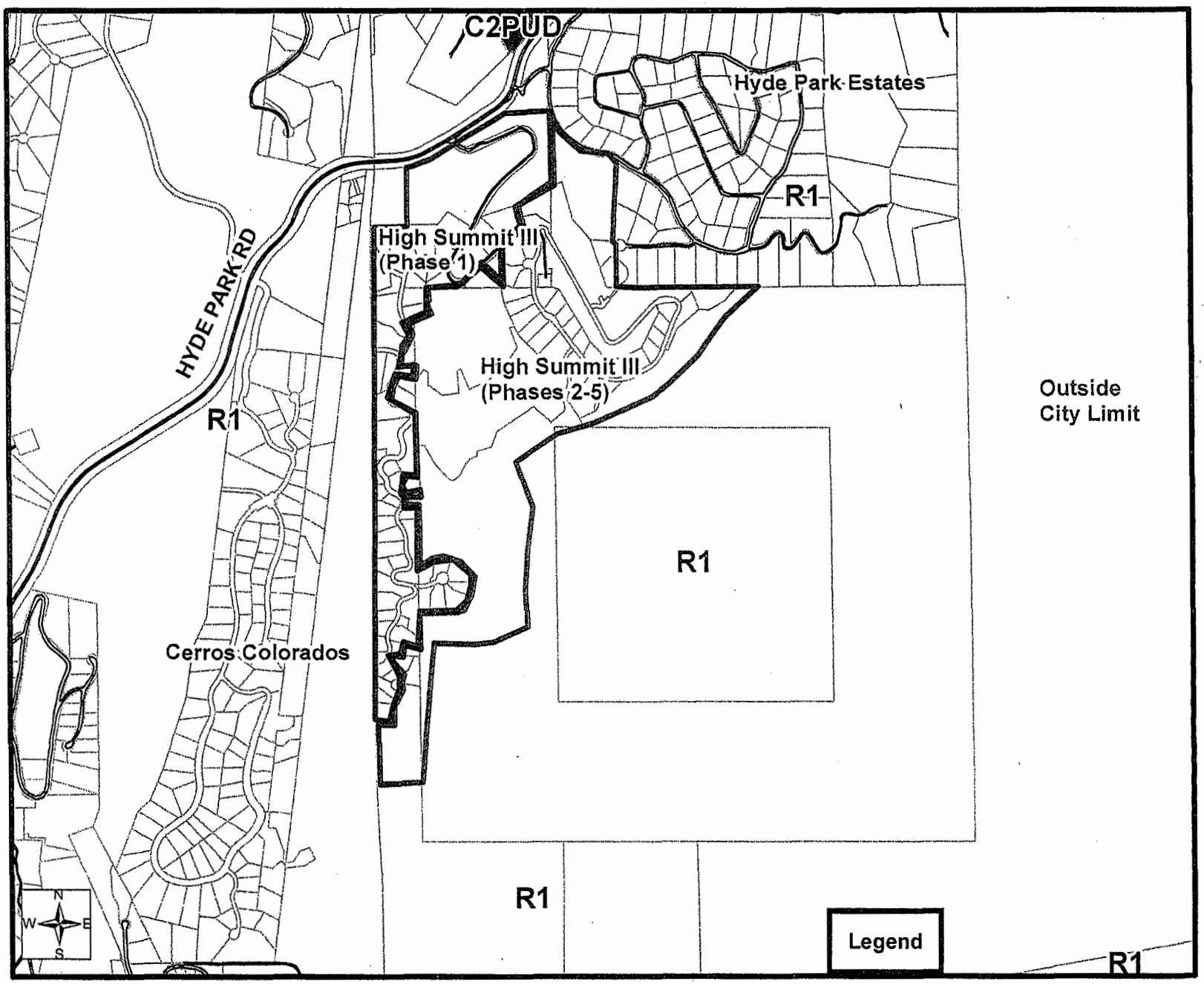
HIGH SUMMIT FUTURE LAND USE



0 700 1,400 2,800 4,200 5,600 Feet

RMTN= Mountain Special Review District (holdover from County)

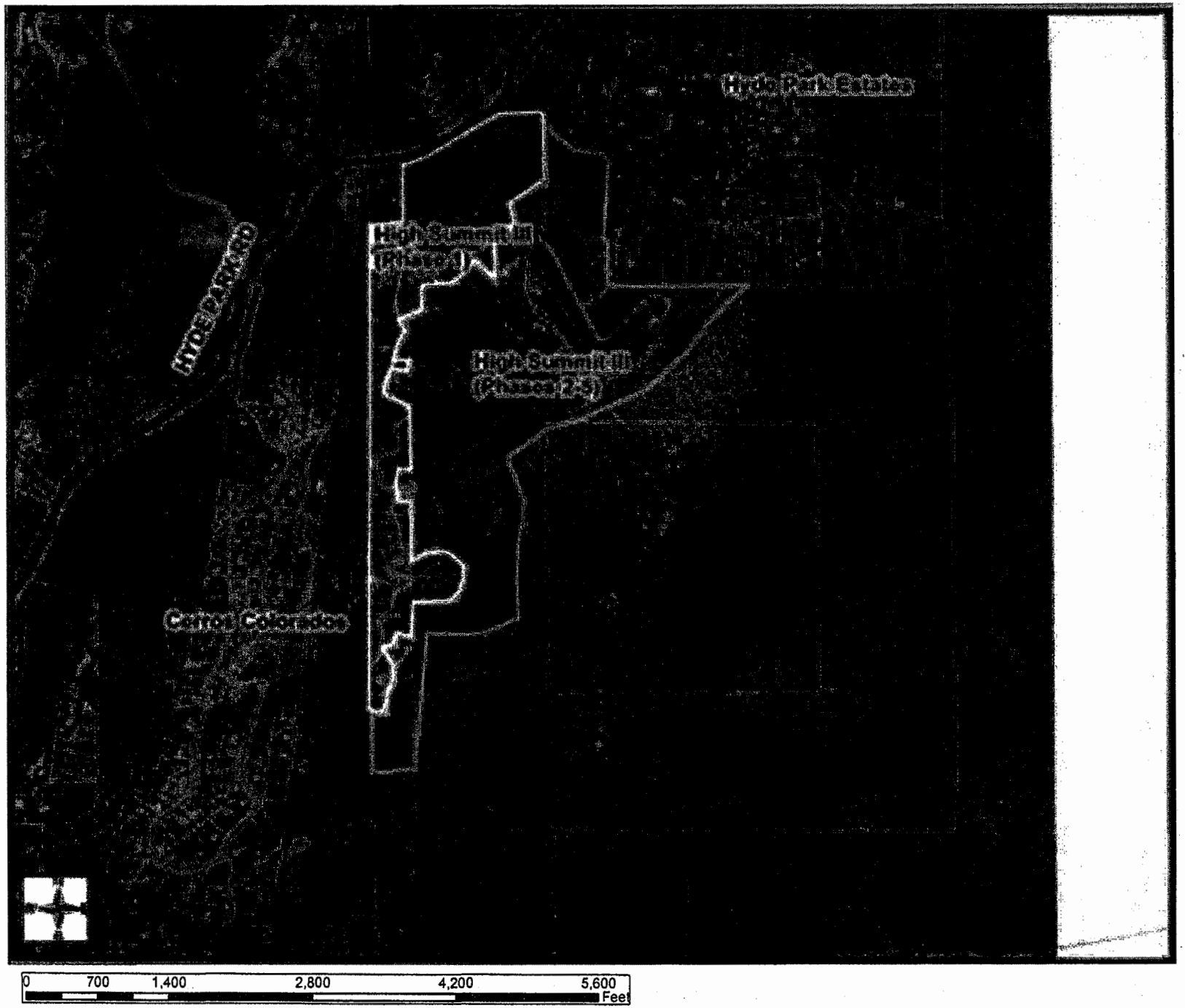
HIGH SUMMIT ZONING



0 700 1,400 2,800 4,200 5,600 Feet

RMTN= Mountain Special Review District
(holdover from County)

HIGH SUMMIT AERIAL



City of Santa Fe, New Mexico

Exhibit D

Applicant Submittals

October 5, 2012

Matt O'Reilly
Land Use Director
Land Use Director
P.O. Box 909
Santa Fe, NM 87504

Re: High Summit III, Phases 3-5

Dear Mr. O'Reilly:

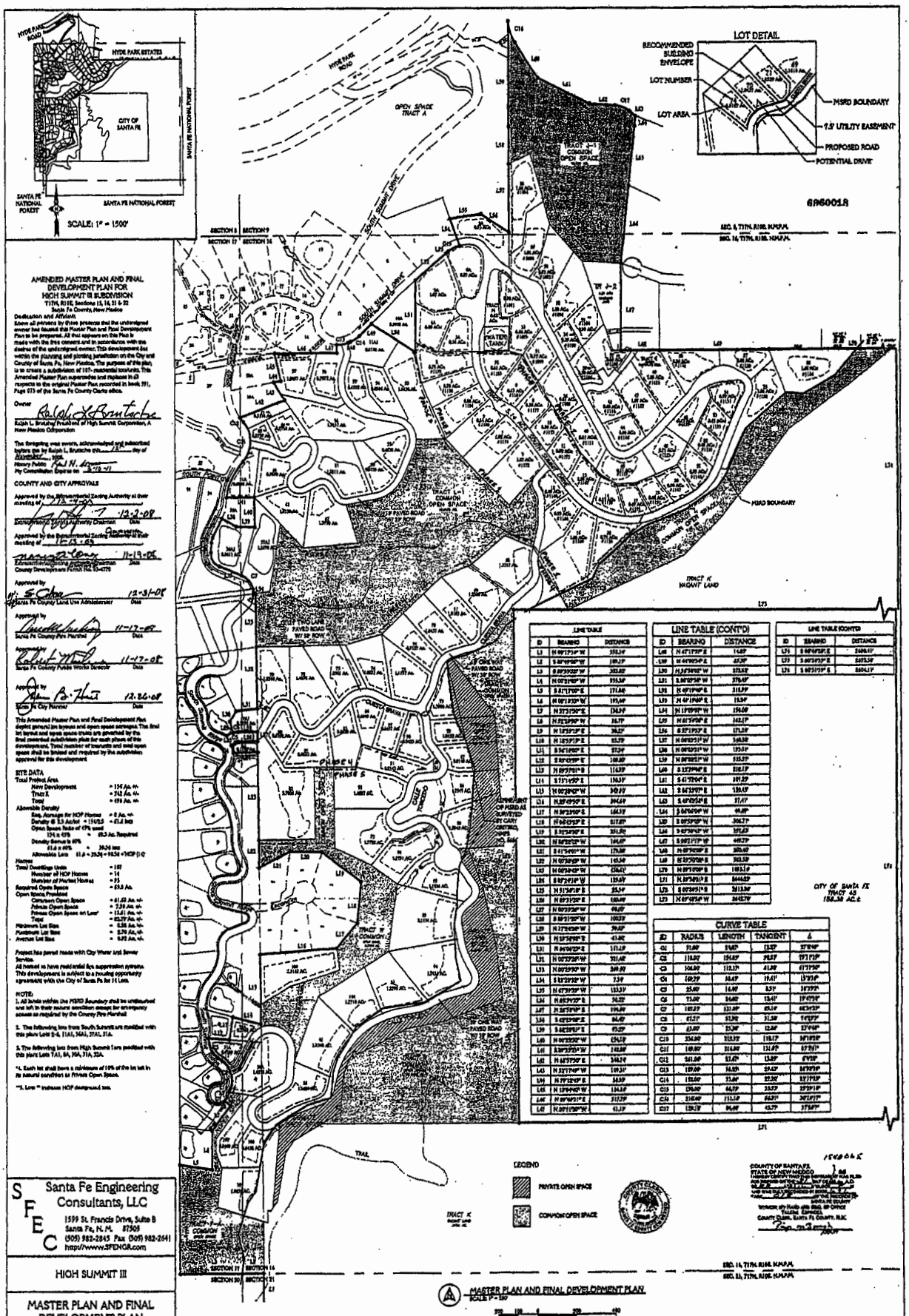
In your letter dated August 21, 2012 you advised Mr. Siebert that the development approvals for Phases 2-5 of the High Summit III Subdivision would expire on December 31, 2012. Los Alamos National Bank has filed for foreclosure on properties owned by Ralph Brutsche in the South Summit and High Summit III. Given the current condition of the property, being under foreclosure, it is not possible to continue the construction of infrastructure on this subdivision at this time.

I am, therefore, requesting an administrative approval for an extension of one year for the High Summit III, Subdivision phases 2-5. No changes have occurred either with the City regulations or with the development of the property that are inconsistent with the prior subdivision approvals.

Under the provisions of the City Code, section 14-3.19(C)(2) would you review the request and if the decision is to approve the one year extension would you please place the extension of time for the High Summit III subdivision, phases 2-5 on the Planning Commission agenda for the December meeting. Thank you for your attention to this matter.

Sincerely,

Yvette Gonzales


HYDE PARK ESTATES
CITY OF SANTA FE
SANTA FE NATIONAL FOREST
SCALE: 1" = 1500'
LOT DETAIL
RECOMMENDED BUILDING ENVELOPE
LOT NUMBER
LOT AREA
MSRD BOUNDARY
7.5' UTILITY EASEMENT
PROPOSED ROAD
POTENTIAL DRIVE
OPEN SPACE TRACT A
TRACT J-3 COMMON OPEN SPACE
SOUTH SUMMIT DRIVE
PHASE 1
PHASE 2
PHASE 3
PHASE 4
PHASE 5
PHASE 6
PHASE 7
PHASE 8
PHASE 9
PHASE 10
PHASE 11
PHASE 12
PHASE 13
PHASE 14
PHASE 15
PHASE 16
PHASE 17
PHASE 18
PHASE 19
PHASE 20
PHASE

City of Santa Fe, New Mexico

memo

DATE: November 28, 2012 for the December 6, 2013 Planning Commission Meeting

TO: Planning Commission

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

FROM: Daniel A. Esquibel, Land Use Planner Senior, Current Planning Division

BIENVENIDOS GENERAL PLAN AMENDMENT AND REZONING TO R-5.

Case #2012-30. Bienvenidos General Plan Amendment. JenkinsGavin Design and Development Inc., agent for Bienvenidos Properties LLC, requests approval of a General Plan Future Land Use Map Amendment to change the designation of 7.62± acres of land from Community Commercial and Transitional Mixed Use to Residential Low Density (3-7 dwelling units per acre). The property is located south of Rufina Street and west of Richards Avenue. (Dan Esquibel, Case Manager)

Case #2012-31. Bienvenidos Rezoning to R-5. JenkinsGavin Design and Development Inc., agent for Bienvenidos Properties LLC, requests rezoning of 7.62± acres of land from R-3 (Residential, 3 dwelling units per acre) to R-5 (Residential, 5 dwelling units per acre). The property is located south of Rufina Street and west of Richards Avenue. (Dan Esquibel, Case Manager)

RECOMMENDATION:
The Applicant is requesting postponement of these two items to the January 10, 2013 Planning Commission meeting. (reference Exhibit A).

SS001.PM5 - 7/95

Exhibit "2"

ESQUIBEL, DANIEL A.

From: Jennifer Jenkins <jennifer@jenkinsgavin.com>
Sent: Tuesday, November 06, 2012 5:06 PM
To: ESQUIBEL, DANIEL A.; BAER, TAMARA
Cc: Colleen; 'Hillary Welles'; stephensconsignments@zianet.com; GURULE, GERALDINE A.
Subject: Bienvenidos Rezone & General Plan Amendment

Tamara & Dan,

We are not yet ready for our return trip to the Planning Commission, so please do not put Bienvenidos on the December 6th agenda.

Thank you.

Jennifer Jenkins
JenkinsGavin Design & Development, Inc.
130 Grant Avenue, Suite 101
Santa Fe, New Mexico 87501
Ph. (505) 820-7444, Fax (505) 820-7445
jennifer@jenkinsgavin.com
www.jenkinsgavin.com

EXHIBIT A

City of Santa Fe, New Mexico

memo

DATE: November 29, 2012

TO: City Council; Public Works, CIP & Land Use Committee; Planning Commission

VIA: Matthew O'Reilly, P.E., Land Use Department Director

FROM: Tamara Baer, ASLA, Current Planning Division Manager
William Lamboy, AICP, Land Use Planner Senior
Alfred Walker, Assistant City Attorney

Re: AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987 REGARDING AIRPORT ROAD; CREATING A NEW SECTION 14-5.5(C) SFCC 1987 TO ESTABLISH AN AIRPORT ROAD OVERLAY DISTRICT AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY.

INTRODUCTION

The proposed bill will create a new overlay zoning district on Airport Road. It will apply to all lots with frontage on the Airport Road right of way, between Rodeo Road and NM 599. It has two main purposes: 1) to establish an attractive and distinct visual character on Airport Road; and 2) to promote a safe and healthy environment, through site design standards and through control of alcohol sales and advertising.

BACKGROUND

On February 23, 2011, the Santa Fe City Council adopted Resolution 2011-15 "directing staff to develop various initiatives for the Airport Road area in order to promote a healthy, progressive and safe community."

As a result of that resolution a working committee was formed, consisting of members of numerous City departments, including Police, Fire, Public Works and Land Use. A scope of work, timeline and budget was collaboratively developed by participating departments. The majority of the work was performed by City staff and tasks were projected to be completed by the end of August 2012. A $67,000 budget was allocated by City Council using Community Development Block Grant (CDBG) loan repayment funds. The bulk of the budget was utilized for bilingual facilitators who assisted with planning, coordinating, conducting and documenting the many public meetings associated with this project.

Exhibit "3"

The project required effective coordination between departments to achieve numerous objectives. To facilitate coordination, a project manager was assigned and bi-weekly project meetings were held with all team members in the initial phases. Each initiative described in the Resolution was assigned a team leader responsible for meeting both budget and timeline requirements.

Airport Road represents a major commercial corridor as well as a major gateway into the City from NM 599. It contains large tracks of undeveloped land with the potential to shape this area of the City. The Airport Road Area is defined as the area encompassed by NM 599 to the west; NM 599 and Agua Fria Street to the north; Camino Jacobo and Cerrillos Road, inclusive of Santa Fe Place Mall, on the east; and Jaguar Drive on the south. The area is included in Southwest Santa Fe Community Area Master Plan (SSFCAMP) which creates an overall vision of the Airport Road area but does not identify public improvements or public/private partnership opportunities necessary to realize that vision. The collection of studies identified in Resolution 2011-15 is intended to take the work of the SSFCAMP to a more detailed level of analysis and begin to implement its vision.

The ordinance under consideration at this time is the third of three initiatives that came out of the work and recommendations related to the original resolution. The first initiative involved minor ordinance changes pertaining to general residential subdivision standards and were adopted as part of the Chapter 14 rewrite effective March 1, 2012. The second initiative was an ordinance addressing the Mobile Home Park zoning district, providing clarifications between mobile homes and manufactured housing, and allowing other residential developments such as subdivisions and multi-family housing projects within the newly-named MHP district. That ordinance was adopted by the Governing Body on November 28, 2012.

CITY ORDINANCE

The proposed bill contains the following provisions:

Section 1

This section of the ordinance repeals a vacant and unused title for replacement by the Airport Road Overlay District standards.

Section 2

The first parts of Section 2 of the proposed ordinance establish the purpose and intent of the ordinance. In addition to promoting an attractive, street-oriented character on Airport Road, the ordinance encourages development and redevelopment of the corridor in keeping with the stated goals. It further describes the intent of the ordinance to create a unique character and sense of place for the corridor. Finally, it states the further purpose of the ordinance to encourage a healthy and safe environment by promoting walkable neighborhoods, street-oriented design and the reduction of crime, nuisances and public health harm associated with alcohol sales and advertising. The section also delineates the boundaries of the overlay district and establishes general rules of applicability.

Section 2 goes on to establish site design, circulation, parking standards; architectural requirements; landscaping standards; and requirements for signage, site furnishings, and outdoor lighting. Among other provisions, this section of the proposed ordinance requires new buildings to be oriented to Airport Road; limits parking adjacent to Airport Road to a single row of cars, which must be screened from view; limits vehicular access to the side or rear of all lots; requires pedestrian connections; requires that finished floor of new buildings be placed within three feet of the elevations of the adjacent sidewalk; encourages cross-property vehicular access between adjacent lots; and calls for screening of all water utility boxes and electrical transformers. In addition to compliance with existing architectural point standards, buildings on Airport Road are also required to make building entrances visible from Airport Road; to align their longest façade to the corridor; to provide a minimum of 30% clear glazing on the front façade; to incorporate wall plane projections; to recess windows; and to screen rooftop equipment. The proposed ordinance also requires drive-through facilities to be located at the rear of new buildings.

Additional landscape requirements proposed include a smaller, 20-foot on center spacing for street trees; larger initial street tree calipers (2 ½ inches at time of planting); 30-foot mature height for street trees; 30% of plant material is required to be evergreen; and on-site water harvesting through a requirement to develop stormwater detention facilities integrally with required landscaping.

This section also prohibits pole-mounted signs and provides additional limits to signage size and location. Site furnishings, including benches are required and must be of a coordinated style, color and design on a development site. Outdoor lighting is restricted in height.

Section 2 also provides incentives in the form of building (construction) permit fee waivers and reductions for the development of certain desired uses for the area as well as for providing public art, active play opportunities, and community gardens. This part of Section 2 also prohibits "Mobile Food Vendors" from locating within 500 feet of public facilities including schools, libraries and parks.

The remainder of Section 2 addresses alcohol sales and advertising. The ordinance limits the location of the sale and advertising of alcoholic beverages. New alcoholic beverage sales activities, including the outdoor advertising of alcohol sales are prohibited within 500 feet of existing alcohol sales establishments and other public facilities including schools, parks, youth recreational facilities, drug treatment facilities, and religious assemblies among others. The ordinance clarifies how measurements are to be taken, specifying that in all cases they are to be the shortest straight lines distances to and from property lines. It limits the amount of advertising of alcohol in window displays, prohibits entirely the sale of single serving containers less than 8 ounces, and requires consolidation of alcohol sales within certain establishments. Additional requirements include the review and approval of a store's floor plan by the land use director.

Section 3

Section 3 of the proposed ordinance contains new definitions required by the first sections of the ordinance. Definitions for "Alcoholic Beverages", "Alcoholic Beverage Display Area", "Alcoholic Beverage Licensee", "Alcoholic Beverage Sales Area" and "Mobile Food Vendor" are added.

RECOMMENDATION

Staff recommends that the Planning Commission and the Public Works Committee recommend approval of the attached bill to the Governing Body.

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2012-___

INTRODUCED BY:

Councilor Carmichael Dominguez

AN ORDINANCE

RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987 REGARDING AIRPORT ROAD; CREATING A NEW SECTION 14-5.5(C) SFCC 1987 TO ESTABLISH AN AIRPORT ROAD OVERLAY DISTRICT 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. **[REPEAL] Section 14-5.5(C) is repealed.**

Section 2. **A new Subsection 14-5.5(C) SFCC 1987 is ordained to read:**

(C) **[NEW MATERIAL] AIRPORT ROAD OVERLAY DISTRICT**

(1) **Purpose and Intent**

The purpose and intent of the Airport Road Overlay District is to:

(a) Establish an attractive, street-oriented character on this multi-use corridor to encourage development and redevelopment on Airport Road;

(b) Create a unique sense of place and identity for this major arterial that serves the southwest part of the city;

(c) Promote a healthy and safe environment through the development of walkable neighborhoods, less dependence on the automobile, street-oriented building design; and the reduction of crime, nuisances, and public health harms associated with alcohol sales and advertising;

(d) To support the efforts of local public schools by promoting the health of children by regulating the location and operation of mobile food vendors near public schools and public parks, libraries, youth centers and recreation centers.

(2) Boundaries

The Airport Road Overlay District begins at the intersection of Airport Road and NM 599 and extends east along Airport Road to the intersection of Airport Road and Cerrillos Road. The provisions of this Section apply to all *legal lots of record* that directly abut the Airport Road *right of way*.

(3) Applicability

(a) The provisions of this Section do not apply to single-family *residential* uses.

(b) Additions to or remodeling of existing *buildings* shall comply with the provisions of this Section to the extent practical or feasible as determined by the *land use director*.

(4) Standards

(a) Unless otherwise specified, permitted uses and *development* standards within the Airport Road Overlay District shall conform to the requirements of the underlying zoning district of a property.

(b) The *land use director* may permit alternate means of compliance with the provisions of this Section as provided in Section 14-2.11(C).

(c) In the event of conflicts between the requirements of this Section and platted *building setbacks* or existing easements, the requirements of this Section shall apply.

(5) Site Design, Circulation and Parking

(a) New *buildings* or additions to existing *buildings* shall be oriented so that their primary *façades* face Airport Road or to integral courtyards that shall face Airport Road.

(b) No more than one single-loaded row of parking is permitted adjacent to Airport Road.

(c) Perimeter screening of parking lots shall be in accordance with Section 14-8.4(I)(2) except that screening walls, hedges or berms shall not exceed four feet at maturity and shall be provided with openings adjacent to the Airport Road *right of way* to allow multiple points of pedestrian access to Airport Road.

(d) Sidewalks adjacent to Airport Road shall be provided in accordance with Section 14-9.2.

(e) Vehicular access shall be from the side or rear of the lot.

(f) New *buildings* shall have accessible pedestrian connections to Airport Road.

(g) Loading docks shall be located at the side or rear of buildings and shall be fully screened so that the loading dock is not visible from Airport Road. The *screening* shall be integrated with the *building* architecture, materials and construction.

(h) Vehicular access between and among adjacent lots shall be provided where possible.

(i) Electrical transformers and water system backflow preventer cabinets shall be screened from view of public roadways and sidewalks by walled enclosures or landscape *screening*. Water system backflow preventer cabinets and *wall*-mounted utility boxes shall be painted the same color as the closest *building* on site.

(6) Architecture

In addition to requirements found in Section 14-8.7 SFCC 1987, Architectural Design Review, the following provisions shall apply:

(a) The primary entrance to any new *building* shall be visible from Airport Road.

(b) The finished floor elevation of the primary entrance to any new *building* shall not be three feet higher or lower than the elevation of the adjacent sidewalk within the Airport Road *right of way*.

(c) Lot configuration permitting, the longest *façade* of all new *buildings* shall be aligned with Airport Road.

(d) No *garage* doors shall face Airport Road.

(e) The square footage of retail *building façades* that face Airport Road or any abutting street shall be comprised of between thirty percent and sixty percent clear windows. Storefront glazing systems may be used to meet this requirement and shall not exceed fifty percent of the *façade*.

(f) A *façade* exceeding one hundred feet, measured horizontally, shall incorporate *wall* plane projections or recesses of at least twenty-four

inches in depth encompassing at least fifty percent of the *façade* length.

(g) A *façade* exceeding one hundred feet, measured horizontally, shall be of at least two different colors or materials with each color or material applied to an entire projection or recess.

(h) Except when covered by a *portal* or other permanent shade *structure*, windows shall be recessed a minimum of eight inches.

(i) With the exception of *buildings* constructed for industrial uses in I-1 and I-2 zoning districts, no portion of any *building wall* facing Airport Road or any street shall extend more than twenty feet, measured horizontally, without openings. Doors, windows or display windows shall be considered openings.

(j) Rooftop equipment shall be fully screened so that the equipment is not visible from the public *right of way*. The *screening* shall be integrated with the *building* architecture, materials and construction.

(k) Drive-through and *drive-in* facilities shall be located to the rear of *buildings*.

(7) **Landscaping Standards**

In addition to requirements found in Section 14-8.4 SFCC 1987, Landscape and Site Design, the following provisions shall apply:

(a) On-site storm water *detention* or *retention* facilities:

(i) shall be integrated with the required *landscaping* on the site;

(ii) when located adjacent to the Airport Road *right of way*, shall not be wider than ten feet measured perpendicular to the Airport Road *right of way*; and

(iii) shall not create a physical barrier to pedestrian access from the Airport Road *right of way* to the site.

(b) Street trees shall be planted at a minimum of twenty feet on-center adjacent to the Airport Road property line. Street trees shall be two and one half inches minimum caliper at time of planting and a minimum mature height of thirty feet. The location and minimum mature height of street trees may be adjusted where conflicts with overhead utility lines exist.

(c) A minimum of thirty percent of required plant material shall be evergreen.

(d) The area between the Airport Road curb and the Airport Road sidewalk adjacent to the *development* site shall be landscaped as part of the required *landscaping* of the *development* site.

(8) Signage

In addition to the requirements found in Section 14-8.10 SFCC 1987, Signs, the following provisions shall apply:

(a) Pole-mounted *signs* are prohibited.

(b) Monument *signs* shall not exceed eight feet in height.

(c) *Signs* shall be setback a minimum of ten feet from any public *right of way*.

(d) *Wall* or *building*-mounted *signs* shall not extend above the roofline or parapet.

(e) Roof-mounted *signs* are prohibited.

(9) Site Furnishings

(a) A minimum of one bench per five thousand gross square feet of

building is required on the site and shall be located adjacent to the Airport Road sidewalk, or to the primary *building* entrance, or to a public or private amenity provided by the development.

(b) At least one bench per *development* shall be shaded by a tree or a shade structure.

(c) Where multiple benches are required, a trash receptacle shall be provided adjacent to one of the benches.

(d) All site furnishings on a *development* site, including bicycle racks, benches, trash receptacles and light fixtures shall be of a coordinated design style and color.

(10) Outdoor Lighting

In addition to compliance with 14-8.9 SFCC 1987, Outdoor Lighting, the following provisions apply:

(a) Pole-mounted lights shall not exceed twenty feet in height.

(b) Lamps of *building*-mounted light fixtures shall not be placed more than twelve feet above the exterior grade at the perimeter of the *building*.

(11) Incentives

(a) Permit Fees

(i) Construction *permit* fees are waived for the following uses:

A. Grocery stores;

B. Farmer's markets;

C. Medical practitioners including physicians, dentists, chiropractors, alternative medicine providers and clinics;

D. Schools, day-care centers; and

E. Recreational facilities including martial arts studios, dance studios, gymnasiums, fitness centers, aquatic centers, sports centers and miniature golf courses.

(ii) Construction *permit* fees are reduced by fifty percent for the following uses:

A. Restaurants, including bakeries, coffee shops, tea shops, and other shops selling food for on-site or take-away consumption, without drive-through service, provided that food and beverage services constitute the primary use of the establishment;

B. Adult day-care;

C. Local arts and crafts studios, galleries and shops;

D. Gift shops for the sale of arts and crafts;

E. Bookshops;

F. Floral shops;

G. Laundromats; and

H. Stores that commit a minimum of fifteen percent of the total floor area for the sale of fresh produce.

(b) Public Art; Active Play Opportunities.

Applicants for a *permit* for new construction, redevelopment or additions who provide public art or active play opportunities accessible to the public shall have their total construction *permit* fees reduced in an amount equal to the cost of the public art or active play amenity provided.

(c) Community Gardens

Applicants for a *permit* for new construction, redevelopment or additions to a multi-family housing *development* who provide a community garden space for use of the residents of the *development* shall have their total construction *permit* fees reduced in an amount equal to the cost of the community garden provided.

(12) ***Mobile Food Vendors***

Mobile food vendors are prohibited within five hundred feet of public schools, public parks, libraries, youth centers and recreation centers.

(13) **Alcoholic Beverage Sales Activities**

In addition to the provisions of Chapter IV SFCC 1987, Alcoholic Beverages, the following provisions apply:

(a) New *alcoholic beverage sales activities* established after [effective date of this ordinance] are prohibited in the following locations:

(i) Within five hundred feet of an existing *alcoholic beverage sales activity*; and

(ii) Within five hundred feet of any of the following:

A. An accredited public or private elementary, middle, or high school;

B. A public park, playground or recreational area;

C. A nonprofit youth facility;

D. A place of *religious assembly*;

E. A *hospital*;

F. An alcohol or other drug abuse recovery or treatment facility; or

G. A county social service office.

For the purposes of this Subsection, all measurements taken in order to determine the location of new *alcoholic beverage sales activity* shall be the shortest straight-line distance from the property line of the *alcoholic beverage sales activity* to the property line of any of the above locations or other *alcoholic beverage sales activities*.

(iii) A location where the new *alcoholic beverage sales activity* would lead to the grouping of more than four *alcoholic beverage sales activities* within a five hundred foot radius from the new *alcoholic beverage sales activity*.

(b) New *alcoholic beverage sales activities* established after [effective date of this ordinance] where *alcoholic beverages* are sold in unbroken packages for offsite consumption and not for resale off the licensed premises and where *alcoholic beverage sales* comprise less than sixty percent of total sales of a *business* shall comply with the following regulations:

(i) All *alcoholic beverages* shall be consolidated in an *alcoholic beverage display area* located within a clearly designated and marked area of the licensed premises. No *alcoholic beverages* may be displayed or stored outside the designated *alcoholic beverage display area*; and

A. Signs saying: "ALCOHOLIC BEVERAGE SALES AREA – NO ONE UNDER 21 UNLESS ACCOMPANIED BY PARENT, LEGAL

GUARDIAN OR ADULT SPOUSE" shall be conspicuously posted around the boundaries of the *alcoholic beverage display area*;

B. An employee of the *alcoholic beverage licensee* who is at least twenty-one years of age and has a valid State of New Mexico alcohol server permit shall be responsible for the overall supervision of both the receiving and sale of *alcoholic beverages*, including supervision of the *alcoholic beverage display area.* For purposes of this Subsection, "supervision" means the ability to observe who enters and leaves the *alcoholic beverage display area* and means actively checking identification of those who may be under the age of twenty-one years who attempt to enter the *alcoholic beverage display area*. The *alcoholic beverage licensee* shall designate employees within the licensed premises to serve in this capacity as part of their job description and shall ensure that such a designated employee is on duty on the licensed premises during *alcoholic beverage* sales hours; and

C. Small displays of chips, snacks, or similar items may be displayed for sale in the *alcoholic beverage display area* so long as those items are also available in other parts of the licensed premises outside the

alcoholic beverage display area. Except for such small displays, displays of food or other merchandise that would require customers to enter the *alcoholic beverage display area* for food or other merchandise are not permitted; or

(ii) Alternatively, *alcoholic beverages* shall be stored and displayed in such a manner that only the *alcoholic beverage licensee's* employees have access to the *alcoholic beverages*, and the *alcoholic beverage licensee's* employees shall deliver the *alcoholic beverages* to customers only at the point of sale; and

(iii) The floor plan of the licensed premises shall be submitted to the *land use director* for review and approval. The *land use director* has the authority to require changes to the floor plan.

A. The floor plan shall show the area where the *alcoholic beverages* are displayed within the licensed premises or show that only the *alcoholic beverage licensee's* employees have access to the *alcoholic beverages*.

B. The *alcoholic beverage licensee* shall notify the *land use director* at least ten business days prior to making any changes to the floor plan.

(c) All *alcoholic beverage sales activities* shall comply with the following provisions after [effective date of this ordinance]:

(i) No more than thirty-three percent of the square footage of the windows and clear doors of an *alcoholic beverage* retail outlet may bear advertising or signs of any sort, and all advertising and signage shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the premises, including the area in which the cash registers are maintained, from the exterior public sidewalk or entrance to the premises. This requirement does not apply to premises where there are no windows, or where existing windows are located at a height that precludes a view of the interior of the premises by a person standing outside the premises.

(ii) Outdoor advertising of *alcoholic beverages*, including permanent or *temporary signs* visible from outside a *building*, is prohibited within five hundred feet of any of the following:

A. A public or private elementary, middle, or high school;

B. A public park, playground or recreational area;

C. A nonprofit youth facility;

D. A place of *religious assembly*;

E. A *hospital*;

F. An alcohol or other drug abuse recovery or treatment facility; or

G. A county social service office.

(iii) A restaurant with a beer and wine license may post outside its *building* but only on the property occupied by the restaurant, a copy of its menu, including beer and wine offered and their prices, in type no larger than any menu posted or provided to patrons inside the restaurant.

(iv) Unless contained in packages of four or more, single serving containers of *alcoholic beverages*, in sizes of eight ounces or less, shall not be sold or offered for sale.

(14) Severability

If any Section or Subsection of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The governing body hereby declares that it would have adopted the Ordinance and each Section and Subsection thereof, including those in any amendment to the Ordinance, irrespective of the fact that any one or more of the Sections or Subsections may be declared unconstitutional.

Section 3. Article 14-12 SFCC 1987 (being Ord. #2011-37, §15, as amended) is amended to include the following definitions:

ALCOHOLIC BEVERAGES

Distilled or rectified spirits, potable alcohol, brandy, whiskey, rum, gin and aromatic bitters bearing federal internal revenue strip stamps or any similar alcoholic beverage, including blended or fermented beverages, dilutions or mixtures of one or more of the foregoing containing more than one-half percent alcohol, but excluding medicinal bitters.

ALCOHOLIC BEVERAGE DISPLAY AREA

The portion of an alcoholic beverage licensee's premises in which all alcoholic beverages on display for sale are contained.

ALCOHOLIC BEVERAGE LICENSEE

The holder of any license or permit authorizing the sale of alcoholic beverages issued under the provisions of the New Mexico Liquor Control Act, but does not mean the holder of a server permit.

ALCOHOLIC BEVERAGE SALES ACTIVITIES

The retail sale of alcoholic beverages for offsite consumption.

MOBILE FOOD VENDOR

Any *person* who sells food or beverages for human consumption via any temporary or readily transportable means, including from a mobile food facility, such as a catering truck, cart, pushcart, wagon, trailer, or other wheeled conveyance; any portable table or stand; or on foot.

APPROVED AS TO FORM:

_____

GENO ZAMORA, CITY ATTORNEY

M/Melissa/Bills 2012/Airport Road/Airport Road Overlay District 11-29-12)_Redline

City of Santa Fe, New Mexico

memo

DATE: November 26, 2012 for the December 06, 2012 Planning Commission Meeting

TO: Planning Commission

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

FROM: Daniel A. Esquibel, Land Use Planner Senior, Current Planning Division

VILLAS DI TOSCANA DEVELOPMENT PLAN AMENDMENT

Case #2012-109. Villas De Toscana Development Plan Amendment. Jon Paul Romero, agent for Vistancia, LLC, requests an amendment to their Development Plan to privatize the streets, sidewalks, landscaping and lighting. The property is zoned R-3 PUD (Residential, 3 dwelling units per acre, Planned Unit Development) and is located between Governor Miles Road and I-25, and east of Camino Carlos Rey. (Dan Esquibel, Case Manager)

RECOMMENDATION:

The Land Use Department does not support this request. If the Planning Commission recommends approval of this request staff recommends the following conditions:

1. All conditions and agreements related to design and construction shall remain intact.
2. The HOA shall continue to maintain infrastructure commensurate to city standards and conditions of approval.
3. Easements shall remain in place to allow maintenance of utility services for city water and sewer.
4. Applicant seek approval to amend Annexation Agreement before the Governing Body.

I. APPLICATION SUMMARY

On June 8, 1995 the filing of an annexation agreement and plat for 51.625± acres occurred which became Phases I through IV Carlos Rey Del Sur Subdivision. On June 30, 2005 Phase IV Carlos Rey Del Sur subdivision (Case 2005-07), now named Villas Di Toscana, appeared before the Planning Commission for a request for variance to the 10 foot second story setback code requirement and final development plan and plat approval for a 65 residential lot subdivision on 12.96± acres. The Planning Commission approved the cases subject to conditions, as did the Governing Body on September 25, 2005.

SS001.PM5 - 7/95

Exhibit "4"

As part of the Annexation Agreement, along with other conditions of approval, requirements were placed on the developer to construct the subdivision roads to city standards for dedication to the city upon acceptance and the construction of a 6' wide asphalt hike and bike trail to city standards with signage and benches (page 3 and 10 of the Annexation Agreement, (Exhibit D)).

The developer has provided a financial guarantee which allowed the plat to be recorded. However, the developer is still in the process of completing the original conditions of approval.

On September 10, 2012 the developer filed a request before the Planning Commission which will be forwarded to the Governing Body for final approval, to amend the original conditions of approval and Annexation Agreement.

The developer would like the city to give back to the developer and the home owner's association (HOA) development control and maintenance of the streets, street lighting, landscaping and approved trails (reference Exhibit G).

Dedication to the city for the above referenced infrastructure components were noted on the subdivision plat when filed, though the city has yet to accept these components until their construction complies with the conditions of approval and city standards (reference Exhibit B1-B4 for compliance letter to the developer and Exhibit C for developer correspondence).

Minor exceptions remain to complete a final inspection for the roads and a signed letter remains outstanding from PNM approving electrical for the street lights. This leaves landscaping and the trail as outstanding concerns for subdivision completion. The developer has stated that they will plant evergreen trees to comply with the landscape conditions but propose that the trail on open space Tract B, which does not comply with the construction agreement, remain as currently constructed, which is a graveled trail built to 4' in width and not in compliance with ADA standards.

The trails are within the open space Parcels and Tracts of the subdivision identified as Parcels 1 and 2 and Tract B, which have all been transferred by deed to the City. The developer is requesting that the city grant the developer a lease agreement to take over the trails and to amend the conditions of the Annexation Agreement (reference Exhibit D) for trail(s) construction to maintain the trail as built and to maintain landscaping.

The trail on Tract B is a major connection to the city's trails network. The trail is part of a network from Las Soleras alongside I-25 winding around and through to the rail road tracks and eventually connecting to the trail along the Arroyo De Los Chamiso (reference Exhibit E). The city maintains that the trail on Tract B should be constructed as required to provide ADA accessibility (reference Exhibit F).

II. EARLY NEIGHBORHOOD NOTIFICATION (ENN)

An ENN was conducted on August 23, 2012 at 5:30 PM at 3172 Viale Tresana (vacant model home). The audience consisted of 9 area residents. The applicant introduced the project and answered questions from the attendees. At the end of the meeting the applicant asked the attendees if they were in favor of the request and it was unanimously accepted.

III. CONCLUSION

The city is not opposed to private maintenance of the infrastructure provided appropriate maintenance agreements are in place. The city is opposed to the idea of taking over subdivision infrastructure for the purpose of avoiding infrastructure development and design to meet construction and design standards that are less than the minimum requirements for health safety and welfare. If the Planning Commission considers private maintenance of the requested infrastructure components of the subdivision, the Land Use Staff recommends all conditions and agreements related to design and construction remain intact. Further, that the HOA continues to maintain infrastructure commensurate with city standards.

IV.EXHIBITS:

Exhibit A DRT comments

- A1: October 15, 2012 Water Division
- A2: November 26, 2012 Wastewater Division
- A3: November 26, 2012 (email communication) Traffic Engineering Division
- A4: November 26, 2012 Land Use Technical Review Division

Exhibit B – Inspection Correspondence and punch list to Developer

- B1: October 15, 2012 letter to applicant or outstanding conditions
- B2: May 25, 2012 Letter to Developer for infractions and violations on the villas de Toscana project
- B3: May 6, 2009 Pre-final inspection and items of concern
- B4: January 18, 2011 punch list

Exhibit C- Developer correspondence response to May 25, 2012 city letter

- C1: July 20, 2012 response

Exhibit D-Annexation Agreement

Exhibit E- City Trail Network overview

Exhibit F- Trail pictures on Tract B Open Space

Exhibit G- Applicant request.

Exhibit H- ENN Notes

Packet Attach

December 6, 2012
Planning Commission
Case # 2012-109

VILLAS DE TOSCANA DEVELOPMENT PLAN AMENDMENT

EXHIBIT A

DRT comments

City of Santa Fe

memo

DATE: October 15, 2012

TO: Dan Esquibel, Land Use Planner Senior, Land Use Department

FROM: Antonio Trujillo, Water Division Engineer

SUBJECT: Case #2012-109. Villas De Toscana Development Plan Amendment

---

The following comment(s) apply to the subject case.

- The water main is to be located in right of way or a 20-foot water line easement
- If water and sanitary sewer are to be located in parallel, then the easement width minimum is 25 feet.

City of Santa Fe, New Mexico

memo

DATE: November 29, 2012

TO: Daniel Esquibel, Senior Planner

FROM: Stan Holland, Engineer, Wastewater Division

SUBJECT: Case #2012-109 Villas De Toscana Development Plan Amendment

---

The sewer system for the Villas De Toscana Subdivision was accepted for permanent maintenance by the City of Santa Fe in February, 2012. The Wastewater Division has no objection to the Villas De Toscana Subdivision assuming maintenance, repair, replacement and liability responsibilities for the existing on-site sewer collection system serving the Development if the following conditions are met:

1. All existing on-site sewer manhole lids shall be replaced with manhole lids that are labeled "PRIVATE" or "SANITARY SEWER" or as approved by the Wastewater Division.
2. The Development Plan Amendment shall not be finalized until condition 1 above has been completed and verification received from the Wastewater Division.
3. The proposed Development Plan Amendment should clearly state that the community is served by a private sewer collection system.

ESQUIBEL, DANIEL A.

From: ROMERO, JOHN J
Sent: Monday, November 26, 2012 3:38 PM
To: ESQUIBEL, DANIEL A.
Subject: RE: Annexatuin agreement

With this being said, I have no comments regarding the Villa de Toscano roadway privatization.

-----Original Message-----
From: ROMERO, JOHN J
Sent: Monday, November 26, 2012 10:17 AM
To: ESQUIBEL, DANIEL A.
Subject: RE: Annexatuin agreement

Hi Dan,

I am assuming this condition was accomplished as part of their Final Development Plan submittal. With that being said, the intersection of Camino Carlos Rey and Plaza Verde will not need an all-way stop nor a signal as there is not enough side street volume at this intersection to warrant such intersection control.

-jjr

-----Original Message-----
From: ESQUIBEL, DANIEL A.
Sent: Monday, November 26, 2012 9:46 AM
To: ROMERO, JOHN J (jjromero1@ci.santa-fe.nm.us)
Subject: Annexatuin agreement

December 6, 2012
Planning Commission
Case # 2012-109
VILLAS DE TOSCANA DEVELOPMENT PLAN AMENDMENT

EXHIBIT B

Inspection Correspondence and punch list to Developer

City of Santa Fe, New Mexico

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

David Coss, *Mayor*

Councilors:
Rebecca Wurzburger, Mayor Pro Tem, Dist. 2
Patti J. Bushee, Dist. 1
Chris Calvert, Dist. 1
Peter N. Ives, Dist. 2
Carmichael A. Dominguez, Dist. 3
Christopher M. Rivera, Dist. 3
Bill Dimas, Dist. 4
Ronald S. Trujillo, Dist. 4

October 15, 2012

Jon Paul Romero
Southwest Designs, LLC.
12 Feather Catcher Road
Santa Fe, NM 87501

RE: Villas Di Toscana Subdivision, Santa Fe, New Mexico

Dear Mr. Romero:

The Land Use Department is in receipt of your application on behalf of Vistancia LLC for privatization of "streets, sidewalks, street lighting, landscaping and approved trails" in the Villas Di Toscana subdivision.

Staff will begin processing your application for public hearings, beginning with the Planning Commission, however, please be advised that the Land Use Department will recommend that all conditions of the original approvals be completed to the City's satisfaction before recordation of an amended plat. Some of these items are corrective actions needed to ensure public safety and welfare; others are requirements that were previously imposed at the time of subdivision plat and development plan approval. These items were identified by R.B. Zaxus, City Engineer for Land Use, in a letter to you dated May 25, 2012. Your July 20, 2012 response to that letter did not sufficiently address all concerns. The outstanding issues are as follows:

1. The two areas where construction activities have left vertical cut slopes must be stabilized prior to acceptance of the subdivision, in accordance with Article 14-8.2(D)(1). The first area is adjacent to the "Tot Lot"; the second is adjacent to Viale Court and Lot 62. This work cannot be delayed until the time of home construction.

2. The trail system has not been built to the previously approved specifications which require placement of base course and two (2) inches of asphalt pavement; crusher fines are not acceptable per the approved plans. An additional trail, not shown on the approved plans, was built within City right-of-way. This trail may be left in place but shall not be maintained or improved without proper documentation and permissions from the City of Santa Fe.

3. The approved Tot Lot detail calls for "(p)reserve(ing) all trees within the playground area". Our inspections indicate that there were four (4) evergreen trees removed that must now be replaced. Although you indicate that fifteen (15) new trees have been planted "in this area," only about seven (7) of these are on the Tot Lot, and they are not evergreens. Again, the four (4) evergreen trees that were removed must be replaced.

4. The landscaping and irrigation system must be inspected and approved by the City of Santa Fe Parks Division, as they will be the entity responsible for maintenance once the development is accepted by the city. Please provide a copy of the e-mail that you refer to, indicating acceptance by Chris Ortiz. The Land Use Department has not received any indication of acceptance by the Parks Division.

5. The erosion protection at the arroyo crossings still requires corrective measures to ensure that the erosion protection functions as intended. Your letter indicates your intention to do some preventive maintenance, however, a site inspection reveals that this has not been performed.

6. We require a letter of completion from PNM as documentation that the street lights have been accepted by them and are functioning. Please provide this as soon as possible.

7. The rims of several sanitary sewer manholes have been set below the current base course grade at the private drive extending from Viale Cetona. These manhole rims must be raised to the final design grade.

8. A site inspection indicates that although roadway signage has been installed, it does not meet City specifications. Please contact Jon Griego (955-6516) for details.

9. A site inspection indicates that two (2) monument signs are installed. One of these signs has been constructed on City of Santa Fe property and will require an amended license agreement if it is to remain.

The public or private ownership of lands within this subdivision, does not change the approval requirements or the need to complete those requirements in an acceptable manner. If you wish to change the terms and conditions of the prior approvals or those of the Annexation Agreement, you will need to specify those requests as a part of this or a subsequent application.

Note that there are no approved trails in the subdivision. The trail was required to be built to certain City of Santa Fe standards and must be so built. Also, please note that this trail segment must remain accessible to the public at all approved points of connection. Additionally, certain portions of the property (including Tract B, the open space adjacent to the I-25 ROW and containing the new trail) have already been deeded to the City of Santa Fe. In order for that property to be returned to the HOA, the City will require an appraisal and purchase. The trail itself is not a stand-alone lot, but a portion of Tract B. Be advised that the Land Use Department will not recommend approval of this request as we currently understand it.

Land Use Department staff would be happy to meet with you again to answer any further questions. Please contact the Case Manager, Daniel Esquibel, at 955-6587 or at *daesquibel@santafenm.gov* if you wish to arrange a meeting.

Sincerely,

Matthew O'Reilly, P.E., Director
Land Use Department

Cc: David R. Segers, Vistancia LLC
R.B. Zaxus, P.E., City Engineer for Land Use
Tamara Baer, Manager, Current Planning Division
Daniel Esquibel, Land Use Senior Planner
Edward Vigil, Property Manager

City of Santa Fe, New Mexico

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

David Coss, *Mayor*

Councilors:
Rebecca Wurzburger, Mayor Pro Tem, Dist. 2
Patti J. Bushee, Dist. 1
Chris Calvert, Dist. 1
Rosemary Romero, Dist. 2
Miguel M. Chavez, Dist. 3
Carmichael A. Dominguez, Dist. 3
Matthew E. Ortiz, Dist. 4
Ronald S. Trujillo, Dist. 4

May 25, 2012

Mr. Jon Paul Romero
Southwest Designs, LLC.
12 Feather Catcher Road
Santa Fe, NM 87501

Re: Villas de Toscana

Dear Mr. Romero,

The City of Santa Fe wishes to bring to your attention the following infractions and violations on the Villas de Toscana project. These items must be corrected immediately.

1. • There are two areas where construction has left vertical cut slopes that require immediate stabilization. The first area is adjacent to the "Tot lot," and the second is adjacent to Viale Court and lot 62.
2. • The Trail system specification calls for treatment with a "pre-emergent herbicide containing Triflouroline immediately prior to placement of base course" and 2" of asphalt pavement. Please provide certification that the herbicide was applied, and provide a schedule for the paving of the trail. Crusher fines are not acceptable per the approved plans. There is an additional trail built within City Right Of Way that is not shown on the approved plans. This trail may be left in place but shall not be maintained or improved without proper documentation and permissions from the City of Santa Fe.
3. • The tot lot detail says to "Preserve all trees within the playground area". Our research indicates that there were four evergreen trees removed that should be replaced.
4. • The landscaping and irrigation system must be inspected and approved by the City of Santa Fe Parks Department, as they will be the entity responsible for maintenance once the development is approved
5. • The erosion protection at the arroyo crossings has failed and requires corrective measures to ensure that the erosion protection functions as intended.

6. • We require a letter of completion from PNM as documentation that the street lights have been accepted by them and are functioning.
7. • Several sanitary sewer manholes are below the current base course grade at the private drive extending from Viale Cetona. These manholes must be raised to grade, the base course cut to match the manhole grades or backfill the manholes with base course.
8. • All signage must be installed to meet current standards of the City of Santa Fe's Traffic Division.
9. • A third, unapproved monument sign has been installed on City property and must be REMOVED. Alternatively, your client may go through proper channels to apply for a variance for this sign.

Several of the above items involve UNAUTHORIZED construction that is in violation of the approved plans. Unapproved construction will not be accepted. All proposed changes must be approved by the Technical Review Division prior to construction.

Please contact me at 955-6641 if you have questions or want to discuss.

Sincerely,

Risana B "RB" Zaxus, PE
City Engineer for Land Use
City of Santa Fe

cc: Morey Walker, Walker Engineering
Tamara Baer, Planner Manager
Jon Griego, Land Use Compliance Officer
Technical Review Division construction file

May 6, 2009

Mr. Roger Hunter
300 Paseo De Peralta # 100
Santa Fe, NM 87501

SUBJECT: Villas De Toscana – Infrastructure Pre- final Inspection

Dear Roger:

On April 29, 2009, a walk-through of the subject project was completed with the objective of identifying the completeness of construction with respect to the approved plans, City Land Development Code requirements, and standard engineering/construction practice.

Observations of issues needing attention are defined in the attached Exhibit A. Upon completion of Exhibits A, please call to arrange for a final inspection of the subject project. Failure to arrange for such an inspection within six (6) weeks from the date of this letter will necessitate a second pre-final inspection. Time is of the essence.

Those items detailed in Exhibit B are typical items of concern by the City.

Completion of these items affect the release of monies from the financial guarantee.

Should you have questions, please call me at 505-955-6516.

Sincerely,

Jon L. Griego
City of Santa Fe
Land Use Compliance Officer

Enclosure(s): Exhibit A – Work items to be addressed
Exhibit B – Closeout package checklist

CC: RB Zaxus, City Engineer for Land Use
Charlie D. Gonzales, Technical review Coordinator
William Moore, Engineer Technician Senior
File: Villas De Toscana construction file

Exhibit A

Pre-Final Observations for Villas de Toscana Development
TRD Construction File: Villas de Toscana

1.) Complete Landscaping and revegetation.
2.) Sidewalk installation to be finished
3.) S.W.P.P.P. BMP's to be maintained.
4.) Finish installation of Rip-Rap
5.) Clean out all stormwater surface storage ponds
6.) Wastewater final to be completed per Douglas Flores, WWMD (505)-955-4613
7.) Adjust sanitary sewer manholes to grade and install collars at the access road at the SW corner (Viale Court) per WWMD requirements, contact Douglas Flores
8.) Install retaining wall at SW corner (Viale Court).
9.) Provide approximately 2' fill of lots, at SW corner (Viale Court).
10.) Provide a Type III at End of (Viale Court) SW Corner.
11.) Provide City of Santa Fe sanitary sewer lids on all public sanitary sewer, contact Douglas Flores
12.) Finish Backfill between sidewalk and curb to within 1" of top of curb
13.) Cut Expansion Joints Flush with sidewalk to eliminate a trip hazard
14.) Re-Install Stop Sign at the private road at the SE Corner.
15.) Provide guard rail at the C.B.C's at both arroyo crossings.
16.) Tie in Trails to Curb Ramps
17.) Propose a solution to the erosion at ends of the retaining walls.
18.) Remove and replace sidewalk, East of mailboxes including curb ramp on Viale Cetona.
19.) Complete striping in Parking Lot adjacent to Viale Cetona.
20.) Install type III barricade at end of Viale Cetona (See plans for location)
21.) Propose a solution to the drainage crossing Viale Cetona towards the Arroyo at the curve in the road.

Villas Di Toscana

January 18, 2011

While this list is not totally inclusive of all remaining items within the development, it is complete enough to give you an idea of what is left to complete

1. There is approximately 20' of standing water and mud at the east side of the west entrance that will need to be corrected.
2. Fill slopes shall be 3:1 or flatter or stabilized as approved by the City Engineer for Land Use.
3. Cut slopes shall be 2:1 or flatter or stabilized as approved by the City Engineer for Land Use.
4. Provide fall protection at the Box Culverts.
5. Revegetate or otherwise stabilize all disturbed soil surfaces.
6. Complete sidewalks.
7. Install inverts in all drop inlets.
8. All curb ramps, sidewalks and drivepads shall meet current ADA standards.
9. Provide letters of completion from all utility companies.
10. Stabilize erosion problems throughout the development.
11. Provide curb ramps at all "Tee" intersections to allow pedestrian traffic to cross the street at these intersections.
12. The valley gutter at Viale Tresana / Viale Sera Vezza is holding water and must be corrected to make it drain.
13. Provide fall protection at the CMU walls along the west Arroyo.
14. Maintain BMP's and dispose of a plastic covered barrel with what appears to be a petroleum based product inside.
15. Stabilize the Vertical cuts at Viale Court / Viale Tresana and at the staging area (yard).
16. Adjust Manhole in Viale Court per the direction of the Wastewater Management Division inspector.
17. Clean Graffiti or replace the stop sign at Viale Court / Viale Tresana.
18. Connect existing trails to new curb ramps.
19. Clean up of the entire site, remove debris and construction materials.
20. Re-install disturbed water meter cans per the direction of Sangre de Cristo Water Division.
21. Cut the exposed reinforcing steel at the rear wall of the corner lot at Viale Tresana / Viale Centona and protect the exposed ends from corrosion.
22. Provide signing and striping as per approved plans.
23. Provide warranty funds in the amount of 10% of the original letter of credit / Engineers estimate amounts.
24. Renew or re apply for infrastructure and grading permits as required by the Building Permit Division.

December 6, 2012
Planning Commission
Case # 2012-109
VILLAS DE TOSCANA DEVELOPMENT PLAN AMENDMENT

EXHIBIT C

Developer correspondence response to May 25, 2012 city letter

SouthWest Designs, LLC

Planning, Land Development, Project Management and Construction Management
Phone (505) 690-3415 cell.
12 Feather Catcher Road
Santa Fe, NM 87506

July 20, 2012

Risana B Zaxus, PE
City of Santa Fe Land Use Department
City of Santa Fe
200 Lincoln Avenue, 87504
City of Santa Fe

RE: Response Letter for Villas Di Toscana Subdivision

RB, this is an update and response to the letter dated May 25, 2012 that was sent to me for the Villas Di Toscana subdivision. As you know we have been working diligently to address all of the cities concerns. Below is an update on the items that were listed in the letter.

1. The two areas that were addressed in the letter where prior construction activities took place during the grading and earthwork phase (2007) that has left vertical cuts on lot 3 and lot 62 will be corrected at the time of home construction. David Pike (City Storm Water manager) has visited the site and has indicated that these areas are stable and do not pose any immediate problems. We have applied for a new NOI based on the new EPA regulations (see attached PDF) as mandate.
2. The trail system calls for treatment with pre-emergent, this was done in May of 2012, see attached specification sheet (pdf). As for the trail that is currently in the Camino Carlos Rey right-of-way, this was built prior to having written approval from the city, but was discussed several times in meetings with the City Land Use staff and the city engineer (Eric Martinez). We will be happy to comply with the necessary application process need to gain acceptance. The trail is providing a great connection to pedestrians in the area and is getting a lot of use from the surrounding neighborhoods.
3. Preserve all trees within the tot lot area, the tree were removed in the initial grading and earthwork phase (2007) prior to the new owner taking over this project. The development has planted 15 new trees in this area and has seeded the area. The area is currently water thru the irrigation system and the area is green and growing well. As per comment from the Parks and Recreation Department. We believe that the newly planted trees in the area enhance the development and the tot-lot.
4. The landscaping and irrigation system was inspected by the City Parks and Recreation Department on July 11, 2012 and accepted per Chris Ortiz, see e-mail.
5. The erosion protection (wire enclosed rip-rap blankets) in the arroyo; after inspection with the engineer of record (Morey Walker; PE # 12105), we feel the term failed is a bit harsh, we know that the erosion control wire enclosed rip-rap blankets on the downstream end of the 2 concrete box culverts have erosion on the sides of the rip-rap blankets, we intend to do some preventive maintenance to help stabilize the wire enclosed rip-rap blankets to better handle run-off in the arroyo channel.

6. The street lights are back on and functional (blown fuse). PNM acknowledges that they have inspected the light and I am working with PNM staff to obtain a letter from PNM on this issue of a letter to the city accepting the street light.
7. Sanitary Sewer manholes; On February 29, 2012 the City of Santa Fe, Wastewater Department accepted the entire system and did not have any issues with the manhole along Vaile Cetona, as this section of street is denoted as a private drive on the recorded development plat.
8. The remaining traffic control devices (2 stop signs and 1 speed limit sign) have been ordered, as soon as we receive delivery we will have then installed.
9. The intent for the development is to only have the 2 approved monument signs, however we would like to relocate one of the entry monument sings at the first entrance to the north east corner so that it is more visible and more attractive for the development and will help to per mote better marketing the sale of new homes within the subdivision. At no time do we intend to have 3 monument signs. We do want to make application to place an 8ft.x16ft sales sign along the right-of-way facing traffic along I-25, so I would like to schedule a meeting with the appropriate city staff to start the process.

As stated in previous e-mail to city land use staff, the developer would like to start the process and make application to have the subdivision remain private. The developer is willing to take the responsibly for maintaining the street, sidewalks and landscaping and to relive the city from these responsibilities. The developer is also aware that an ENN meeting will need to be held as part of this process.

I want to thank the city staff that has worked with the new owners to achieve the necessary requirements so that new homes can be built within the Villas Di Toscana subdivision. I would request that a meeting be scheduled so that we can continue the process of making the development owner maintained. If you have any questions please feel free to call me at (505) 690-3415. Thank you.

Sincerely,

Jon Paul Romero
President & General Manager

Xc: Morey Walker, PE
Jon Griego, COSF
Matt O'Riley, COSF
Ronie Trujillo, COSF
Project File

December 6, 2012
Planning Commission
Case # 2012-109

VILLAS DE TOSCANA DEVELOPMENT PLAN AMENDMENT

EXHIBIT D

Annexation Agreement

ANNEXATION AGREEMENT

CARLOS REY DEL SUR

1171670

ANNEXATION AGREEMENT ("Agreement") by and between the City of Santa Fe, New Mexico, a New Mexico municipal corporation (the "City"), on the one hand, and John Newton Eddy, an unmarried person, Joseph Edward Brosseau, a married person, and Roberta M. Brosseau, the spouse of Joseph M. Brosseau, joining to this Agreement pro forma (all such persons, collectively, the "Landowner"), on the other hand, as of November 30, 1994.

RECITALS

A. Landowner owns certain real property (the "Property") situated in Santa Fe County, New Mexico, consisting of approximately 51.625 acres (+/-), being situated in Section 10, T.16 N, R.9E N.M.P.M., as more fully described in the Annexation Plat attached to this Agreement as Exhibit 1 (the "Annexation Plat").

B. Landowner desires, and the City agrees, to annex the Property to the City subject to, and upon, the terms and conditions of this Agreement.

C. Landowner desires to develop the Property and the City agrees to the development of the Property subject to, and upon, the terms and conditions of this Agreement.

AGREEMENTS

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained in this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which are acknowledged by the parties, the parties agree as follows:

1171671

1. ANNEXATION.

1.01. Annexation Plat. Landowner represents that the Annexation Plat was prepared in accordance with, and complies with, Section 14-9.6 Santa Fe City Code (1987) as amended (the "Code").

1.02. Annexation of the Property to the City. As of the Effective Date (as defined below), the Annexation Plat will be executed on behalf of the City and filed with the City, whereupon the Property will be deemed annexed to the City and will lie within the municipal boundaries of the City.

2. MASTER PLAN.

2.01. Master Plan Submittal. A master plan for the Property is attached to this Agreement as Exhibit 2 (the "Master Plan"); and the parties acknowledge and agree that the Master Plan is part of the Preliminary Development Plan (as defined below) for the Property. In addition to the Master Plan, the Landowner has made such other submittals as the parties deem necessary or appropriate to comply with Section 14-9.6 of the Code. By executing this Agreement, the City approves the Master Plan as and for the master plan for the Property.

2.02. Density; Restriction on Resubdivision of Property Lots. Without limiting any other provision of this Agreement, the Property is master planned so that the Property will be divided into no more than one hundred and thirty-three (133) residential lots and one (1) nonresidential lot (the "Tank Lot") for the purpose of housing a six million gallon water tank (the "Tank"). No further division of any lot on the Property shall be permitted. The master plan for the Property is in accordance with the City's General Plan,

"Plan 83" (the "General Plan"). However, the General Plan calls for a density in the particular zone where the Property is situate of 1-4 dwelling units per acre. The parties agree that the densities contemplated by the master plan for the Property calls for a density of approximately 2.6 dwelling units per acre.

2.03. Arroyo Open Space. Although not required by the City as a condition to the annexation effected by this Agreement, Landowner represents that the area on the Annexation Plat demarcated as "ARROYO" and "100 YEAR FLOOD PLAIN AS DEFINED BY RED MOUNTAIN ENGINEERING" (the "Arroyo Open Space") shall be deeded to, or subject to a conservation easement or conservation trust for the benefit of, a nonprofit, tax-exempt entity to be selected by Landowner (the "Nonprofit"); and that the purpose of such deed, easement or trust shall be to preserve and protect the Arroyo Open Space as open space for the public benefit. Prior to deeding the Arroyo Open Space to the Nonprofit or placing a conservation easement or trust on the Arroyo Open Space, the Landowner acknowledges that the Landowner has agreed to, and shall, make improvements to the Arroyo Open Space, which improvements shall consist of a six (6) foot asphalt hike and bike trail constructed to City standards, installation of signs at the trail's beginning and end noting length of trail, installation of benches in small turn-outs along the trail, removal of all trash from the Arroyo Open Space, including dead vegetation and trimming of trees, and construction of a tot lot at the end of the southeastern-most cul-de-sac of the Arroyo Open Space. In addition, prior to deeding the Arroyo Open Space to the Nonprofit or placing a conservation easement or trust on the Arroyo Open Space, the Landowner will dedicate an easement throughout the Arroyo Open Space to the City for the purposes of drainage (the "Drainage Easement"). The

legal metes and bounds description of the Drainage Easement shall be provided by the Landowner as part of the final development submissions for the Property. The parties acknowledge and agree that these improvements for the Arroyo Open Space were not required by the City; but, rather, are part of the transaction between the Landowner and the Nonprofit.

3. REZONING AND DEVELOPMENT OF THE PROPERTY.

3.01. Rezoning of the Property. On the Effective Date, the Property will be rezoned R-3/PUD, as provided in the Code. The Master Plan for the Property will reflect this zoning status and, as indicated on Exhibit 2, includes the addition of five (5) lots in the patio home area of the development of the Property.

3.02. Final Development Plan. The Landowner will timely make all submittals to the City required by Section 14-30.10 of the Code for the final development of each phase (as approved by City Planning Commission and staff) of the development of the Property (such submittals, the "Final Development Plan"). If the Final Development Plan for a particular phase of the development of the Property conforms to the requirements of the Code, the City will approve the Final Development Plan so long as the Final Development Plan substantially conforms to the preliminary development plan for the Property, including any conditions with respect to the preliminary development plan approval (such plan, subject to such conditions, the "Preliminary Development Plan"), and to the other terms and conditions of this Agreement, and so long as the following conditions are satisfied with respect to the Final Development Plan:

a. **Traffic Report - Camino Carlos Rey and Plaza Verde.** Upon

submission of the Final Development Plan, the Landowner shall submit to the City traffic reports that are sufficient in nature and scope to permit the City's traffic engineer to assess the need for a traffic signal or 4-way stop at Camino Carlos Rey and Plaza Verde. If the City's traffic engineer determines that such traffic signal or 4-way stop is required, the Landowner will amend the Final Development Plan to reflect the addition of a traffic signal at the appropriate intersection. The City acknowledges that it has received a traffic report from the Landowner and that, as of the date of the recordation of this Agreement no further submissions by the Landowner are required to comply with this subsection.

b. **Pro Rata Sewer Construction Payment.** Upon submission of the Final Development Plan for the first phase of the Property to be developed, the Landowner shall pay to the City the Landowner's pro rata share of the costs to construct the Arroyo Chamiso sewer, which pro rata share is determined to be twenty-five thousand, three hundred and eighteen dollars ($25,318.00).

c. **Covenants.** Upon submission of the Final Development Plan for the first phase of the Property to be developed, the Landowner shall submit to the City covenants, conditions and restrictions that bind the Property ("Covenants"), which Covenants shall provide, among other things, for (i) restrictions on building heights, other than on the Tank Lot (as defined below), (ii) a prohibition of the drilling of wells on any residential lot within the Property, (iii) setbacks, and (iv) preservation of vegetation in rear yards along Villa Caballero III. The City shall have thirty (30) days to review the Covenants. The Landowner will make such modifications to the Covenants as reasonably requested by the City. This condition will be deemed satisfied once the Landowner produces a set of Covenants that

is in recordable form and that is approved by the City.

The Final Development Plan for each phase of the development of the Property will be reviewed and, as appropriate, approved by the City's Planning Commission.

3.03. Conditions to Development. Each of the following conditions shall be satisfied with respect to the Property, either by actually being performed on the Property prior to the submission of the Final Development Plan for the relevant phase of the Property or being incorporated into the Final Development Plan for the relevant phase of the development of the Property as a condition to such development:

a. **Wooden Power Poles.** The wooden power poles at the north end of the Property shall be removed by the Landowner prior to, or contemporaneously with, the construction of roads and infrastructure for the 68 single-family detached home lots within the Property. The City acknowledges that, as of the date this document is recorded, the Landowner has removed the wooden power poles.

b. **Chain Link Fence.** The Landowner shall install a green vinyl-covered chain link fence along the eastern boundary of the Property.

c. **Buffering of Camino Carlos Rey.** The Landowner shall provide buffering of Camino Carlos Rey in accordance with Section 14.57 of the Code "to screen the proposed development from the street and to diminish the effects of street noise on the development" of the Property. The Landowner shall construct a pilaster and wooden fence, with dimensions of no more than twelve feet (12') on center, along Camino Carlos Rey from the northern boundary of the Property to the Governor Miles Road intersection, and shall identify the type of treatment south of Governor Miles Road as part of the final development

plans for the affected phases of the Property.

d. **Barricade.** A barricade shall be installed at the end of the paved section of Governor Miles Road.

3.04. **Subdivision of the Property.** In accordance with Section 14-30.10 of the Code, once the conditions set forth in this Agreement are satisfied, the Final Development Plan for a particular phase of Final Development Plan shall also be the final subdivision plat for the Property and shall have the effect of subdividing the Property into those lots indicated on the Final Development Plan. Accordingly, once the conditions set forth in this Agreement are satisfied, the City shall execute the Final Development Plan or the relevant portion of the Final Development Plan for a particular phase of the Development of the Property and the same shall be filed with the City and the County of Santa Fe, New Mexico, as required, to subdivide the Property and create as legal lots of record those lots designated on the relevant Final Development Plan.

3.05. **City Sewer.** The parties agree that the Property will be served by City sanitary sewer service. The Landowner shall have the right to connect to the sewer lift station in the Pueblos del Sol development, provided that such connection does not occur prior to completion of the relief sewer line to be constructed south of the Villa Linda Mall; which shall be constructed by the City within a reasonable time. Once the Arroyo Chamiso sewer line is constructed up to the Pueblos del Sol lift station, the Landowner shall connect to the gravity-flow sewer line and discontinue use of the lift station.

4. CITY SERVICES.

4.01. **Fire and Police Protection.** Fire and police protection of the

development on the Property will be provided by current existing City police and fire department facilities and personnel. The Landowner shall install three-way fire hydrants within five-hundred feet (500') travel distance of all lots on the Property.

4.02. **Refuse**. Refuse disposal services shall be provided to the development on the Property in accordance with applicable City ordinances.

4.03. **Water Services**. As a condition of development of the Property, the Landowner agrees to connect the proposed development on the Property to and service the development on the Property via the water delivery system owned by the Water Company or its successor using dedicated easements; and the Landowner shall extend the water main through the Property as required by the Water Company and the City. The Landowner shall reserve easements throughout the Property as shown on the Preliminary Development Plan for the Property to insure the water lines can be built accordingly throughout the Property. 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.

4.04. **Storm Water, Waste Water Collection and Sewer Service**. Prior to construction of residences within the Property, the Landowner shall construct storm water improvements as shown on the engineering plans that are part of the Final Development Plan(s) for the Property and domestic waste water improvements to serve Property in accordance with the Code. A portion of the Arroyo Open Space may be used for storm water drainage purposes pursuant to the terms of the Drainage Easement.

5. **ON-SITE INFRASTRUCTURE**.

5.01. Streets and Other Rights of Way.

a. **Compliance with City Standards.** All streets and roads within the Property will be designed and constructed to conform to current City standards and specifications and shall be dedicated to the City upon completion of the construction of the street or road. The appropriate dedication language for streets and roads within the Property shall appear on the plat that is part of the Final Development Plan(s) for the Property.

b. **Street Construction Cost.** Each street, road, and trail within the Property shall be constructed at the Landowner's expense.

c. **Camino Carlos Rey.** A forty-three (43') foot right-of-way through the Property for the extension of Camino Carlos Rey to Interstate 25 shall be dedicated to the City. Camino Carlos Rey shall be improved at its current cross section and extended up to the intersection with Governor Miles Road.

d. **Governor Miles Road.** A right-of-way width of sixty-six (66') for Governor Miles Road shall be dedicated to the City.

e. **Governor Miles Dead-End.** The eastern dead-end on Governor Miles Road shall be dedicated to the City and left in its natural state.

f. **Direct Vehicular Access from Property.** No lot within the Property shall have direct vehicular access to Camino Carlos Rey or Governor Miles Road.

5.02. Financial Guarantees. All improvements that are required to be constructed within the Property pursuant to this Agreement or the Final Development Plan for the Property shall be undertaken in accordance with the provisions of the Code in effect as of the Effective Date. When completed in accordance with the specifications required

under the Code or imposed by the City as a condition of approval, said improvements shall be dedicated to the City for its use in perpetuity; and the filed plat that is part of the Final Development Plan for the Property will contain appropriate dedication language. As a prerequisite to the recording of the Final Development Plan for any phase of the Property's development, the Landowner shall provide a letter of credit or other financial guarantee acceptable to the City, for the construction of improvements to the Property as part of the phase to which the particular Final Development Plan relates to the extent City policy or the Code requires financial assurances for such improvement or, in the alternative, the Landowner shall have constructed the required improvements to the Property in accordance with the Code. The amount of the financial guarantee shall be based on a certified engineer's estimate and both the amount of financial guarantee and the certified estimate shall be acceptable to the City.

5.03. Underground Utilities. The Property shall be served only with underground utilities.

6. Archeological Review Ordinance. Prior to the Effective Date, the Landowner shall comply, and the Property shall be in compliance, with Section 14-75 of the Code. The City acknowledges and agrees that as of the date of the recordation of this Agreement, the Landowner has complied with the Archeological Review Ordinance with respect to the Property.

7. Impact Fees. The Landowner agrees to pay impact fees as required by the Code as in effect on the Effective Date. Impact fees will not be assessed on the Affordable Lots.

8. Miscellaneous.

8.01. Effect of Agreement. The parties acknowledge and agree that this Agreement runs with the land and binds the Property, including the development and use of the Property, in perpetuity.

8.02. Assignment. Subject to Section 9.01, the Landowner, in the Landowner's discretion, may assign this Agreement or specific obligations under this Agreement to the successor owner of the Property, another developer of the Property, or to an association of owners of the Property. Any assignees shall be bound to the terms and conditions of this Agreement to the same extent that the Landowner is bound. Nothing in this Agreement precludes the Landowner from transferring all or a portion of the Property to a third-party provided such transfer is made subject to the terms and conditions of this Agreement.

8.03. 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.

8.04. Further Assurances. Each of the parties agree to take all such actions and to execute and deliver all such documents as may be necessary or appropriate to give effect to the terms and conditions of this Agreement.

8.05. Severability. If any provision of this Agreement, or the application of such provisions to any person or circumstances, shall be held invalid or voided by a court of competent jurisdiction, the remainder of this Agreement, or the application of such provisions to persons or circumstances other than those to which their application is held

invalid or voided, shall not be affected by such invalidation or voiding.

8.06. No Waiver. No waiver of a breach of any of the covenants contained in this Agreement shall be construed to be a waiver of any succeeding breach of the same or any other covenants.

8.07. Jurisdiction; Governing Law. The parties agree that this Agreement will be executed and performed by them in Santa Fe County, New Mexico, and that this Agreement shall be governed by, and construed in accordance with New Mexico law.

8.08. Binding Effect. This Agreement shall be binding upon, and inure to the benefit of, the parties and their respective heirs, successors and permitted assigns.

8.09. Effect of Agreement. This Agreement states the entire agreement of the parties with respect to the subject matter of this Agreement. The provisions of this agreement shall be severable and may be modified only in writing. This Agreement shall not relieve the Landowners from complying with present or future City ordinances, duly adopted resolutions or regulations applicable to the development.

8.10. Amendments; Approvals. Any amendments to this Agreement shall be reviewed by the City's Planning Commission and sent to the City Council for approval as appropriate.

8.11. Effective Date. As used in this Agreement, the term "Effective Date" means the date on which this Agreement is executed and delivered by all parties to this Agreement and recorded in the records of Santa Fe County, New Mexico.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of November 30, 1994.

1171682

CITY:

CITY OF SANTA FE

Mayor Debbie Jaramillo

Attest:

Yolanda Y. Vigil for
Frances C. Romero Griffin, City Clerk

Approved as to form:

MaryLiz A. Geffert, Deputy City Attorney

LANDOWNER:

John Newton Eddy, an unmarried person

Joseph Edward Brosseau, a married person

Roberta M. Brosseau, executing pro forma,
as the spouse of Joseph Edward Brosseau

ACKNOWLEDGEMENTS

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

1171683

THIS AGREEMENT was acknowledged before me on this 10th day of April, 1995, by John Newton Eddy.

Angela M. Lee
Notary Public

My Commission Expires:
12/1/97

THIS AGREEMENT was acknowledged before me on this 10th day of April, 1995, by Joseph Edward Brosseau.

Angela M. Lee
Notary Public

My Commission Expires:
10/18/97

THIS AGREEMENT was acknowledged before me on this 10th day of April, 1995, by Roberta M. Brosseau.

Angela M. Lee
Notary Public

My Commission Expires:
12/18/97

COUNTY OF SANTA FE
STATE OF NEW MEXICO
I hereby certify that this instrument was filed for record on the 8 day of June A.D. 19 95, at 3:18 o'clock P.M. and was duly recorded in book 670 page 683 of the records of Santa Fe County.
Witness my Hand and Seal of Office
Jona G. Armijo
County Clerk, Santa Fe County, NM
Deputy

907 488

COUNTY CLERK
JONA G. ARMIJO
SANTA FE COUNTY NEW MEXICO

CITY OF SANTA FE

ADOPTION OF ORDINANCE NOS. 1994-49, 1994-50, 1994-51, 1994-52 and 1994-53

ORD. NO. 1994-49: An Ordinance Amending Sections 10-2.3, 10-2.4 and 10-2.7 SFCC 1987 of the Noise Ordinance Regarding Exemptions and Prohibiting the Use of Retarders in the City of Santa Fe.

ORD. NO. 1994-50: An Ordinance Restricting Truck and Truck Trailer Traffic on Valley Drive, Between Bishop's Lodge Road and Vallecita Drive.

ORD. NO. 1994-51: An Ordinance Relating to Santa Fe, New Mexico Special Assessment District No. 38; Ratifying the Proceedings Taken in Providing for Certain Street Paving and Drainage Improvements in Such District; Providing for the Payment of the Costs and Expenses of such Improvements; Providing for the Filing of a Claim of Lien; Assessing the Cost of such Improvements Against the Tracts, Parcels and Lots of Land Benefitted by such Improvements; Providing for a Penalty for Delinquent Payments; and Declaring an Emergency. (Gonzales Road)

ORD. NO. 1994-52: An Ordinance Annexing a Certain Tract of Land Lying Contiguous with the Santa Fe Corporate Limits Consisting of 51.625 Acres Located at the South End of Camino Carlos Rey.

ORD. NO. 1994-53: An Ordinance Amending the Official Zoning Map of the City of Santa Fe: Changing the Classification of a Certain Area from Its Present Designation and Class of R-1 to R-3 PUD Providing an Effective Date. Property Located at the South End of Camino Carlos Rey.

Passed, Approved and Adopted this 30th day of November, 1994.

Copies of these ordinances are available in their entirety, upon request and payment of a reasonable charge, in the City Clerk's Office at City Hall, 200 Lincoln Avenue, from 8:00 a.m. to 5:00 p.m., Monday through Friday.

Frances Romero-Griffin

Frances Romero-Griffin
City Clerk

Received by Santa Fe New Mexican on
Date December 2, 1994
To be published on
December 7, 1994
By [illegible]
New Mexican (Signature)

PARK PLAZAS PHASE 5 BOOK 736 PAGE 013

VILLA CABALLERO III BOOK 128 PAGE 047

CITY OF SANTA FE BOUNDARY

N/F MEYER

N/F ANDY SANCHEZ BOOK 276 PAGE 269

PUEBLOS DEL SOL BOOK 343 PAGE 046

CAMINO CARLOS REY

CITY OF SANTA FE BOUNDARY

COUNTY OF SANTA FE BOUNDARY

51.625 AC.

TOTAL LENGTH OF BOUNDARY TO BE ANNEXED: 6171.43'

LENGTH OF BOUNDARY CONTIGUOUS WITH EXISTING CITY BOUNDARY: 3348.86' OR 54%

FLOOD PLAIN LINE TABLE

LINE	BEARING	DISTANCE
[illegible]	[illegible]	[illegible]

FLOOD PLAIN LINE TABLE

LINE	BEARING	DISTANCE
[illegible]	[illegible]	[illegible]

FLOOD ZONE

THIS PROPERTY LIES WITHIN ZONE "X" AREAS DETERMINED TO BE OUTSIDE 500 YEAR FLOOD PLAIN AS SHOWN ON F.I.R.M. PANEL 350056-0250B, DATED 11-4-88

CITY OF SANTA FE BOUNDARY

INTERSTATE 25

COUNTY OF SANTA FE BOUNDARY

APPROXIMATELY SAME R/W

REVIEWED BY CITY OF SANTA FE:

DEVELOPMENT DIRECTOR DATE

TRANSPORTATION DIRECTOR DATE

UTILITIES DIRECTOR DATE

PUBLIC WORKS DIRECTOR DATE

SURVEYOR'S CERTIFICATE

COUNTY OF SANTA FE
STATE OF NEW MEXICO } SS

I hereby certify that this instrument was filed for record on the ____ day of _____, 19____ A.D. at ____ o'clock ____, and was duly recorded in book ____, page(s) ____ of the records of Santa Fe County.

Witness my Hand and Seal of office
John G. Mirabal
County Clerk, Santa Fe County, N.M.

By: _____ Deputy

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNER(S) HAVE CAUSED TO BE ANNEXED THOSE LANDS SHOWN HEREON INTO THE LIMITS OF THE CITY OF SANTA FE, N.M. ALL THAT APPEARS ON THIS PLAT IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF SAID OWNER(S).

THE 1/2 RIGHT OF WAY FOR CAMINO CARLOS REY IS HEREBY DEDICATED TO THE PUBLIC FOR ITS USE FOREVER.

OWNER(S)

J. E. BROSSEAU BY: ROBERTA G. BROSSEAU
HIS ATTORNEY-IN-FACT

ROBERTA G. BROSSEAU

STATE OF NEW MEXICO
COUNTY OF SANTA FE
THE FOREGOING INSTRUMENT WAS FROM ACKNOWLEDGED AND SUBSCRIBED BEFORE ME BY J. E. BROSSEAU AND ROBERTA G. BROSSEAU THIS 5TH DAY OF JULY, 1993
ROBERTA G. BROSSEAU, ATTORNEY-IN-FACT FOR J. E. BROSSEAU

NOTARY PUBLIC — MY COMMISSION EXPIRES: July 20, 1996

OWNER(S)

JOHN G. COOY

STATE OF NEW MEXICO
COUNTY OF SANTA FE
THE FOREGOING INSTRUMENT WAS FROM ACKNOWLEDGED AND SUBSCRIBED BEFORE ME BY JOHN G. COOY
THIS 5TH DAY OF July, 1993

NOTARY PUBLIC — MY COMMISSION EXPIRES: July 20, 1996

APPROVED BY THE CITY DEVELOPMENT REVIEW COMMITTEE, AT THEIR MEETING OF 11-4-93

CHAIRPERSON — SECRETARY

APPROVED BY THE CITY OF SANTA FE COUNCIL AT THEIR MEETING OF 11-30-93 AS ORDINANCE # 1994-52

MAYOR — CITY CLERK

CITY OF SANTA FE SEAL NEW MEXICO

VICINITY MAP (NTS)

SITE

CAMINO CARLOS REY — ROAD — ROAD — INTERSTATE 25 — SANTA FE LIMITS

ANNEXATION PLAT OF CARLOS REY DEL SUR

W. 1/2 OF SW 1/4 SECTION 10, T16N, R9E, NMPM, LYING NORTH OF INTERSTATE 25, SANTA FE COUNTY, N.M.

1171684

DAWSON SURVEYS INC
PROFESSIONAL LAND SURVEYORS
SANTA FE, N.M.
FILE 3019 DATE 3/4/93

Exhibit 1

CITY OF SANTA FE, NEW MEXICO

ORDINANCE NO. 52, 1994

1171686

AN ORDINANCE

ANNEXING A CERTAIN TRACT OF LAND LYING CONTIGUOUS WITH THE SANTA FE CORPORATE LIMITS CONSISTING OF 51.7625 ACRES LOCATED AT THE SOUTH END OF CAMINO CARLOS REY.

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 is annexed to the city of Santa Fe, thereby extending the corporate limits:

> Beginning at the northeast corner of the southwest 1/4 of Section 10; Thence S88°35'25"E, 1329.50 feet; Thence S00°05'37"E, 1342.10 feet; Thence S63°07'09"W, 691.93 feet; Thence clockwise on a curve with radius 11,309.11 feet and a chord of S64°59'26"W, 787.26 feet; Thence N00°01'19"W, 2020.48 feet to the point of commencement.

Property located at the south end of Camino Carlos Rey as shown on the plat attached hereto and referenced herein as Exhibit "A".

Section 2. A petition has been presented to the governing body of the city of Santa Fe requesting the annexation of a contiguous area of land to the corporate

limits, which annexation is done pursuant to the provisions of the agreement attached hereto and referenced herein as Exhibit "B" dated November 30, 1994 between the city of Santa Fe and the owner of the land sought to be annexed.

Section 3. The petition was accompanied by a plat showing the external boundaries of the land proposed to be annexed and the relationship of the land proposed to be annexed to the existing boundary of the municipality, as well as an annexation agreement and master plan.

Section 4. It is in the best interest of the city of Santa Fe and the owner and inhabitants of such contiguous land that it 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 30TH DAY OF NOVEMBER, 1994.

CITY OF SANTA FE ORGANIZED AS AD 1891 SEAL NEW MEXICO

DEBBIE JARAMILLO, MAYOR

ATTEST:

FRANCES ROMERO-GRIFFIN, CITY CLERK

APPROVED AS TO FORM:

1171688

MARYLIZ GEFFERT, DEPUTY CITY ATTORNEY

/cmo
d94-4/CRD94-52

COUNTY OF SANTA FE
STATE OF NEW MEXICO
I hereby certify that this instrument was filed for record on the 8 day of June A.D. 19 95 at 3:19 o'clock P.M. and was duly recorded in book 907 page 489 of the records of Santa Fe County.
Witness my Hand and Seal of Office
Jona G. Armijo
County Clerk, Santa Fe County, New Mexico
Deputy

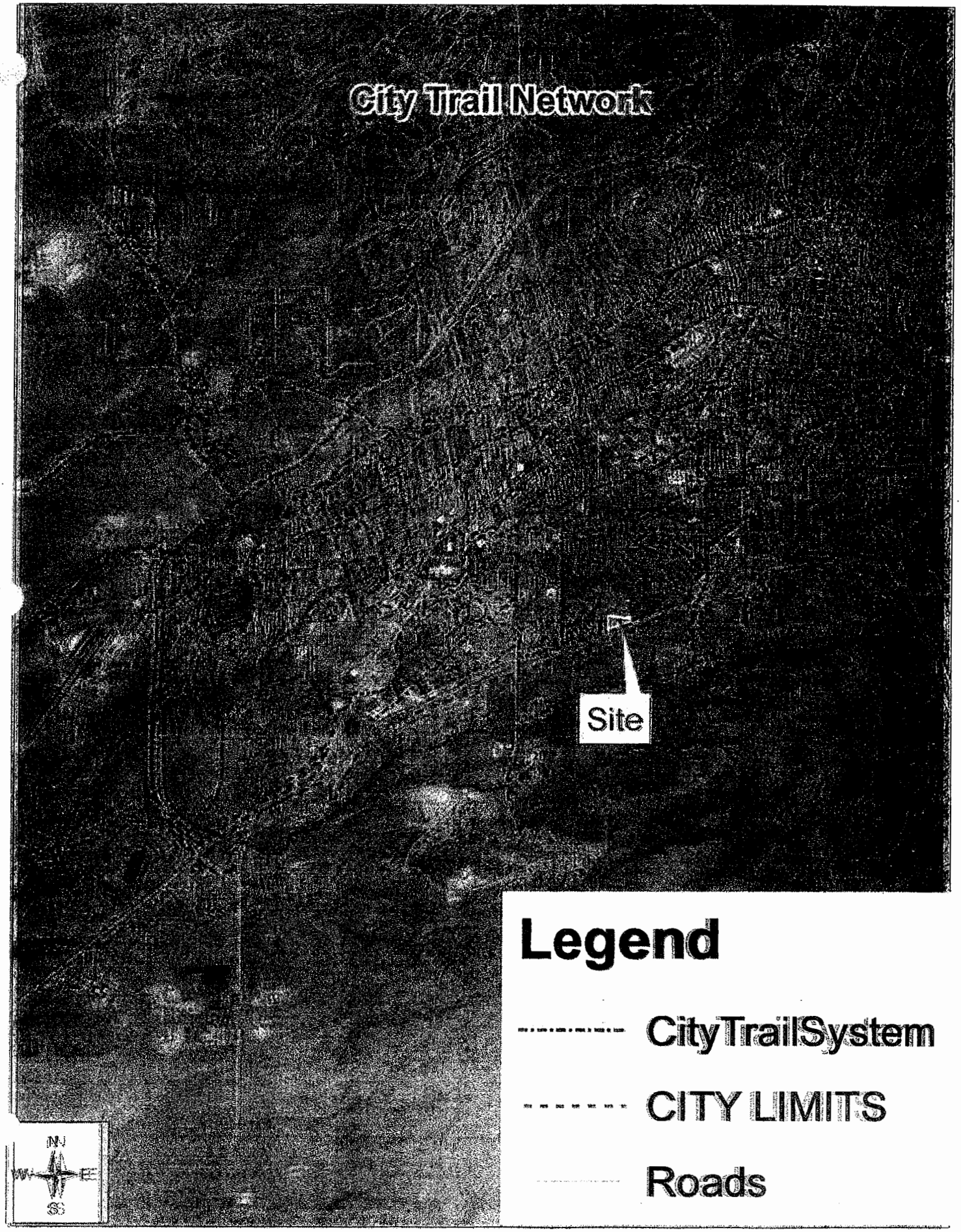
COUNTY CLERK
JONA G. ARMIJO
SANTA FE COUNTY NEW MEXICO

December 6, 2012
Planning Commission
Case # 2012-109

VILLAS DE TOSCANA DEVELOPMENT PLAN AMENDMENT

EXHIBIT E

City Trail Network Overview

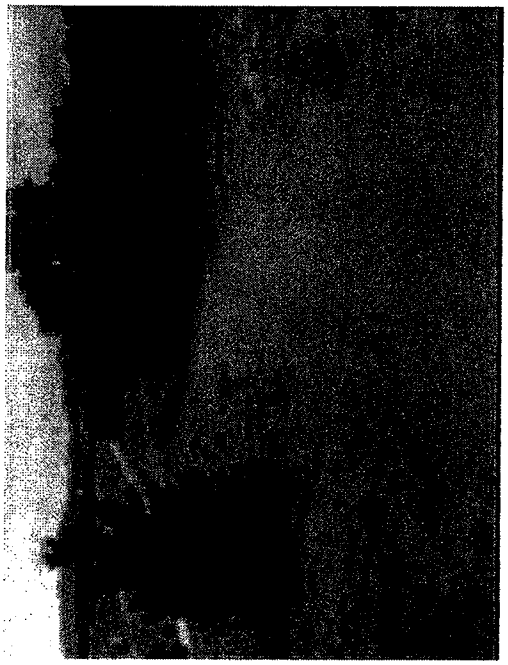

City Trail Network
Site
Legend
CityTrailSystem
CITY LIMITS
Roads
N
W
E
S

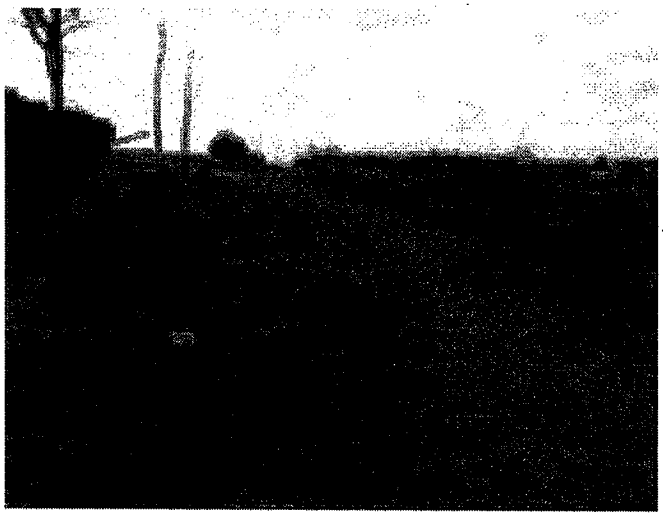
December 6, 2012
Planning Commission
Case # 2012-109

VILLAS DE TOSCANA DEVELOPMENT PLAN AMENDMENT

EXHIBIT F

Trail pictures on Tract B Open Space





December 6, 2012
Planning Commission
Case # 2012-109

VILLAS DE TOSCANA DEVELOPMENT PLAN AMENDMENT

EXHIBIT G

Applicant request

SouthWest Designs
Planning, Land Development, Project and Construction Management
Phone (505) 455-2151/690-3415 cell
12 Feather Catcher Road
Santa Fe, NM 87506

September 10, 2012

William Lamboy
Senior Planner
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87505

Re: Plan / Plat Amendment for Villas Di Toscana Development

Dear William,

SouthWest Designs is the agent representing the Vistancia LLC (owner) on the attached application for a plan / plat amendment for the Villas Di Toscana development.

The owner would have the following items be given back to the development for control and maintenance by the developer and HOA, streets, street lightning, landscaping and approved trails. As you know, an Early Neighborhood Notification (ENN) meeting was conducted on August 23, 2012 as per the city guidelines.

Attached as part of the submittal are following:

- Letter of Intent
- Plan / Plat Amendment Application
- ENN application and sign in sheet
- Recorded plat

If you have any questions please feel free to contact me at (505) 690-3415. Again, thank you for your attention in this matter.

Sincerely,
Southwest Designs

Jon Paul Romero
Southwest Designs

xc: Vistancia LLC
File

GOVERNOR MILES ROAD

CAMINO CARLOS REY

VILLAS TOSCANA

INTERSTATE 25

DRAINAGE AND OPEN SPACE 331/048-049

DETENTION POND 331/048-049

EXISTING TRAIL

ROAD RESERVATION TO BE VACATED & REALIGNED 6.388 SQ.FT.

DRAINAGE AND OPEN SPACE 331/048-049

PARKING & DRAINAGE EASEMENT

HATCH DENOTES PRIVATE DRIVE

DRAINAGE EASEMENT & OPEN SPACE

10' DRAINAGE EASEMENT

DRAINAGE EASEMENT

10' LANDSCAPE BUFFER

43.0' GRANT OF EASEMENT TO THE CITY OF SANTA FE BK. 808, PGS. 256-257

43.0' RIGHT OF WAY BK. 301, PGS. 046-049

DRAINAGE EASEMENT

DRAINAGE EASEMENT & OPEN SPACE

OPEN SPACE

24' OPEN SPACE & DRAINAGE

RECREATIONAL TRAIL

HATCH DENOTES PRIVATE DRIVE

20' SHARED ACCESS & UTILITY EASEMENT

NOT IMPROVED, FUTURE TRAIL CONNECTION BY OTHERS

PEDESTRIAN SPEED TABLE CROSSING

23.0' ACCESS & UTILITY EASEMENT

NOT IMPROVED, FUTURE TRAIL CONNECTION BY OTHERS

6300087

PHASE IV

TOTAL AREA:	12.06 ACS.
NUMBER OF LOTS:	60
SMALLEST LOT:	66 AT 3,809 SQ.FT.
LARGEST LOT:	163 AT 8,402 SQ.FT.
TOTAL OPEN SPACE AREA:	2.74 ACS.
TOT PARK:	5,569 SQ.FT.

NOTES & CONDITIONS:

1. THIS PLAN IS SUBJECT TO ANNEXATION AGREEMENT, RECORDED BOOK 1171, PAGES 670-686 & CONDITIONS OF ZONING APPROVAL.
2. FOR METES & BOUNDS OF LOTS & LOT AREA REFER TO PLAT (3-3)
3. LOTS WITH ZERO LOTLINE SETBACKS: 4-12, 15-34, 38-47, 49-53, 60, 61 & 62-65.
4. THE FOLLOWING LOTS HAVE ZERO LOT LINE DWELLINGS THAT ARE ATTACHED TWO STORY UNITS. 1-3, 7-8, 9-11, 12-14, 15-16, 17-18, 19-20, 21-22, 23-24, 25-26, 27-28, 29-30, 31-32, 33-34, 35-36, 37-38, 39-40, 41-42, 43-44, 45-46, 47-48, 49-50, 51-52, 53-54, 55-56, 57-58, 59-60, 61-62, 63-64, 65-66.
5. LOTS 33, 34 & 35 SHALL BE LIMITED TO ONE STORY IN HEIGHT. LOT 33 SHALL NOT EXCEED THE HEIGHT OF THE HIGHEST DWELLING ON LOTS 63, 64 & 65.
6. PRIOR TO CITY ACCEPTANCE OF INFRASTRUCTURE IMPROVEMENTS, THE OWNER OF THE PROPERTY AT 3000 SOMEBODY LONGEST SHALL INDICATE IN WRITING, THAT MEASURES HAVE BEEN TAKEN BY THE DEVELOPER TO MINIMIZE THE SPILLOT OF LIGHT FROM VEHICLE HEADLIGHTS SHINING ONTO THE PROPERTY." property owners satisfaction.

LEGEND:

00	DENOTES LOT NUMBER
	DENOTES RECREATIONAL TRAIL
	DENOTES C.O.S.P. TYPICAL SPEED TABLE
	DRIVE LANDING TO BE AS SHOWN
3101	DENOTES WADDRESS
LC	DENOTES LOWER COST HOUSING PER HOUSING CONTRIBUTION AGREEMENT, RECORDED BOOK 1171, PAGES 686-687.

CITY REVIEW

CITY ENGINEER	07.25.06 DATE
CITY MANAGER	7/25/06 DATE

ACCEPTED BY THE CITY COUNCIL AT ITS MEETING OF SEPTEMBER 28, 2005 AT SANTA FE, NEW MEXICO.

MAYOR	7/25/06 DATE
ATTESTED BY CITY CLERK	7-26-06 DATE

CITY OF SANTA FE COUNTY OF SANTA FE SEAL NEW MEXICO

RECOMMENDED FOR APPROVAL BY THE PLANNING COMMISSION AT THEIR MEETING OF JUNE 30, 2005

CHAIRMAN	07/13/2006 DATE
Secretary	07/13/06 Date

COUNTY OF SANTA FE
STATE OF NEW MEXICO } SS

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON THIS ___ 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, NM

___ DEPUTY

OWNERS SIGNATURE:

MANAGING MEMBER, VILLAS TOSCANA LLC — DATE 7-14-06

STATE OF NEW MEXICO
COUNTY OF SANTA FE } SS

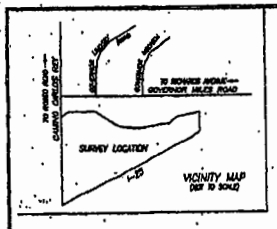
ON THIS 11th DAY OF July 2006, THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME BY THE PERSON(S) WHOSE NAME(S) APPEAR ABOVE.

NOTARY PUBLIC — MY COMMISSION EXPIRES 1-22-09

OFFICIAL SEAL
Valerie M. Espinoza
NOTARY PUBLIC
State of New Mexico
My Commission Expires 1-22-09

CASE NUMBERS: S2003-29, M2003-47, M2004-15

CITY REVIEW		

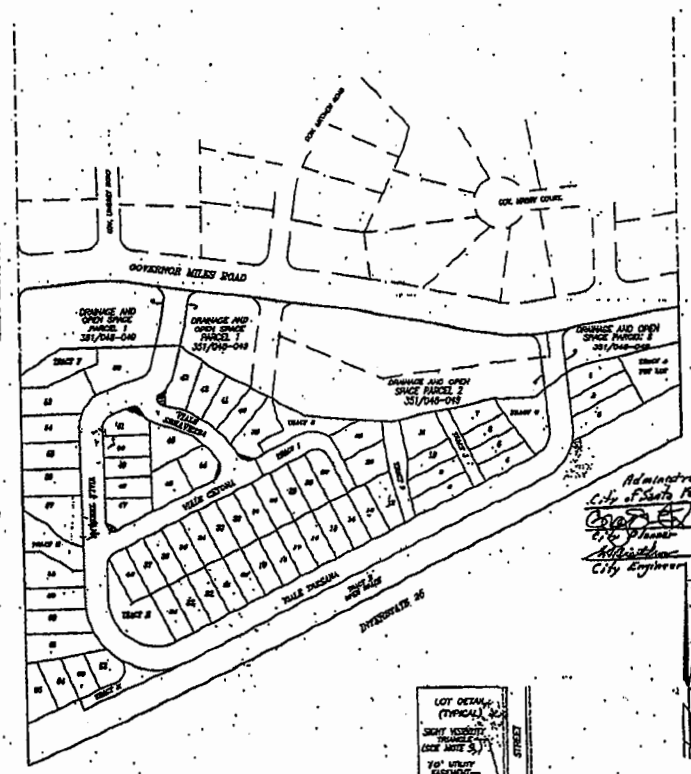


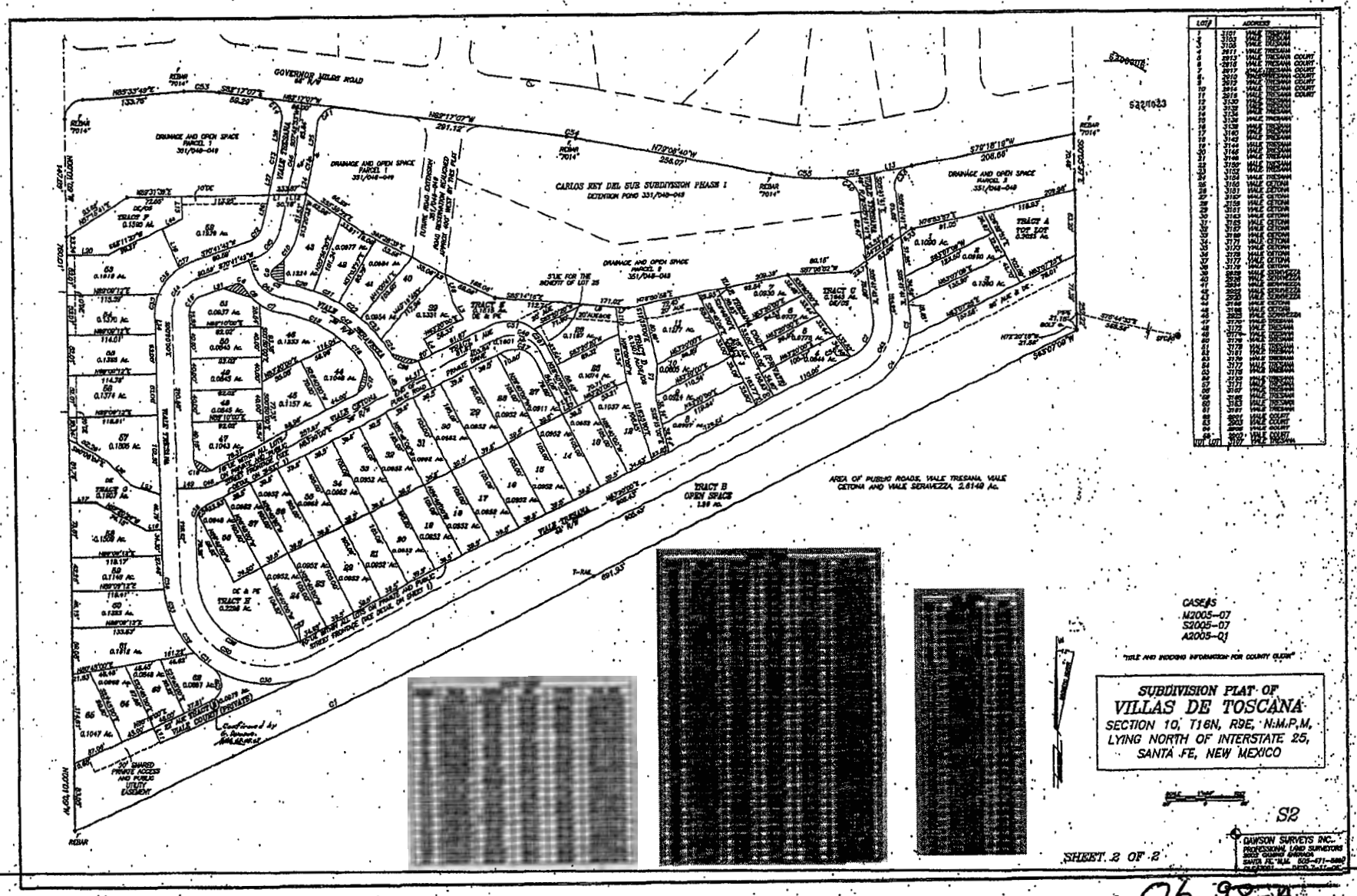
LEGEND
BOUNDARIES ARE DEDICED FROM CARLOS REY DEL SUR SUBDIVISION PLAT, RECORDED IN BOOK 351, PAGES 048-049.

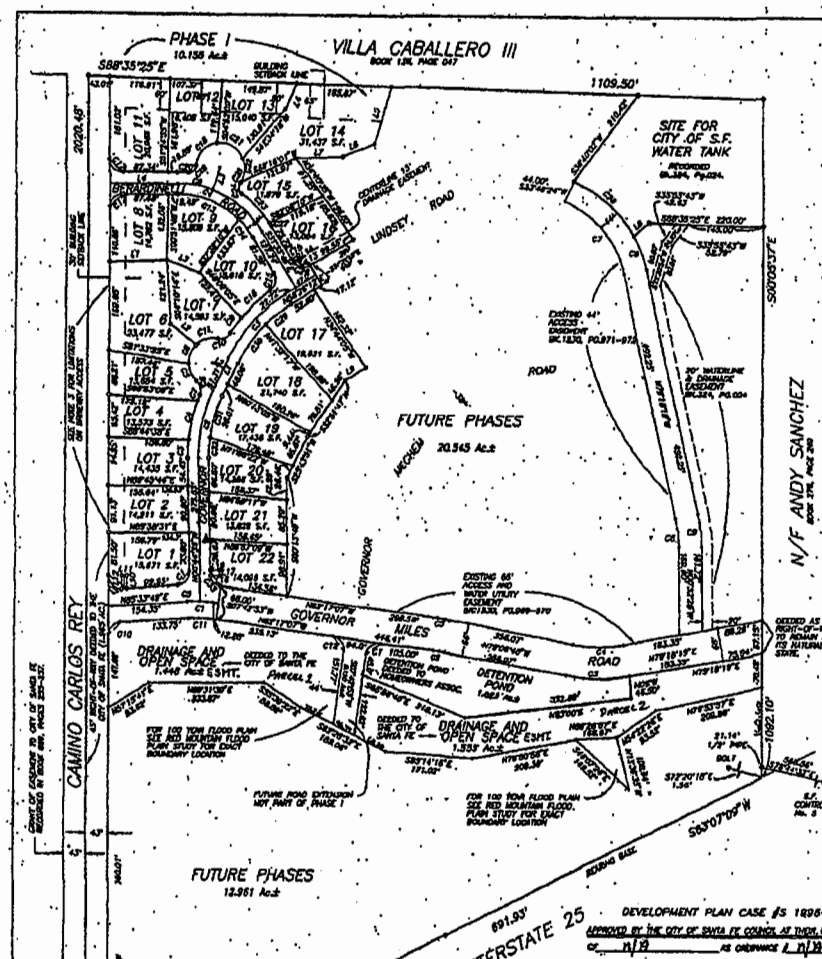
- MONUMENT FOUND AND USED AS NOTED.
- PERIMETER BOUNDARY CORNERS-CAPPED REBAR "7014/13034" SET, UNLESS OTHERWISE NOTED.
  ALL INTERIOR LOT CORNERS-CAPPED REBAR "7014/13254" SET, UNLESS OTHERWISE NOTED.
- COMPUTED POINT.

DE PRIVATE DRAINAGE EASEMENT
OS COMMON OPEN SPACE
PE PARKING EASEMENT
AUE PRIVATE ACCESS AND PUBLIC UTILITY EASEMENT
UE PUBLIC UTILITY EASEMENT

SITE VISIBILITY TRIANGLE, SEE DETAIL


CAMINO CARLOS REY
GOVERNOR MILES ROAD
DRAINAGE AND OPEN SPACE PARCEL 1 351/048-049
DRAINAGE AND OPEN SPACE PARCEL 2 351/048-049
DRAINAGE AND OPEN SPACE PARCEL 3 351/048-049
DRAINAGE AND OPEN SPACE PARCEL 4 351/048-049
VILLA CONSTANZA
VILLA CATONA
VILLA TOSCANA
INTERSTATE 25
TRACT A
TRACT B
TRACT C
TRACT D
TRACT E
TRACT F
TRACT G
TRACT H
TRACT I
TRACT J
TRACT K
TRACT L
TRACT M
TRACT N
TRACT O
TRACT P
TRACT Q
TRACT R
TRACT S
TRACT T
TRACT U
TRACT V
TRACT W
TRACT X
TRACT Y
TRACT Z
TRACT AA
TRACT BB
TRACT CC
TRACT DD
TRACT EE
TRACT FF
TRACT GG
TRACT HH
TRACT II
TRACT JJ
TRACT KK
TRACT LL
TRACT MM
TRACT NN
TRACT OO
TRACT PP
TRACT QQ
TRACT RR
TRACT SS
TRACT TT
TRACT UU
TRACT VV
TRACT WW
TRACT XX
TRACT YY
TRACT ZZ
TRACT AAA
TRACT BBB
TRACT CCC
TRACT DDD
TRACT EEE
TRACT FFF
TRACT GGG
TRACT HHH
TRACT III
TRACT JJJ
TRACT KKK
TRACT LLL
TRACT MMM
TRACT NNN
TRACT OOO
TRACT PPP
TRACT QQQ
TRACT RRR
TRACT SSS
TRACT TTT
TRACT UUU
TRACT VVV
TRACT WWW
TRACT XXX
TRACT YYY
TRACT ZZZ
TRACT AAAA
TRACT BBBB
TRACT CCCC
TRACT DDDD
TRACT EEEE
TRACT FFFF
TRACT GGGG
TRACT HHHH
TRACT IIII
TRACT JJJJ
TRACT KKKK
TRACT LLLL
TRACT MMMM
TRACT NNNN
TRACT OOOO
TRACT PPPP
TRACT QQQQ
TRACT RRRR
TRACT SSSS
TRACT TTTT
TRACT UUUU
TRACT VVVV
TRACT WWWW
TRACT XXXX
TRACT YYYY
TRACT ZZZZ
TRACT AAAAA
TRACT BBBBB
TRACT CCCCC
TRACT DDDDD
TRACT EEEEE
TRACT FFFFF
TRACT GGGGG
TRACT HHHHH
TRACT IIIII
TRACT JJJJJ
TRACT KKKKK
TRACT LLLLL
TRACT MMMMM
TRACT NNNNN
TRACT OOOOO
TRACT PPPPP
TRACT QQQQQ
TRACT RRRRR
TRACT SSSSS
TRACT TTTTT
TRACT UUUUU
TRACT VVVVV
TRACT WWWWW
TRACT XXXXX
TRACT YYYYY
TRACT ZZZZZ
TRACT AAAAAA
TRACT BBBBBB
TRACT CCCCCC
TRACT DDDDDD
TRACT EEEEEE
TRACT FFFFFF
TRACT GGGGGG
TRACT HHHHHH
TRACT IIIIII
TRACT JJJJJJ
TRACT KKKKKK
TRACT LLLLLL
TRACT MMMMMM
TRACT NNNNNN
TRACT OOOOOO
TRACT PPPPPP
TRACT QQQQQQ
TRACT RRRRRR
TRACT SSSSSS
TRACT TTTTTT
TRACT UUUUUU
TRACT VVVVVV
TRACT WWWWWW
TRACT XXXXXX
TRACT YYYYYY
TRACT ZZZZZZ
TRACT AAAAAAA
TRACT BBBBBBB
TRACT CCCCCCC
TRACT DDDDDDD
TRACT EEEEEEE
TRACT FFFFFFF
TRACT GGGGGGG
TRACT HHHHHHH
TRACT IIIIIII
TRACT JJJJJJJ
TRACT KKKKKKK
TRACT LLLLLLL
TRACT MMMMMMM
TRACT NNNNNNN
TRACT OOOOOOO
TRACT PPPPPPP
TRACT QQQQQQQ
TRACT RRRRRRR
TRACT SSSSSSS
TRACT TTTTTTT
TRACT UUUUUUU
TRACT VVVVVVV
TRACT WWWWWWW
TRACT XXXXXXX
TRACT YYYYYYY
TRACT ZZZZZZZ
TRACT AAAAAAAA
TRACT BBBBBBBB
TRACT CCCCCCCC
TRACT DDDDDDDD
TRACT EEEEEEEE
TRACT FFFFFFFF
TRACT GGGGGGGG
TRACT HHHHHHHH
TRACT IIIIIIII
TRACT JJJJJJJJ
TRACT KKKKKKKK
TRACT LLLLLLLL
TRACT MMMMMMMM
TRACT NNNNNNNN
TRACT OOOOOOOO
TRACT PPPPPPPP
TRACT QQQQQQQQ
TRACT RRRRRRRR
TRACT SSSSSSSS
TRACT TTTTTTTT
TRACT UUUUUUUU
TRACT VVVVVVVV
TRACT WWWWWWWW
TRACT XXXXXXXX
TRACT YYYYYYYY
TRACT ZZZZZZZZ
TRACT AAAAAAAAA
TRACT BBBBBBBBB
TRACT CCCCCCCCC
TRACT DDDDDDDDD
TRACT EEEEEEEEE
TRACT FFFFFFFFF
TRACT GGGGGGGGG
TRACT HHHHHHHHH
TRACT IIIIIIIII
TRACT JJJJJJJJJ
TRACT KKKKKKKKK
TRACT LLLLLLLLL
TRACT MMMMMMMMM
TRACT NNNNNNNNN
TRACT OOOOOOOOO
TRACT PPPPPPPPP
TRACT QQQQQQQQQ
TRACT RRRRRRRRR
TRACT SSSSSSSSS
TRACT TTTTTTTTT
TRACT UUUUUUUUU
TRACT VVVVVVVVV
TRACT WWWWWWWWW
TRACT XXXXXXXXX
TRACT YYYYYYYYY
TRACT ZZZZZZZZZ
TRACT AAAAAAAAAA
TRACT BBBBBBBBBB
TRACT CCCCCCCCCC
TRACT DDDDDDDDDD
TRACT EEEEEEEEEE
TRACT FFFFFFFFFF
TRACT GGGGGGGGGG
TRACT HHHHHHHHHH
TRACT IIIIIIIIII
TRACT JJJJJJJJJJ
TRACT KKKKKKKKKK
TRACT LLLLLLLLLL
TRACT MMMMMMMMMM
TRACT NNNNNNNNNN
TRACT OOOOOOOOOO
TRACT PPPPPPPPPP
TRACT QQQQQQQQQQ
TRACT RRRRRRRRRR
TRACT SSSSSSSSSS
TRACT TTTTTTTTTT
TRACT UUUUUUUUUU
TRACT VVVVVVVVVV
TRACT WWWWWWWWWW
TRACT XXXXXXXXXX
TRACT YYYYYYYYYY
TRACT ZZZZZZZZZZ
TRACT AAAAAAAAAAA
TRACT BBBBBBBBBBB
TRACT CCCCCCCCCCC
TRACT DDDDDDDDDDD
TRACT EEEEEEEEEEE
TRACT FFFFFFFFFFF
TRACT GGGGGGGGGGG
TRACT HHHHHHHHHHH
TRACT IIIIIIIIIII
TRACT JJJJJJJJJJJ
TRACT KKKKKKKKKKK
TRACT LLLLLLLLLLL
TRACT MMMMMMMMMMM
TRACT NNNNNNNNNNN
TRACT OOOOOOOOOOO
TRACT PPPPPPPPPPP
TRACT QQQQQQQQQQQ
TRACT RRRRRRRRRRR
TRACT SSSSSSSSSSS
TRACT TTTTTTTTTTT
TRACT UUUUUUUUUUU
TRACT VVVVVVVVVVV
TRACT WWWWWWWWWWW
TRACT XXXXXXXXXXX
TRACT YYYYYYYYYYY
TRACT ZZZZZZZZZZZ
TRACT AAAAAAAAAAAA
TRACT BBBBBBBBBBBB
TRACT CCCCCCCCCCCC
TRACT DDDDDDDDDDDD
TRACT EEEEEEEEEEEE
TRACT FFFFFFFFFFFF
TRACT GGGGGGGGGGGG
TRACT HHHHHHHHHHHH
TRACT IIIIIIIIIIII
TRACT JJJJJJJJJJJJ
TRACT KKKKKKKKKKKK
TRACT LLLLLLLLLLLL
TRACT MMMMMMMMMMMM
TRACT NNNNNNNNNNNN
TRACT OOOOOOOOOOOO
TRACT PPPPPPPPPPPP
TRACT QQQQQQQQQQQQ
TRACT RRRRRRRRRRRR
TRACT SSSSSSSSSSSS
TRACT TTTTTTTTTTTT
TRACT UUUUUUUUUUUU
TRACT VVVVVVVVVVVV
TRACT WWWWWWWWWWWW
TRACT XXXXXXXXXXXX
TRACT YYYYYYYYYYYY
TRACT ZZZZZZZZZZZZ
TRACT AAAAAAAAAAAAA
TRACT BBBBBBBBBBBBB
TRACT CCCCCCCCCCCCC
TRACT DDDDDDDDDDDDD
TRACT EEEEEEEEEEEEE
TRACT FFFFFFFFFFFFF
TRACT GGGGGGGGGGGGG
TRACT HHHHHHHHHHHHH
TRACT IIIIIIIIIIIII
TRACT JJJJJJJJJJJJJ
TRACT KKKKKKKKKKKKK
TRACT LLLLLLLLLLLLL
TRACT MMMMMMMMMMMMM
TRACT NNNNNNNNNNNNN
TRACT OOOOOOOOOOOOO
TRACT PPPPPPPPPPPPP
TRACT QQQQQQQQQQQQQ
TRACT RRRRRRRRRRRRR
TRACT SSSSSSSSSSSSS
TRACT TTTTTTTTTTTTT
TRACT UUUUUUUUUUUUU
TRACT VVVVVVVVVVVVV
TRACT WWWWWWWWWWWWW
TRACT XXXXXXXXXXXXX
TRACT YYYYYYYYYYYYY
TRACT ZZZZZZZZZZZZZ
TRACT AAAAAAAAAAAAAA
TRACT BBBBBBBBBBBBBB
TRACT CCCCCCCCCCCCCC
TRACT DDDDDDDDDDDDDD
TRACT EEEEEEEEEEEEEE
TRACT FFFFFFFFFFFFFF
TRACT GGGGGGGGGGGGGG
TRACT HHHHHHHHHHHHHH
TRACT IIIIIIIIIIIIII
TRACT JJJJJJJJJJJJJJ
TRACT KKKKKKKKKKKKKK
TRACT LLLLLLLLLLLLLL
TRACT MMMMMMMMMMMMMM
TRACT NNNNNNNNNNNNNN
TRACT OOOOOOOOOOOOOO
TRACT PPPPPPPPPPPPPP
TRACT QQQQQQQQQQQQQQ
TRACT RRRRRRRRRRRRRR
TRACT SSSSSSSSSSSSSS
TRACT TTTTTTTTTTTTTT
TRACT UUUUUUUUUUUUUU
TRACT VVVVVVVVVVVVVV
TRACT WWWWWWWWWWWWWW
TRACT XXXXXXXXXXXXXX
TRACT YYYYYYYYYYYYYY
TRACT ZZZZZZZZZZZZZZ
TRACT AAAAAAAAAAAAAAA
TRACT BBBBBBBBBBBBBBB
TRACT CCCCCCCCCCCCCCC
TRACT DDDDDDDDDDDDDDD
TRACT EEEEEEEEEEEEEEE
TRACT FFFFFFFFFFFFFFF
TRACT GGGGGGGGGGGGGGG
TRACT HHHHHHHHHHHHHHH
TRACT IIIIIIIIIIIIIII
TRACT JJJJJJJJJJJJJJJ
TRACT KKKKKKKKKKKKKKK
TRACT LLLLLLLLLLLLLLL
TRACT MMMMMMMMMMMMMMM
TRACT NNNNNNNNNNNNNNN
TRACT OOOOOOOOOOOOOOO
TRACT PPPPPPPPPPPPPPP
TRACT QQQQQQQQQQQQQQQ
TRACT RRRRRRRRRRRRRRR
TRACT SSSSSSSSSSSSSSS
TRACT TTTTTTTTTTTTTTT
TRACT UUUUUUUUUUUUUUU
TRACT VVVVVVVVVVVVVVV
TRACT WWWWWWWWWWWWWWW
TRACT XXXXXXXXXXXXXXX
TRACT YYYYYYYYYYYYYYY
TRACT ZZZZZZZZZZZZZZZ
TRACT AAAAAAAAAAAAAAAA
TRACT BBBBBBBBBBBBBBBB
TRACT CCCCCCCCCCCCCCCC
TRACT DDDDDDDDDDDDDDDD
TRACT EEEEEEEEEEEEEEEE
TRACT FFFFFFFFFFFFFFFF
TRACT GGGGGGGGGGGGGGGG
TRACT HHHHHHHHHHHHHHHH
TRACT IIIIIIIIIIIIIIII
TRACT JJJJJJJJJJJJJJJJ
TRACT KKKKKKKKKKKKKKKK
TRACT LLLLLLLLLLLLLLLL
TRACT MMMMMMMMMMMMMMMM
TRACT NNNNNNNNNNNNNNNN
TRACT OOOOOOOOOOOOOOOO
TRACT PPPPPPPPPPPPPPPP
TRACT QQQQQQQQQQQQQQQQ
TRACT RRRRRRRRRRRRRRRR
TRACT SSSSSSSSSSSSSSSS
TRACT TTTTTTTTTTTTTTTT
TRACT UUUUUUUUUUUUUUUU
TRACT VVVVVVVVVVVVVVVV
TRACT WWWWWWWWWWWWWWWW
TRACT XXXXXXXXXXXXXXXX
TRACT YYYYYYYYYYYYYYYY
TRACT ZZZZZZZZZZZZZZZZ
TRACT AAAAAAAAAAAAAAAAA
TRACT BBBBBBBBBBBBBBBBB
TRACT CCCCCCCCCCCCCCCCC
TRACT DDDDDDDDDDDDDDDDD
TRACT EEEEEEEEEEEEEEEEE
TRACT FFFFFFFFFFFFFFFFF
TRACT GGGGGGGGGGGGGGGGG
TRACT HHHHHHHHHHHHHHHHH
TRACT IIIIIIIIIIIIIIIII
TRACT JJJJJJJJJJJJJJJJJ
TRACT KKKKKKKKKKKKKKKKK
TRACT LLLLLLLLLLLLLLLLL
TRACT MMMMMMMMMMMMMMMMM
TRACT NNNNNNNNNNNNNNNNN
TRACT OOOOOOOOOOOOOOOOO
TRACT PPPPPPPPPPPPPPPPP
TRACT QQQQQQQQQQQQQQQQQ
TRACT RRRRRRRRRRRRRRRRR
TRACT SSSSSSSSSSSSSSSSS
TRACT TTTTTTTTTTTTTTTTT
TRACT UUUUUUUUUUUUUUUUU
TRACT VVVVVVVVVVVVVVVVV
TRACT WWWWWWWWWWWWWWWWW
TRACT XXXXXXXXXXXXXXXXX
TRACT YYYYYYYYYYYYYYYYY
TRACT ZZZZZZZZZZZZZZZZZ
TRACT AAAAAAAAAAAAAAAAAA
TRACT BBBBBBBBBBBBBBBBBB
TRACT CCCCCCCCCCCCCCCCCC
TRACT DDDDDDDDDDDDDDDDDD
TRACT EEEEEEEEEEEEEEEEEE
TRACT FFFFFFFFFFFFFFFFFF
TRACT GGGGGGGGGGGGGGGGGG
TRACT HHHHHHHHHHHHHHHHHH
TRACT IIIIIIIIIIIIIIIIII
TRACT JJJJJJJJJJJJJJJJJJ
TRACT KKKKKKKKKKKKKKKKKK
TRACT LLLLLLLLLLLLLLLLLL
TRACT MMMMMMMMMMMMMMMMMM
TRACT NNNNNNNNNNNNNNNNNN
TRACT OOOOOOOOOOOOOOOOOO
TRACT PPPPPPPPPPPPPPPPPP
TRACT QQQQQQQQQQQQQQQQQQ
TRACT RRRRRRRRRRRRRRRRRR
TRACT SSSSSSSSSSSSSSSSSS
TRACT TTTTTTTTTTTTTTTTTT
TRACT UUUUUUUUUUUUUUUUUU
TRACT VVVVVVVVVVVVVVVVVV
TRACT WWWWWWWWWWWWWWWWWW
TRACT XXXXXXXXXXXXXXXXXX
TRACT YYYYYYYYYYYYYYYYYY
TRACT ZZZZZZZZZZZZZZZZZZ
TRACT AAAAAAAAAAAAAAAAAAA
TRACT BBBBBBBBBBBBBBBBBBB
TRACT CCCCCCCCCCCCCCCCCCC
TRACT DDDDDDDDDDDDDDDDDDD
TRACT EEEEEEEEEEEEEEEEEEE
TRACT FFFFFFFFFFFFFFFFFFF
TRACT GGGGGGGGGGGGGGGGGGG
TRACT HHHHHHHHHHHHHHHHHHH
TRACT IIIIIIIIIIIIIIIIIII
TRACT JJJJJJJJJJJJJJJJJJJ
TRACT KKKKKKKKKKKKKKKKKKK
TRACT LLLLLLLLLLLLLLLLLLL
TRACT MMMMMMMMMMMMMMMMMMM
TRACT NNNNNNNNNNNNNNNNNNN
TRACT OOOOOOOOOOOOOOOOOOO
TRACT PPPPPPPPPPPPPPPPPPP
TRACT QQQQQQQQQQQQQQQQQQQ
TRACT RRRRRRRRRRRRRRRRRRR
TRACT SSSSSSSSSSSSSSSSSSS
TRACT TTTTTTTTTTTTTTTTTTT
TRACT UUUUUUUUUUUUUUUUUUU
TRACT VVVVVVVVVVVVVVVVVVV
TRACT WWWWWWWWWWWWWWWWWWW
TRACT XXXXXXXXXXXXXXXXXXX
TRACT YYYYYYYYYYYYYYYYYYY
TRACT ZZZZZZZZZZZZZZZZZZZ
TRACT AAAAAAAAAAAAAAAAAAAA
TRACT BBBBBBBBBBBBBBBBBBBB
TRACT CCCCCCCCCCCCCCCCCCCC
TRACT DDDDDDDDDDDDDDDDDDDD
TRACT EEEEEEEEEEEEEEEEEEEE
TRACT FFFFFFFFFFFFFFFFFFFF
TRACT GGGGGGGGGGGGGGGGGGGG
TRACT HHHHHHHHHHHHHHHHHHHH
TRACT IIIIIIIIIIIIIIIIIIII
TRACT JJJJJJJJJJJJJJJJJJJJ
TRACT KKKKKKKKKKKKKKKKKKKK
TRACT LLLLLLLLLLLLLLLLLLLL
TRACT MMMMMMMMMMMMMMMMMMMM
TRACT NNNNNNNNNNNNNNNNNNNN
TRACT OOOOOOOOOOOOOOOOOOOO
TRACT PPPPPPPPPPPPPPPPPPPP
TRACT QQQQQQQQQQQQQQQQQQQQ
TRACT RRRRRRRRRRRRRRRRRRRR
TRACT SSSSSSSSSSSSSSSSSSSS
TRACT TTTTTTTTTTTTTTTTTTTT
TRACT UUUUUUUUUUUUUUUUUUUU
TRACT VVVVVVVVVVVVVVVVVVVV
TRACT WWWWWWWWWWWWWWWWWWWW
TRACT XXXXXXXXXXXXXXXXXXXX
TRACT YYYYYYYYYYYYYYYYYYYY
TRACT ZZZZZZZZZZZZZZZZZZZZ
TRACT AAAAAAAAAAAAAAAAAAAAA
TRACT BBBBBBBBBBBBBBBBBBBBB
TRACT CCCCCCCCCCCCCCCCCCCCC
TRACT DDDDDDDDDDDDDDDDDDDDD
TRACT EEEEEEEEEEEEEEEEEEEEE
TRACT FFFFFFFFFFFFFFFFFFFFF
TRACT GGGGGGGGGGGGGGGGGGGGG
TRACT HHHHHHHHHHHHHHHHHHHHH
TRACT IIIIIIIIIIIIIIIIIIIII
TRACT JJJJJJJJJJJJJJJJJJJJJ
TRACT KKKKKKKKKKKKKKKKKKKKK
TRACT LLLLLLLLLLLLLLLLLLLLL
TRACT MMMMMMMMMMMMMMMMMMMMM
TRACT NNNNNNNNNNNNNNNNNNNNN
TRACT OOOOOOOOOOOOOOOOOOOOO
TRACT PPPPPPPPPPPPPPPPPPPPP
TRACT QQQQQQQQQQQQQQQQQQQQQ
TRACT RRRRRRRRRRRRRRRRRRRRR
TRACT SSSSSSSSSSSSSSSSSSSSS
TRACT TTTTTTTTTTTTTTTTTTTTT
TRACT UUUUUUUUUUUUUUUUUUUUU
TRACT VVVVVVVVVVVVVVVVVVVVV
TRACT WWWWWWWWWWWWWWWWWWWWW
TRACT XXXXXXXXXXXXXXXXXXXXX
TRACT YYYYYYYYYYYYYYYYYYYYY
TRACT ZZZZZZZZZZZZZZZZZZZZZ
TRACT AAAAAAAAAAAAAAAAAAAAAA
TRACT BBBBBBBBBBBBBBBBBBBBBB
TRACT CCCCCCCCCCCCCCCCCCCCCC
TRACT DDDDDDDDDDDDDDDDDDDDDD
TRACT EEEEEEEEEEEEEEEEEEEEEE
TRACT FFFFFFFFFFFFFFFFFFFFFF
TRACT GGGGGGGGGGGGGGGGGGGGGG
TRACT HHHHHHHHHHHHHHHHHHHHHH
TRACT IIIIIIIIIIIIIIIIIIIIII
TRACT JJJJJJJJJJJJJJJJJJJJJJ
TRACT KKKKKKKKKKKKKKKKKKKKKK
TRACT LLLLLLLLLLLLLLLLLLLLLL
TRACT MMMMMMMMMMMMMMMMMMMMMM
TRACT NNNNNNNNNNNNNNNNNNNNNN
TRACT OOOOOOOOOOOOOOOOOOOOOO
TRACT PPPPPPPPPPPPPPPPPPPPPP
TRACT QQQQQQQQQQQQQQQQQQQQQQ
TRACT RRRRRRRRRRRRRRRRRRRRRR
TRACT SSSSSSSSSSSSSSSSSSSSSS
TRACT TTTTTTTTTTTTTTTTTTTTTT
TRACT UUUUUUUUUUUUUUUUUUUUUU
TRACT VVVVVVVVVVVVVVVVVVVVVV
TRACT WWWWWWWWWWWWWWWWWWWWWW
TRACT XXXXXXXXXXXXXXXXXXXXXX
TRACT YYYYYYYYYYYYYYYYYYYYYY
TRACT ZZZZZZZZZZZZZZZZZZZZZZ
TRACT AAAAAAAAAAAAAAAAAAAAAAA
TRACT BBBBBBBBBBBBBBBBBBBBBBB
TRACT CCCCCCCCCCCCCCCCCCCCCCC
TRACT DDDDDDDDDDDDDDDDDDDDDDD
TRACT EEEEEEEEEEEEEEEEEEEEEEE
TRACT FFFFFFFFFFFFFFFFFFFFFFF
TRACT GGGGGGGGGGGGGGGGGGGGGGG
TRACT HHHHHHHHHHHHHHHHHHHHHHH
TRACT IIIIIIIIIIIIIIIIIIIIIII
TRACT JJJJJJJJJJJJJJJJJJJJJJJ
TRACT KKKKKKKKKKKKKKKKKKKKKKK
TRACT LLLLLLLLLLLLLLLLLLLLLLL
TRACT MMMMMMMMMMMMMMMMMMMMMMM
TRACT NNNNNNNNNNNNNNNNNNNNNNN
TRACT OOOOOOOOOOOOOOOOOOOOOOO
TRACT PPPPPPPPPPPPPPPPPPPPPPP
TRACT QQQQQQQQQQQQQQQQQQQQQQQ
TRACT RRRRRRRRRRRRRRRRRRRRRRR
TRACT SSSSSSSSSSSSSSSSSSSSSSS
TRACT TTTTTTTTTTTTTTTTTTTTTTT
TRACT UUUUUUUUUUUUUUUUUUUUUUU
TRACT VVVVVVVVVVVVVVVVVVVVVVV
TRACT WWWWWWWWWWWWWWWWWWWWWWW
TRACT XXXXXXXXXXXXXXXXXXXXXXX
TRACT YYYYYYYYYYYYYYYYYYYYYYY
TRACT ZZZZZZZZZZZZZZZZZZZZZZZ
TRACT AAAAAAAAAAAAAAAAAAAAAAAA
TRACT BBBBBBBBBBBBBBBBBBBBBBBB
TRACT CCCCCCCCCCCCCCCCCCCCCCCC
TRACT DDDDDDDDDDDDDDDDDDDDDDDD
TRACT EEEEEEEEEEEEEEEEEEEEEEEE
TRACT FFFFFFFFFFFFFFFFFFFFFFFF
TRACT GGGGGGGGGGGGGGGGGGGGGGGG
TRACT HHHHHHHHHHHHHHHHHHHHHHHH
TRACT IIIIIIIIIIIIIIIIIIIIIIII
TRACT JJJJJJJJJJJJJJJJJJJJJJJJ
TRACT KKKKKKKKKKKKKKKKKKKKKKKK
TRACT LLLLLLLLLLLLLLLLLLLLLLLL
TRACT MMMMMMMMMMMMMMMMMMMMMMMM
TRACT NNNNNNNNNNNNNNNNNNNNNNNN
TRACT OOOOOOOOOOOOOOOOOOOOOOOO
TRACT PPPPPPPPPPPPPPPPPPPPPPPP
TRACT QQQQQQQQQQQQQQQQQQQQQQQQ
TRACT RRRRRRRRRRRRRRRRRRRRRRRR
TRACT SSSSSSSSSSSSSSSSSSSSSSSS
TRACT TTTTTTTTTTTTTTTTTTTTTTTT
TRACT UUUUUUUUUUUUUUUUUUUUUUUU
TRACT VVVVVVVVVVVVVVVVVVVVVVVV
TRACT WWWWWWWWWWWWWWWWWWWWWWWW
TRACT XXXXXXXXXXXXXXXXXXXXXXXX
TRACT YYYYYYYYYYYYYYYYYYYYYYYY
TRACT ZZZZZZZZZZZZZZZZZZZZZZZZ
TRACT AAAAAAAAAAAAAAAAAAAAAAAAA
TRACT BBBBBBBBBBBBBBBBBBBBBBBBB
TRACT CCCCCCCCCCCCCCCCCCCCCCCCC
TRACT DDDDDDDDDDDDDDDDDDDDDDDDD
TRACT EEEEEEEEEEEEEEEEEEEEEEEEE
TRACT FFFFFFFFFFFFFFFFFFFFFFFFF
TRACT GGGGGGGGGGGGGGGGGGGGGGGGG
TRACT HHHHHHHHHHHHHHHHHHHHHHHHH
TRACT IIIIIIIIIIIIIIIIIIIIIIIII
TRACT JJJJJJJJJJJJJJJJJJJJJJJJJ
TRACT KKKKKKKKKKKKKKKKKKKKKKKKK
TRACT LLLLLLLLLLLLLLLLLLLLLLLLL
TRACT MMMMMMMMMMMMMMMMMMMMMMMMM
TRACT NNNNNNNNNNNNNNNNNNNNNNNNN
TRACT OOOOOOOOOOOOOOOOOOOOOOOOO
TRACT PPPPPPPPPPPPPPPPPPPPPPPPP
TRACT QQQQQQQQQQQQQQQQQQQQQQQQQ
TRACT RRRRRRRRRRRRRRRRRRRRRRRRR
TRACT SSSSSSSSSSSSSSSSSSSSSSSSS
TRACT TTTTTTTTTTTTTTTTTTTTTTTTT
TRACT UUUUUUUUUUUUUUUUUUUUUUUUU
TRACT VVVVVVVVVVVVVVVVVVVVVVVVV
TRACT WWWWWWWWWWWWWWWWWWWWWWWWW
TRACT XXXXXXXXXXXXXXXXXXXXXXXXX
TRACT YYYYYYYYYYYYYYYYYYYYYYYYY
TRACT ZZZZZZZZZZZZZZZZZZZZZZZZZ
TRACT AAAAAAAAAAAAAAAAAAAAAAAAAA
TRACT BBBBBBBBBBBBBBBBBBBBBBBBBB
TRACT CCCCCCCCCCCCCCCCCCCCCCCCCC
TRACT DDDDDDDDDDDDDDDDDDDDDDDDDD
TRACT EEEEEEEEEEEEEEEEEEEEEEEEEE
TRACT FFFFFFFFFFFFFFFFFFFFFFFFFF
TRACT GGGGGGGGGGGGGGGGGGGGGGGGGG
TRACT HHHHHHHHHHHHHHHHHHHHHHHHHH
TRACT IIIIIIIIIIIIIIIIIIIIIIIIII
TRACT JJJJJJJJJJJJJJJJJJJJJJJJJJ
TRACT KKKKKKKKKKKKKKKKKKKKKKKKKK
TRACT LLLLLLLLLLLLLLLLLLLLLLLLLL
TRACT MMMMMMMMMMMMMMMMMMMMMMMMMM
TRACT NNNNNNNNNNNNNNNNNNNNNNNNNN
TRACT OOOOOOOOOOOOOOOOOOOOOOOOOO
TRACT PPPPPPPPPPPPPPPPPPPPPPPPPP
TRACT QQQQQQQQQQQQQQQQQQQQQQQQQQ
TRACT RRRRRRRRRRRRRRRRRRRRRRRRRR
TRACT SSSSSSSSSSSSSSSSSSSSSSSSSS
TRACT TTTTTTTTTTTTTTTTTTTTTTTTTT
TRACT UUUUUUUUUUUUUUUUUUUUUUUUUU
TRACT VVVVVVVVVVVVVVVVVVVVVVVVVV
TRACT WWWWWWWWWWWWWWWWWWWWWWWWWW
TRACT XXXXXXXXXXXXXXXXXXXXXXXXXX
TRACT YYYYYYYYYYYYYYYYYYYYYYYYYY
TRACT ZZZZZZZZZZZZZZZZZZZZZZZZZZ
TRACT AAAAAAAAAAAAAAAAAAAAAAAAAAA
TRACT BBBBBBBBBBBBBBBBBBBBBBBBBBB
TRACT CCCCCCCCCCCCCCCCCCCCCCCCCCC
TRACT DDDDDDDDDDDDDDDDDDDDDDDDDDD
TRACT EEEEEEEEEEEEEEEEEEEEEEEEEEE
TRACT FFFFFFFFFFFFFFFFFFFFFFFFFFF
TRACT GGGGGGGGGGGGGGGGGGGGGGGGGGG
TRACT HHHHHHHHHHHHHHHHHHHHHHHHHHH
TRACT IIIIIIIIIIIIIIIIIIIIIIIIIII
TRACT JJJJJJJJJJJJJJJJJJJJJJJJJJJ
TRACT KKKKKKKKKKKKKKKKKKKKKKKKKKK
TRACT LLLLLLLLLLLLLLLLLLLLLLLLLLL
TRACT MMMMMMMMMMMMMMMMMMMMMMMMMMM
TRACT NNNNNNNNNNNNNNNNNNNNNNNNNNN
TRACT OOOOOOOOOOOOOOOOOOOOOOOOOOO
TRACT PPPPPPPPPPPPPPPPPPPPPPPPPPP
TRACT QQQQQQQQQQQQQQQQQQQQQQQQQQQ
TRACT RRRRRRRRRRRRRRRRRRRRRRRRRRR
TRACT SSSSSSSSSSSSSSSSSSSSSSSSSSS
TRACT TTTTTTTTTTTTTTTTTTTTTTTTTTT
TRACT UUUUUUUUUUUUUUUUUUUUUUUUUUU
TRACT VVVVVVVVVVVVVVVVVVVVVVVVVVV
TRACT WWWWWWWWWWWWWWWWWWWWWWWWWWW
TRACT XXXXXXXXXXXXXXXXXXXXXXXXXXX
TRACT YYYYYYYYYYYYYYYYYYYYYYYYYYY
TRACT ZZZZZZZZZZZZZZZZZZZZZZZZZZZ
TRACT AAAAAAAAAAAAAAAAAAAAAAAAAAAA
TRACT BBBBBBBBBBBBBBBBBBBBBBBBBBBB
TRACT CCCCCCCCCCCCCCCCCCCCCCCCCCCC
TRACT DDDDDDDDDDDDDDDDDDDDDDDDDDDD
TRACT EEEEEEEEEEEEEEEEEEEEEEEEEEEE
TRACT FFFFFFFFFFFFFFFFFFFFFFFFFFFF
TRACT GGGGGGGGGGGGGGGGGGGGGGGGGGGG
TRACT HHHHHHHHHHHHHHHHHHHHHHHHHHHH
TRACT IIIIIIIIIIIIIIIIIIIIIIIIIIII
TRACT JJJJJJJJJJJJJJJJJJJJJJJJJJJJ
TRACT KKKKKKKKKKKKKKKKKKKKKKKKKKKK
TRACT LLLLLLLLLLLLLLLLLLLLLLLLLLLL
TRACT MMMMMMMMMMMMMMMMMMMMMMMMMMMM
TRACT NNNNNNNNNNNNNNNNNNNNNNNNNNNN
TRACT OOOOOOOOOOOOOOOOOOOOOOOOOOOO
TRACT PPPPPPPPPPPPPPPPPPPPPPPPPPPP
TRACT QQQQQQQQQQQQQQQQQQQQQQQQQQQQ
TRACT RRRRRRRRRRRRRRRRRRRRRRRRRRRR
TRACT SSSSSSSSSSSSSSSSSSSSSSSSSSSS
TRACT TTTTTTTTTTTTTTTTTTTTTTTTTTTT
TRACT UUUUUUUUUUUUUUUUUUUUUUUUUUUU
TRACT VVVVVVVVVVVVVVVVVVVVVVVVVVVV
TRACT WWWWWWWWWWWWWWWWWWWWWWWWWWWW
TRACT XXXXXXXXXXXXXXXXXXXXXXXXXXXX
TRACT YYYYYYYYYYYYYYYYYYYYYYYYYYYY
TRACT ZZZZZZZZZZZZZZZZZZZZZZZZZZZZ
TRACT AAAAAAAAAAAAAAAAAAAAAAAAAAAAA
TRACT BBBBBBBBBBBBBBBBBBBBBBBBBBBBB
TRACT CCCCCCCCCCCCCCCCCCCCCCCCCCCCC
TRACT DDDDDDDDDDDDDDDDDDDDDDDDDDDDD
TRACT EEEEEEEEEEEEEEEEEEEEEEEEEEEEE
TRACT FFFFFFFFFFFFFFFFFFFFFFFFFFFFF
TRACT GGGGGGGGGGGGGGGGGGGGGGGGGGGGG
TRACT HHHHHHHHHHHHHHHHHHHHHHHHHHHH
TRACT IIIIIIIIIIIIIIIIIIIIIIIIIIII
TRACT JJJJJJJJJJJJJJJJJJJJJJJJJJJJ
TRACT KKKKKKKKKKKKKKKKKKKKKKKKKKKK
TRACT LLLLLLLLLLLLLLLLLLLLLLLLLLLL
TRACT MMMMMMMMMMMMMMMMMMMMMMMMMMMM
TRACT NNNNNNNNNNNNNNNNNNNNNNNNNNNN
TRACT OOOOOOOOOOOOOOOOOOOOOOOOOOOO
TRACT PPPPPPPPPPPPPPPPPPPPPPPPPPPP
TRACT QQQQQQQQQQQQQQQQQQQQQQQQQQQQ
TRACT RRRRRRRRRRRRRRRRRRRRRRRRRRRR
TRACT SSSSSSSSSSSSSSSSSSSSSSSSSSSS
TRACT TTTTTTTTTTTTTTTTTTTTTTTTTTTT
TRACT UUUUUUUUUUUUUUUUUUUUUUUUUUUU
TRACT VVVVVVVVVVVVVVVVVVVVVVVVVVVV
TRACT WWWWWWWWWWWWWWWWWWWWWWWWWWWW
TRACT XXXXXXXXXXXXXXXXXXXXXXXXXXXX
TRACT YYYYYYYYYYYYYYYYYYYYYYYYYYYY
TRACT ZZZZZZZZZZZZZZZZZZZZZZZZZZZZ
TRACT AAAAAAAAAAAAAAAAAAAAAAAAAAAAA
TRACT BBBBBBBBBBBBBBBBBBBBBBBBBBBBB
TRACT CCCCCCCCCCCCCCCCCCCCCCCCCCCCC
T


GOVERNOR MILES ROAD
CARLOS REY DEL SUR SUBDIVISION PHASE I
DETENTION POND 351/048-049
DRAINAGE AND OPEN SPACE PARCEL 1 351/048-049
DRAINAGE AND OPEN SPACE PARCEL 2 351/048-049
DRAINAGE AND OPEN SPACE PARCEL 3 351/048-049
TRACT A TOT LOT
TRACT B OPEN SPACE
AREA OF PUBLIC ROADS, VALLE TRESANA, VALLE CETONA AND VALLE SERAVEZZA, 2.6149 Ac.
VALLE TRESANA
VALLE CETONA
VALLE SERAVEZZA
CASE#S
M2005-07
S2005-07
A2005-Q1
"TITLE AND INDEXING INFORMATION FOR COUNTY CLERK"
SUBDIVISION PLAT OF
VILLAS DE TOSCANA
SECTION 10, T16N, R9E, N.M.P.M.
LYING NORTH OF INTERSTATE 25,
SANTA FE, NEW MEXICO
S2
SHEET 2 OF 2
DAWSON SURVEYS INC.
PROFESSIONAL LAND SURVEYORS
06-98-A



LOT DATA

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	N89°35'25"W	110.41'	L10	N00°01'00"W	17.71'
L2	S31°07'00"E	96.33'	L11	S89°58'57"W	15.00'
L3	S00°03'00"E	50.00'	L12	N00°01'00"W	14.71'
L4	S31°07'00"W	63.91'	L13	N00°01'00"W	14.08'
L5	S00°03'00"E	114.08'	L14	N00°01'00"W	15.00'
L6	S89°58'57"W	50.00'	L15	S00°01'00"E	15.00'
L7	N00°00'00"E	50.00'	L16	S89°58'57"W	17.81'
L8	S00°03'00"E	38.43'	L17	N00°01'00"W	18.00'
L9	S89°58'57"W	49.90'	L18	S89°58'57"W	50.00'

CENTERLINE ROAD DATA

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	17°09'00"	150.00'	43.00'	42.84'	S89°13'07"E
C2	5°49'11"	300.00'	30.47'	30.46'	N17°19'19"E
C3	35°49'38"	300.00'	187.58'	184.54'	N17°24'24"E
C4	35°49'38"	300.00'	187.58'	184.54'	N17°24'24"E
C5	5°49'11"	300.00'	30.47'	30.46'	N17°19'19"E
C6	90°00'00"	250.00'	392.70'	353.55'	S44°19'19"E
C7	90°00'00"	250.00'	392.70'	353.55'	S44°19'19"E
C8	21°01'19"	300.00'	110.10'	109.49'	S89°18'57"E
C9	21°01'19"	300.00'	110.10'	109.49'	S89°18'57"E

LINE	BEARING	DISTANCE
L1	N00°03'00"W	24.07'
L2	N00°03'00"W	24.07'
L3	N00°17'00"W	28.79'
L4	N00°17'00"W	28.79'
L5	N00°17'00"W	31.00'
L6	N00°17'00"W	31.00'

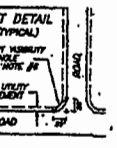
DRAINAGE AND ROAD EASEMENT DATA

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	6°00'00"	300.00'	30.37'	30.35'	N87°12'00"E
C2	67°10'00"	217.00'	254.32'	240.00'	N33°31'00"E
C3	31°53'00"	333.00'	185.24'	182.79'	N00°54'00"W
C4	31°53'00"	367.00'	204.38'	201.69'	N00°54'00"W
C5	67°10'00"	183.00'	214.58'	202.51'	N33°31'00"E
C6	17°20'00"	276.00'	83.54'	83.24'	S87°18'24"E
C7	64°19'37"	203.00'	182.42'	173.30'	S37°07'18"E
C8	116°21'00"	37.00'	75.12'	61.87'	S58°18'00"E
C9	90°00'00"	25.00'	39.27'	35.36'	N44°19'19"W
C10	69°34'37"	25.00'	30.41'	28.58'	S34°46'00"E
C11	12°26'00"	317.00'	68.80'	68.64'	N58°31'00"W
C12	90°00'00"	25.00'	39.27'	35.36'	N44°19'19"W

LEGEND

BEARINGS ARE DERIVED FROM SURVEY PLAT FOR JOHN EDDY AND ED BROSSEAU RECORDED IN BOOK 306, PAGE 008.

- ● DENOTES REBAR, CAP AS SHOWN FOUND
- ○ DENOTES REBAR, CAP AS SHOWN SET
- ⊙ DENOTES CALCULATED POINT NOT SET
- ⊗ DENOTES ROCK CAP FOUND
- ▲ DENOTES APPROXIMATE LOCATION OF SANTA FE CONTROL MONUMENT TO BE SET AFTER CURB IS INSTALLED
- — DENOTES BOUNDARY OF LANDS DEALT WITH BY THIS PLAT INFORMATION OUTSIDE OF THIS BOUNDARY IS SHOWN FOR INFORMATION ONLY, NOT VERIFIED FOR ACCURACY AND IS NOT PART OF THIS PLAT



DEDICATION AND AFFIDAVIT

0351048

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNER(S) HAVE CAUSED TO BE SUBDIVIDED THOSE LANDS SHOWN HEREON, THE SAID SUBDIVISION IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF SAID OWNER(S). UTILITY COMPANIES ARE GRANTED EASEMENTS SHOWN AND TO EXISTING UTILITIES NOT SHOWN. OTHER EASEMENTS ARE GRANTED AS SHOWN. THE CHACOTA CONTAINS 49.898 ACRES, MORE OR LESS. ALL ROADS, SANITARY SEWER AND OPEN SPACE AS SHOWN ARE DEDICATED TO THE CITY OF SANTA FE UPON COMPLETION OF CONSTRUCTION. THE ACCEPTANCE OF THE SANITARY SEWER WITHIN DEVELOPMENT FOR MAINTENANCE IS CONDITIONAL UPON THE ACCEPTANCE OF THE SEWER IN THE PUBLIC DEL SOL SUBDIVISION FOR MAINTENANCE.

THIS SUBDIVISION LIES WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE CITY OF SANTA FE, N.M.

OWNER(S)

ED BROSSEAU — ROBERTA M. BROSSEAU

STATE OF NEW MEXICO
COUNTY OF SANTA FE
THE FOREGOING INSTRUMENT WAS SIGNED, ACKNOWLEDGED AND SUBSCRIBED BEFORE ME BY ED BROSSEAU, AND ROBERTA M. BROSSEAU

THIS 10th DAY OF July, 1996

NOTARY PUBLIC — MY COMMISSION EXPIRES

OFFICIAL SEAL Geraldine A. Tapia NOTARY PUBLIC STATE OF NEW MEXICO

OWNER(S)

JOHN W. EDDY

STATE OF NEW MEXICO
COUNTY OF SANTA FE
THE FOREGOING INSTRUMENT WAS SIGNED, ACKNOWLEDGED AND SUBSCRIBED BEFORE ME BY JOHN W. EDDY,

THIS 22nd DAY OF July, 1996

NOTARY PUBLIC — MY COMMISSION EXPIRES

OFFICIAL SEAL Geraldine A. Tapia NOTARY PUBLIC STATE OF NEW MEXICO

NOTES:

1. THIS PLAT SUBJECT TO ANY RESTRICTIONS, COVENANTS AND EASEMENTS OF RECORD.
2. THERE IS A 7.5' UTILITY EASEMENT ADJACENT TO LOTS ALONG ROAD FRONTAGE, EXCEPT CAMINO CARLOS REY.
3. NO DRIVEWAY ACCESS IS PERMITTED FROM ANY LOTS TO CAMINO CARLOS REY.
4. LOTS 11-14 ARE SUBJECT TO RESTRICTIVE COVENANTS RECORDED IN BK. , PG. , WHICH PROTECT THE VEGETATION WITHIN THE BUILDING EXTERIOR AREA.
5. LOTS IN THIS SUBDIVISION MAY NOT BE FURTHER SUBDIVIDED.
6. NO CONSTRUCTION OR OTHER THAN 3 FEET IN HEIGHT IS PERMITTED WITHIN THE SIGHT VISIBILITY TRIANGLE. VEGETATION CANNOT EXCEED 3 FEET IN HEIGHT WITHIN THE VISIBILITY TRIANGLE.
7. THE CITY WILL PLACE ALL PERMANENT CONTROL DEVICES (SIGNS & STRIPING) AS REQUIRED ON DEDICED PUBLIC STREETS AT DEVELOPERS EXPENSE.
8. FOR LOTS 2 THROUGH 8 AND 18 THROUGH 22, THE CITY SHALL REVIEW EACH BUILDING PERMIT TO ENSURE THAT CROSS-LOT DRAINAGE IS PROPERLY MANAGED.
9. [illegible]

REFERENCE DOCUMENTS

1. PLAT PREPARED FOR JOHN EDDY, ED BROSSEAU AND CITY OF SANTA FE, SUNRISE DE CRISTO WATER CO., SANTA FE COUNTY, N.M., REC. BK.384, PG.024.
2. SURVEY PLAT FOR JOHN EDDY AND ED BROSSEAU SHOWING DIVISION OF THE W 1/2 OF THE SW 1/4 SECTION 10 T16N R9E, NMPM, LYING NORTH OF INTERSTATE 25, SANTA FE, COUNTY, N.M. REC BK.306, PG.008.
3. ANNEXATION PLAT OF CARLOS REY DEL SUR W 1/2 OF the 1/4 SECTION 10 T16N, R9E, NMPM LYING NORTH OF INTERSTATE 25, SANTA FE N.M., REC. BK.306, PG.008.

FLOOD ZONE

THIS PROPERTY LIES WITHIN ZONE "X" AREAS DETERMINED TO BE OUTSIDE 500 YEAR FLOOD PLAIN AS SHOWN ON F.I.R.M. PANEL 350056-0240 B, DATED 11-2-82

SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT IS A TRUE REPRESENTATION OF A SURVEY COMPLETED UNDER MY PERSONAL SUPERVISION ON THE 10th DAY OF APRIL, 1996, TO THE BEST OF MY KNOWLEDGE. THE SURVEY AND PLAT ARE CORRECT, TRUE AND MEET THE MINIMUM STANDARDS FOR LAND SURVEYS IN NEW MEXICO.

GARY L. DAWSON, NMPLS #7014

"TITLE AND RECORDS INFORMATION FOR COUNTY CLERK"

SUBDIVISION PLAT OF CARLOS REY DEL SUR SUBDIVISION, PHASE I

W 1/2 OF SW 1/4 SECTION 10, T16N, R9E, N.M.P.M, LYING NORTH OF INTERSTATE 25, SANTA FE, NEW MEXICO

DEVELOPMENT PLAN CASE #S 1996-9

APPROVED BY THE CITY OF SANTA FE COUNCIL AT THEIR MEETING OF n/19 AS ORDINANCE # n/19

MAYOR — CITY CLERK

APPROVED BY THE CITY PLANNING COMMISSION AT THEIR MEETING OF April 4, 1996

CHAIRMAN — SECRETARY

REVIEWED BY CITY OF SANTA FE:

DEVELOPMENT REVIEW ADMINISTRATOR, CITY ENGINEER

CITY ENGINEER

9/4/96

WATER MANAGEMENT DIVISION

UTILITIES:

PAUL FOR (SUNRISE DE CRISTO WATER CO.) — 7-19-96 DATE

U.S. WEST COMMUNICATIONS — 7-19-96 DATE

PUBLIC SERVICE CO. OF N.M. — 7-19-96 DATE

PUBLIC SERVICE CO. OF N.M. GAS SERVICES — 7-19-96 DATE

COUNTY OF SANTA FE
STATE OF NEW MEXICO
I hereby certify that this instrument was filed for record on the 19 day of 1996 A.D. at 11:00 o'clock A.M. and was duly recorded in book 306 page(s) 008-009 of the records of Santa Fe County.

Witness my Hand and Seal of office
JOHN G. ARNULO
County Clerk, Santa Fe County, N.M.

Deputy

COUNTY CLERK SANTA FE COUNTY

06-98

DAWSON SURVEYS INC.
PROFESSIONAL LAND SURVEYORS
227NW 1-25 N.-FRONTAGE RD.
SANTA FE, N.M.
FILE:0007/PHASE1 DATE:7-19-96

December 6, 2012
Planning Commission
Case # 2012-109

VILLAS DE TOSCANA DEVELOPMENT PLAN AMENDMENT

EXHIBIT H

ENN Notes

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

Project Name	Villas de Toscana Development Plan Amendment
Project Location	Located between Governor Miles Road and I-25, and east of Camino Carlos Rey
Project Description	Development Plan to privatize the streets, sidewalks, landscaping and lighting.
Applicant / Owner	Vistancia, LLC
Agent	John Paul Romero
Pre-App Meeting Date	
ENN Meeting Date	8/23/12
ENN Meeting Location	3172 Viale Tresana
Application Type	Development Plan Amendment
Land Use Staff	Dan Esquibel
Other Staff	
Attendance	9

Notes/Comments:
The audience consisted of 9 area residences. The applicant introduced the project and answered questions from the attendees. At the end of the meeting the applicant asked the attendees if they were for the request and it was unanimously accepted.

Villas Di Toscana
Early Neighborhood Notification (ENN) Meeting
Thursday, August 23, 2012
Sign-In Sheet

Name	Street Address	City, State, zip	e-mail	Phone
Jon Paul Romero	12 Feather Catcher Rd	SF, NM 87506	jpromero1@earthlink.net	690-3415
* Lucas Porter	3176 Viale Toscana	S.F., NM 87505	bplpfp@hotmail.com	505-216-0639
Sandy McGuigan	2853 Pueblo Bonito	Santa Fe NM 87507	notnoat@live.com	5054719680
Kathy Grimes	3177 Viale Toscana	" " 87507	hikiz@hotmail.com	785-766-4369
Jody DeCamillis Good	3170 Viale Toscana	Santa Fe NM 87505	jody26@goodfe.comcast.co	505/603-5201
GREG KULKA	3000 GOV. LINDSEY RD	SANTA FE, NM 87505	GREG.KULKA@JUNO.COM	505/474-0988
WM. PORTER	3176 Viale Toscana	" " 87505	bpepfpa@hotmail.com	505-216-0639
Patricia Lange	3004 Gov Mechem	" " "	pflange@comcast.net	505-474-6849
George A. Sanchez	3192 Camino San Andres	" " "	georgeshervysanchez@yahoo.com	505-920-1040

City staff Dan Esquivel

8-23-12
Date

EARLY NEIGHBORHOOD NOTIFICATION MEETING

Request for Staff Attendance

Project Information

Project Name: VILLAS DE TOSCANA

Address: 3172 VIALE TRESANA Parcel Size:

Zoning: Future Land Use:

Preapplication Conference Date:

Detailed Project Description: PRIVITIZATION OF DEVELOPMENT'S STREETS, SIDEWALKS, LANDSCAPING & LIGHTING.

Property Owner Information

Name: VISTANCIA, LLC

Address: 2611 CYPRESS CREEK PARKWAY, STE H-225 HOUSTON, TX 77068

Phone: 281-580-2085 E-mail Address: DSEGERS@WILLIAMCOLEINC.COM

Applicant/Agent Information (if different from owner):

Name: JON PAUL ROMERO

Address: 12 FEATHER CATCHER ROAD

Phone: 505-690-3415 E-mail Address: JPROMERO1@EARTHLINK.NET

Agent Authorization (if applicable):

I am/We are the owner(s) and record title holder(s) of the property located at: VILLAS DE TOSCANA

I/We authorize JON PAUL ROMERO to act as my/our agent to execute this application.

Signed: Date: 8-7-12

Signed: Date:

Proposed ENN Meeting Dates:

Provide 2 options:	*Preferred Option*	*Alternative*
DATE:	8-23-12	
TIME:	5:30pm - 7:30pm	
LOCATION:		

VISTANCIA, LLC

EARLY NEIGHBORHOOD NOTIFICATION MEETING

August 7, 2012

Dear Neighbor:

Vistancia, LLC is requesting to privatize the streets, sidewalks, landscaping and lighting, with the homeowners' association responsible for maintenance and repairs going forward.

In accordance with the requirements of the City of Santa Fe's Early Neighborhood Notification regulations, this is to inform you that a meeting is scheduled for:

Time: ***5:30 PM***
When: ***Thursday, August 23, 2012***
Where: ***3172 Viale Tresana***
Santa Fe, NM 87507

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

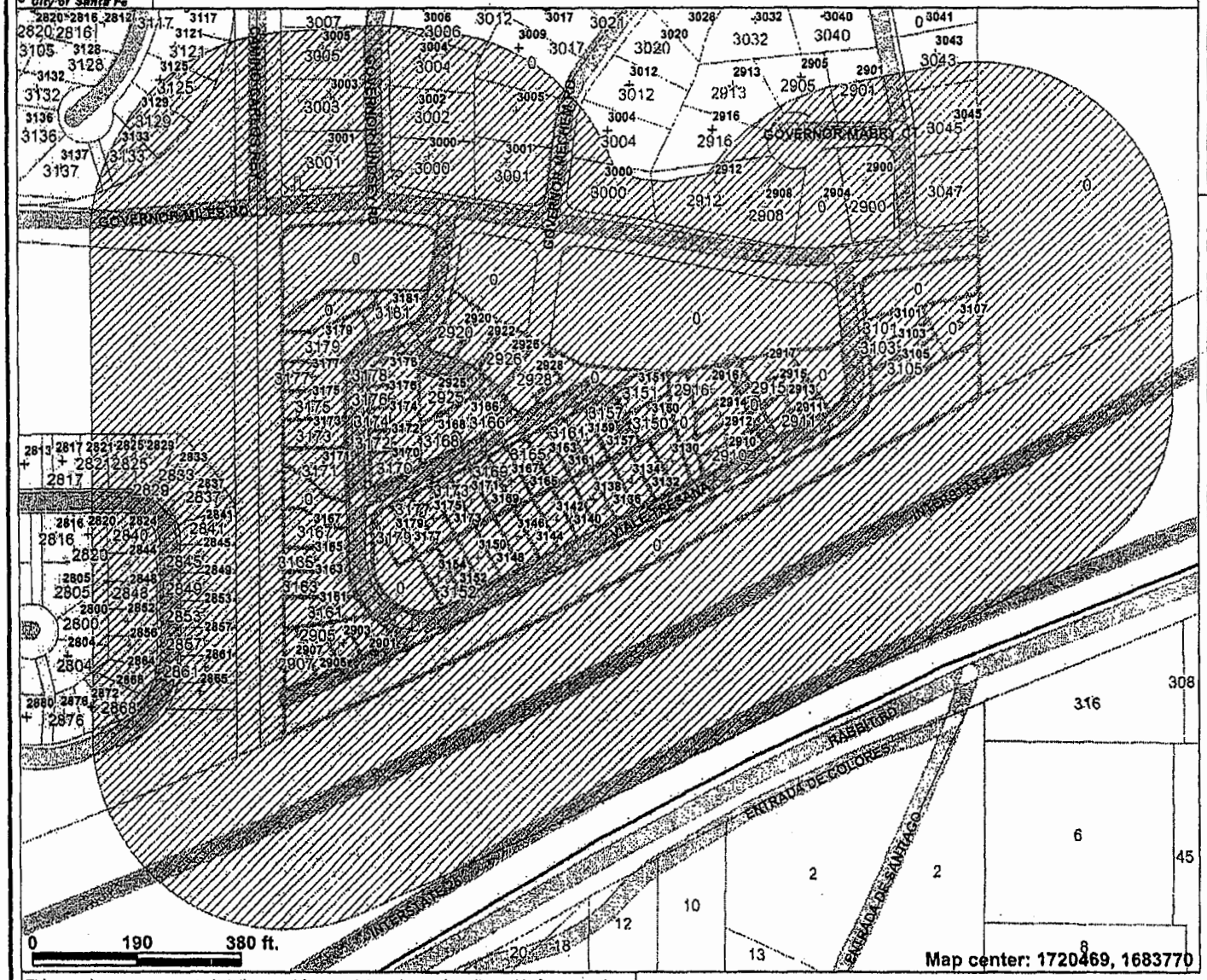
Attached, please find a vicinity map and proposed site plan. If you have any questions or comments, please contact Jon Paul Romero, 505-690-3415, jpromero1@earthlink.net.

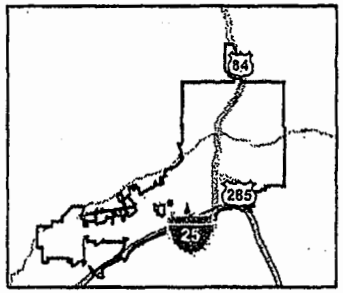
Sincerely,

David R. Segers
Vistancia, LLC

Attachments:
Vicinity map
Site plan

Villas di Toscana Notice Map





Legend

- City Limits
- Address Points
- Parcels
- Airport Clear Zones
- Santa Fe River
- Major Roads and Highways
- Other Roads and Streets

Scale: 1:3,292

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 "5"

4565 State Road 14
Santa Fe, NM 87508
(505) 473-3248

July 24, 2012

Vistancia, LLC
2611 Cypress Creek Parkway
Suite H-225
Houston, TX 77068

To Whom it May Concern:

Please be informed that PNM has built and installed the streetlights on Vaile Tresana per the developers' plans and specifications. This installation has been inspected by the PNM Line Department.

If you have any questions, please feel free to call me at (505) 473-3248.

Sincerely,

Jeanette Yardman
Regulatory & Public Coordinator
Santa Fe Division

Exhibit "6"

3. Lighting cost (we will have to estiame0 - I do not belive PNM is billing anyone
4. Landscape maintenance cost (per year or month)

I am wanting show the type of $$ saving it will be to the city if they allow the development to be private...I have spoke with some of the commissioners off the record and they don't have a problem with it since there are a number of development that are currently private..

Let me know when you all want to have a conference call to discuss...Thanks JP

SouthWest Designs, LLC
Planning, Land Development & Construction Management
12 Feather Catcher Road
Santa Fe, NM 87506
Phone - 505-690-3415

jpromero1@earthlink.net

----- Original Message -----
From: BAER, TAMARA
To: jpromero1@earthlink.net;ESQUIBEL, DANIEL A.
Cc: ZAXUS, RISANA B.; BARKLEY, JAMISON L.; ROMERO, JOHN J
Sent: 10/30/2012 8:09:52 AM
Subject: RE: Vaile Tresana

Good morning Jon Paul and thank you for the signed letter. Dan is out of the office for at least the next week for some surgery on his shoulder. Since you are now moved to the December 6 Planning Commission meeting, the staff report will be available to you once it is distributed to the Commissioners. That is scheduled for November 30th. Feel free to check in with Dan closer to that date for a progress report. – Tamara

Tamara Baer, ASLA
Manager, Current Planning Division
Land Use Department
City of Santa Fe
505-955-6580
tbaer@santafenm.gov

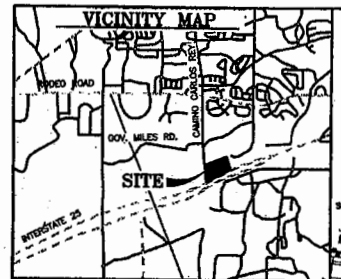
-----Original Message-----
From: jpromero1@earthlink.net [mailto:jpromero1@earthlink.net]
Sent: Tuesday, October 30, 2012 7:32 AM
To: ESQUIBEL, DANIEL A.
Cc: ZAXUS, RISANA B.; BAER, TAMARA; BARKLEY, JAMISON L.; ROMERO, JOHN J
Subject: Vaile Tresana

Dan,

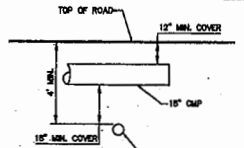
attached is a signed copy of the letter of acceptance from PNM, for the file...let me know when you have a copy of the staff report so a can review...Thanks JP

SouthWest Designs, LLC
Planning, Land Development & Construction Management
12 Feather Catcher Road

VICINITY MAP



TYPICAL UTILITY CROSS SECTION



SCALE 1"=3000'

SDCW WATER NOTES

1. CONTRACTOR WILL NOTIFY SDCW 5 DAYS PRIOR TO COMMENCEMENT OF WORK.
2. CONSTRUCTION SHALL BE DONE IN ACCORDANCE WITH THE SANGRE DE CRISTO WATER COMPANY CONSTRUCTION SPECIFICATIONS.
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 WATERLINE INSTALLATION.
5. ALL LOT CORNERS WILL BE STAKED PRIOR TO SERVICE LINE INSTALLATION. CURB AND GUTTER WILL BE INSTALLED PRIOR TO WATERLINE INSTALLATION UNLESS OTHER WISE APPROVED IN WRITING BE SDCW CO.
6. CONTRACTOR (DEVELOPER) SHALL PROVIDE CONSTRUCTION STAKING UTILIZING THE APPROPRIATE RIGHT OF WAY MAPS, SIGNED PLATS AND SDCW COMPANY DRAWINGS.
7. MATERIAL SUBMITTAL SHALL BE APPROVED BY SDCW CO. PRIOR TO CONSTRUCTION.
8. CONTACT NEW MEXICO ONE CALL AT 1-800-321-2537, TWO WORKING DAY IN ADVANCE OF CONSTRUCTION FOR UTILITY SPOTS.
9. PRESSURE REGULATOR AND PRESSURE SYSTEMS MUST BE APPROVED BY THE CITY OF SANTA FE PRIOR TO INSTALLATION.
10. PRESSURE REGULATORS WILL BE INSTALLED ON ALL SERVICES DOWNSTREAM FROM THE METER.
11. A MINIMUM OF 4 FEET COVER TOP OF PIPE TO BE MAINTAINED.
12. CONTRACTOR TO SUBMIT VALVE TIES TO SDCW CO. WITHIN 5 DAYS OF COMPLETION.
13. CONTRACTOR TO SUBMIT FITTING TIES AND LENGTHS BETWEEN FITTINGS TO SDCW CO. 5 DAYS AFTER COMPLETION. THIS INCLUDES DISTANCES FROM CORPORATION TO CORPORATION AS-BUILT QUANTITIES AND MEASUREMENTS SHALL BE LEGIBLE AND PROVIDED ON SDCW DRAWINGS OR OTHER AGREED UPON METHOD.
14. ALL VALVE BOXES TO BE BROUGHT UP TO GRADE AFTER FIRST COURSE OF ASPHALT AND BEFORE FINAL COURSE OF ASPHALT.
15. FIRE HYDRANTS SHALL BE NUMBERED USING REFLECTIVE NUMERALS. THE REFLECTIVE NUMERALS ARE TO BE OBTAINED BY THE CONTRACTOR FOR THE SDCW CO. FIELD REPRESENTATIVE AT THE TIME THE ITA IS ISSUED. NUMBERS SHALL BE LEGIBLE FROM THE ROAD.
16. A MECHANICAL RESTRAINT SYSTEM SHALL BE UTILIZED ON FITTINGS AND PIPING FOR THRUST RESTRAINT. CONCRETE THRUST BLOCKING TO BE USED ONLY FOR SPECIAL CONDITIONS (e.g. CAPS WHERE MAIN WILL BE EXTENDED IN THE FUTURE) AS SPECIFICALLY APPROVED BE SDCW.
17. ANY CHANGES TO THESE PLANS MUST BE APPROVED BY BOTH SDCW AND THE DESIGN ENGINEER.
18. WORK ON THE WATER SYSTEM CANNOT PROCEED UNTIL SDCW HAS ISSUED AN INDIVIDUAL TASK AUTHORIZATION (ITA) TO THE UTILITY CONTRACTOR.

PLAT RECORDING

BK. _____ PG. _____ DATE _____

SCALE: 1" = 50'

50' 0 50'

CONTOUR INTERVAL = NOT APPLICABLE

RECORD DRAWINGS

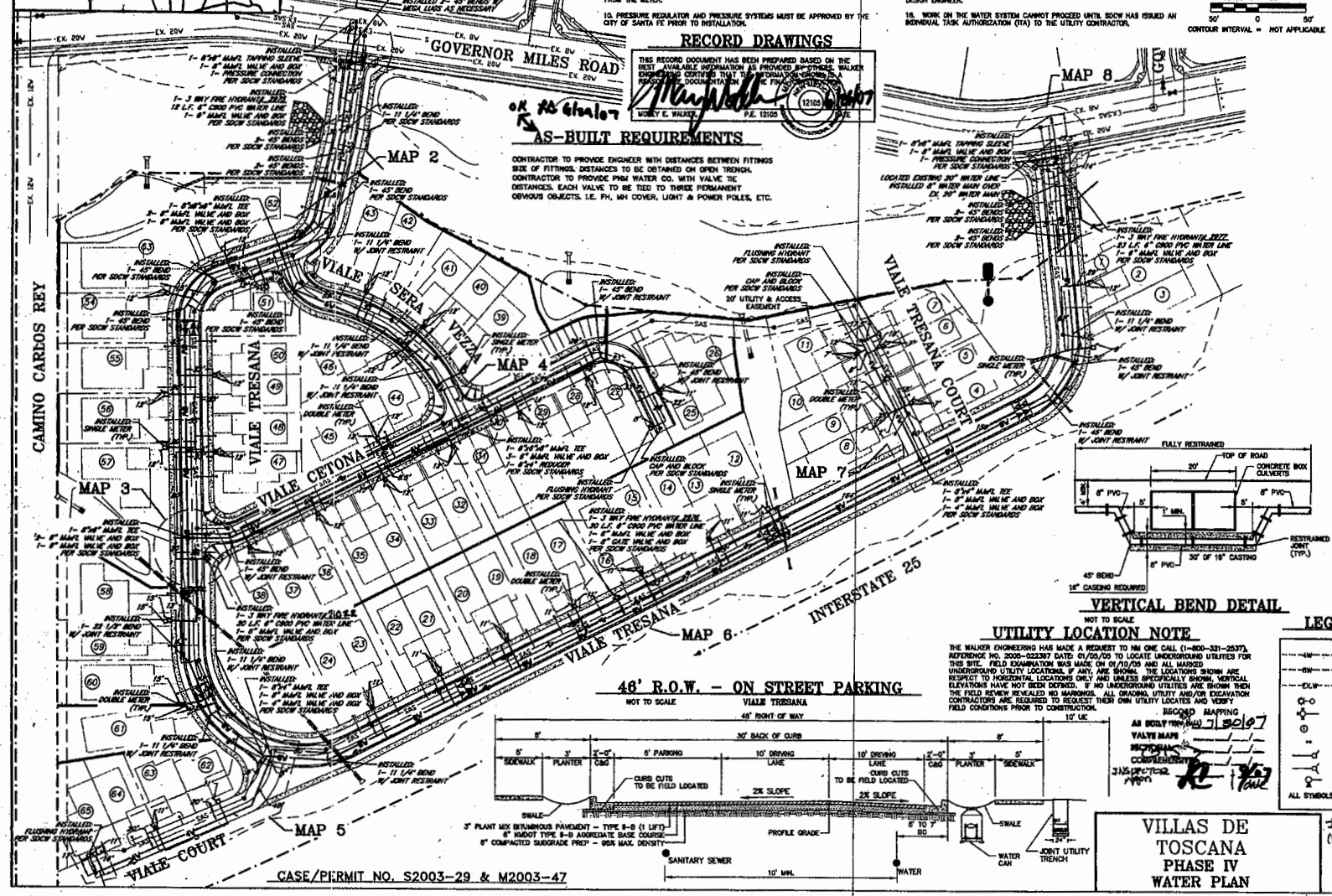
THIS RECORD DOCUMENT HAS BEEN PREPARED BASED ON THE BEST AVAILABLE INFORMATION AS PROVIDED BY OTHERS. WALKER ENGINEERING CERTIFIES THAT THE INFORMATION SHOWN ON THIS RECORD DOCUMENT IS THE FINAL INSTALLATION.

MOSES E. WALKER P.E. 12105 12105 DATE

OK RS 6/04/07

AS-BUILT REQUIREMENTS

CONTRACTOR TO PROVIDE ENGINEER WITH DISTANCES BETWEEN FITTINGS SIZE OF FITTINGS. DISTANCES TO BE OBTAINED ON OPEN TRENCH. CONTRACTOR TO PROVIDE PNM WATER CO. WITH VALVE TIE DISTANCES. EACH VALVE TO BE TIED TO THREE PERMANENT OBVIOUS OBJECTS. I.E. FH, MH COVER, LIGHT & POWER POLES, ETC.



VERTICAL BEND DETAIL

NOT TO SCALE

UTILITY LOCATION NOTE

THE WALKER ENGINEERING HAS MADE A REQUEST TO NM ONE CALL (1-800-321-2537), REFERENCE NO. 2005-022367 DATE: 01/05/05 TO LOCATE UNDERGROUND UTILITIES FOR THIS SITE. FIELD EXAMINATION WAS MADE ON 01/10/05 AND ALL MARKED UNDERGROUND UTILITY LOCATIONS, IF ANY, ARE SHOWN. THE LOCATIONS SHOWN ARE RESPECT TO HORIZONTAL LOCATIONS ONLY AND UNLESS SPECIFICALLY SHOWN, VERTICAL ELEVATIONS HAVE NOT BEEN DETMCD. IF NO UNDERGROUND UTILITIES ARE SHOWN THEN THE FIELD REVIEW REVEALED NO MARKINGS. ALL GRADING, UTILITY AND/OR EXCAVATION CONTRACTORS ARE REQUIRED TO REQUEST THEIR OWN UTILITY LOCATES AND VERIFY FIELD CONDITIONS PRIOR TO CONSTRUCTION.

RECORD MAPPING
AS BUILT PER WO 7/30/07
VALVE MAPS
HYDRANTS
COORDINATES
INSPECTOR

46' R.O.W. - ON STREET PARKING

NOT TO SCALE VIALE TRESANA

LEGEND

—4W—	4" WATER LINE (SDCW)
—8W—	8" WATER LINE (SDCW)
—EX.W—	EXISTING WATER LINE (SDCW)
	STREET LIGHT
	FIRE HYDRANTS
	LOT NUMBERS
	WATER VALVE & BOX
	3/4" CU-SERVICE
	3/4" CU-DOUBLE SERVICE
	FLUSHING HYDRANT

ALL SYMBOLS WILL NOT NECESSARILY APPLY TO THIS PROJECT

Villas de Toscana

Lot #	Address	
1	3101	Viale Tresana
2	3103	Viale Tresana
3	3105	Viale Tresana
4	3911	Viale Tresana
5	3913	Viale Tresana Court
6	3915	Viale Tresana Court
7	3917	Viale Tresana Court
8	3919	Viale Tresana Court
9	3912	Viale Tresana Court
10	3914	Viale Tresana Court
11	3916	Viale Tresana Court
12	3130	Viale Tresana
13	3132	Viale Tresana
14	3134	Viale Tresana
15	3136	Viale Tresana
16	3138	Viale Tresana
17	3140	Viale Tresana
18	3142	Viale Tresana
19	3144	Viale Tresana
20	3146	Viale Tresana
21	3148	Viale Tresana
22	3150	Viale Tresana
23	3152	Viale Tresana
24	3154	Viale Tresana
25	3156	Viale Cetona
26	3101	Viale Cetona
27	3107	Viale Cetona
28	3109	Viale Cetona
29	3101	Viale Cetona
30	3103	Viale Cetona
31	3105	Viale Cetona
32	3107	Viale Cetona
33	3109	Viale Cetona
34	3171	Viale Cetona
35	3173	Viale Cetona
36	3175	Viale Cetona
37	3177	Viale Cetona
38	3179	Viale Cetona
39	2928	Viale Sonrezza
40	2926	Viale Sonrezza
41	2924	Viale Sonrezza
42	2922	Viale Sonrezza
43	2920	Viale Sonrezza
44	3106	Viale Cetona
45	3108	Viale Cetona
46	2925	Viale Sonrezza
47	3172	Viale Tresana
48	3170	Viale Tresana
49	3174	Viale Tresana
50	3176	Viale Tresana
51	3178	Viale Tresana
52	3101	Viale Tresana
53	3179	Viale Tresana
54	3177	Viale Tresana
55	3175	Viale Tresana
56	3173	Viale Tresana
57	3171	Viale Tresana
58	3167	Viale Tresana
59	3169	Viale Tresana
60	3163	Viale Tresana
61	3161	Viale Tresana
62	3901	Viale Court
63	3903	Viale Court
64	3905	Viale Court
65	3907	Viale Court

CASE/PERMIT NO. S2003-29 & M2003-47

VILLAS DE TOSCANA
PHASE IV
WATER PLAN

INSPECTOR LOUIE CORDOVA (N/FRP)

W.O.# W.O.# D6AG-0111/051

T.R.S. 16.09.10 AERIAL 79/N16

No.	REVISION	BY	APP.	DATE
1	ASBUILT	CDA	MEW	06/07/07

PROJECT: 05-201 DESIGNED BY: C.D.A.
FILE: 201 WATER DRAWN BY: C.D.A.
DATE: 10/8/05 CHECKED BY: M.E.W.
SCALE: AS NOTED

6/3/07

Civil Engineering • Water Resources • Traffic Engineering
W·E Walker Engineering
905 Camino Sierra Vista, • Santa Fe, NM 87501
505-820-7090
FAX 505-820-3559
E-MAIL: civil@walkerengineering.net

PROJECT: VILLAS DE TOSCANA

SHEET TITLE: ASBUILT WATER PLAN

CITY REVIEW SIGN-OFF		DATE
DEPARTMENT		
WASTEWATER		
WATER		
TRAFFIC		
FIRE DEPARTMENT		
LANDSCAPE		
SUBDIVISION ENGINEER		
CITY USE ONLY		

SHEET NO. SDCW 55

2006

City of Santa Fe, New Mexico

Governing Body
Mayor Coll Bustamante, Mayor Pro Tem, Dist. 2
Councilors
Patti Bushee, Dist. 1
Chris Calvert, Dist. 1
Frank Lujan, Dist. 2
Miguel M. Chavez, Dist. 3
Carl A. Dominguez, Dist. 3
Matthew E. Ortiz, Dist. 4
Ronald S. Trujillo, Dist. 4

February 29, 2012

Morey Walker
Walker Engineering Inc.
905 Camino Sierra Vista
Santa Fe, New Mexico 87505

SUBJECT: CITY ACCEPTANCE OF SANITARY SEWER EXTENSION CONSTRUCTED FOR VILLAS DE TOSCANA (OFF CARLOS REY & GOVERNOR MILES)

Dear Mr. Walker:

This Division has reviewed, and found [illegible] construction logs, logs, [illegible] a contractor's [illegible] for the [illegible] sewer extension [illegible] for a sanitary sewer extension [illegible] We have also inspected the new manholes and the existing lines available for this project.

The City of Santa Fe's Wastewater Management Division hereby accepts for permanent maintenance of 27 new manholes and approximately 3,910 Lin. ft. of sewer line constructed with this project.

This letter shall [illegible] that the [illegible] the [illegible] of the [illegible] posted for the [illegible] of the public sanitary sewer [illegible] above described project.

Sincerely,

Bryan Romero, P.E.
Wastewater Management Division

/dlf

cc: Joel Gallegos – Wastewater Engineer, PDRD
Noah Kirby – Project Engineer, PDRD
Richard Trujillo – Construction Supervisor, WWMD
Scott Holland – Distribution, WWMD
File

From: ORTIZ, CHRISTOPHER R.
To: jpromero1@earthlink.net; Tom Ogee; GRIEGO, JON L.
Date: 7/12/2012 11:24:40 AM
Subject: RE: landscape inspection

Jon Paul,

On 7/11/2012 I sent my crew out to test the sprinkler system that was installed by Heads Up. All zones worked off the irrigation controller and all plant material was getting watered and all is good to go for this area.

Chris Ortiz
Parks Superintendent
Cell: 505-629-8566
Office: 505-955-2107
Fax: 505-955-2111
e-mail: crortiz@santafenm.gov

-----Original Message-----
From: jpromero1@earthlink.net [mailto:jpromero1@earthlink.net]
Sent: Monday, July 09, 2012 3:51 PM
To: Tom Ogee
Cc: ORTIZ, CHRISTOPHER R.; Don McConnell; Eddie Padilla; Enrique Briano
Subject: Re: landscape inspection

Thank you Tom,

can you have a 2 sets of the landscape and irrigation plans, one for the city and one so they can sign off and accept...also I am not sure in you have a Official Acceptance letter for the city to sign or if the city will send a letter to us.

Thanks again for getting this together...JP

SouthWest Designs, LLC
Planning, Land Development & Construction Management
12 Feather Catcher Road
Santa Fe, NM 87506
Phone - 505-690-3415

jpromero1@earthlink.net

----- Original Message -----
From: Tom Ogee
To:
Cc: Chris Ortiz; Don McConnell; Eddie Padilla; Enrique Briano
Sent: 7/9/2012 3:43:10 PM
Subject: Re: landscape inspection

Hi JP,

Chris and I have confirmed a time to complete the inspection this week. We will meet him Wednesday morning (7-11-12) at 8:30 am to run through the system with us. Please let me know if you have any questions or if there is anything I can do for you.

Thanks and have a great day.

Regards,

Thomas T. Ogee Jr.
Santa Fe Branch Manager

headsuplandscape.com
street: 1A Crouch Court
Santa Fe, NM 87507
office: 505.438.3860
mobile: 505.228.2379
fax: 505.923.9787
email: togee@hulc.com

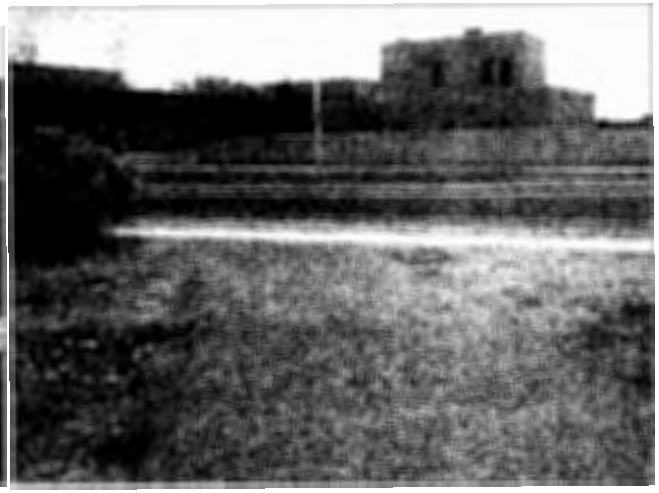
Sent from my iPhone

On Jul 2, 2012, at 12:44 PM, "jpromero1@earthlink.net" <jpromero1@earthlink.net> wrote:

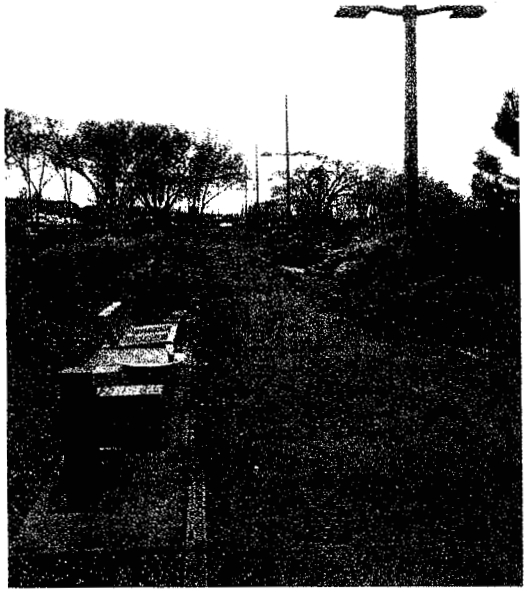
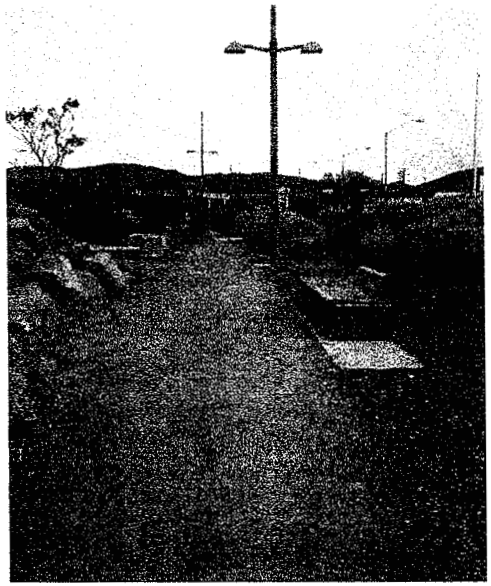
> Tom & Chris,
>
> can you give me a status on the irrigation inspection for Villas Di Toscana...Thanks
> JP
>
> ***SouthWest Designs, LLC***
> Planning, Land Development & Construction Management
> 12 Feather Catcher Road
> Santa Fe, NM 87506
> Phone - 505-690-3415
>
> jpromero1@earthlink.net

> ----- Original Message -----
> **From:** Tom Ogee
> **To:** Jon Paul Romero
> **Cc:** Don McConnell; Eddie Padilla
> **Sent:** 6/26/2012 8:12:19 AM
> **Subject:** Re: landscape inspection
>
> Hi JP,
>
> I just spoke with Chris and he is checking his schedule. His tech is tied up with a large irrigation break and needs to look at his schedule. It sounds like he is pretty tied up. I will let you know once something is scheduled.
>
> Thanks,
>
> Thomas T. Ogee Jr.
> Santa Fe Branch Manager
>
> headsuplandscape.com
> street: 1A Crouch Court
> Santa Fe, NM 87507
> office: 505.438.3860
> mobile: 505.228.2379

City Projects that have been approved with Gravel-Basecourse Trails

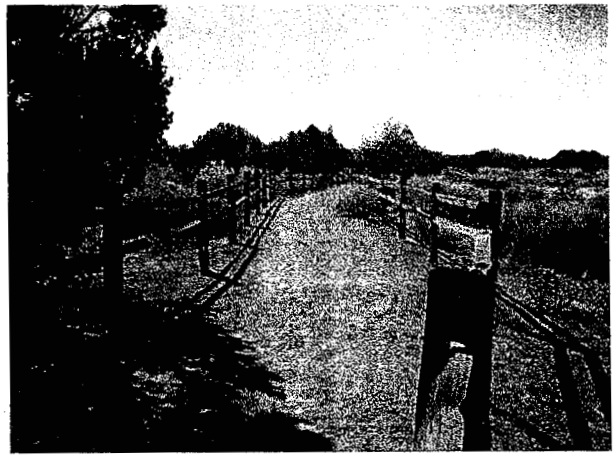


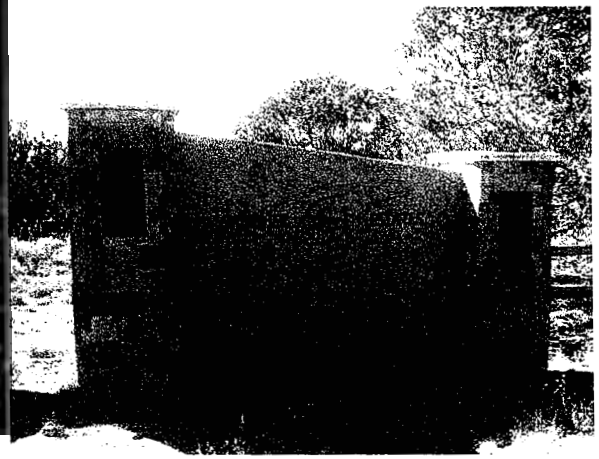
Frenchy Park, Public Park in TC & Walking path from Business in TC, that are Gravel and Basecourse

City Rail Yard that has a Varity of Walking paths that are Gravel and Bascourse

Other Projects that have been approved with Gravel - Basecourse Trails

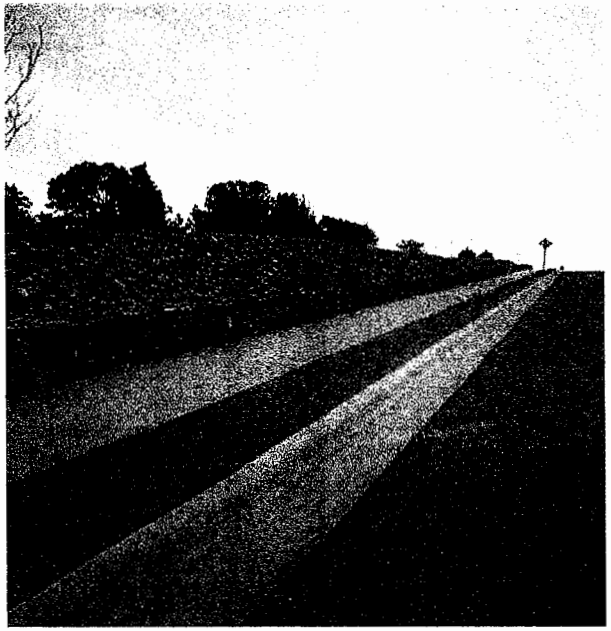


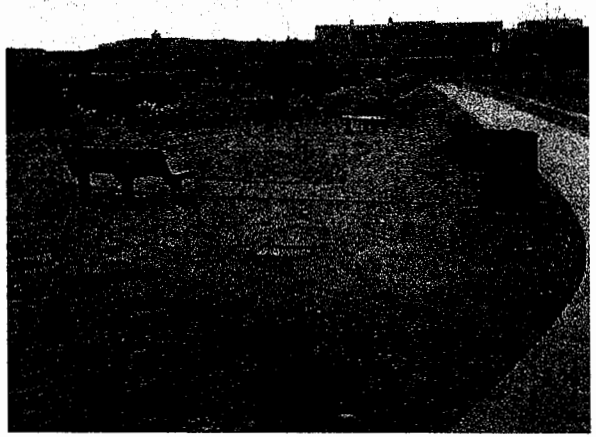


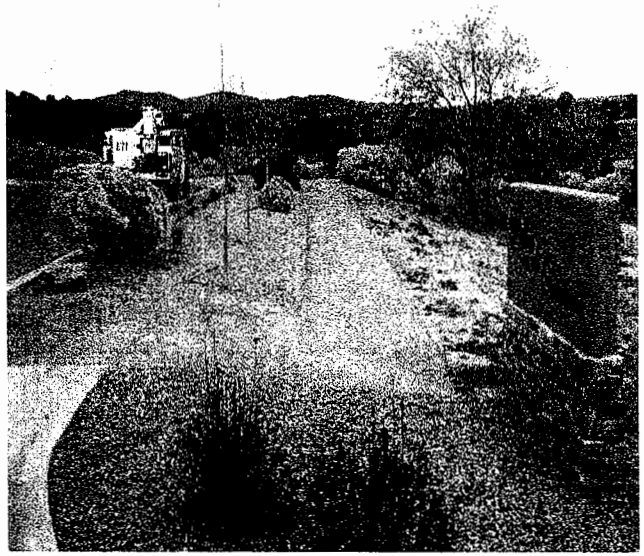
Sanchez Estates has a Crusher-Fine Walk Way in lieu of Sidewalks and a Basecourse Trail in the Open Space

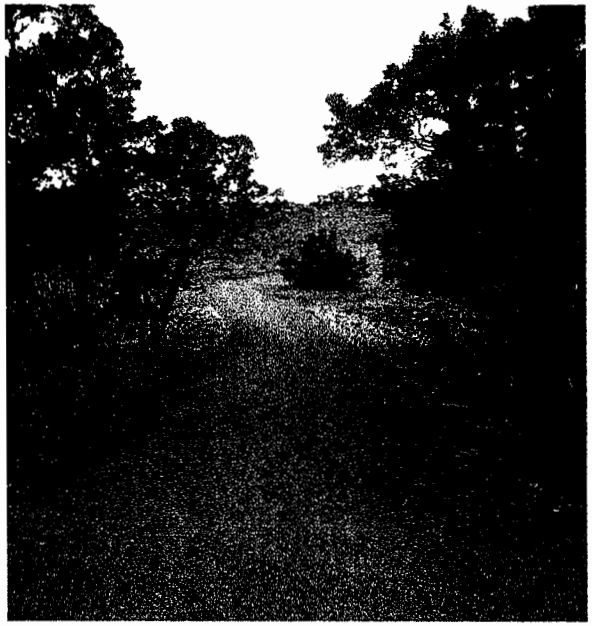
Tierra Contenta Development; Trails and Walking Paths that are Gravel and Basecourse

Photos of Completed Landscaping and Trails in Villas Di Toscana









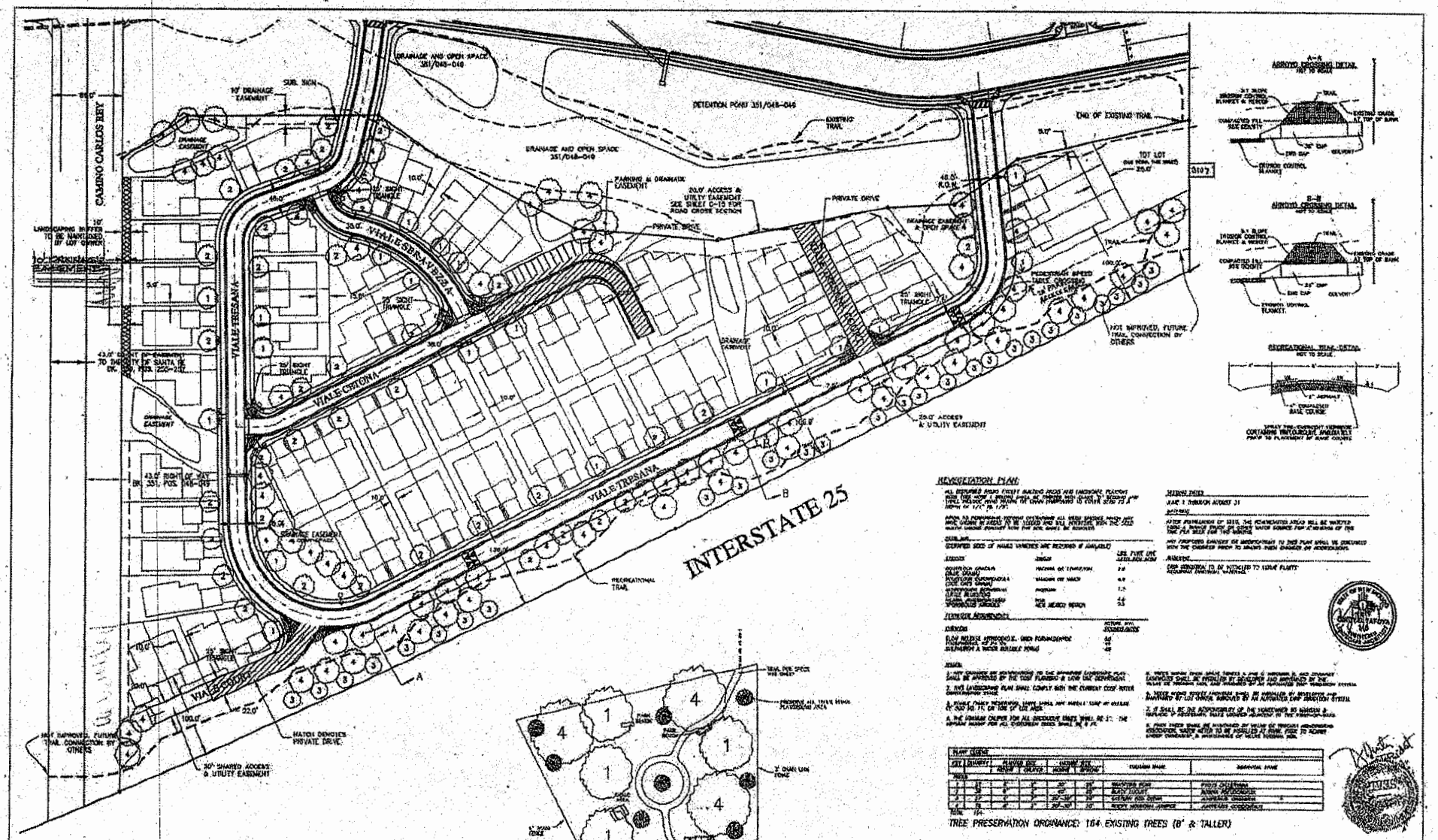
Villas Di Toscana Development

Project Cost savings to City of Santa Fe by Infrastructure Remaining Private

Item - description	Monthly Cost	Annual Cost	Advantages
Water for Landscaping	$ 1,649.00	$ 19,789.00	No cost to the city
*** Maintenance of Landscaping**	$ 1,731.00	$ 20,772.00	Warranty for life of the project as long has HOA control
Electric Bill for Street Lights (6 lights)	$ 90.00	$ 1,080.00	No cost to the city
*** Street Maintenance (snow removal, trash pick up)**			
Total	**$ 3,470.00**	**$ 41,641.00**	Savings to City of Santa Fe

Other Long Term Cost

Item - description	Annual Cost	Advantages
Street Maintenance & Repair (street, curb & gutter and sidewalks -5 to 7 years)	$70,000	Fog Seal / Chip Seal - no cost to the City
*** Landscape/trail maintenance**		
Street lights (bulbs, light replacement) 2 to 3 years	$6,500	No cost to City
Drainage ways (arroyos, culverts, misc) 2 to 3 years	$ 5,000.00	No cost to City
Total	**$ - $ 81,500.00**	Savings to City of Santa Fe

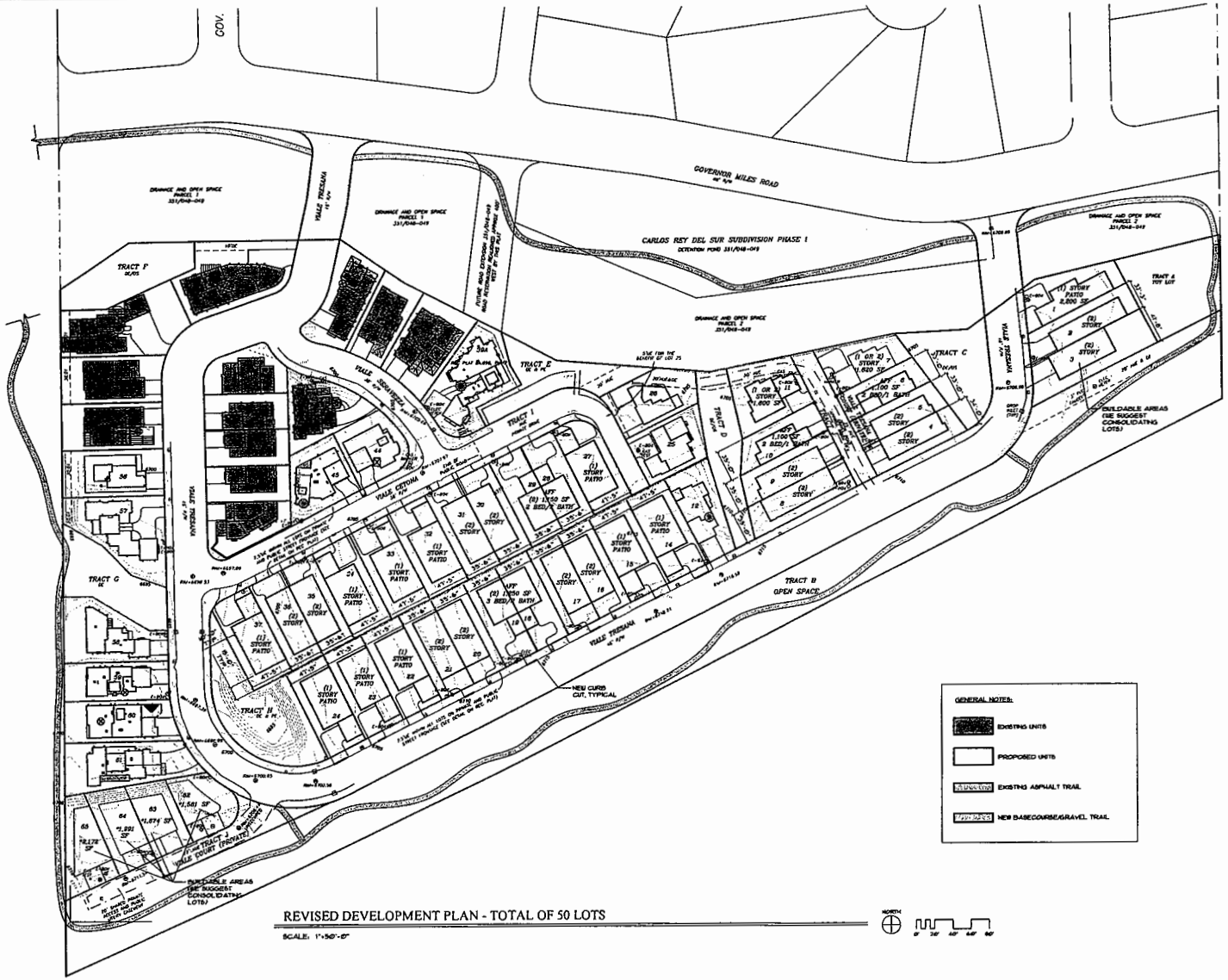


REVEGETATION PLAN

TREE PRESERVATION ORDINANCE: 164 EXISTING TREES (8" & TALLER)

CASE NUMBERS: S2003-29, M2003-47, M2004-15

CITY REVIEW	JAMES W. SIEBERT AND ASSOCIATES, INC.	VILLAS de TOSCANA	SCALE 1"=60'	DATE MARCH 2006	NORTH
CITY USE ONLY	616 MERCER STREET • SANTA FE NEW MEXICO 87505 (505) 983-5580 FAX (505) 989-7313	LANDSCAPE & TRAIL PLAN	DRAWN BY TJ/FST	CHECKED BY JWS	
			REVISED 03/24/06	—	SHEET P-6
			PROJECT NO. 12/04/03	FILE NAME DVS 12/04/03	



REVISED DEVELOPMENT PLAN - TOTAL OF 50 LOTS

SCALE: 1"=50'-0"

ARCHITECTURAL ALLIANCE INC
612 OLD SANTA FE TRAIL
SANTA FE NEW MEXICO 87505
Telephone 505-988-5309
FAX 505-986-1270
E-MAIL architecturalallianceinc@archalliance.com
WEBSITE www.archalliance.com

DO NOT SCALE DRAWINGS
CONTRACTOR TO VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS- NOTIFY ARCHITECT OF ANY DISCREPANCIES PRIOR TO BEGINNING CONSTRUCTION

NO.	REVISIONS/SUBMISSION	DATE

STAMP

PROJECT TITLE

VILLA DI TOSCANA

SANTA FE, NM

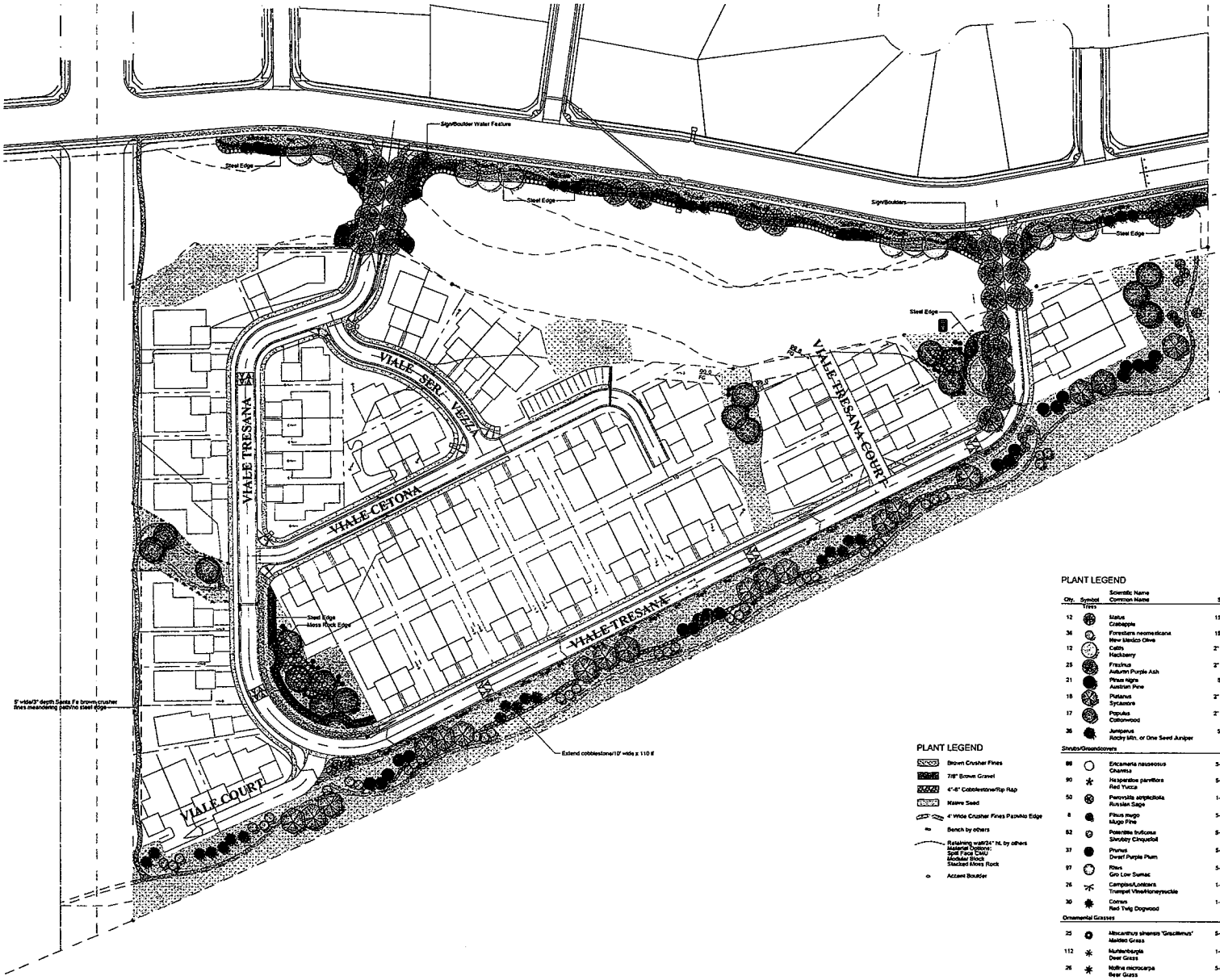
PROJECT NO.	11-28		
CHECKED BY	EE	DATE	12/3/12
DRAWN BY	HR	DATE	12/3/12

SHEET TITLE

REVISED DEVELOPMENT PLAN

SHEET NO.

D-1



PLANT LEGEND

Qty.	Symbol	Scientific Name / Common Name	Size
		Trees	
12		Malus Crabapple	15-Gal
36		Forestiera neomexicana New Mexico Olive	15-Gal
12		Celtis Hackberry	2" B&B
25		Fraxinus Auburn Purple Ash	2" B&B
21		Pinus nigra Austrian Pine	8'-6'
18		Platanus Sycamore	2" B&B
17		Populus Cottonwood	2" B&B
36		Juniperus Rocky Mtn. or One Seed Juniper	5'-6'
		Shrubs/Groundcovers	
88		Ericameria nauseosus Chamisa	3-Gal
90		Hesperaloe parviflora Red Yucca	5-Gal
50		Perovskia atriplicifolia Russian Sage	1-Gal
8		Pinus mugo Mugo Pine	5-Gal
82		Potentilla fruticosa Shrubby Cinquefoil	5-Gal
37		Prunus Dwarf Purple Plum	5-Gal
97		Rhus Gro Low Sumac	5-Gal
26		Campsis/Lonicera Trumpet Vine/Honeysuckle	1-Gal
30		Cornus Red Twig Dogwood	1-Gal
		Ornamental Grasses	
25		Miscanthus sinensis 'Gracillimus' Maiden Grass	5-Gal
112		Muhlenbergia Deer Grass	1-Gal
26		Nolina microcarpa Bear Grass	5-Gal

PLANT LEGEND

- Brown Crusher Fines
- 7/8" Brown Gravel
- 4"-8" Cobblestone/Rip Rap
- Native Seed
- 4" Wide Crusher Fines Paver/No Edge
- Bench by others
- Retaining wall/24" ht. by others
  Material Options:
  Split Face CMU
  Modular Block
  Stacked Moss Rock
- Accent Boulder

growing better Heads Up
LANDSCAPE CONTRACTORS
www.headsuplandscape.com
PO Box 10597
Albuquerque, NM 87184
505.898.9615
505.898.2105 (fax)
design@hulc.com

STATE OF NEW MEXICO
JOHN GILLES BRALY
#129
REGISTERED LANDSCAPE ARCHITECT

Date: 9/28/11
Revisions:
- 10/4/11
- 3/29/12

Drawn by: JC
Reviewed by: EP

Villas de Toscana

Santa Fe, New Mexico

NORTH

Scale: 1" = 50'

25' 0 50' 100'

Sheet Title:
Landscape Plan

Sheet Number:
LS-00

City of Santa Fe, New Mexico

memo

DATE: November 26, 2012 for the December 06, 2012 Planning Commission Meeting

TO: Planning Commission

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

FROM: Daniel A. Esquibel, Land Use Planner Senior, Current Planning Division

417 AND 419 EAST PALACE AVENUE PRELIMINARY SUBDIVISION PLAT

Case #2012-124. 417 and 419 East Palace Avenue Preliminary Subdivision Plat. JenkinsGavin Design and Development agent for Palace Avenue Office Suites, LLC, requests Preliminary Subdivision Plat approval for 2 lots on 0.783± acres. The property is zoned BCD (Business Capitol District)/ East Marcy/East Palace Subdistrict. (Dan Esquibel, Case Manager)

RECOMMENDATION:
The Land Use Department recommends APPROVAL WITH CONDITIONS as outlined in this report and more specifically outlined in Exhibit A.

I. APPLICATION

This subdivision is appearing before the Planning Commission as a Serial Subdivision:

14-3.7(A)(4) Serial Subdivisions

A proposed subdivision that occurs within five years after the approval of an earlier subdivision of any part of the affected land shall be subject to the same standards and shall follow the same procedures as though the cumulative number of lots created by the successive plats were created by the currently proposed subdivision.

On May 11, 2011, the Planning Commission approved a two lot subdivision with a variance to setback at the proposed location creating Tract 1 (.78± acres) and Tract 2 (.11± Acres). The applicants are now requesting to subdivide Tract 1 creating Tract 1-A (.66± acres) and Tract 1-B (.12± Acres). The proposed subdivision has been submitted within five years from their subdivision on May 2011 and is being processed as a subdivision instead of a summary subdivision. The reason for the proposed subdivision is to continue the division of interest amongst the property owners.

SS001.PM5 - 7/95

Exhibit "7"

The applicant's proposed subdivision creates an irregularly shaped tract (Tract 1-B) to address BCD East Marcy/East Palace Subdistrict standards:

14-7.4(A)-1 Table of Dimensional Requirements for Townscape Subdistrict							
Maximum Height of Structures (feet); Step back Note 2	Maximum Lot Coverage Ratio	Building Placement and Setback Requirements (feet)	Minimum Open Space Requirements	Landscape Treatment in Yards	Height of Walls and Fences (feet)	Placement of Off-Street Parking	Portals
East Marcy/East Palace							
27	No require-ments	Building Setback Requirement Street: Note 4 Side:5 Rear: 10	Open space of no less than 10 percent of the lot area shall be located adjacent to the front property line to serve as yard or courtyard	Landscape treatment required in yards and open space. Street trees and landscape treatment required if planting strip exists. Asphalt or concrete pavement prohibited in planting strip. See Note 3.	Walls, fences, and hedges permitted to maximum of 4 feet	Parking prohibited in required front yard	Prohibited within ROW

II. BCD Staff Analysis

Tract 1-B is an irregularly shaped tract. Proposed infrastructure support for access, utilities and parking on is proposed on Tract 1-A instead of Tract 1-B. The applicant is proposing the irregular design in order to resolve open space issues required by the BCD Subdistrict for open space size and location. Additionally, the property is located in the *"Downtown and Eastside"* Historic District. Existing historic yard walls pose constraints which limit access onto the property to the existing ingress/egress location. BCD parking standards allow offsite parking within 600 feet of the property with a five year lease agreement. The proposed parking for the subdivision includes notes on the plat to establish easements in perpetuity for Tract 1-B on Tract 1-A to satisfy parking requirements and demand for the existing building and current use (office).

A. Parking

Existing Gross Square feet	Net Leasable Area	Use	BCD Parking Standard	Proposed Parking	Required Parking
5,594	5,324	Office	One space per each 500 square feet of net leasable area	12	11
2,862	2,360	Office		5	5

B. Bicycle Parking

The required off street bicycle parking per Exhibit C *"Off-Street Bicycle Parking Table 14-8.6-3"* SFCC is 5 bicycle parking spaces for less than 10 automobile parking spaces required and 10 bicycle spaces for 11-50 automobile parking spaces required. This requires Tract 1-A to install 10 off-street bicycle parking spaces and Tract 1-B to install 5 off-street bicycle parking spaces. The applicant's proposal did not address dedication or installation of bike rack bicycle parking.

C. Open Space

The open space requirement for the BCD East Marcy/East Palace Subdistrict requires no less than 10% of the total lot area placed adjacent to the front property line to serve as a yard or courtyard. The applicants limited square footage to Tract 1-B to 5,200 square feet. This created an irregular shaped Tract but resulted in the 10% minimum open space fitting within the existing available space located to the front of the property. The available area located to the front of Tract 1-B is bound by the adjacent property to the east and driveway with historic walls to the west. A larger Tract would require an increase to the open space minimums beyond the existing available area requiring a variance to open space. Currently the area designated for open space is developed as a drainage pond. The applicant will need to improve this area to meet the intent for a yard or courtyard within the East Marcy/East Palace BCD Subdistrict. One drainage facility for all properties may also be considered. Tract 1-A exceeds the 10% open space minimum standards by 60% and is developed as a yard and meets the intent for the Subdistrict.

D. Water

The property is currently serviced by city water. Comments received from the City Water Division require that both tracts be separately metered for water service and that all service lines require a service line easement. The subdivision plat identifies a private ingress/egress utility easement.

E. Sewer

The property is currently serviced by city sewer. Comments received from the City Wastewater Management Division require separate sewer service line to each Tract with a letter of verification of such submitted to the Wastewater Division.

F. Solid Waste

Comments received from Solid Waste require trash and recycling containers to be brought to Palace Avenue for pick up.

G. Land Use Technical Review and City Traffic Division

No Comments

H. 14-3.7(C) Approval Criteria-Subdivision

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

Applicant Response:
This subdivision divides two developed lots with existing improvements. The lots currently demonstrate due regard for natural features, historical sites and structures, and community assets. No new development is proposed with this application.

Staff Analysis
The property is developed and has been held in common via condominium declaration. The subdivision provides a division of interest in assets for the owners. The property is located in the Downtown and Eastside Historic District where preservation of historical sites is built into the ordinance. The proposed subdivision will have no adverse effect on existing historic buildings within the proposed subdivision.

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

Applicant Response:
N/A; please see answer to (1) above.

Staff Analysis
The proposal has been reviewed by all pertinent public agencies, and comments have been included in the packet. The land is suitable for construction, and all proposed development must meet the requirements of the Land Development Code.

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

Applicant Response:
N/A; no new infrastructure improvements are proposed or required as part of this application.

Staff Analysis
No new development is proposed on the property; however, DRT comments received, require utility infrastructure separation and easements identification and placement where required. If existing utilities have not been separated improvements to this area will be required to meet City Ordinance.

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

   Applicant Response:
   N/A; no nonconformities are created with this submittal.

   Staff Analysis
   The applicant's proposed open space for 1-B has been developed as a Drainage pond for the whole property. The BCD Subdistrict objectives and standards intend for a yard or court yard. While open space and drainage easements have coincided in residential districts, the BCD strives to maintain established street character for the District. As a single lot the existing and established open space provided the substantial compliance with the ordinance. The subdivision separates the established open space and yard from Tract 1-B. The proposed opens space fails to meet the requirements for yard or courtyard as a drainage pond. Approval of lot 1-B without significant improvements to meet the objective of the Subdistrict would create a nonconformity for lot 1-B for open space in the Marcy/East Palace BCD Subdistrict.

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

   Applicant Response:
   N/A; see answer to (4) above.

   Staff Analysis
   As stated in No. 4 above approval of lot 1-B without significant improvements to meet the objective of the Subdistrict would create a nonconformity for lot 1-B for open space in the Marcy/East Palace BCD Subdistrict.

III. EARLY NEIGHBORHOOD NOTIFICATION (ENN)

An ENN meeting was held on October 3, 2012 at 5:30 PM at the First Presbyterian Church. There were six in attendance aside from the applicant's agents. Question about the project were asked of the applicant, with concerns over parking. All questions were answered by the applicant.

IV. RECOMMENDATIONS AND CONDITIONS OF APPROVAL

In sum, the subdivision is at a preliminary state acceptable for preliminary subdivision plat approval. All conditions of approval have been listed in Exhibit A. The conditions provide direction to the applicant to submit application for Final Plat review and approval before the Planning Commission.

V. ATTACHMENTS:

Exhibit A Conditions and DRT comments

- A1: November 14, 2012 Water Division
- A2: November 13, 2012 Wastewater Division
- A4: October 22, 2012 Environmental Services Division
- A5: November 13, 2012 Technical Review Division
- A6: November 6, 2012 Public Works Department Traffic Engineering

Exhibit B - Applicant submittal

- B1: Applicants Report

Exhibit C- Chapter 14 Criteria

Exhibit D- Vicinity map and Picture

Exhibit E-ENN and correspondence
Packet Attachment -Plans and Maps

December 6, 2012
Planning Commission
Case # 2012-124

417 AND 419 EAST PALACE AVENUE
PRELIMINARY SUBDIVISION PLAT

EXHIBIT A

Conditions and DRT comments

EXHIBIT A
Conditions of Approval
Case 2012-124
417 and 419 East Palace Avenue Preliminary Subdivision Plat

	Condition	Department	Staff
1	The resulting lots will have to be separately metered for water service. All service lines require a service line easement	Water Division	Antonio Trujillo November 14, 2012
2	Add note to the plat that each lot shall be served by a separate sewer service line.	Wastewater Division Wastewater Division	Stan Holland November 13, 2012
3	The property owner shall provide a letter to the Wastewater Division verifying that each lot is served by a separate sewer service line.		
4	In this case owners must bring trash & recycling to Palace Ave.	Environmental Services Division	Randall Marco October 22, 2012
5	Provide an extension to the easement ("Ingress-Egress, Parking, Drainage and Utility Easement, by this instrument") to accommodate stormwater flow from Tract 1-A that will enter the stormwater holding area at the extreme south end of Tract 1-B. Include the stormwater holding area in this drainage easement.	City Engineer for Land Use	Risana "RB" November 20, 2012)
6	Add to the Plat the following stormwater agreement: **STORMWATER AGREEMENT**: Property Owner(s) hereby agree that all stormwater easements and any other drainage and stormwater management improvements are on private property and 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 is hereby granted the following: (1) access for inspection of said improvements; (2) in the event of drainage and stormwater management improvement maintenance deficiency and after ten (10) days written notice to the respective property owner, to enter and restore full functional capacity of the drainage and stormwater management improvements; and (3) to lien the property for both direct and indirect costs associated with such work. By signature affixed to this instrument, the property owner(s) approve and agree that this AGREEMENT is binding perpetually, running with the land, on present and future owners, heirs, and assigns.		

EXHIBIT A
Conditions of Approval
Case 2012-124
417 and 419 East Palace Avenue Preliminary Subdivision Plat

6 Cont.	_____ Owner's Printed Name _____ The foregoing instrument was acknowledged before me this _____ day of _____, 200____. (or equal) _____ _____ Notary Public My Commission Expires		
7	Bicycle parking shall be installed for Tracts 1-A and B	Current Planning	Dan Esquibel 12/06/12 (PC Staff Memo)
8	Improve required open space area to meet the intent for a yard or courtyard within the East Marcy/East Palace BCD Subdistrict.		

City of Santa Fe

memo

DATE: November 14, 2012

TO: Dan Esquibel, Land Use Planner, Land Use Department

FROM: Antonio Trujillo, Water Division Engineer

SUBJECT: Case # 2012-124 417-419 East Palace

The resulting lots will have to be separately metered for water service. All service lines require a service line easement

City of Santa Fe, New Mexico

memo

DATE: November 13, 2012

TO: Dan Esquibel, Senior Planner

FROM: Stan Holland, Engineer, Wastewater Division

SUBJECT: Case #2012-124 417&419 East Palace Ave Preliminary Subdivision Plat

---

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

Additional Comments:

1. Add note to the plat that each lot shall be served by a separate sewer service line.
2. The property owner shall provide a letter to the Wastewater Division verifying that each lot is served by a separate sewer service line.

ESQUIBEL, DANIEL A.

From: MARCO, RANDALL V.
Sent: Monday, October 22, 2012 2:13 PM
To: ESQUIBEL, DANIEL A.
Subject: Case # 2012-124

Dan,
In this case owners must bring trash & recycling to Palace Ave.

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

DATE: November 20, 2012

TO: Dan Esquibel, Case Manager

FROM: Risana "RB" Zaxus
City Engineer for Land Use

RE: Case # 2012-124
417 and 419 East Palace Avenue Preliminary Subdivision

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

1. Provide an extension to the easement ("Ingress-Egress, Parking, Drainage and Utility Easement, by this instrument") to accommodate stormwater flow from Tract 1-A that will enter the stormwater holding area at the extreme south end of Tract 1-B. Include the stormwater holding area in this drainage easement.

2. Add to the Plat the following stormwater agreement:

   STORMWATER AGREEMENT: Property Owner(s) hereby agree that all stormwater easements and any other drainage and stormwater management improvements are on private property and 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 is hereby granted the following: (1) access for inspection of said improvements; (2) in the event of drainage and stormwater management improvement maintenance deficiency and after ten (10) days written notice to the respective

property owner, to enter and restore full functional capacity of the drainage and stormwater management improvements; and (3) to lien the property for both direct and indirect costs associated with such work. By signature affixed to this instrument, the property owner(s) approve and agree that this AGREEMENT is binding perpetually, running with the land, on present and future owners, heirs, and assigns.

_____
Owner's Printed Name

_____
Owner's Signature / Date

The foregoing instrument was acknowledged before me this _____ day of

_____, 200____. (or equal)

_____ _____
Notary Public My Commission Expires

From: KASSENS, SANDRA M.
Sent: Tuesday, November 06, 2012 1:30 PM
To: ESQUIBEL, DANIEL A.; BAER, TAMARA
Cc: ROMERO, JOHN J
Subject: 417 and 419 East Palace Avenue Prelim SD plat

Dan,
The Traffic Division has no comments on the preliminary SD plat located at 417 and 419 East Palace Avenue, case #2012-124.

Sandy

Sandra Kassens, Engineer Assistant
Public Works Dept., Traffic Engineering
City of Santa Fe
PO Box 909
Santa Fe, NM 87504

(505) 955-6697
fax (505) 955-6439
smkassens@ci.santa-fe.nm.us

December 6, 2012
Planning Commission
Case # 2012-124

417 AND 419 EAST PALACE AVENUE
PRELIMINARY SUBDIVISION PLAT

EXHIBIT B

Applicant Report

jenkinsgavin
DESIGN & DEVELOPMENT INC

October 15, 2012

Dan Esquibel
Current Planning Division
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87501

RE: 417-419 E. PALACE AVENUE SUBDIVISION
APPLICATION FOR PRELIMINARY SUBDIVISION PLAT

Dear Dan:

This letter is respectfully submitted on behalf of Palace Avenue Office Suites, LLC in application for Preliminary Subdivision Plat for a two-lot subdivision, for consideration by the Planning Commission at their meeting of December 6, 2012. The ±0.783-acre subject property is zoned BCD, East Marcy/East Palace subdistrict.

History and Current Status

The subject property was split into two lots, Tract 1 and Tract 2, in May of 2011 (see attached lot of record). Tract 2 is not a part of the current application. A second lot split is now proposed for Tract 1, currently a condominium. In accordance with Land Development Code §14-3.7(A)(4), due to the recent lot split, the applicant must follow the procedures for a subdivision and receive preliminary and final plat approval from the Planning Commission.

Project Description

Tract 1 comprises ±0.783 acres and contains three separate office buildings. The proposed land division will create Tract 1-A, comprising ±0.664 acre, and Tract 1-B, comprising ±0.119 acre. Tract 1-A will contain the two office buildings at 417 E. Palace Avenue, and Tract 1-B will contain the building at 419 E. Palace Avenue (see attached Preliminary Subdivision Plat). The condominium will be dissolved upon recordation of the subdivision, and a draft of the dissolution documents will be submitted along with the Final Subdivision Plat application. Each property is already metered separately for utilities, and appropriate utility easements are in place or are being created by this plat.

Access and Parking

Access to both lots will be via the shared access driveway, with the requisite easements as shown on the plat. As drainage from the northern portion of Tract 1-A flows into the drainage pond in

130 GRANT AVENUE, SUITE 101 SANTA FE, NEW MEXICO 87501 PHONE: 505.820.7444 FACSIMILE: 505.820.7445

Tract 1-B, a drainage easement has also been created along the driveway and pond. Parking for both tracts is provided as follows:

> Tract 1-A: Gross s.f. 5,594; Net Leasable Area 5,324 s.f. Required parking spaces: 12. Spaces provided: 25.
>
> Tract 1-B: Gross s.f. 2,862; Net Leasable Area 2,360 s.f. Required parking spaces: 5. Spaces provided: 5. The spaces for this lot are located on Tract 1-A per a perpetual easement. The spaces are within 600 feet of the property line, in accordance with Santa Fe Land Development Code §14-8.6(C)(b).

An additional parking easement has been modified for access by the owner of Tract 2.

Open Space

In accordance with BCD standards for the East Marcy/East Palace subdistrict per SFCC § 14-7.4(A)-1, 10% open space for each tract has been provided adjacent to the front property line as follows:

> Tract 1-A: Total lot area 28,958 s.f.; 4,778 s.f. open space provided adjacent to front property line
>
> Tract 1-B: Total lot area 5,200 s.f.; 540 s.f. open space provided adjacent to front property line

Subdivision Approval Criteria

Following are our responses to the Subdivision Approval Criteria from SFCC §14-3.7(C).

(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.

> This subdivision divides two developed lots with existing improvements. The lots currently demonstrate due regard for natural features, historical sites and structures, and community assets. No new development is proposed with this application.

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

N/A; please see answer to (1) above.

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

N/A; no new infrastructure improvements are proposed or required as part of this application.

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

N/A; no nonconformities are created with this submittal.

(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.

N/A; see answer to (4) above.

Early Neighborhood Notification

An Early Neighborhood Notification ("ENN") meeting was held on October 3, 2012. Four neighbors attended the meeting. Questions related mainly to allotted parking for 419 E. Palace Avenue. It was explained that per BCD regulations, 5 parking spaces are provided.

In support of this request, the following documentation is submitted herewith for your review:

1. Preliminary Subdivision Application
2. Authorization Letter
3. Warranty Deed
4. Lot of Record
5. Preliminary Subdivision Plan (6 plans and a CD)
6. Application fees totaling $460.00
   - Subdivision: $400.00
   - Two Public Notice Posters: $60.00

Please do not hesitate to call should you have any questions or need additional information.

Thank you for your consideration.

Sincerely,

Hillary Welles

December 6, 2012
Planning Commission
Case # 2012-124

417 AND 419 EAST PALACE AVENUE
PRELIMINARY SUBDIVISION PLAT

EXHIBIT C

Code Criteria

14-4.3(E) BCD Business-Capitol District

(1) Purpose

In recognition of the fact that the economic health of the city depends on the economic viability of the BCD, the purpose of the BCD is to provide for a mixture of land uses, including *residential* uses, designed to promote the district's economic well being while preserving the unique architecture, *townscape* and aesthetics that foster a strong tourist industry and sustain the quality of life, sense of community and historical identity in the district and the city.

(2) Boundaries

(a) The BCD is composed of *townscape* subdistricts and redevelopment subdistricts. The district and its subdistricts are defined by the official zoning map.

(b) Changes to boundaries of the *townscape* subdistricts or redevelopment subdistricts, including designations of new *townscape* and redevelopment subdistricts, are considered rezonings and must follow the procedures set forth in Section 14-3.5. Designations of new *townscape* subdistricts are also considered Chapter 14 text amendments and shall comply with the procedures set forth in Section 14-3.3.

(3) Townscape Subdistricts

(a) The existing *townscape* subdistricts include: Alameda Street, Barrio de Analco, Cerrillos Road, Don Gaspar, East Marcy/East Palace, Loretto, Marcy, McKenzie Street, Old Santa Fe Trail, Plaza/San Francisco, Rosario Boulevard/NW Paseo de Peralta, Sandoval/Montezuma, State Capitol and Westside.

(b) The *townscape* subdistricts are intended to:

(i) preserve the overall aesthetic quality of the BCD;

(ii) maintain diversity among the various subdistricts; and

(iii) protect the unique features, recognizable historic character and other common identifying characteristics of each subdistrict.

(A) Table of Dimensional Requirements for Townscape Subdistricts

14-7.4(A)-1 Table of Dimensional Requirements for Townscape Districts [Note 1]

Maximum Height of Structures (feet); Stepback Note 2	Maximum Lot Coverage Ratio	Building Placement and Setback Requirements (feet)	Minimum Open Space Requirements	Landscape Treatment in Yards	Height of Walls and Fences (feet)	Placement of Off-Street Parking	Portals
East Marcy/East Palace							
27	No requirements	Building Setback Requirements: Street: Note 4 Side: 5 Rear: 10	Open space of no less than 10 percent of the lot area shall be located adjacent to the front property line to serve as yard or courtyard	Landscape treatment required in yards and open space. Street trees and landscape treatment required if planting strip exists. Asphalt or concrete pavement prohibited in planting strip. Note 3.	Walls, fences, and hedges permitted to maximum of 4 feet	Parking prohibited in required front yard	Prohibited within ROW

Notes:

1. Provisions of overlay districts including historic, escarpment or neighborhood districts may override standards in this table. Refer to Article 14-5 Overlay Districts and zoning map.

2. Wall stepbacks are expressed as ratio of increased horizontal *setback* required to vertical height increase, above a specified *building* height. Example: 1' Horiz: 2' Vert. above 36' means that a wall stepback equivalent to one horizontal foot for each two vertical feet over thirty-six feet is required. The stepback required shall be measured horizontally from the face of the *building façade* or *portal*. Wall stepbacks shall be measured vertically from grade for all walls except those that directly abut another *zero lot line building*, in which case the vertical measurement may be taken from the roof plane of the abutting *building*; and those to which a *portal* is attached, in which case the vertical measurement may be taken from the roof plane of the *portal*.

3. On-site parking must be separated from public sidewalks by a solid *wall* no less than three feet in height or by a *landscaped* area no less than four feet in width measured from the back of the sidewalk; or, in the absence of a sidewalk, from the *property* line, and planted with plant materials whose mature height is at least three feet six inches. *Landscaping* must be

protected from vehicular damage by placement of physical barriers.

4. There is a ten-foot *buildingsetback* requirement in the East Marcy/East Palace Subdistrict, except (a) on the north side of Marcy Street between Otero Street and Paseo de Peralta; and (b) both sides of Palace Avenue between Paseo de Peralta and Delgado Street, where a *front required yard building setback* equal to the average depth of existing *front yards* on the block is required.

5. No portion of a *building* shall exceed sixty-five vertical above a point at grade level at the center of the site. The part of a *building* exceeding thirty-six vertical feet above a point at grade level at the center of the site shall be set back from each abutting public *street right-of-way* line at least one foot for each two feet of *building* height above thirty-six feet.

6. No restrictions, except that for a depth of forty feet from the *property* line for that portion of the Old Santa Fe Trail frontage from Water Street to a line drawn directly west from the northern-most wall of Loretto chapel, there shall be no parking.

7. *Front required yard* equal to the average depth of existing *front yards* on the block shall be required for (a) the east side of Washington Avenue between Place Avenue and Paseo de Peralta (Hillside); and the west side of Grant Avenue between Place Avenue and Paseo de Peralta. Elsewhere in the subdistrict there are no *required yards*.

8. *Landscape treatment* required in *required yards* and *open space*. *Street trees* and *landscape treatment* required if *planting strip* exists. The *planting strip* should have a minimum width of three feet. Asphalt or concrete pavement prohibited in *planting strip*.

9. *Buildings* fronting San Francisco Street between Sandoval and Cathedral Place shall be built to the *street property* line. *Buildings* elsewhere in the subdistrict should also be built to the *street property* line, but where a *building* is set back from the *street right of way*, a solid *wall* shall be built at the *street property* line unless at least eighty percent of the yard is paved and designated for public pedestrian use. There are no *required yards* in this subdistrict.

comply with the master plan.

14-7.4(B)(3) Design Objectives for Individual Townscape Subdistricts

The best existing qualities of the individual *townscape* subdistricts should be preserved, while encouraging diversity of design in the individual *townscape* subdistricts. New *development* should be harmonious with the specific physical characteristics and *development* and design objectives listed below:

(e) East Marcy/East Palace Subdistrict:

(i) maintain the continuity of *blockfaces*, including *street trees* and *yards*;

(ii) retain the *residential* scale of the area by limiting *building* heights and requiring *yards*;

(iii) encourage low *walls* that are compatible with the characteristic open *yards*; and

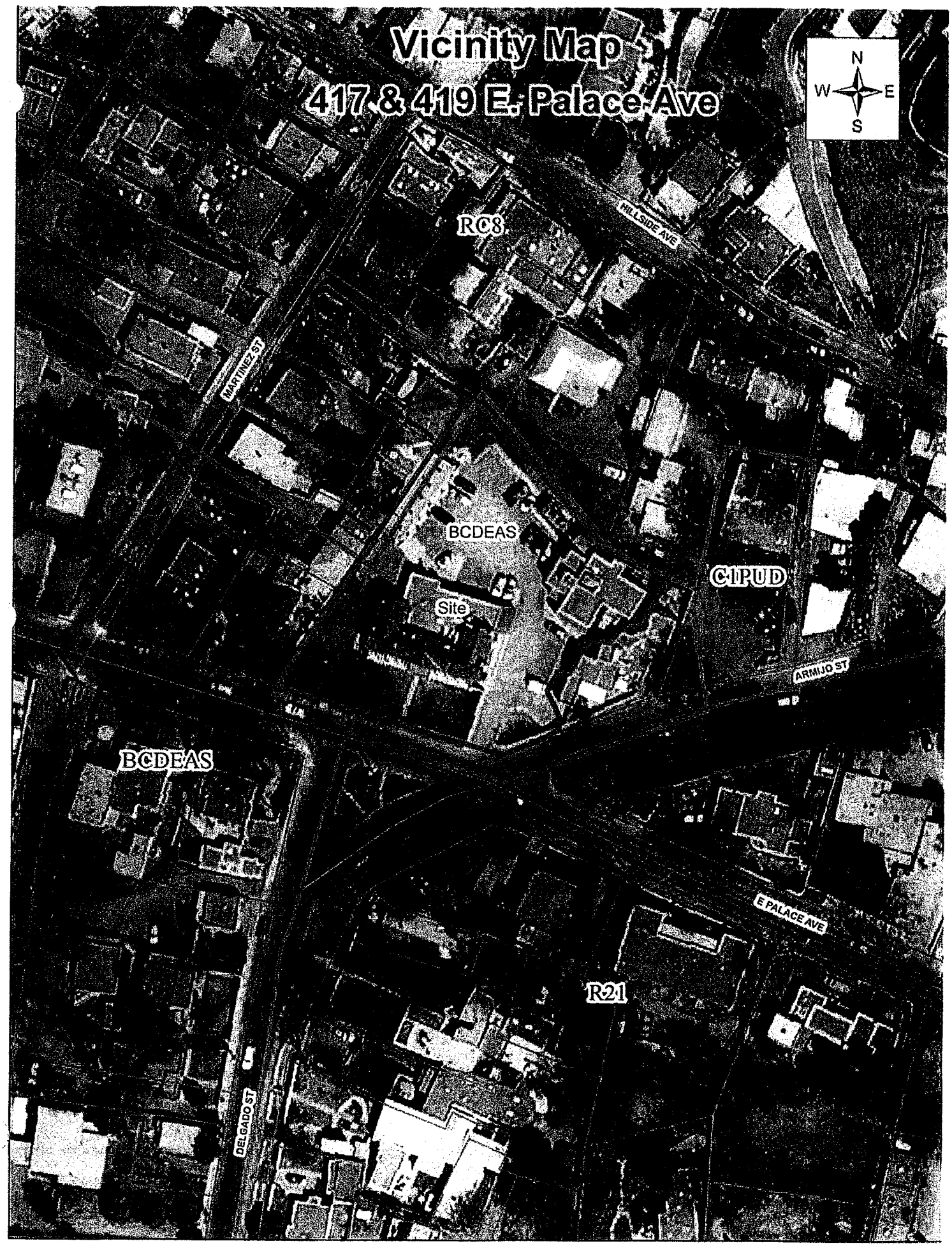
(iv) encourage a sense of openness.

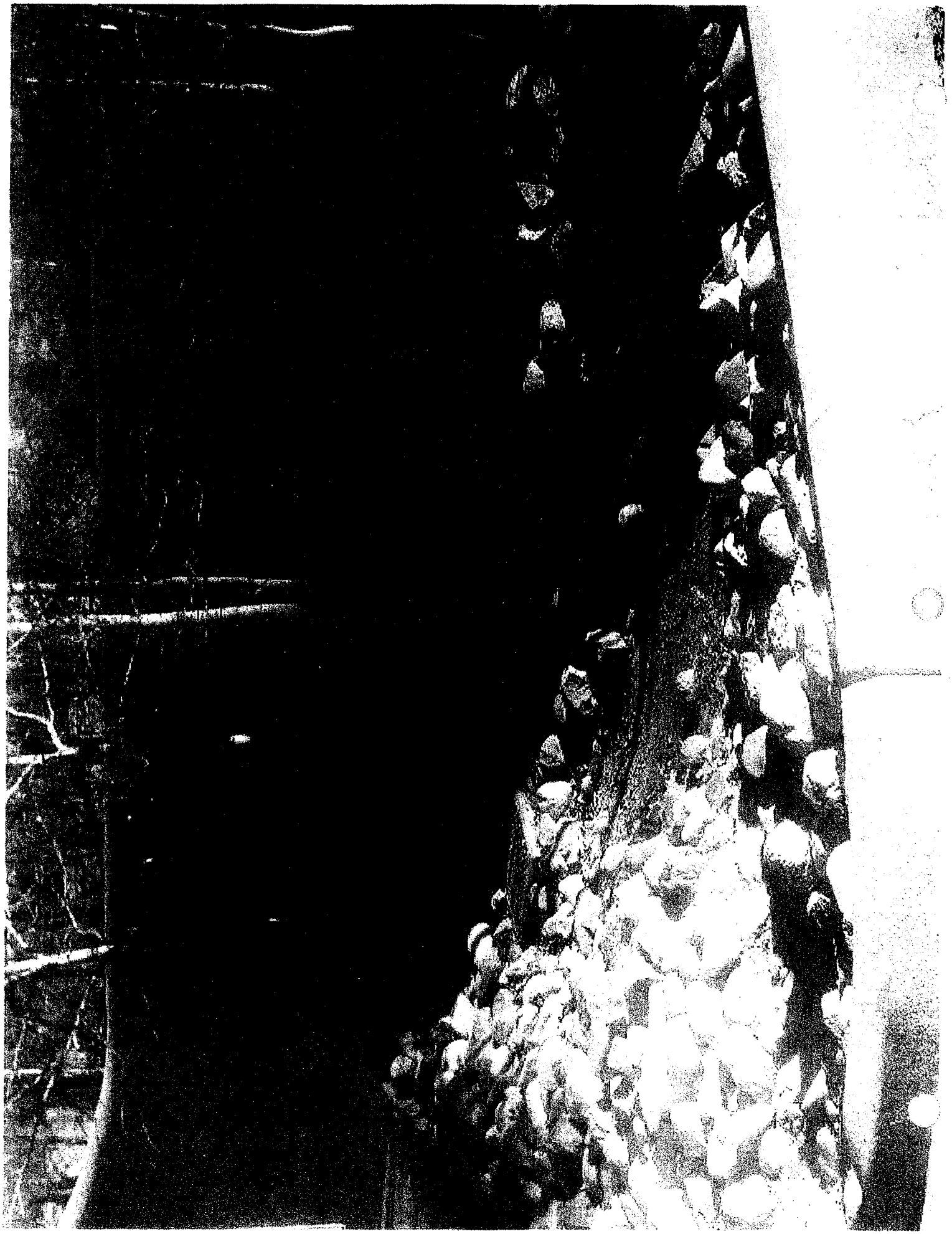
December 6, 2012
Planning Commission
Case # 2012-124

417 AND 419 EAST PALACE AVENUE
PRELIMINARY SUBDIVISION PLAT

EXHIBIT D

Vicinity map and Picture


Vicinity Map
417 & 419 E. Palace Ave
N
W
E
S
RC8
HILLSIDE AVE
MARTINEZ ST
BCDEAS
Site
C1PUD
ARMIJO ST
BCDEAS
E PALACE AVE
R21
DELGADO ST



December 6, 2012
Planning Commission
Case # 2012-124

417 AND 419 EAST PALACE AVENUE
PRELIMINARY SUBDIVISION PLAT

EXHIBIT E

ENN Application and Notes

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

Project Name: 417-419 E. Palace Subdivision **Meeting Date:** October 3, 2012

Meeting Place: First Presbyterian Church, 208 Grant Avenue **Meeting Time:** 5:30 p.m.

Applicant or Representative Check Box below

↓		Name	Address	Email
☑	1	Hillary Welles	130 Grant Ave, Ste 101	hillary@jenkinsgavin.com
☑	2	Jennifer Jenkins	" "	jennifer@jenkinsgavin.com
☐	3	Joe Eason	408 Hillside	
☐	4	Raymond M. Herrera	329 Hillside Ave. S.F.N.M. 87501	
☐	5	Earl Butis	123½ Martinez St. S.F.	~~unhousecomp~~@earthlink.net
☐	6	Rita Butis	123½ Martinez St. S.F.	unhousecomp@earthlink.net
☐	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.

Dan Esquibel

Printed Name of City Staff in Attendance

Signature of City Staff in Attendance

10-3-12

Date

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

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

Project Name	417-419 E. Place Subdivision
Project Location	417-419 E. Place
Project Description	Subdivision of Tract 1, a ±0.78-acre parcel, into Tract 1-A, ±0.59 acre, and Tract 1-8, ±0.19 acre, to Project accommodate existing offices on Tract 1-A and a casita on Tract 1-8.
Applicant / Owner	Palace Ave. Office Suites, LLC
Agent	JenkinsGavin
Pre-App Meeting Date	September 13, 2012
ENN Meeting Date	October 3, 2012
ENN Meeting Location	First Presbyterian Church
Application Type	Subdivision
Land Use Staff	Dan Esquibel
Other Staff	None
Attendance	6

Notes/Comments:
There were six in attendance aside from the applicant's agents. Question about the project were asked of the applicant with concern over parking. All questions were answered by the applicant.

Print Form

Early Neighborhood Notification Meeting

Request for Staff Attendance

Submittals must be completed before the City will schedule the meeting date and staff for an ENN meeting. Meetings should be coordinated with the Land Use Department to ensure staff attendance, and meetings will not be scheduled on public hearing days including Board of Adjustment, BCD-DRC, Planning Commission and City Council hearing days.

DEVELOPMENT/PROJECT NAME: 417-419 E. Palace Subdivision

(The same name shall be used throughout the ENN & application submittal process)

PROJECT LOCATION/ADDRESS: 417-419 E. Palace Ave.

(Attach vicinity map and site plan)

APPLICATION TYPE:

- ☐ General Plan Amendment: From : _____ To: _____
- ☐ Rezoning From _____ To: _____
- ☐ Preliminary Development Plan
- ☐ Final Development Plan
- ☐ Development Plan
- ☐ Amended Development Plan
- ☐ Annexation: _____
- ☑ Preliminary Subdivision: Number of lots 2
- ☐ Final Subdivision: Number of lots _____
- ☐ Variance _____
- ☐ Special Exception _____
- ☐ Other _____

Detailed Project Description: Subdivision of Tract 1, a ±0.78-acre parcel, into Tract 1-A, ±0.59 acre, and Tract 1-B, ±0.19 acre, to accommodate existing offices on Tract 1-A and a casita on Tract 1-B.

DEVELOPMENT/PROJECT INFORMATION:

Neighborhood Association(s) w/in 200' of project (exclude R-O-W): Historic Hillside N.A.

Acreage: ±0.78 Zone District: BCD Future Land Use: Office/Moderate Density Res.

Date of Pre-application meeting: September 13, 2012

AGENT/OWNER INFORMATION:

AGENT: JenkinsGavin **Address:** 130 Grant Avenue, Suite 101

City: Santa Fe **State:** NM **Zip Code:** 87501 **Phone:** 505-820-7444

OWNER: Palace Ave. Office Suites, LLC **Address:** 417-419 E. Palace Avenue, Santa Fe, NM 87501

PROPOSED ENN MEETING DATES: *(Provide three (3) options)*

	Preferred Option	Alternative 1	Alternative 2
DATE:	Wednesday, October 3, 2012		
TIME:	5:30 p.m.		
LOCATION:	419 Palace Avenue Santa Fe, NM 87501		

Received by LUD on: Current Date 9/11/12 **LUD Initials:** _____

September 10, 2012

RE: 417 & 419 E. Palace Avenue
Tract 1

To Whom It May Concern:

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

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

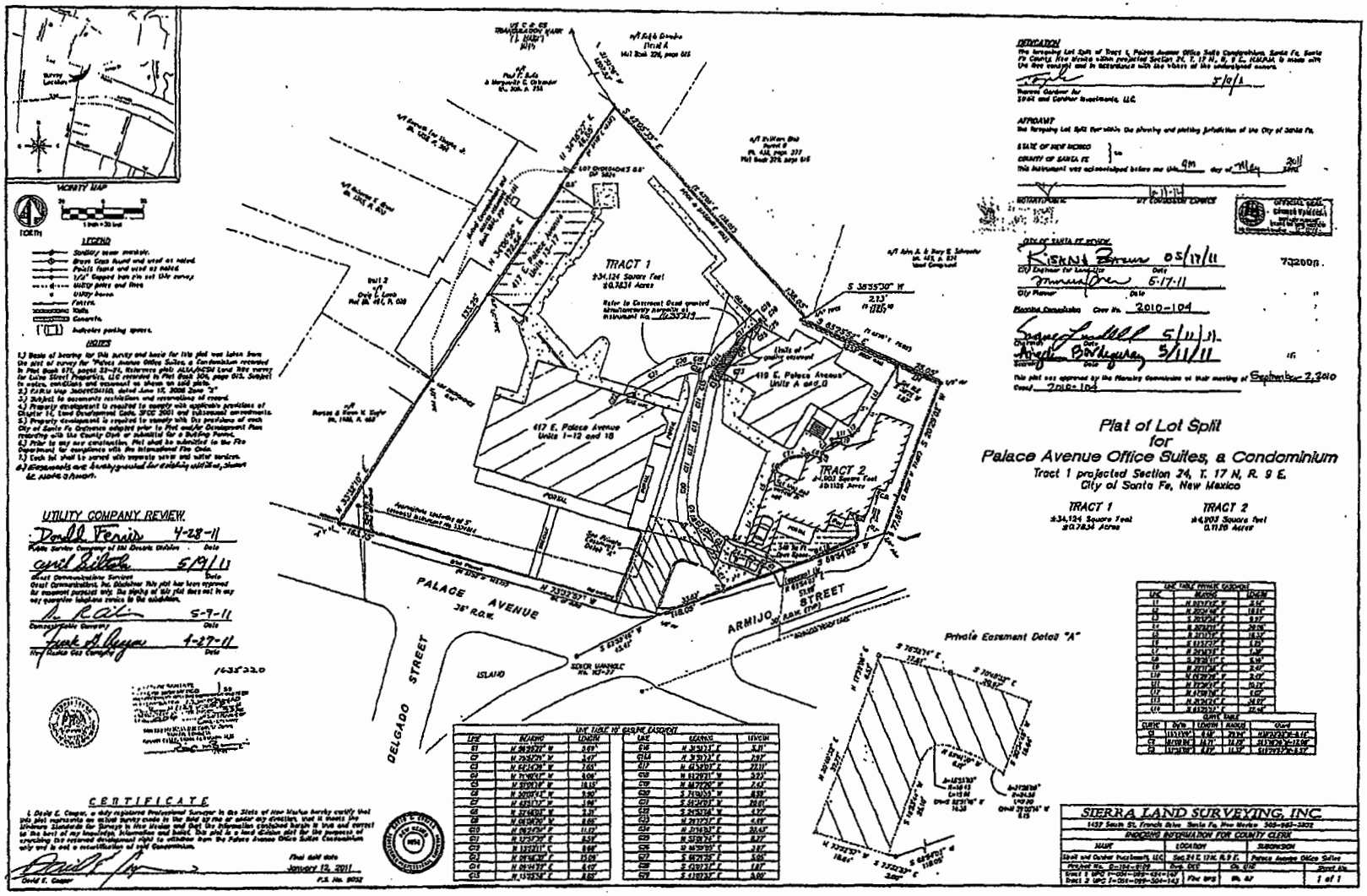
Thank you.

Sincerely,

Tommy Gardner
Managing Partner
Palace Avenue Office Suites, LLC

And

Tommy Gardner
Managing Partner
Streit & Gardner Investments, LLC


VICINITY MAP
NORTH
LEGEND
UTILITY COMPANY REVIEW
TRACT 1
TRACT 2
417 E. Palace Avenue Units 1-12 and 18
419 E. Palace Avenue Units A and B
PALACE AVENUE
ARMIJO STREET
DELGADO STREET
ISLAND
Private Easement Detail "A"
DEDICATION
AFFIDAVIT
Plat of Lot Split
for
Palace Avenue Office Suites, a Condominium
Tract 1 projected Section 24, T. 17 N., R. 9 E.
City of Santa Fe, New Mexico
TRACT 1
±34,124 Square Feet
±0.7834 Acres
TRACT 2
±4,903 Square Feet
0.1126 Acres
CERTIFICATE
SIERRA LAND SURVEYING, INC.
INDEXING INFORMATION FOR COUNTY CLERK

113010 +

SFC CLERK RECORDED 02/25/2008

Warranty Deed

Strict & Gardner Investments, LLC, a New Mexico limited liability company, for valuable consideration grant to Palace Avenue Office Suites, LLC, a New Mexico limited liability company, whose address is 223 North Guadalupe, #469, Santa Fe, NM 87501, the following described real estate located in Santa Fe County, New Mexico, more particularly described as follows:

> Units A, B and 1-18, in Palace Avenue Office Suites, a Condominium, the Declaration for which was recorded in the office of the Santa Fe County Clerk as Instrument #1509317 on December 12, 2007.

with warranty covenants.

Witness our hands this day of Februry 22, 2008

Strict & Gardner Investments, LLC,
a New Mexico limited liability company

By: _____
Manager

Acknowledgment

State of New Mexico
County of Santa Fe

The foregoing instrument was acknowledged before me on the 21st day of February, 2008, by Tommy Gardner, Manager, Strict and Gardner Investments, LLC, on behalf of said limited liability company

_____
Notary Public
My Commission Expires: 5/22/10

OFFICIAL SEAL
KEVIN SAULNIER
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires

COUNTY CLERK
SANTA FE COUNTY NEW MEXICO

OUNTY OF SANTA FE)
TATE OF NEW MEXICO) ss

WARRANTY DEED
PAGES: 1

Hereby Certify That This Instrument Was Filed for
ecord On The 25TH Day Of February, A D , 2008 at 11 54
nd Was Duly Recorded as Instrument # 1516398
f The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Valerie Espinoza
eputy _____ County Clerk, Santa Fe, NM

SFC CLERK RECORDED 04/13/2010

Correction Warranty Deed

Streit and Gardner Investments, LLC, a New Mexico limited liability company, Declarant under the Declaration for Palace Avenue Office Suites, a Condominium, the Declaration for which was recorded as Instrument #1509317 in the office of the Santa Fe County Clerk (Condominium) for consideration paid, grants to Park Company of New Mexico, Inc , a New Mexico corporation whose address is 6800 Oakland Avenue, N.E , Suite B, Albuquerque, NM 87122, the reserved Development Right to create one unit within the Condominium within the following described real estate in Santa Fe County. New Mexico:

Beginning at a point marked by rebar at the southeast corner of the tract herein described. whence Santa Fe Sanitary Sewer Manhole W3-27 bears S 69°54'02" W, 118.05. thence S62°59'46"W, 45.41':

Thence running from said point of beginning,
N61°15'59"W, a distance of 6 36 feet to a point;
Thence S67°15'45"W, a distance of 61 05 feet to a point;
Thence S70°24'41"W, a distance of 23.45 feet to a point;
Thence N22°19'46"E, a distance of 8 42 feet to a point;
Thence N68°59'55"E, a distance of 9 07 feet to a point;
Thence N21°28'22"E, a distance of 16 64 feet to a point;
Thence N25°23'43"E, a distance of 11.23 feet to a point;
Thence S72°18'51"E, a distance of 3.87 feet to a point;
Thence N76°43'28"E, a distance of 18.51 feet to a point;
Thence N17°16'31"W, a distance of 3 64 feet to the point
Thence N31°33'37"E, a distance of 12.51 feet to a point;
Thence S58°49'27"E, a distance of 6 79 feet to a point;
Thence N31°33'37"E, a distance of 23.00 feet to a point;
Thence N25°35'07"E, a distance of 13.99 feet to a point;
Thence S64°24'53"E, a distance of 27 95 feet to a point;
Thence S20°15'39"W, a distance of 74 65 feet to a point;
and place of beginning of the parcel of land herein described.

Subject to patent reservations, restrictions, and easements of record and taxes for the year 2009 and subsequent years.

with warranty covenants

Note: this deed is given to correct a deed recorded as Instrument #1523936 in the office of the Clerk of Santa Fe County, which was void for failure of the Grantee to execute the same, as required by §47-7C-4(A) of the New Mexico Condominium Act

Witness my hand and seal this 12th day of ~~March~~ April, 2010

Streit and Gardner Investments, LLC
a New Mexico limited liability company

By: Darlene Streit, Manager

By: Tommy Gardner, Manager

Submit by Email | Print Form

Early Neighborhood Notification (ENN) Guidelines

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

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

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

The proposed two-lot subdivision will have no effect on the character and appearance of the surrounding neighborhoods, as no new development is proposed. The intent of the subdivision is to divide the existing ±0.78-acre lot into Tract 1-A, ±0.59 acre, and Tract 1-B, ±0.19 acre. Tract 1-A contains two existing office buildings, and Tract 1-B contains one existing office building.

(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.*

N/A

(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.*

N/A

(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 existing improvements are consistent with the development pattern of the neighborhood.

(e) EFFECTS UPON PARKING, TRAFFIC PATTERNS, CONGESTION, PEDESTRIAN SAFETY, IMPACTS OF THE PROJECT ON THE FLOW OF PEDESTRIAN OR VEHICULAR TRAFFIC AND PROVISION OF ACCESS FOR TEH 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 impact on traffic patterns. The site provides adequate parking for both lots.

(f) IMPACT ON THE ECONOMIC BASE OF SANTA FE *For example: availability of jobs to Santa Fe residents; market impacts on local businesses; and how the project supports economic development efforts to improve living standards of neighborhoods and their businesses.*

The property houses offices for local businesses, which supports the local economy.

(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. (Ord. No. 2005-30(A) § 4)*

N/A

(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 property is served by existing infrastructure.

(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.*

N/A

(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 existing improvements promote community integration and social balance by providing professional offices adjacent to a moderate density residential zone.

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

The property has already been developed in accordance with the City's General Plan and promotes a compact urban form through appropriate infill development.

ADDITIONAL COMMENTS (Optional)

jenkinsgavin
DESIGN & DEVELOPMENT INC

EARLY NEIGHBORHOOD NOTIFICATION MEETING

September 18, 2012

RE: 417 & 419 Palace Avenue (Tract 1)

Dear Neighbor:

This letter is being sent as notice of a neighborhood meeting to discuss an application for a two-lot subdivision at 417-419 Palace Avenue. The ±0.78-acre property is located in the Business Capital zoning district (BCD). The proposed subdivision will divide the property into Tract 1-A, comprising ±0.59 acre, and Tract 1-B, comprising ±0.19 acre. The intention of the subdivision is to create separate lots for the two existing office buildings on Tract 1-A and the existing office building on Tract 1-B, as shown on the attached site plan. No further development is proposed as part of this application.

In accordance with the requirements of the City of Santa Fe's Early Neighborhood Notification regulations, this is to inform you that a meeting is scheduled for:

Time: ***5:30 PM***
When: ***Wednesday, October 3, 2012***
Where: ***417-419 Palace Avenue (Meeting will be held upstairs in # 419, the back right building)***
Santa Fe, NM 87501

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

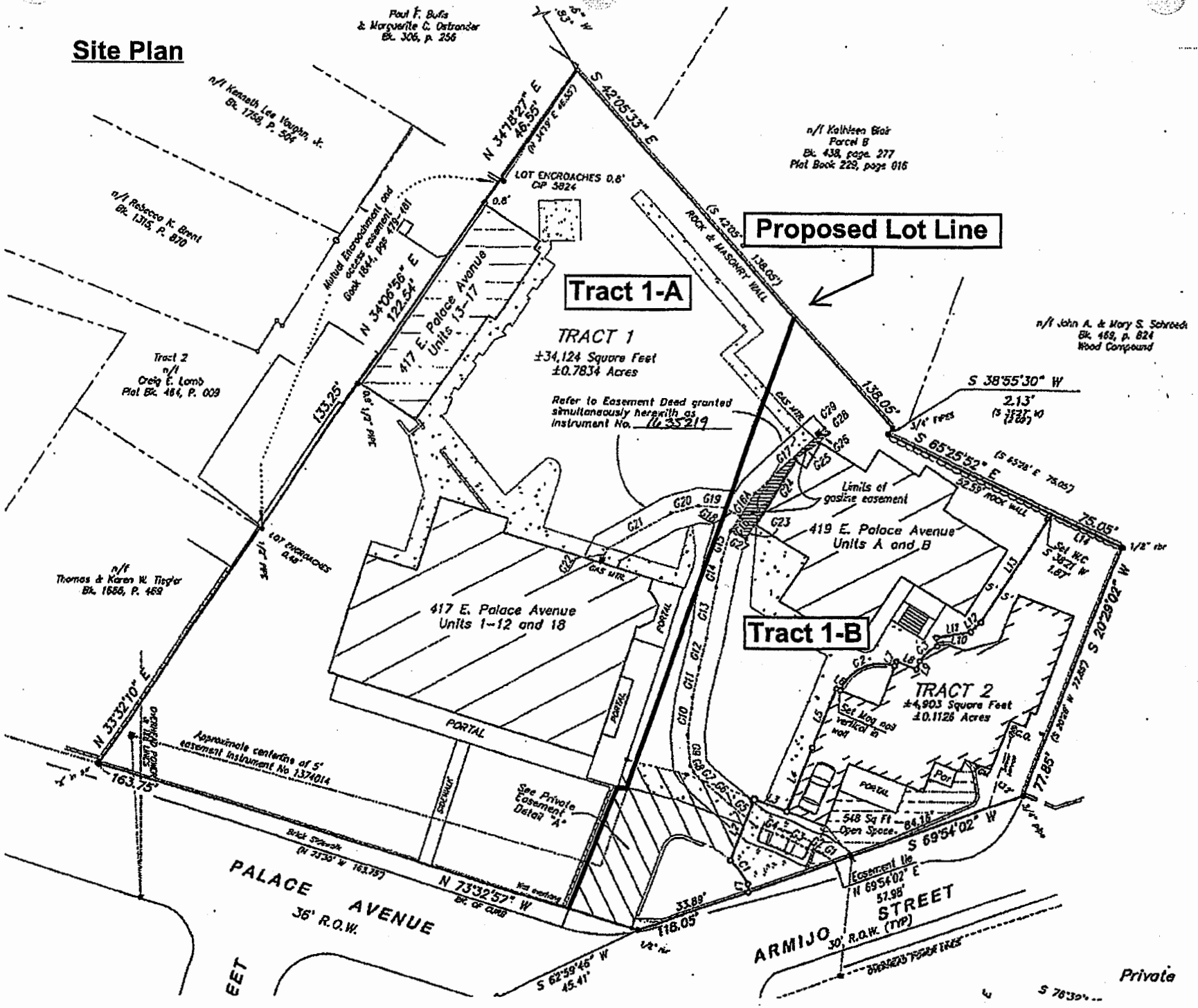
Attached please find a vicinity map and proposed site plan. If you have any questions or comments, please contact Jennifer Jenkins at 505-820-7444 or jennifer@jenkinsgavin.com.

Sincerely,

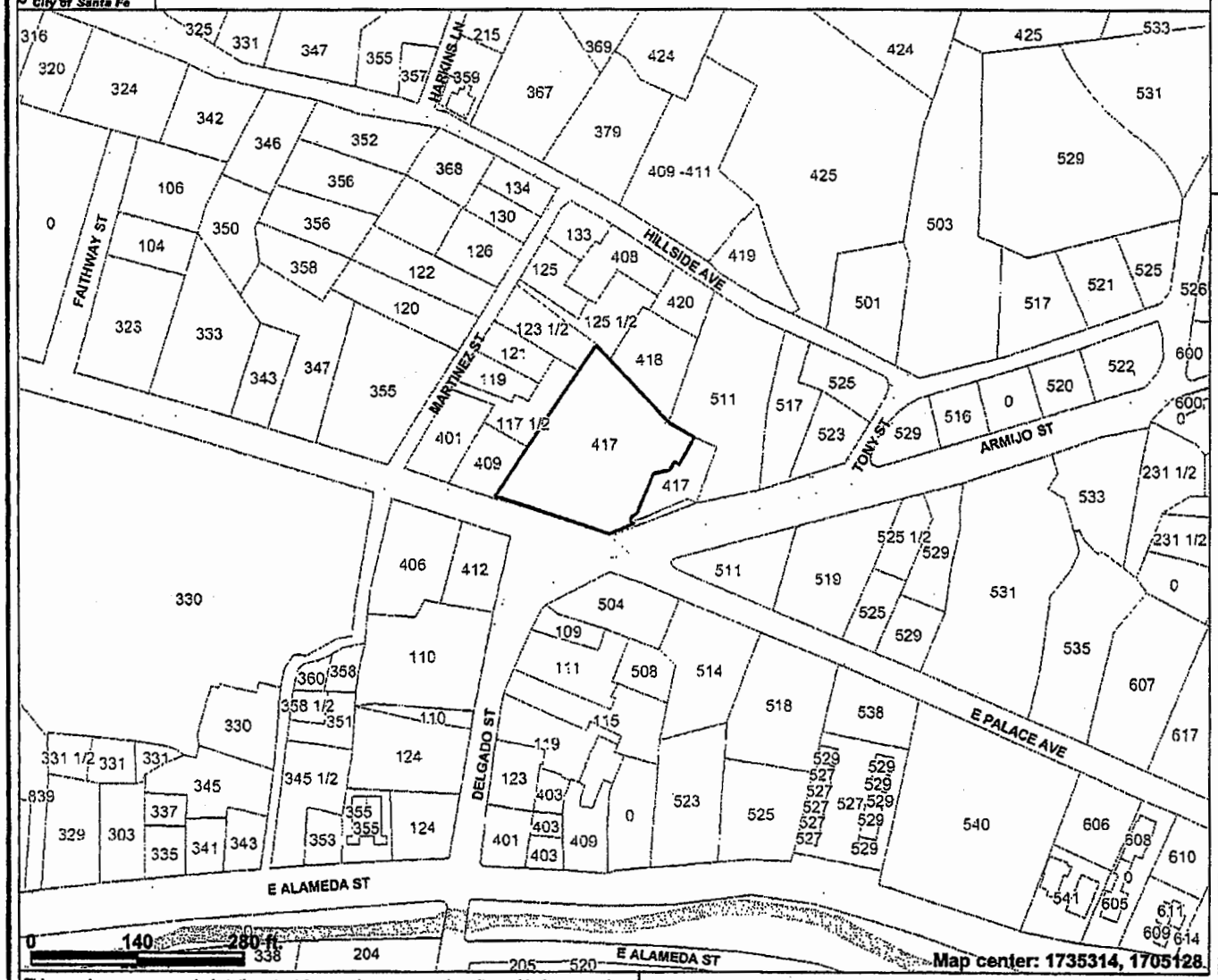
Attachments: Vicinity map
Site plan

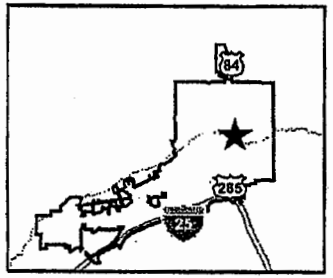
130 GRANT AVENUE, SUITE 101 SANTA FE, NEW MEXICO 87501 PHONE: 505.820.7444 FACSIMILE: 505.820.7445

Site Plan


Proposed Lot Line
Tract 1-A
Tract 1-B
TRACT 1
±34,124 Square Feet
±0.7834 Acres
TRACT 2
±4,903 Square Feet
±0.1126 Acres
417 E. Palace Avenue
Units 13-17
417 E. Palace Avenue
Units 1-12 and 18
419 E. Palace Avenue
Units A and B
Limits of gasline easement
Refer to Easement Deed granted simultaneously herewith as instrument No. 1635219
LOT ENCROACHES 0.8' CIP 3824
Mutual Encroachment and access easement Book 1844, pgs 475-481
n/f Kathleen Blair Parcel B Bk. 438, page 277 Plat Book 229, page 016
n/f John A. & Mary S. Schroeder Bk. 469, p. 824 Wood Compound
Paul F. Bufis & Marguerite C. Ostrander Bk. 306, p. 256
n/f Kenneth Lee Vaughn, Jr. Bk. 1758, P. 504
n/f Rebecca K. Brent Bk. 1315, P. 870
Tract 2 n/f Craig E. Lomb Plat Bk. 484, P. 009
n/f Thomas & Karen W. Tiegler Bk. 1656, P. 469
Approximate centerline of 5' easement instrument No 1374014
See Private Easement Detail "A"
548 Sq Ft Open Space
Easement line N 69°54'02" E 57.98'
PALACE AVENUE
36' R.O.W.
ARMIJO STREET
30' R.O.W. (TYP)
Private

417 & 419 Palace Vicinity Map





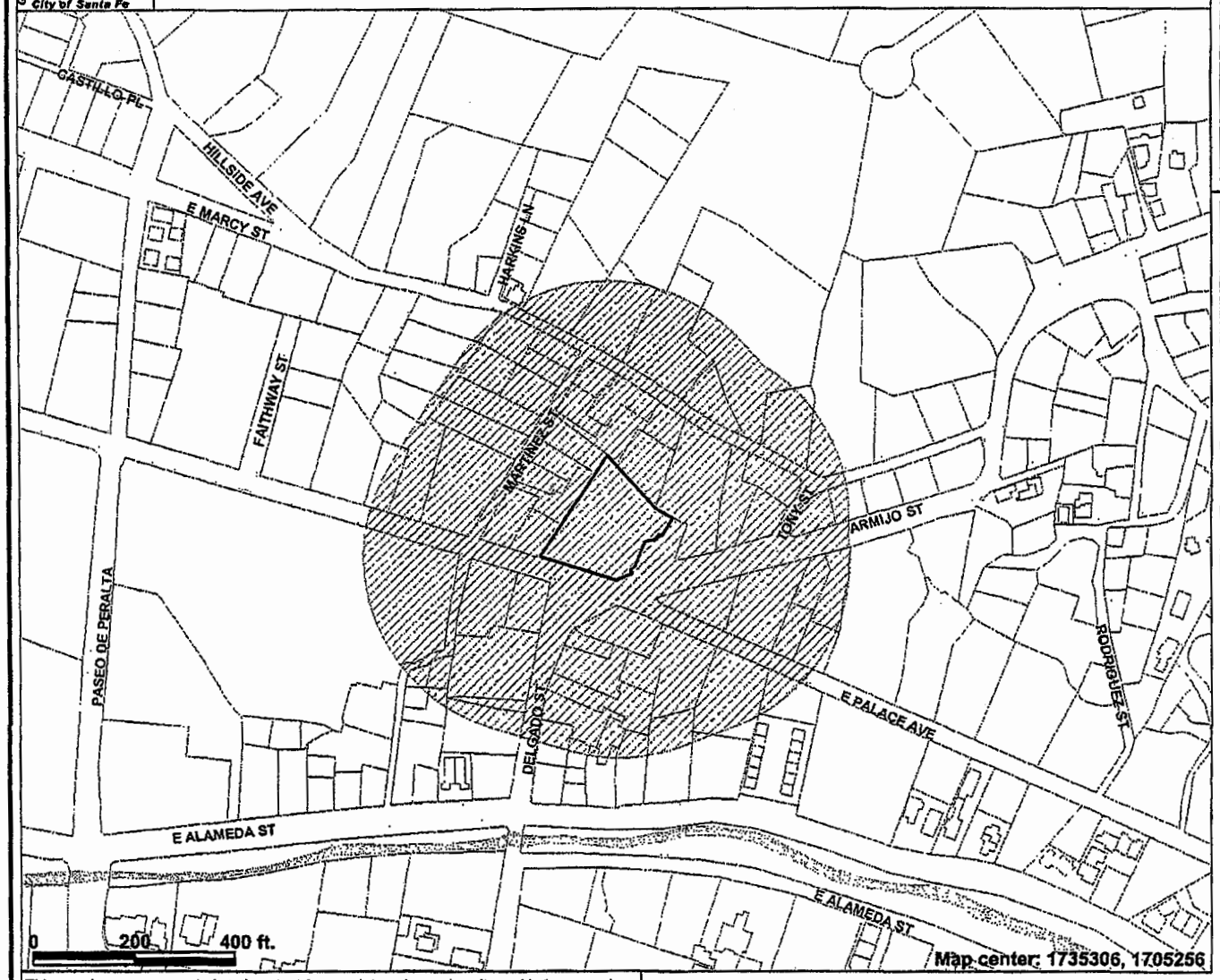
Legend

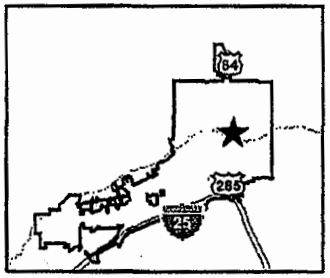
- City Limits
- Parcels
- Santa Fe River
- Major Roads and Highways
- Other Roads and Streets

Scale: 1:2,400

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.

ENN Mailing 350 Feet





Legend

- City Limits
- Parcels
- Santa Fe River
- Major Roads and Highways
- Other Roads and Streets

Neighborhood Assoc.

Historic Hillside N.A.

Scale: 1:3,600

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.

Vicinity Map
419 East Palace Avenue Subdivision
N
W
E
S
RC8
HILLSIDE AVE
MARTINEZ ST
Site
C1PUD
ARMIJO ST
BCDEAS
E PALACE AVE
R-21
DELGADO ST
BCDEAS

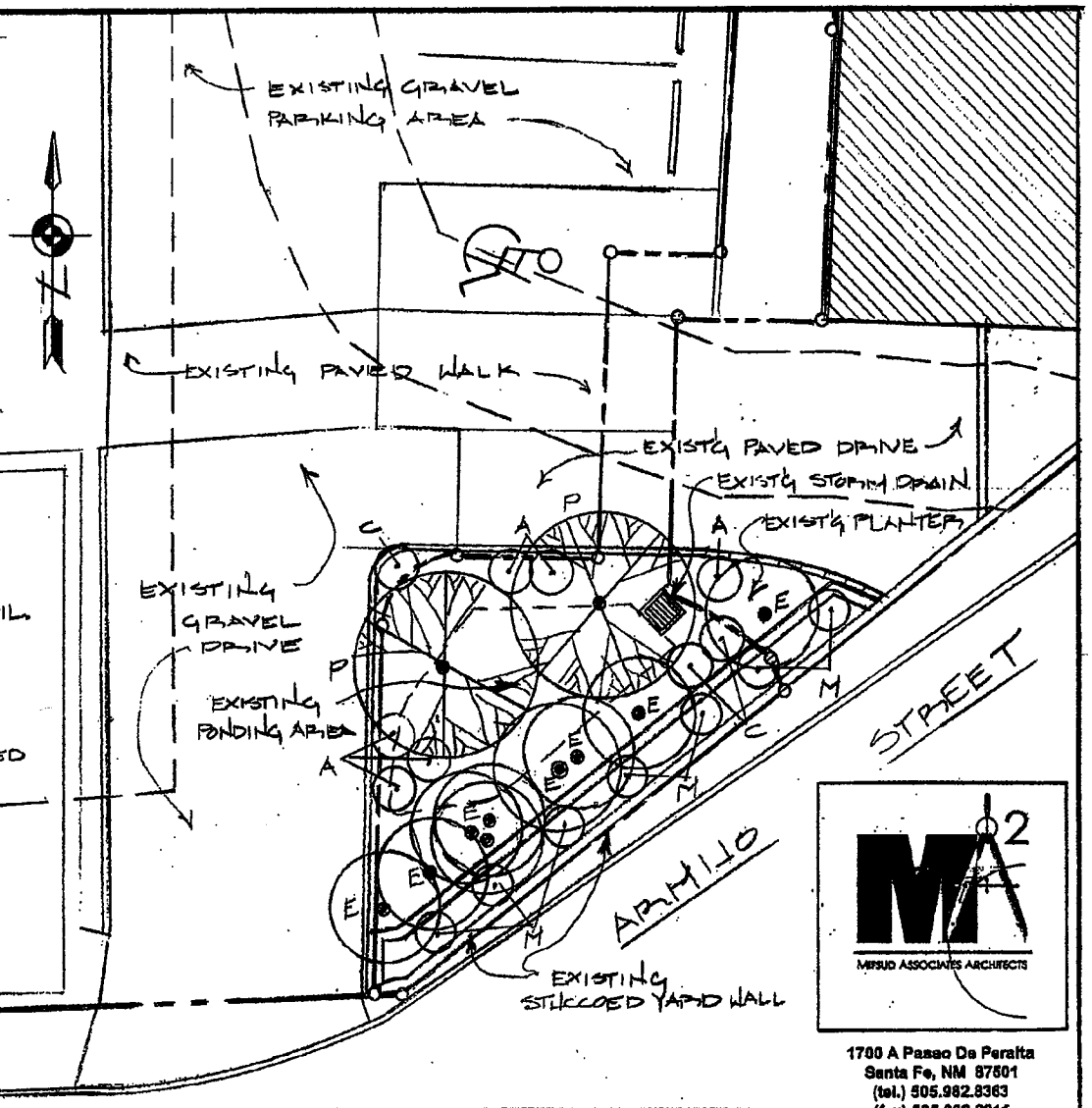
Exhibit "8"

Exhibit "9"

PLANT LIST					
X'	BOTANICAL NAME	COMMON NAME	#	INST.	MAT.
E	EXISTING	ASPEN TREE	9	-	-
P	FRAXINUS PENNSYLVANICA	PATHOPE ASH	2	2½"	16'x20'
A	FALLUGIA PARADOXA	APACHE PLUME	6	5GAL.	25 S.F.
C	CARCOPPUS LEDFOLINS	CURLLEAF MAHOGANY	3	5GAL.	6'x6'
M	ACHILLEA 'MOONSHINE	MOONSHINE YARROW	7	1GAL.	3'x3'

LANDSCAPE NOTES:

1) TREES MUST BE PLANTED SUCH THAT THE TRUNK FLARE IS VISIBLE AT TOP OF ROOT BALL.
2) UTILIZE PASSIVE WATER HARVESTING INCLUDING SURFACE COLLECTION.
3) STAKE TREES UPON APPROVAL OF LANDSCAPE ARCHITECT.
4) PROVIDE 2" MULCH BED OVER PLANTING HOLE.
5) PLACE ROOTBALLS ON UNEXCAVATED OR TAMPED SOIL.
6) CUT & REMOVE BURLAP & WIRE ON UPPER 6" OF ROOTBALL BASKET.
7) PROVIDE MIN. 1/2" GRAVEL MULCH AT ALL AREAS OUTSIDE OF ROOTBALLS OVER FILTER FABRIC/WEED BARRIER.



LANDSCAPE PLAN @ 1/8" = 1'-0"

417 & 419 EAST PALACE AVE.
SUBDIVISION

DECEMBER 6, 2012

MIRSUD ASSOCIATES ARCHITECTS
1700 A Paseo De Peralta
Santa Fe, NM 87501
(tel.) 505.982.8363
(fax) 505.989.3311
sfarchitect@comcast.net
www.santafearchitects.com

City of Santa Fe, New Mexico

memo

DATE: November 16, 2012 for the December 6, 2012 Meeting

TO: Planning Commission

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

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

---

Case #2012-117. Arroyo Central (Tierra Contenta Tract 50) Final Subdivision Plat. David Thomas of the Tierra Contenta Corporation, agent for the Santa Fe Community Housing Trust, proposes Final Subdivision Plat approval for a 24-lot single family residential subdivision. The property is zoned PRC (Planned Residential Community) and is located on the southwest corner of Plaza Central and Contenta Ridge Drive. (Heather Lamboy, Case Manager)

I. RECOMMENDATION

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

II. APPLICATION OVERVIEW

The applicant is requesting Final Subdivision Plat approval to subdivide Tract 50 of Tierra Contenta. The Santa Fe Community Housing Trust proposes to develop the tract with 24 single-family residences. The Planning Commission approved both the Preliminary Subdivision Plat and the Development Plan for Arroyo Central at their meeting of September 6, 2012, and the Findings of Fact and Conclusions of Law were approved on October 4, 2012. The Final Subdivision Plat is in substantial conformance with the approved Preliminary Plat as required by Section 14-3.7(B)(4)(a) SFCC 1987 (Conformity with Preliminary Plat Required).

The tract is part of Tierra Contenta Phase 2B, and is subject to the previously adopted design standards for Phase 2B. The design standards address architecture, site design, landscape, and infrastructure design.

Exhibit "10"

The development will have two open space tracts, and will connect pedestrians to multi-purpose trails and sidewalks within Tierra Contenta. The site is located on a slope, with the Plaza Central elevation at approximately 12 feet higher than the lowest lots. There will be a series of small retaining walls constructed between lots to deal with this grade change. Water and sewer are available to serve the tract.

III. APPROVAL CRITERIA

14-3.7 SUBDIVISIONS OF LAND

(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.

Staff Comment: Although some fill will be utilized in this subdivision, the natural features have been preserved and protected. There are pedestrian connections through the Tierra Contenta drainages that create a community open space amenity.

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

Staff Comment: The subject tract is not subject to flooding or topographically unsuited for building. All review agencies find that all criteria for the public health, safety and welfare are addressed.

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

Staff Comment: The Infrastructure Design, Improvement and Dedication standards have been met.

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

Staff Comment: No nonconformities will be created with the proposed 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.

Staff Comment: No nonconformity will be created with this plat.

(s) conditions may not be imposed that restrict the use to a specific person or group.

Staff Comment: Not applicable.

IV. CONDITIONS OF APPROVAL

The conditions of approval for Arroyo Central are generally technical in nature and can be addressed prior to the recordation of the mylar. In addition to working out the slope of the proposed pedestrian trails that connect to the Tierra Contenta trail network, some minor adjustments may have to be made to notes and minor corrections to drawing specifications as outlined in the Conditions of Approval.

V. ATTACHMENTS:

EXHIBIT A: Conditions of Approval

1. Conditions of Approval

EXHIBIT B: Development Review Team Memoranda

1. Request for Additional Information, Heather Lamboy
2. Roadways and Trails Memorandum, Eric Martinez
3. Solid Waste Division Memorandum, Randall Marco
4. Technical Review Division Memorandum, Risana "RB" Zaxus
5. Traffic Engineering Comments, John Romero
6. Wastewater Division Memorandum, Stan Holland
7. Technical Review Division Memorandum, Noah Berke

EXHIBIT C: Preliminary Plat Staff Report Packet

EXHIBIT E: Applicant Submittals

1. Transmittal Letter
2. Proposed Subdivision Plat, Arroyo Central

City of Santa Fe, New Mexico

Exhibit A

Conditions of Approval

Arroyo Central Subdivision Plat and Development Plan–Conditions of Approval
Planning Commission
Case #2012-117 – Arroyo Central Final Subdivision Plat

Conditions	Department	Staff
Review comments are based on submittals received on October 18, 2012. The comments below should be considered as Conditions of Approval to be addressed prior to final approval unless otherwise noted: 1. The developer shall revise the callout note on sheet C-10 of the plan set to indicate the revised radius of the bend in the alley. 2. The Developer shall make the following changes to the Striping and Signage Plan, sheet C-17, to be reviewed and approved by the Traffic Engineering Division: a. Make the following corrections to "No Parking Fire Lane" Signs: Change the sign designation per the Manual on Uniform Traffic Control Devices (MUTCD) from R8-1 to **R7-1-FL**, "NO PARKING, FIRE LANE"; change spacing of signs to approximately every 100-200 feet apart. b. 15 mph advisory speed warning plaque W13-1 (used below curve signs): Change size to 18 x 18 inches; Make sure that both signs have the correct size. c. In Sign note III, correct the spelling of the brand name of the approved sign post to "MARION".	Traffic Engineering	John Romero/ Sandra Kassens
The plan set dated 10/10/12 has been reviewed and the following shall be addressed: 1. Provide complete Sanitary Sewer General and Construction Notes 2. Provide the P&P for the proposed new sewer line connection to the existing manhole and **identify slope**. 3. Add note to the sewer P&P sheets indicating that the existing sewer line from proposed MH1 to the existing manhole is to be pressure tested and TV'd. 4. Specify the type PVC pipe to be used for the sanitary sewer lines in the P&P view. 5. Add the word "Public" to the sanitary sewer P&P sections and in the title blocks 6. Provide typical section detail showing geometric relation of sewer main, water main, dry utilities and sewer service lines for sewer lines with less than 6 feet burial depth.	Wastewater	Stan Holland
The following review comment is to be considered a condition of approval: 1. On Final Plat (sheet 4B), revise Flood Zone Note to reference ONLY the 2/18/11 FIRM.	Technical Review	RB Zaxus
Staff has the following review comment: 1. An irrigation plan will be required at the time of permitting.	Technical Review	Noah Berke
The following review comment is to be considered a condition of approval: 1. Pick up for trash and recycling must be on Plaza Central & Arroyo Central only. No easement pick up.	Solid Waste	Randall Marco
1. Complete design details on pedestrian trail illustrated on the site plan.	Roadways & Trails/Current Planning	Eric Martinez/ Heather Lamboy

City of Santa Fe, New Mexico

Exhibit B

Development Review Team Memoranda

City of Santa Fe
Land Use Department
Request for Additional Submittals

Project Name	Arroyo Central @ Tierra Contenta (Phase 2B, Tract 50)
Project Location	Southwest corner of Plaza Central and Contenta Ridge
Project Description	**Case #2012-117. Arroyo Central (Tierra Contenta Tract 50) Final Subdivision Plat.** David Thomas of the Tierra Contenta Corporation, agent for the Santa Fe Community Housing Trust, proposes Final Subdivision Plat approval for a 24-lot single family residential subdivision. The property is zoned PRC (Planned Residential Community) and is located on the southwest corner of Plaza Central and Contenta Ridge Drive. (Heather Lamboy, Case Manager)
Applicant / Owner	Dave Thomas, Tierra Contenta Corporation
Application Type	Subdivision Plat and Development Plan
Land Use Staff	Heather L. Lamboy, AICP

Comments:

Attached are the comments relating to the final subdivision plat, which are not substantive and are technical in nature. All of these comments can be addressed prior to recordation of the mylar.

We should probably meet with Eric Martinez to determine the best course on how to deal with the trail connections, and the construction standards that apply to those trails (please see his comments).

If you have any questions, please feel free to contact me at 955-6656.

LAMBOY, HEATHER L.

From: MARTINEZ, ERIC B.
Sent: Tuesday, October 30, 2012 2:27 PM
To: LAMBOY, HEATHER L.
Cc: WILSON, KEITH P.
Subject: Case #2012-117. Arroyo Central Final Sub. Plat & Case #2012-122. High Summit Master Plan & Final Dev. Plan Time Extension

Hi Heather,

I know late as always, but James who sat in for me at DRT mentioned that LUD staff requested my review the ped easements in the first case above. On the surface, requiring both easements doesn't appear crucial. The southern easement within the open space lot adjoins another lot; unsure if this lot is owned by others and contains a similar easement to connect it fully to Camino Cuervo/Ave El Nido . The terrain thru the open space appears pretty steep requiring gabions and timber steps (as shown on the plans) restricting ADA access and may require some exception to the ADA rules and posting of signs. However, this may not sit well with the ADA folks. I'm am not aware of the TC design standards for ped easements, but the plans show a 6 ft. wide, 4" thick base course surface typical section. Because of the terrain and width, this constituents more of a wide sidewalk than a multiuse trail. I would require a 4" concrete surface within both easements for longevity and reduced maintenance (especially if the easements are dedicated to the city), unless the TC design standards trump such recommendations. Please advise to that end and if you have any questions.

Regarding the second case, there is notation of trails on the development plan and discussion in the application materials regarding the creation of trails linking to the property on the west, and the Dale Ball Trail network and National Forest Land to the south and east. Of course this was approved before my time, however, please advise whether any opportunity exists to review the details (typical section, alignment, surface, etc.) and provide further recommendations if warranted.

Thanks,
Eric

City of Santa Fe, New Mexico

memo

DATE: October 22, 2012

TO: Heather L. Lamboy, AICP

FROM: Randall Marco, Solid Waste

SUBJECT: 2012-117 Arroyo Central Final Subdivision Plat

Pick up for trash and recycling must be on Plaza Central & Arroyo Central only.
No easement pick up.

City of Santa Fe, New Mexico

memo

DATE: October 25, 2012

TO: Heather Lamboy, Case Manager

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

RE: Case # 2012-117
Arroyo Central (TC Tract 50) Final Subdivision Plat

The following review comment is to be considered a condition of approval:

On Final Plat (sheet 4B), revise Flood Zone Note to reference ONLY the 2/18/11 FIRM.

City of Santa Fe, New Mexico

memo

DATE: November 5, 2012

TO: Heather Lamboy, Planning and Land Use Department

VIA: John Romero, Traffic Engineering Division Director

FROM: Sandra Kassens, Traffic Engineering Division

SUBJECT: **Arroyo Central (Tierra Contenta Tract 50) Final Subdivision Plat. (Case #2012-117)**

ISSUE

David Thomas of the Tierra Contenta Corporation, agent for the Santa Fe Community Housing Trust, proposes Final Subdivision Plat approval for a 24-lot single family residential subdivision. The property is zoned PRC (Planned Residential Community) and the property is located on the southwest corner of Plaza Central and Contenta Ridge Drive.

RECOMMENDED ACTION:

Review comments are based on submittals received on October 18, 2012. The comments below should be considered as Conditions of Approval to be addressed prior to final approval unless otherwise noted:

1. The developer shall revise the callout note on sheet C-10 of the plan set to indicate the revised radius of the bend in the alley.
2. The Developer shall make the following changes to the Striping and Signage Plan, sheet C-17, to be reviewed and approved by the Traffic Engineering Division:
   a. Make the following corrections to "No Parking Fire Lane" Signs: Change the sign designation per the Manual on Uniform Traffic Control Devices (MUTCD) from R8-1 to R7-1-FL, "NO PARKING, FIRE LANE"; change spacing of signs to approximately every 100-200 feet apart.
   b. 15 mph advisory speed warning plaque W13-1 (used below curve signs): Change size to 18 x 18 inches; Make sure that both signs have the correct size.
   c. In Sign note III, correct the spelling of the brand name of the approved sign post to "MARION".

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

City of Santa Fe, New Mexico

memo

DATE:	October 25, 2012
TO:	Heather Lamboy, Senior Planner
FROM:	Stan Holland, Engineer, Wastewater Division
SUBJECT:	Case #2012-117 Arroyo Central Tract 50 Final Plat

The plan set dated 10/10/12 has been reviewed and the Applicant shall address the following Comments:

1. Provide complete Sanitary Sewer General and Construction Notes
2. Provide the P&P for the proposed new sewer line connection to the existing manhole and **identify slope**.
3. Add note to the sewer P&P sheets indicating that the existing sewer line from proposed MH1 to the existing manhole is to be pressure tested and TV'd.
4. Specify the type PVC pipe to be used for the sanitary sewer lines in the P&P view.
5. Add the word "Public" to the sanitary sewer P&P sections and in the title blocks
6. Provide typical section detail showing geometric relation of sewer main, water main, dry utilities and sewer service lines for sewer lines with less than 6 feet burial depth.

City of Santa Fe, New Mexico

memo

DATE: October 29, 2012

TO: Heather Lamboy, AICP, Land Use Planner Senior

FROM: Noah Berke, CFM, Planner Technician Senior NLB

SUBJECT: Final Comments for Case #2012-117 Arroyo Central (Tierra Contenta Tract 50) Final Subdivision Plat.

Below are comments for Arroyo Central Final Subdivision Plat requests. These comments are based on documentation and plans dated October 10, 2012:

All requirements of SFCC 14-8.4 "Landscape and Site Design" have been met as proposed. An Irrigation Plan will be required at time of permitting.

City of Santa Fe, New Mexico

Exhibit C

Preliminary Plat Staff Report Packet

City of Santa Fe, New Mexico

memo

DATE: August 16, 2012 for the September 13, 2012 Meeting

TO: Planning Commission

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

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

---

Case #2012-91. Arroyo Central (Tierra Contenta Tract 50) Preliminary Subdivision Plat. David Thomas of the Tierra Contenta Corporation, agent for the Santa Fe Community Housing Trust, proposes a 24-lot single family residential subdivision. The property is zoned PRC (Planned Residential Community) and is located on the southwest corner of Plaza Central and Contenta Ridge Drive. (Heather Lamboy, Case Manager)

Case #2012-94. Arroyo Central (Tierra Contenta Tract 50) Development Plan. David Thomas of the Tierra Contenta Corporation, agent for the Santa Fe Community Housing Trust, proposes a development plan for a 24-lot single family residential subdivision. The property is zoned PRC (Planned Residential Community) and is located on the southwest corner of Plaza Central and Contenta Ridge Drive. (Heather Lamboy, Case Manager)

I. RECOMMENDATION

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

Cases #2012-91 and #2012-94 are combined for purposes of staff report, public hearing and Planning Commission comment, but each is a separate application and should be voted upon separately.

II. APPLICATION OVERVIEW

The applicant is requesting Preliminary Subdivision Plat and Development Plan approval to subdivide Tract 50 of Tierra Contenta, which was previously approved for a mix of single-family and townhouse development in 2006. The property was in foreclosure when it was purchased by the Santa Fe Community Housing Trust. The Housing Trust proposes to develop the tract with

24 single-family residences.

The tract is part of Tierra Contenta Phase 2B, and is subject to the previously adopted design standards for Phase 2B. The design standards address architecture, site design, landscape, and infrastructure design.

The development will have two open space tracts, and will connect pedestrians to multi-purpose trails and sidewalks within Tierra Contenta. The site is located on a slope, with the Plaza Central elevation at approximately 12 feet higher than the lowest lots. There will be a series of small retaining walls constructed between lots to deal with this grade change. Water and sewer are available to serve the tract.

An Early Neighborhood Notification meeting was held on June 12, 2012, and 12 members of the public attended. Concerns expressed at the meeting included the location of two-story homes, which could impact views, and construction impacts. Other questions related to pricing and size of the homes.

III. APPROVAL CRITERIA

14-3.7 SUBDIVISIONS OF LAND

(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.

Staff Comment: Although some fill will be utilized in this subdivision, the natural features have been preserved and protected. There are pedestrian connections through the Tierra Contenta drainages that create a community open space amenity.

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

Staff Comment: The subject tract is not subject to flooding or topographically unsuited for building. All review agencies find that all criteria for the public health, safety and welfare are addressed.

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

Staff Comment: The Infrastructure Design, Improvement and Dedication standards have been met.

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

Staff Comment: No nonconformities will be created with the proposed 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.

Staff Comment: No nonconformity will be created with this plat.

14-3.8 DEVELOPMENT PLANS
(D) Approval Criteria and Conditions

(1) Necessary Findings

To approve a development plan, a land use board must make the following findings:

(a) that it is empowered to approve the plan under the section of Chapter 14 described in the application;

Staff Comment: The Planning Commission is empowered to act and either approve or deny this Development Plan proposal.

(b) that approving the development plan will not adversely affect the public interest; and

Staff Comment: This proposal does not adversely affect the public interest.

(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 premises under consideration.

Staff Comment: The proposed single-family residential uses are compatible with and adaptable to the buildings in this master-planned community. The proposal is consistent with the Tierra Contenta Master

Plan, the City of Santa Fe Zoning Code, and the City of Santa Fe General Plan policies and Future Land Use Map.

(2) Conditions

The land use board 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, including:

(a) special yards or open spaces;

Staff Comment: Open Spaces have been designated on the site and link to other open spaces within this master-planned community.

(b) fences, walls or landscape screenings;

Staff Comment: Fences, walls and landscaping comply with the Phase 2B Design Standards for Tierra Contenta.

(c) provision and arrangement of parking and vehicular and pedestrian circulation;

Staff Comment: Vehicular circulation has been reviewed by the Traffic Engineer and the Fire Department, and residential parking will be provided on site while 12 guest parking spaces will be provided on the street.

(d) on-site or off-site street, sidewalk or utility improvements and maintenance agreements;

Staff Comment: Street and sidewalk and other infrastructure improvements are provided and comply with Tierra Contenta Phase 2B Design Standards..

(e) noise generation or attenuation;

Staff Comment: Not applicable.

(f) dedication of rights of way or easements or access rights;

Staff Comment: Right-of-way will be dedicated as part of the plat, and meets all criteria to be accepted by the City.

(g) arrangement of buildings and use areas on the site;

Staff Comment: Arrangement of the buildings and use areas on the site are consistent with the Tierra Contenta Master Plan and Santa Fe City Code.

(h) special hazard reduction measures, such as slope planting;

Staff Comment: Retaining walls are designed in such a manner as to step with the landscape and minimize the height of the walls.

(i) minimum site area;

Staff Comment: The proposal complies with the minimum lot size requirement.

(j) other conditions necessary to address unusual site conditions;

Staff Comment: No comment.

(k) limitations on the type, extent and intensity of uses and development allowed;

Staff Comment: The type and density of development is limited through the Tierra Contenta Master Plan. This proposal complies with the plan.

(l) maximum numbers of employees or occupants permitted;

Staff Comment: Not applicable.

(m) hours of operation;

Staff Comment: Not applicable.

(n) phases of development, if applicable;

Staff Comment: Not applicable.

(o) establishment of an expiration date, after which the use must cease at that site;

Staff Comment: Not applicable.

(p) establishment of a date for annual or other periodic review at a public hearing;

Staff Comment: No additional review will be required in this case except for the Final Subdivision Plat review.

(q) plans for sustainable use of energy, recycling and solid waste disposal;

Staff Comment: The site will be served by City of Santa Fe recycling and solid waste disposal services. Passive solar designs will be incorporated in order to ensure a more sustainable use of energy in the homes.

(r) any other appropriate conditions and safeguards, in conformity with Chapter 14 or provisions of other chapters of the Santa Fe City Code that regulate the development and use of land; and

Staff Comment: This proposal complies with the provisions of Chapter 14 with the proposed conditions of approval.

(s) conditions may not be imposed that restrict the use to a specific person or group.

Staff Comment: Not applicable.

IV. CONDITIONS OF APPROVAL

The conditions of approval for Arroyo Central are generally technical in nature and can be addressed prior to the Final Plat public hearing. Some minor adjustments may have to be made to the street location and radius in order to accommodate comments from Traffic Engineering and the Fire Department.

V. ATTACHMENTS:

EXHIBIT A: Conditions of Approval
1. Conditions of Approval

EXHIBIT B: Development Review Team Memoranda
1. Request for Additional Information, Heather Lamboy
2. Technical Review Division Memorandum, Noah Berke
3. Technical Review Division Memorandum, Risana "RB" Zaxus
4. Solid Waste Division Memorandum, Randall Marco
5. Wastewater Division Memorandum, Stan Holland
6. Fire Department Memorandum, Rey Gonzales
7. Traffic Engineering Comments, John Romero

EXHIBIT C: Maps
1. Current Zoning
2. Future Land Use Map
3. Aerial

EXHIBIT D: ENN Materials
1. ENN Meeting Notice
2. ENN Responses to Guidelines
3. Meeting Notes 6-12-12

EXHIBIT E: Applicant Submittals
1. Transmittal Letter
2. Proposed Subdivision Plat, Arroyo Central
3. Proposed Development Plan, Arroyo Central

City of Santa Fe, New Mexico

Exhibit A

Conditions of Approval

Arroyo Central Subdivision Plat and Development Plan–Conditions of Approval
Planning Commission
Case #2011-91 and #2011-94 – Arroyo Central Preliminary Subdivision Plat and Development Plan

Conditions	Department	Staff
Review comments are based on submittals received on July 19, 2012. The comments below should be considered as Conditions of Approval to be addressed prior to subsequent submittals unless otherwise noted: 1. Acceptance of this development plan does not imply approval of the temporary traffic control plan. The temporary traffic control plan shall be submitted at the time of building permit. 2. The Developer shall change the term CMP to Storm Drain Pipe throughout the development plan set. 3. The Developer shall add a sheet(s) to the development plans for Street Lighting: a. Indicate locations of additional Street Lights. Locate one Street Light on the northeast side (inside) of the curve of the 90 degree bend in Arroyo Central and one on the northwest corner of the intersection of Arroyo Central and Contenta Ridge Road. b. Street Light Poles shall be 23 ft. high Aluminum poles with 100 watt High Pressure Sodium (HPS) Luminaires; design and specifications subject to review and approval by the City of Santa Fe Traffic Engineering Division. 4. The Developer shall increase the radius of the driving surface at the ninety degree (90°) bend in the alley to R=15 feet, and adjust the 16 ft wide Right-of-Way lines correspondingly. The developer shall revise all relevant sheets including sheet C-10 of the development plan and sheet S-2 (also known as 4B) of the preliminary plat submittal. 5. The Developer shall make the following changes to the Note Sheet, sheet C-15, within the group of notes titled **City of Santa Fe Public Infrastructure General Construction Notes:** a. In note 3 - delete "2000" before the word edition and replace it with the word "current"; b. Replace note 4 in its entirety with "The order of precedence, listed in order of highest precedence, shall be: project specifications, plans, City of Santa Fe Standard Drawings, SSHBC and APWASS." c. In notes 15 and 27 replace the telephone number with 505-955-6631. 6. The Developer shall make the following changes to the Striping and Signage Plan, sheet C-17, to be reviewed and approved by the Traffic Engineering Division: a. No Parking Fire Lane Signs: Change the sign designation per the Manual on Uniform Traffic Control Devices (MUTCD) to R7-1-FL, "NO PARKING, FIRE LANE" and the size to 12 x 18 inches, red letters on white background; Signs shall have right, left or double arrow as applicable and shall be spaced approximately every 100-200 feet apart. b. Delete notes calling out "yellow painted curb in no parking zone"; c. 15 mph advisory speed warning plaque W13-1 (used below curve signs): Change size to 18 x 18 inches; d. Street Name Signs: Change lettering on street name signs to be a combination lower-case with initial upper-case, white letters on green background, series C in accordance with the current MUTCD; i. Arroyo Central (2 signs): Use 4.5 inch lower-case letters with 6 inch initial upper-case letters.	Traffic Engineering	John Romero/ Sandra Winkelmaier

Conditions	Department	Staff
ii. Plaza Central and Contenta Ridge: Use 3 inch lower-case letters with 4 inch initial upper-case letters. e. Replace SIGN NOTE, "All signs to be per MUTCD latest edition" with the following notes and title: **CITY OF SANTA FE STRIPING, SIGN AND POST REQUIREMENTS:** i. All striping shall comply with the current edition of the NMDOT Standard Specifications for Highway and Bridge Construction (SSHBC); ii. All aluminum panel signing and steel posts shall comply with the current editions of the NMDOT – SSHBC and the MUTCD; and iii. Sign posts with approved breakaway device shall be "Marion" brand four (4) lb/ft, U channel – Black. No substitutes allowed; and iv. Sign sheeting shall be "3M" brand high intensity. No Substitutes allowed.		
A review has been conducted of the case for compliance with the International Fire Code (IFC) 2009 Edition. Below are the following requirements that shall be addressed prior to approval by Planning Commission. 1. Shall Comply with International Fire Code (IFC) 2009 Edition. 2. Shall Provide **No Parking Fire Lane** signs with minimum dimension of 12 inches wide by 18 inches high and red letters on a white background in alleys or other locations as indicated on plat. 3. Shall meet all water requirements set forth by IFC 2009 Edition. 4. Shall meet the 150 feet linear fire hose access to each building from the roadway.	Fire	Rey Gonzales
The subject property is accessible to the City sanitary sewer system and connection to the City sewer system is mandatory and shall be made prior to any new construction on the lot. Additionally, the following notes shall be included on the plat and development plans: Wastewater Utility Expansion Charges (UEC) shall be paid at the time of building permit application. **Additional Comments:** 1. Correct 40' ROW roadway sections to show correct stationing, road names and correct dimensioning of features. 2. Show water and sewer locations in all typical roadway sections. 3. Provide the P&P for the proposed new sewer line connection to the existing manhole. 4. Provide typical section detail showing geometric relation of sewer main, water main, dry utilities and sewer service lines for sewer lines with less than 6 feet burial depth.	Wastewater	Stan Holland

The following review comments are to be considered as conditions of approval: Preliminary Plat (sheet 4A): • Modify Subdivision Note #6 to reflect that the pond that serves Tract 50 is existing and was built with Phase 2A, Unit 2. • Revise Subdivision Note # 7 to remove reference to surety bond and refer instead to Financial Guarantee. • Add a note that no lot shall have access off of Plaza Central or Contenta Ridge. Preliminary Plat (sheet 4B): • Revise Flood Zone Note to reference ONLY the 2/18/11 FIRM. Development Plan (sheet D-1) • Add to the legend a definition of "POS." Grading and Drainage Plan (Sheet C-2): • Show entire existing stormwater pond and label as such (or define hatching in legend.	Technical Review	RB Zaxus
Staff recommends approval if the following items are addressed and brought into compliance prior to recordation of the Final Plat: 1. On sheet D-1, note 10 needs to have language changed or removed to indicate that the Developer will take full responsibility of the approved landscape until the Financial Guarantee is released by the City. It is recommended that the Developer provide information on how they will ensure that the adjacent homeowner will know when they become responsible for the street tree. 2. On sheet D-1, note 17, states that street trees will be a minimum of 2 ½ inch caliper at time of planting and that they will be spaced every 45 feet. On sheet L-1, the Planting List says trees are 1 ½ inch caliper and according to Tierra Contenta Streetscape Standards these trees should be 30 feet on center. Provide uniform tree sizes throughout plan set and staff recommends a 2 inch caliper tree. 3. Provide more than one species of tree and provide full species name. For example, if the common name is "Honey Locust"; identify and specify which type of "Honey Locust" is being used. 4. Follow "Streetscape Standards" for placement of trees in relation to curbs and sidewalks.	Technical Review	Noah Berke
1. A feeder trail shall be constructed in the open space tract to connect to the Tierra Contenta trails network (to the south of the subdivision plat).	Current Planning	Heather Lamboy

City of Santa Fe, New Mexico

Exhibit B

Development Review Team Memoranda

City of Santa Fe
Land Use Department
Request for Additional Submittals

Project Name	Arroyo Central @ Tierra Contenta (Phase 2B, Tract 50)
Project Location	Southwest corner of Plaza Central and Contenta Ridge
Project Description	**Case #2012-91. Arroyo Central (Tierra Contenta Tract 50) Preliminary Subdivision Plat.** David Thomas of the Tierra Contenta Corporation, agent for the Santa Fe Community Housing Trust, proposes a 24-lot single family residential subdivision. The zoning for the property is PRC (Planned Residential Community) and the property is located on the southwest corner of Plaza Central and Contenta Ridge Drive. (Heather Lamboy, Case Manager) **Case #2012-94. Arroyo Central (Tierra Contenta Tract 50) Development Plan.** David Thomas of the Tierra Contenta Corporation, agent for the Santa Fe Community Housing Trust, proposes a development plan for a 24-lot single family residential subdivision. The zoning for the property is PRC (Planned Residential Community) and the property is located on the southwest corner of Plaza Central and Contenta Ridge Drive. (Heather Lamboy, Case Manager)
Applicant / Owner	Dave Thomas, Tierra Contenta Corporation
Application Type	Subdivision Plat and Development Plan
Land Use Staff	Heather L. Lamboy, AICP

Comments:

I have reviewed the plans and offer the following comments:

- Remove the "Approved for Construction" box on the cover sheet. This is not consistent with City of Santa Fe signature line protocols. The signature line was done correctly on the Preliminary Plat, Sheet 1 of 2.
- Note #10, under "Subdivision Notes" is incomplete. Please finish the sentence.
- On Sheet D-1, Note #1, please include that property development is also subject to the Design Standards for Phase 2B of Tierra Contenta.
- On Sheet D-1, Note #18 is incomplete. Since the Development Plan is only one sheet long, you may consider deleting this note.

- On Sheet C-5, the Water Service Table references "Alegria Street." That should be changed to Arroyo Central.

The Technical Review Division (Noah Berke) had numerous concerns regarding landscaping for the subdivision. Please see his memorandum, which is attached hereto. Additionally, the City Engineer had some technical issues that need to be addressed.

Additional comments may be received after the date of this review. As I receive them, I will send them along to you.

If you would like to have your updated drawings reviewed prior to the hearing, please provide one CD and two paper copies of the updated drawings by August 15, 2012. This last review will reduce the overall number of conditions that will be required going forward to Final Subdivision Plat.

The case is scheduled to be heard by the Planning Commission on September 6, 2012. Around August 20th we will be contacting you to give you the public notice sign and public notice letter for the hearing. Finally, on August 27, we will be asking you to submit reduced 11"x17" copies for the Planning Commission public hearing packets.

If you have any questions, please feel free to contact me at 955-6656.

City of Santa Fe, New Mexico

memo

DATE: August 27, 2012

TO: Heather Lamboy, AICP, Land Use Planner Senior

FROM: Noah Berke, CFM, Planner Technician Senior

SUBJECT: Request for Additional Submittals for Case #2012-91 Arroyo Central Preliminary Subdivision Plat and Case #2012-94 Arroyo Central Development Plan

---

Below are comments for Arroyo Central Preliminary Subdivision Plat and Development Plan requests. These comments are based on documentation and plans dated July 9, 2012:

Staff recommends approval if the following items are addressed and brought into compliance:

- On sheet D-1, note 10 needs to have language changed or removed to indicate that the Developer will take full responsibility of the approved landscape until the Financial Guarantee is released by the City. It is recommended that the Developer provide information on how they will ensure that the adjacent homeowner will know when they become responsible for the street tree.
- On sheet D-1, note 17, states that street trees will be a minimum of 2 ½ inch caliper at time of planting and that they will be spaced every 45 feet. On sheet L-1, the Planting List says trees are 1 ½ inch caliper and according to Tierra Contenta Streetscape Standards these trees should be 30 feet on center. Provide uniform tree sizes throughout plan set and staff recommends a 2 inch caliper tree.
- Provide more than one species of tree and provide full species name. For example, if the common name is "Honey Locust"; identify and specify which type of "Honey Locust" is being used.
- Follow "Streetscape Standards" for placement of trees in relation to curbs and sidewalks.

City of Santa Fe, New Mexico

memo

DATE: July 26, 2012

TO: Heather Lamboy, Case Manager

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

RE: Cases # 2012-91 and # 2012-94
Arroyo Central (TC Tract 50) Preliminary Subdivision Plat
Arroyo Central (TC Tract 50) Development Plan

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

Preliminary Plat (sheet 4A):

- Modify Subdivision Note #6 to reflect that the pond that serves Tract 50 is existing and was built with Phase 2A, Unit 2.
- Revise Subdivision Note # 7 to remove reference to surety bond and refer instead to Financial Guarantee.
- Add a note that no lot shall have access off of Plaza Central or Contenta Ridge.

Preliminary Plat (sheet 4B):

- Revise Flood Zone Note to reference ONLY the 2/18/11 FIRM.

Development Plan (sheet D-1)

- Add to the legend a definition of "POS."

Grading and Drainage Plan (Sheet C-2):

- Show entire existing stormwater pond and label as such (or define hatching in legend.

City of Santa Fe, New Mexico

memo

DATE: July 26, 2012

TO: Heather Lamboy, Case Manager

FROM: Randall Marco, Solid Waste Division

RE: Cases # 2012-91 and # 2012-94
Arroyo Central (TC Tract 50) Preliminary Subdivision Plat
Arroyo Central (TC Tract 50) Development Plan

There are no solid waste issues at this time.

City of Santa Fe, New Mexico

memo

DATE: August 2, 2012

TO: Heather Lamboy, Senior Planner

FROM: Stan Holland, Engineer, Wastewater Division

SUBJECT: Case #2012-91 & 94 Arroyo Central Preliminary Plat and Development Plan

---

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

Connection to the City sewer system is mandatory and shall be made prior to any new construction on the lot. Additionally, the following notes shall be included on the plat and development plans:

1. Wastewater Utility Expansion Charges (UEC) shall be paid at the time of building permit application.

Additional Comments:

1. A minimum 25 foot wide exclusive water and sewer easement is required in the alley.
2. Update the alley typical roadway section to reflect a 25 foot water and sewer easement
3. Correct 40' ROW roadway sections to show correct stationing, road names and correct dimensioning of features
4. Show water and sewer locations in all typical roadway sections
5. Provide the P&P for the proposed new sewer line connection to the existing manhole
6. Provide typical section detail showing geometric relation of sewer main, water main, dry utilities and sewer service lines for sewer lines with less than 6 feet burial depth.

City of Santa Fe, New Mexico

memo

DATE: **August 1, 2012**

TO: Case Manager: Heather Lamboy

FROM: **Reynaldo Gonzales, Fire Marshal** RDG

SUBJECT: Case #2012-91, 2012-94 Arroyo Central (Tierra Contenta Tract 50)

I have conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) 2009 Edition. Below are the following requirements that shall be addressed prior to approval by Planning Commission. If you have questions or concerns, or need further clarification please call me at 505-955-3316.

1. Shall Comply with International Fire Code (IFC) 2009 Edition.
2. Shall Provide **No Parking Fire Lane** signs with minimum dimension of 12 inches wide by 18 inches high and red letters on a white background.
3. Shall meet all water requirements set forth by IFC 2009 Edition.
4. Shall meet the 150 feet radius access to each building from the roadway.

City of Santa Fe, New Mexico

memo

DATE: August 1, 2012

TO: Heather Lamboy, Planning and Land Use Department

VIA: John Romero, Traffic Engineering Division Director

FROM: Sandra Kassens, Traffic Engineering Division SMK

SUBJECT: **Arroyo Central (Tierra Contenta Tract 50) Preliminary Subdivision Plat and Development Plan. (Case #2012-091 and 94)**

ISSUE

David Thomas of the Tierra Contenta Corporation, agent for the Santa Fe Community Housing Trust, requests Preliminary Subdivision Plat and Development Plan approval for a 24-lot single family residential subdivision. The Zoning for the property is PRC (Planned Residential Community) and the property is located on the southwest corner of Plaza Central and Contenta Ridge Drive.

RECOMMENDED ACTION:

Review comments are based on submittals received on July 19, 2012. The comments below should be considered as Conditions of Approval to be addressed prior to subsequent submittals unless otherwise noted:

1. Acceptance of this development plan does not imply approval of the temporary traffic control plan. The temporary traffic control plan shall be submitted at the time of building permit.
2. The Developer shall change the term CMP to Storm Drain Pipe throughout the development plan set.
3. The Developer shall add a sheet(s) to the development plans for Street Lighting:
   a. Indicate locations of additional Street Lights. Locate one Street Light on the northeast side (inside) of the curve of the 90 degree bend in Arroyo Central and one on the northwest corner of the intersection of Arroyo Central and Contenta Ridge Road.
   b. Street Light Poles shall be 23 ft. high Aluminum poles with 100 watt High Pressure Sodium (HPS) Luminaires; design and specifications subject to review and approval by the City of Santa Fe Traffic Engineering Division.

4. The Developer shall increase the radius of the driving surface at the ninety degree (90°) bend in the alley to R=15 feet, and adjust the 16 ft wide Right-of-

Way lines correspondingly. The developer shall revise all relevant sheets including sheet C-10 of the development plan and sheet S-2 (also known as 4B) of the preliminary plat submittal.

5. The Developer shall make the following changes to the Note Sheet, sheet C-15, within the group of notes titled **City of Santa Fe Public Infrastructure General Construction Notes:**
    a. In note 3 - delete "2000" before the word edition and replace it with the word "current";
    b. Replace note 4 in its entirety with "The order of precedence, listed in order of highest precedence, shall be: project specifications, plans, City of Santa Fe Standard Drawings, SSHBC and APWASS."
    c. In notes 15 and 27 replace the telephone number with 505-955-6631.
6. The Developer shall make the following changes to the Striping and Signage Plan, sheet C-17, to be reviewed and approved by the Traffic Engineering Division:
    a. No Parking Fire Lane Signs: Change the sign designation per the Manual on Uniform Traffic Control Devices (MUTCD) to R7-1-FL, "NO PARKING, FIRE LANE" and the size to 12 x 18 inches, red letters on white background; Signs shall have right, left or double arrow as applicable and shall be spaced approximately every 100-200 feet apart.
    b. Delete notes calling out "yellow painted curb in no parking zone";
    c. 15 mph advisory speed warning plaque W13-1 (used below curve signs): Change size to 18 x 18 inches;
    d. Street Name Signs: Change lettering on street name signs to be a combination lower-case with initial upper-case, white letters on green background, series C in accordance with the current MUTCD;
        i. Arroyo Central (2 signs): Use 4.5 inch lower-case letters with 6 inch initial upper-case letters.
        ii. Plaza Central and Contenta Ridge: Use 3 inch lower-case letters with 4 inch initial upper-case letters.
    e. Replace SIGN NOTE, "All signs to be per MUTCD latest edition" with the following notes and title: **CITY OF SANTA FE STRIPING, SIGN AND POST REQUIREMENTS:**
        i. All striping shall comply with the current edition of the NMDOT Standard Specifications for Highway and Bridge Construction (SSHBC);
        ii. All aluminum panel signing and steel posts shall comply with the current editions of the NMDOT – SSHBC and the MUTCD; and
        iii. Sign posts with approved breakaway device shall be "Marion" brand four (4) lb/ft, U channel – Black. No substitutes allowed; and
        iv. Sign sheeting shall be "3M" brand high intensity. No Substitutes allowed.

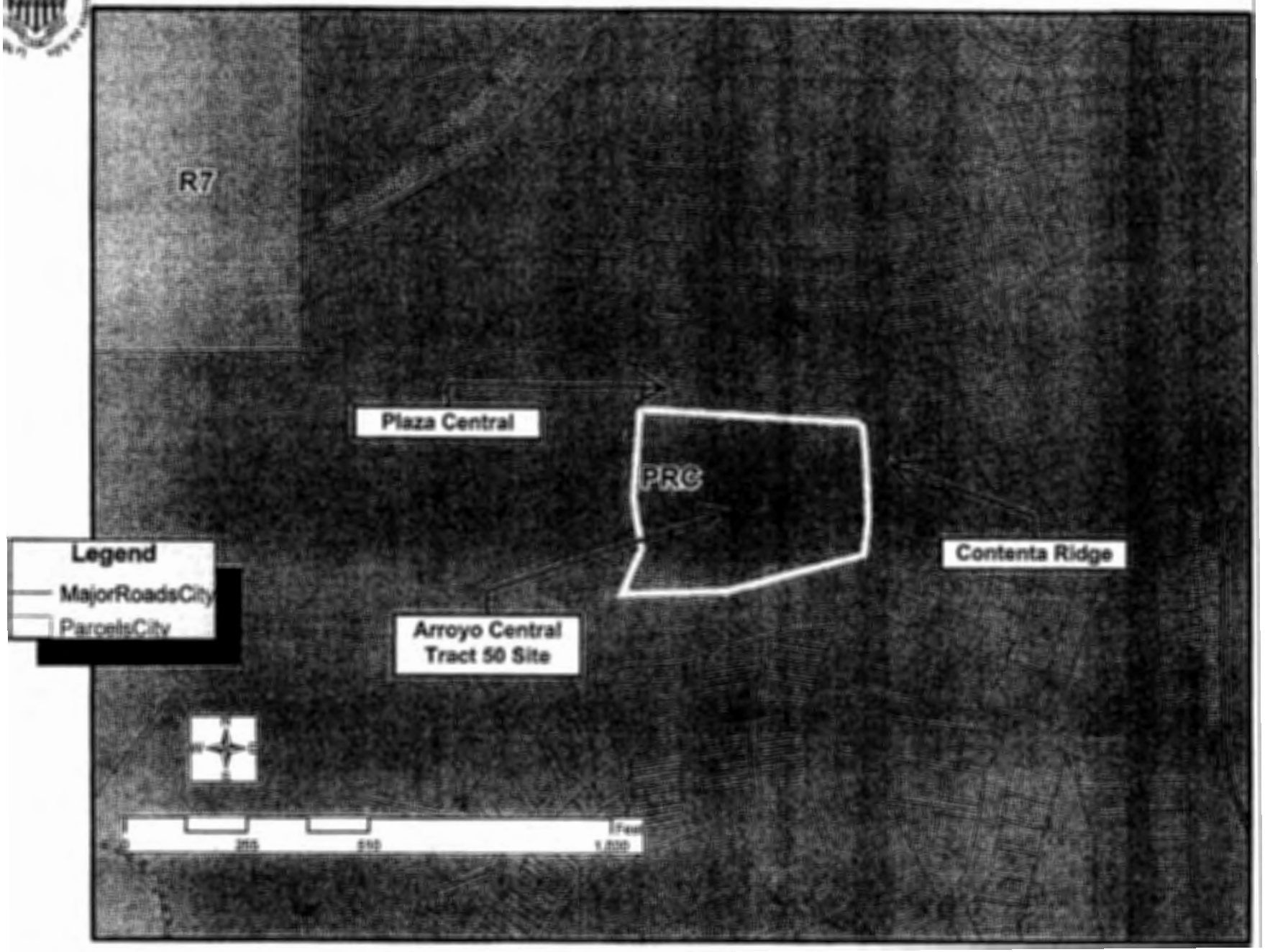
If you have any questions or need any more information, feel free to contact me at 955-6697. Thank you.

City of Santa Fe, New Mexico

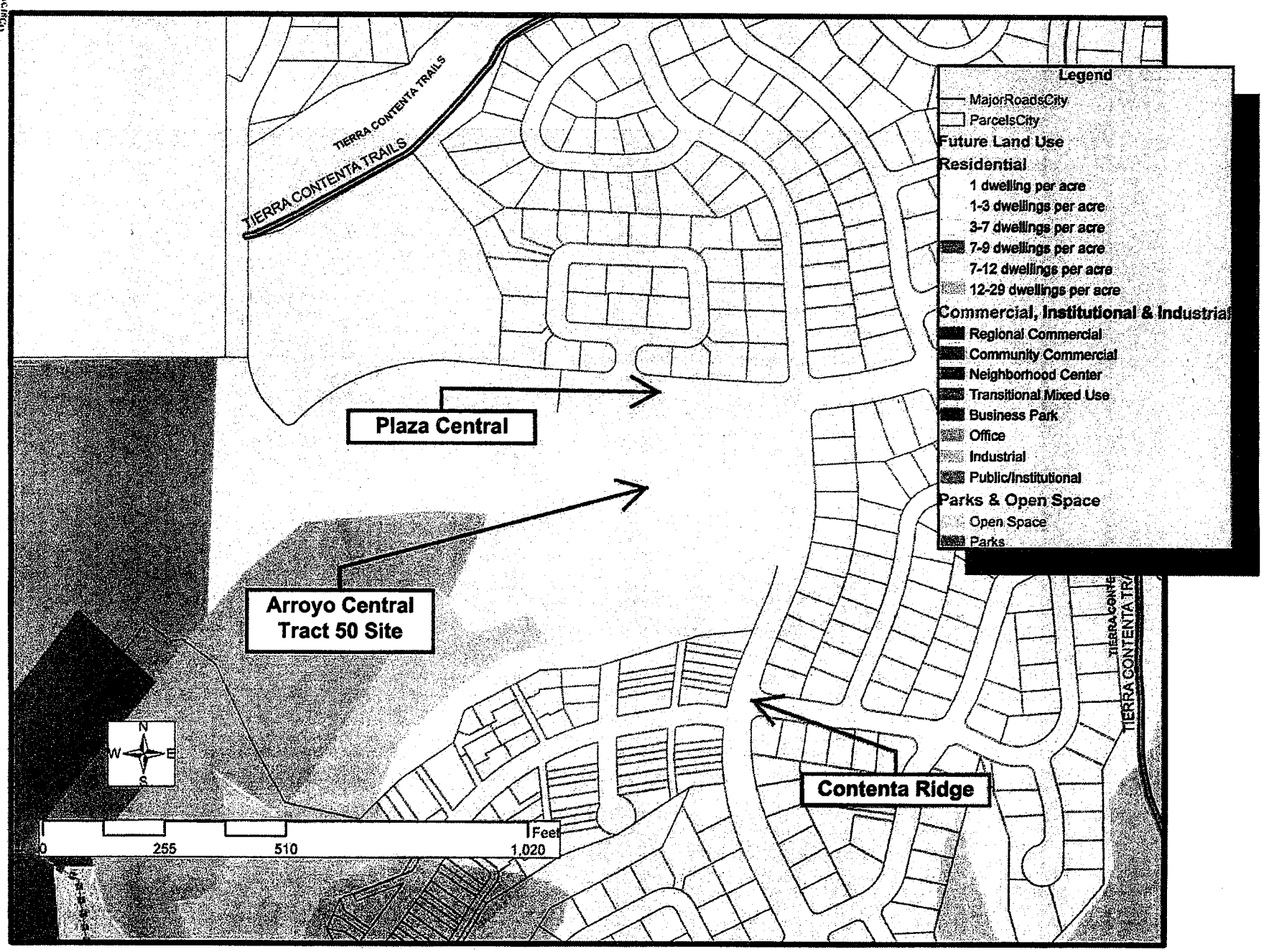
Exhibit C

Maps:
Zoning
Future Land Use
Aerial

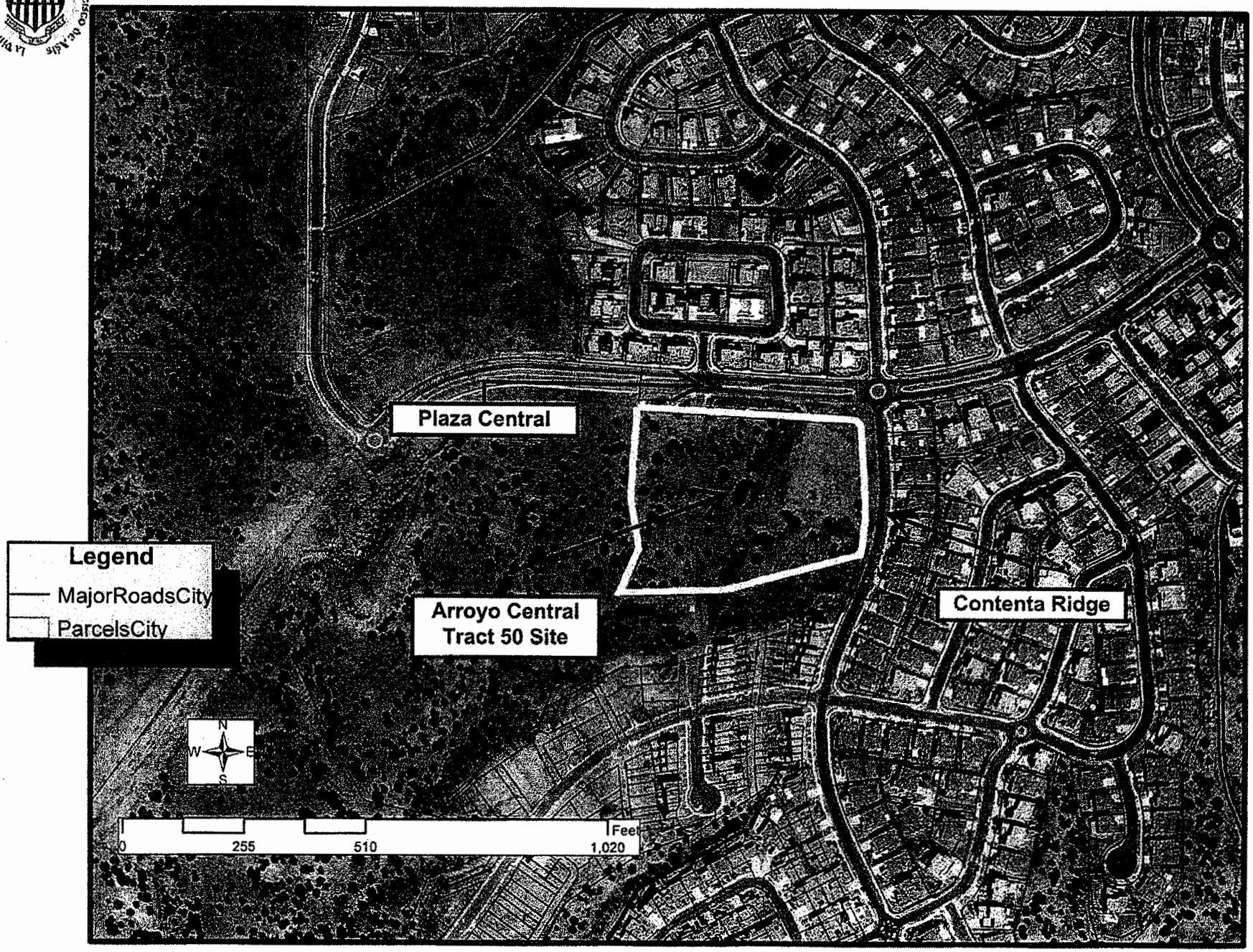
ARROYO CENTRAL



ARROYO CENTRAL



ARROYO CENTRAL



City of Santa Fe, New Mexico

Exhibit D

ENN Materials:
Meeting Notice
Responses to Guidelines
ENN Meeting Summary 6-12-12

ENN Meeting Notice Letter

EARLY NEIGHBORHOOD NOTIFICATION MEETING

May 25, 2012

Dear Neighbor:

David R. Thomas, Agent for Santa Fe Community Housing Trust is requesting to subdivide 3.84 acres of vacant property at the southwest corner of Plaza Central and Contenta Ridge in Phase 2B of Tierra Contenta into 24 lots for development as single-family housing.

In accordance with the requirements of the City of Santa Fe's Early Neighborhood Notification regulations, this is to inform you that a meeting is scheduled for:

Time: ***5:30 PM***
When: ***Tuesday, June 12, 2012***
Where: ***Southside Library***
6599 Jaguar Drive
Santa Fe, NM 87507

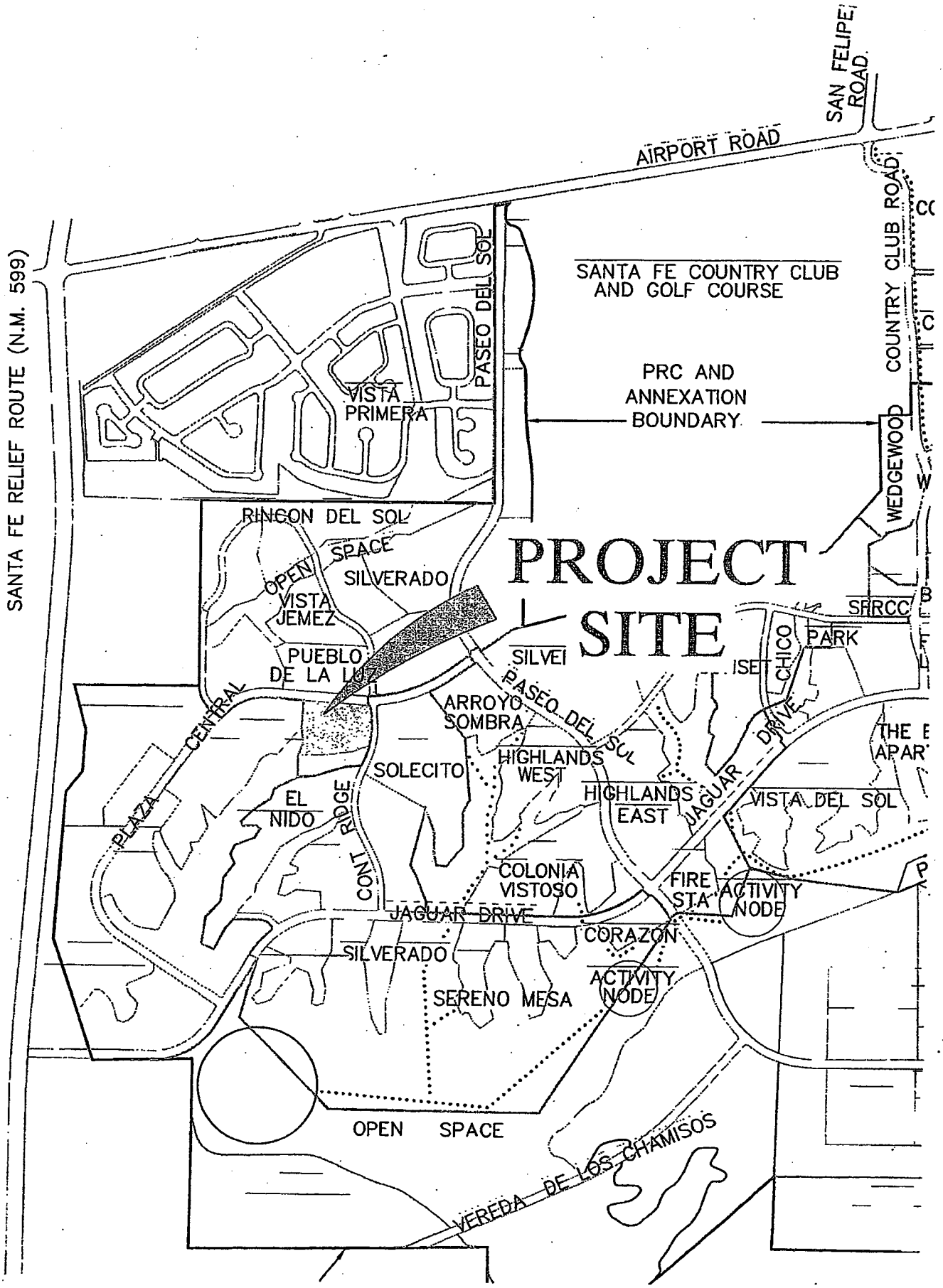
Early Neighborhood Notification is intended to provide for an exchange of information between prospective applicants for development projects and the project's neighbors before plans become too firm to respond meaningfully to community input.

Attached, please find a vicinity map and proposed site plan. If you have any questions or comments, please contact **Dave Thomas at 505-471-4551 or email at dave@tierracontenta.org.**

Sincerely,

David R. Thomas, P.E.
Project Engineer

Attachments:
Vicinity map
Site plan


SAN FELIPE ROAD
AIRPORT ROAD
COUNTRY CLUB ROAD
SANTA FE RELIEF ROUTE (N.M. 599)
SANTA FE COUNTRY CLUB AND GOLF COURSE
PASEO DEL SOL
VISTA PRIMERA
PRC AND ANNEXATION BOUNDARY
WEDGEWOOD
RINCON DEL SOL
OPEN SPACE
SILVERADO
VISTA JEMEZ
PROJECT SITE
PUEBLO DE LA LUZ
SILVEI
PASEO DEL SOL
ARROYO SOMBRA
CHICO
PARK
JAGUAR DRIVE
PLAZA CENTRAL
SOLECITO
HIGHLANDS WEST
HIGHLANDS EAST
VISTA DEL SOL
EL NIDO
CONT RIDGE
COLONIA VISTOSO
FIRE STA
ACTIVITY NODE
JAGUAR DRIVE
CORAZON
SILVERADO
ACTIVITY NODE
SERENO MESA
OPEN SPACE
VEREDA DE LOS CHAMISOS

Project Description

Name of Project: Arroyo Central

Location: Southwest quadrant of Plaza Central and Contenta Ridge

Legal Description: Tierra Contenta Phase 2B, Tract 50

Developer: Santa Fe Community Housing Trust

Area: 3.844 acres

Development: 24 Single-family detached homes.

Density: 6.24 dwelling units per acre (6.24 d.u./ac.)

History: This property was created with Phase 2B of Tierra Contenta in 2004 and entitled to a maximum of 27 units with a maximum allowable density of 7 d.u./ac. The property was sold to a private developer in 2005 and received all necessary approvals for development by the City in 2006. The developer failed to develop the property within the time required by the City and the approvals were lost. The property was sold to the Santa Fe Community Housing Trust in 2010 with the intent to develop the property in a similar manner as previously approved.

Planning and design for development of the property, renamed Arroyo Central, resumed in 2011. The original design was used as much as possible. The street and alley through the subdivision remains basically the same as in the original design. The townhome units were eliminated reducing the number of homes from 27 to 24.

There is a single street through the subdivision connecting Plaza Central and Contenta Ridge. Vehicle access to about half the homes are by an alley which will have garages in the rear. The other half will be served with single driveways off the interior street. No driveways will connect directly to either Plaza Central or Contenta Ridge. The existing connection to Plaza Central will remain. A new street connection and a new alley connection will be made to Contenta Ridge.

Anticipated Schedule: The application for preliminary subdivision and development plan approval is scheduled for July 2012. The hearing before the Planning Commission would likely to be in September 2012. Assuming preliminary approval the hearing before the final approval would be in November 2012. Construction would begin in the spring of 2013.

ENN Guidelines: Responses to the 11 discussion items for ENN meetings as required by the City is attached.

ENN GUIDELINES

Applicant Information

Project Name: Arroyo Central (Tierra Contenta Phase 2B, Tract 50)

Name: Thomas (Last) David (First) R (M.I.)

Address: PMB 220 369 Montezuma (Street Address) Suite/Unit #

Santa Fe (City) NM (State) 87501 (ZIP Code)

Phone: (505) 920-5503 E-mail Address: dave@tierracontenta.org

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.***

There are approximately 140 homes that are completed and occupied within 300 feet of the proposed project. When adjacent tracts are developed there will be an additional 80 residential units. The project will be surrounded by housing on all sides except the south where there is a strip of arroyo open space about 200 feet wide.

The single-family detached homes in Arroyo Central will be subject to the Tierra Contenta Design Standards as are the existing and future homes in the area. These standards include architectural guidelines, setbacks, landscaping, lighting, etc. The homes will be one and two stories as are the others in the area.

(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 entire tract will be graded, including removal of vegetation, for home construction, pavement for roads, alleys, and driveways. Disturbed land will be re-seeded and landscaped. One and two story homes will rise above the horizon and affect views. Gabion retaining walls are necessary along the west and south sides of the project. These walls will be similar to those across the arroyo open space to the south. Construction will not significantly disturb the adjacent open space. A public access easement and stairs will be provided to the open space within the project.

Most storm water runoff will be directed to the storm drains in the interior and adjacent streets. It will then be discharged to the arroyo open space and the existing regional detention pond system. City regulations require that the storm water be conveyed to the regional detentions ponds in a manner that minimizes damage from erosion and sedimentation.

(b) 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.***

An archaeological report has been prepared which encompasses all of the Tierra Contenta master planned area including this development and all pertinent data has been recovered and/or recorded. Archaeological clearance has been provided by the City.

(c) 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 entire area is zoned PRC and within the Tierra Contenta annexation and master planned area. The development of this project is in compliance with the density, zoning and land use established by the Tierra Contenta Master Plan the approved Development Plan for Phase 2B, Unit Tierra Contenta Phase 2B Design Standards.

(d) 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.***

Tierra Contenta Design Standards for Phase 2B will be applied. These Design Standards require that 25% more parking be made available in Arroyo Central than required by the city code. The development will add of traffic to adjacent streets. Traffic impacts of this project have been considered in the Traffic Impact Analysis accompanying the development plan for Phase 2B. A bus route is planned on Plaza Central (the adjacent street to the north) when the spine infrastructure in Phase 2C is complete. Pedestrian access in the areas will be enhanced with the completion of sidewalks and construction of the connections to the pedestrian trails system in the open space. Implementation of this development will have no effect on the ability of disabled persons, children, low-income and the elderly to access services.

(e) 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.***

As a residential development, there are no direct significant impacts on the economic base of Santa Fe. Secondary impacts include jobs created and the sale of building materials for the construction of roads, utilities, and homes. The property tax base will be increased with the completion of 24 new homes.

(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 is being developed for the Santa Fe Housing Trust. They will be required to price the homes so that all are priced to be affordable to persons below 120% of the area median income level and at least 40% are affordable to those earning 80% or less and 20% are affordable to those earning 85% or less. This will have a positive impact in the availability of affordable housing in Santa Fe.

(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 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 project is adjacent to existing infrastructure on the north and east side. This existing infrastructure is designed and built to accommodate the development of Tract 50 and will connect to existing stub-outs already in place. The developer is responsible for the cost of installing all infrastructure.

(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.***

Water conservation measures such as water reducing fixtures are required in the homes. Higher densities that reduce yard size and the demand for water for irrigation, landscaping plants that use low to moderate amounts of water and water harvesting measures are also required in Tierra Contenta.

(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.***

Tierra Contenta is a master planned community founded on the principles of mixed-use, mixed-income with emphasis on creating residential neighborhoods that surround commercial and community centers linked by pedestrian facilities as well as roads.

(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.***

As a master planned community Tierra Contenta has been adopted, without change, into the City's current General Plan. The Tierra Contenta Master Plan provides for the creation of an urban community that attempts to emulate some of the best areas of traditional Santa Fe. The residential compound reminiscent of some of Santa Fe's east-side neighborhoods is one acceptable form of residential development.

(l) ADDITIONAL COMMENTS (optional)

This project was previously approved as Tierra Bonita for 27 units by an earlier developer. The plat and plan were never filed due to the failure in the market and lack of funds for infrastructure. The tract was purchased by the Santa FE Housing Trust and is proposed for development with 24 units.

City of Santa Fe
New Mexico

CITY OF SANTA FE

EARLY NEIGHBORHOOD NOTIFICATION MEETING SIGN-IN SHEET

Development Name Arroyo Central Subdivision CTC Phase 2B, Tract 50
Meeting Date June 12, 2012 Time: 5:30pm Meeting Location: Southside Library

✓ If Applicant's Representative	Name	Address	Phone #/E-mail
☐	Donald D. Young	4548 Contenta Ridge, Santa Fe, NM 87507	5054386562
☐	Laura Baca	4613 Contenta Ridge Santa Fe NM 87507	505-660 2134
☐	Ramona Shubert	4641 Camino Cuervo " 87507	660-9086
☐	Earl + Lou Streeter	7273 Vuelta de la Luz " " "	807-2160
☐	Luis Hernandez	4813 Golden Ray Circle 87507	471-8075
☐	Justin Robison	1111 Agua Fria " " 87501	455-8114
☐	Sharron Welsh	" " " " "	455-8110
☐	Chris Pacheco	4601 Contenta Ridge SF NM 87507	231-9421
☐	Prakash Bhakta	4766 Solecito Way SF NM 87507	474-3219
☐	Jacqueline Thiel	4645 Camino Cuervo 87507	660-5168

FOR CITY USE: I hereby certify that the ENN meeting for the above named development took place at the time and place indicated.

Name _____ Date 6/12/12

City of Santa Fe
New Mexico

CITY OF SANTA FE

EARLY NEIGHBORHOOD NOTIFICATION MEETING SIGN-IN SHEET

Development Name Arroyo Central Subdivision CTC Phase 2B Tract 50
Meeting Date June 12, 2012 Time: 5:30pm Meeting Location: Southside Library

✓ If Applicant's Representative	Name	Address	Phone #/E-mail
☐	Boris Costa-Guerra	7208 Vuelta de la Luz	505 930-0365
☐	CHUNGHEZ ADAMS	4708 Sundial way SF NM 87507	473-3543
☐			
☐			
☐			
☐			
☐			
☐			
☐			
☐			

FOR CITY USE: I hereby certify that the ENN meeting for the above named development took place at the time and place indicated.

Name [signature] Date 6/12/12

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

Project Name	Arroyo Central @ Tierra Contenta (Phase 2B, Tract 50)
Project Location	Southwest corner of Plaza Central and Contenta Ridge
Project Description	24-lot subdivision plat
Applicant / Owner	Dave Thomas, Tierra Contenta Corporation
Agent	
Pre-App Meeting Date	
ENN Meeting Date	Tuesday, June 12, 2012
ENN Meeting Location	Southside Library
Application Type	Subdivision Plat
Land Use Staff	Heather L. Lamboy, AICP
Other Staff	
Attendance	12 members of the public

Notes/Comments:
Ms. Lamboy began the meeting by introducing herself and explaining the Early Neighborhood Notification process. She encouraged meeting participants to feel free to ask questions and offer suggestions. She explained that the applicant has not yet applied for the subdivision plat and now was a good time to have input on the project. Then Ms. Lamboy explained the public hearing review process and gave estimated hearing dates. Finally, she introduced Mr. Dave Thomas.

Mr. Thomas provided an overview of the project. He explained that the Tierra Contenta Corporation was created to develop the master planned community of Tierra Contenta. He commented that Tierra Contenta is approximately two-thirds built out (completed). Originally, it was expected that all construction of the master planned community would be completed by 2012, but with the slow economy it will take longer. Mr. Thomas explained how the Santa Fe Community Housing Trust owns the Arroyo Central property; however, no builder has been selected for the property.

Mr. Thomas then pointed out the property on the aerial. He stated that the tract of land was created with the approval of Phase 2B of Tierra Contenta. The original development plan allowed for 27 units and the 2006 subdivision approval has lapsed. The project has been redesigned to propose 3 fewer lots (in the previous approval, townhomes were proposed as part of the development). Mr. Thomas described the access to the site, via Plaza Central and Camino Rojo. He also pointed out the alley that is proposed with the development. He stated that the layout of the site will be similar to the Arroyo Sombra development.

Mr. Thomas explained that the big pile of dirt in the area will serve as fill for the site, as some building up of the site will be necessary. In areas where retaining walls are necessary, gabion walls will be installed (similar to that at El Nido). One neighbor complained that the rocks had deteriorated and the gabion walls did not look good at El Nido; Mr. Thomas responded that he would look into the matter.

Another neighbor wanted clarification as to whether Arroyo Central was planned to connect to another street and Mr. Thomas responded that it would not.

A neighbor asked about the schedule. Mr. Thomas responded that the first hearing would be in September, and a second hearing would likely be held in November. Mr. Thomas stated that it is the aim to begin road construction in spring 2013, and then the houses would be constructed in the later part of 2013.

Another neighbor asked how long the construction would last. Ms. Sharon Welsh of the Santa Fe Community Housing trust stated that it was likely that they would construct the 24 homes over the course of 1 year, and it was likely that they would finish the later part of 2014.

A neighbor asked whether the homes would be one story or two stories. Mr. Thomas responded that it would be similar to Arroyo Sombra, where approximately ¼ of the homes are two story and the remaining homes are one story. Ms. Welsh added that there are 4 lots that are smaller than the rest and it is likely that those lots will be the location of the two-story units. She commented that they would try to design the 2 story homes so they would not "stare into" another subdivision.

In response to a question, Mr. Thomas pointed out that the subdivision slopes away from Plaza Central. The Plaza Central elevation is about 12 feet higher than the lowest lots, which is a significant drop. A neighbor asked whether a wall would be constructed along Plaza Central. Mr. Thomas pointed out that the homes would face Plaza Central and would have vehicle access from behind. He stated that the only wall along Plaza Central would potentially be a garden wall.

A neighbor asked whether parking would be permitted along Plaza Central. Mr. Thomas replied no, and added that each property would have a two-car garage and room for 2 additional parking spaces.

In response to questions about the roadways in the area, Mr. Thomas gave the group a status update on the future extensions of Jaguar Road and Plaza Central. He commented that those improvements will be made either late fall/early spring concurrent with development on the Village Plaza site.

In response to a question about construction traffic at Arroyo Central, Mr. Thomas stated that the trucks would be using Plaza Central to access the site. He also commented that there will be silt fence and dust control procedures will be followed to mitigate construction impact on neighboring properties.

A neighbor asked whether the landscaping would be similar in Arroyo Central. Mr. Thomas responded that yes, it would comply with the design standards for Phase 2B of Tierra Contenta, which requires street trees and front yard landscaping at a minimum.

A neighbor asked what the anticipated prices would be in the development. Ms. Welsh responded that the homes would range – although this could change - from $200,000 to $260,000. She stated that they try to have a mix of incomes in their neighborhoods, and cater to families with incomes between 65% and 120% of the AMI (Area Median Income).

When asked about the size of the homes, Ms. Welsh responded that the homes would vary between 1,200 and 1,800 square feet. At this point, 5 2-bedroom homes are planned and the rest will be either 3 or 4 bedroom units. When asked about the buyer approval process, Ms. Welsh explained the Housing Trust purchasing process and required home ownership classes.

A neighbor commented that there is still a lot of housing vacant as a result of the recession. Why is additional housing being proposed? Mr. Thomas responded that no home is built until there is a buyer, and in this price range, demand is beginning to pick up. He added that by late 2013, when the site is ready for construction of homes, the demand will be about 200 new homes a year in Santa Fe. Ms. Welsh agreed that based on recent activity, it is likely that there will be at least 25 homebuyers by 2013/2014.

A neighbor asked about the completion of Las Palomas. Ms. Lamboy replied that she had been working with the applicant on a redesign of the subdivision to make it more attractive. She commented that it was likely that construction would begin soon again in Las Palomas.

There were questions about the location of SWAN park and the anticipated timeframe for the construction of the park. Mr. Thomas stated that, in addition to

SWAN park, Tierra Contenta has 33% of its land area in open space with trails and other smaller parks that is available to the neighborhood.

When asked, Mr. Thomas stated that the Arroyo Central tract would have no playground.

When asked about surrounding developments, Mr. Thomas responded that once Plaza Central is built, tracts 51A and 53A can be developed, which is planned to have approximately 25 houses each.

There was a question about a new school in Tierra Contenta. Mr. Thomas stated that the school district was considering a site near the Fire Station, but nothing is firm as of yet.

The meeting ended at approximately 6:45pm.

City of Santa Fe, New Mexico

Exhibit E

Applicant Submittals:
Justification Letter
Subdivision Plat
Development Plan

Tierra Contenta

PMB 220, 369 Montezuma Santa Fe, NM 87501 505-471-4551 / fax 505-471-4561

July 13, 2012

Tamara Baer, Planning Manager
Current Planning Division
Land Use Department
City of Santa Fe
P.O. Box 909
Santa Fe, New Mexico 87504-0909

Re: Arroyo Central Subdivision
Tract 50, Phase 2B
Final Plat and Development Plan Application

Dear Tamara:

Please accept our applications for preliminary plat and development plan approval for Arroyo Central Subdivision located on Tract 50, Phase 2B, Unit 1 of Tierra Contenta. The Tierra Contenta Corporation, a subsidiary of the Santa Fe Community Housing Trust is acting on behalf of the Trust this application process. We have attached items required in checklist as follows:

1. **Application Form:** The completed Final Subdivision Application and the Miscellaneous Application (Development Plan) forms are attached.

2. **Letter of Application:** TCC requests final plat and development plan approval for Arroyo Central Subdivision on Tract 50 of Phase 2B, consisting of 24 lots on 3.844 acres, west of Contenta Ridge and south of Plaza Central. All units are to be single family detached and are designed under the Single Family Residential chapter of the Tierra Contenta Design Standards for Phase 2A.

3. **Application Fee:** We have attached the approved Request for Fee Waivers certifying that development application review fees are waived for this project.

4. **Final Plat and Development Plan:** 6 copies plus one CD of the final plat and development plan containing all required information are included in the plan set. The plat was prepared by Santa Fe Surveying.

5. **Engineering Plans:** 6 copies plus one CD of the final engineering plans, containing all required information, prepared by Walker Engineering are included.

6. **Traffic Impact Analysis:** The TC Design Standards provide for traffic impact analyses to be prepared and approved on a phase-by-phase basis and not for individual tracts (Chpt. II, C.3.J. on page II-5). "Traffic Impact Study for Tierra Contenta Phase 2B, Final Submittal" provided in May 2004 was approved with the TC Phase 2B final application.

7. **Sewer Availability Statement:** A sewer availability statement has been requested.

8. **Phasing Plan:** The project will be built in one phase.

9. **Parking Plan:** Not applicable

10. **Proof of Compliance with previous conditions:**

    - The proposed Arroyo Central Subdivision is consistent with the land uses and development intensity entitlements provided under the Tierra Contenta Master Plan approved by the City Council in 1994, and the Phase 2B Subdivision, approved by the Planning Commission on July 1, 2004.
    - The proposed subdivision is also consistent with the Tierra Contenta Annexation Agreement approved by the City Council in 1994.
    - Proposed infrastructure, parks and open space are provided by Tierra Contenta Corporation as stipulated in the Phase 2B Master Plat and development program.
    - It is anticipated that 100% of the homes provided in the subdivision will be affordable by those at or under 100% of the area median income level.

11. **Landscaping Plans:** Developer will provide street trees along Contenta Ridge and Plaza Central as well as the interior street, Arroyo Central, in accordance with the Phase 2B Design Standards. Streetscape plans are included in the final plan set.

12. **Homeowners' association documents & covenants:** No homeowners' association will be created. The Santa Fe Community Housing Trust is developing protective covenants for the subdivision.

Applicable Section of Tierra Contenta Design Standards for Phase 2B: All 24 lots are to be evaluated under the Single Family Residential (Chapter V) of the standards.

Affordable Housing Component: This Project is being developed for the Santa Fe Community Housing Trust. Tierra Contenta will develop the finished lots and turn them over to the Trust. A Certification of Affordable Housing for Waiver of Development Fees" stating that the project will have 100% of the units priced to be affordable by those at or below 100% of the area median income level is attached.

Archaeological Clearance: The archaeological clearance for Phase 2B was approved by the City in November 2001. A copy of the approval form was attached to the preliminary application.

Material Submitted: Attached to this submittal are the following items:

1. Completed final subdivision application
2. Six (6) copies of final subdivision plat, development plan, engineering and landscaping plans containing information required in the submittal checklist.
3. One CD containing the plans referenced above.
4. Deed to property in favor of the Santa Fe Community Housing Trust
5. A copy of the "Certificate of Affordable Housing for Waiver of Development Review Fees".
6. A copy of the sewer service availability statement.
7. Archaeological Clearance

If you have any questions on this submittal and on this request, please call me at 471-4551. Thank you.

Sincerely,

David R. Thomas, P.E.
Project Engineer

Enclosures

xc: Sharon Welsh, Santa Fe Community Housing Trust
Morey Walker, P.E. Walker Engineering

City of Santa Fe, New Mexico

Exhibit D

Applicant Submittals

Tierra Contenta

PMB 220, 369 Montezuma Santa Fe, NM 87501 505-471-4551 / fax 505-471-4561

October 12, 2012

Heather Lamboy, Senior Land Use Planner
Current Planning Division
Land Use Department
City of Santa Fe
P.O. Box 909
Santa Fe, New Mexico 87504-0909

Re: Arroyo Central Subdivision
Tract 50, Phase 2B
Final Plat Application

Dear Heather:

Please accept our applications for final subdivision plat and approval for Arroyo Central Subdivision located on Tract 50, Phase 2B, Unit 1 of Tierra Contenta. The Tierra Contenta Corporation, a subsidiary of the Santa Fe Community Housing Trust is acting on behalf of the Trust this application process. We have attached items required in checklist as follows:

1. **Application Form:** The completed Final Subdivision Application is attached.

2. **Letter of Application:** TCC requests final subdivision plat approval for Arroyo Central Subdivision on Tract 50 of Phase 2B, consisting of 24 lots on 3.844 acres, west of Contenta Ridge and south of Plaza Central. All units are to be single family detached and are designed under the Single Family Residential chapter of the Tierra Contenta Design Standards for Phase 2A.

3. **Application Fee:** We have attached the approved Request for Fee Waivers certifying that development application review fees are waived for this project.

4. **Final Subdivision Plat Engineering Drawings:** 6 copies plus one CD of the final subdivision plat containing all required information are included in the plan set. The plat was prepared by Santa Fe Surveying.

5. **Engineering Plans:** 6 copies plus one CD of the final engineering plans, containing all required information, prepared by Walker Engineering are included.

6. **Traffic Impact Analysis:** The TC Design Standards provide for traffic impact analyses to be prepared and approved on a phase-by-phase basis and not for individual tracts (Chpt. II, C.3.J. on page II-5). "Traffic Impact Study for Tierra Contenta Phase 2B, Final Submittal" provided in May 2004 was approved with the TC Phase 2B final application.

7. **Sewer Availability Statement:** A sewer availability has been confirmed by the Wastewater Division

8. **Phasing Plan:** The project will be built in one phase.

9. **Parking Plan:** Not applicable

10. **Proof of Compliance with previous conditions:**

    - The proposed Arroyo Central Subdivision is consistent with the land uses and development intensity entitlements provided under the Tierra Contenta Master Plan approved by the City Council in 1994, and the Phase 2B Subdivision, approved by the Planning Commission on July 1, 2004.
    - The proposed subdivision is also consistent with the Tierra Contenta Annexation Agreement approved by the City Council in 1994.
    - Proposed infrastructure, parks and open space are provided by Tierra Contenta Corporation as stipulated in the Phase 2B Master Plat and development program.
    - It is anticipated that 100% of the homes provided in the subdivision will be affordable by those at or under 100% of the area median income level.
    - All conditions imposed by staff and Planning Commission at its September 13, 2012 meeting have been incorporated into the drawings.

11. **Landscaping Plans:** Developer will provide street trees along Contenta Ridge and Plaza Central as well as the interior street, Arroyo Central, in accordance with the Phase 2B Design Standards. Streetscape plans are included in the final plan set.

12. **Homeowners' association documents & covenants:** No homeowners' association will be created. The Santa Fe Community Housing Trust is developing protective covenants for the subdivision.

Applicable Section of Tierra Contenta Design Standards for Phase 2B: All 24 lots are to be evaluated under the Single Family Residential (Chapter V) of the standards.

Affordable Housing Component: This Project is being developed for the Santa Fe Community Housing Trust. Tierra Contenta will develop the finished lots and turn them over to the Trust. A Certification of Affordable Housing for Waiver of Development Fees" stating that the project will have 100% of the units priced to be affordable by those at or below 100% of the area median income level is attached.

Archaeological Clearance: The archaeological clearance for Phase 2B was approved by the City in November 2001. A copy is attached.

Material Submitted: Attached to this submittal are the following items:

1. Completed final subdivision application
2. Six (6) copies of final subdivision plat, development plan, engineering and landscaping plans containing information required in the submittal checklist.
3. One CD containing the plans referenced above.
4. Deed to property in favor of the Santa Fe Community Housing Trust
5. A copy of the "Certificate of Affordable Housing for Waiver of Development Review Fees".
6. Archaeological Clearance

If you have any questions on this submittal and on this request, please call me at 471-4551. Thank you.

Sincerely,

David R. Thomas, P.E.
Project Engineer

Enclosures

xc: Sharon Welsh, Santa Fe Community Housing Trust
Morey Walker, P.E. Walker Engineering

TG&IC # SF10-0392

SPECIAL WARRANTY DEED

Los Alamos National Bank, a National Bank, for consideration paid, grant(s) to Santa Fe Community Housing Trust, whose address is 1111 Agua Fria, Santa Fe, NM 87504, the following described real estate in Santa Fe, NM:

Tract 50, of Tierra Contenta Subdivision Phase 2B, as shown on the plat of survey filed for record in the office of the County Clerk, Santa Fe County, New Mexico, on January 25, 2005, in Plat Book 579, Pages 006-011, as Instrument No. 1364335, and as further shown on the Boundary Survey thereof filed for record on April 25, 2011, in Plat Book 731, Page 001, as Instrument No. 1633289.

SUBJECT TO all reservations, restrictions, easements and covenants of record.

ALSO SUBJECT TO ad valorem property taxes for 2010 and subsequent years.

with special warranty covenants.

WITNESS my/our hand(s) and seal(s) this 27th day of April, 2011.
Los Alamos National Bank, a National Bank

By: Joaquin J. Sanchez, In House Inspector

ACKNOWLEDGMENT

STATE OF New Mexico
COUNTY OF Santa Fe

This instrument was acknowledged before me on April 27, 2011, by Joaquin J. Sanchez, In House Inspector of Los Alamos National Bank.

OFFICIAL SEAL
Martha R. Baca
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires: 12-1-2013

Notary Public
My commission expires: 12-1-2013

For recorders use only

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

SPECIAL WARRANTY DEED
PAGES: 1

I Hereby Certify That This Instrument Was Filed for Record On The 28TH Day Of April, 2011 at 08:12:57 AM And Was Duly Recorded as Instrument # 1633550 Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Valerie Espinoza
Deputy County Clerk, Santa Fe, NM

COUNTY CLERK
VALERIE ESPINOZA
SANTA FE COUNTY NEW MEXICO

City of Santa Fe
New Mexico

REQUEST FOR FEE WAIVERS
& FEE REDUCTIONS
OF UTILITY EXPANSION CHARGES

PROPERTY OWNER: The Housing Trust

SUBDIVISION: Tierra Contenta – Tract 50 Arroyo Central

THE FOLLOWING SANTA FE HOMES PROGRAM OR HOUSING OPPORTUNITY PROGRAM AFFORDABLE UNIT(S) ARE ELIGIBLE FOR FEE WAIVERS FOR:

- **DEVELOPMENT APPLICATION REVIEW**
- **IMPACT FEES**
- **BUILDING, ELECTRICAL, PLUMBING, AND MECHANICAL PERMITS**
- **WATER RIGHTS/WATER BANK PURCHASE**

THE UNIT(S) ARE ALSO ELIGIBLE FOR A REDUCTION OF UTILITY EXPANSION CHARGES.

Lot 1	Lot 13
Lot 2	Lot 14
Lot 3	Lot 15
Lot 4	Lot 16
Lot 5	Lot 17
Lot 6	Lot 18
Lot 7	Lot 19
Lot 8	Lot 20
Lot 9	Lot 21
Lot 10	Lot 22
Lot 11	Lot 23
Lot 12	Lot 24

CONTRACTOR:
PHONE NO:

The Housing Trust certifies that the work being done for above dwelling units meets the definition for affordable units under the SFHP or HOP Ordinance as set forth by the City of Santa Fe.

By: _____ 7/12/12
Signature of Builder/Developer Date

By: Melissa Dailey 7-12-12
Melissa Dailey Office of Affordable Housing (505) 955-6346 Date

La Villa Real de la Santa Fé de San Francisco de Asís

Arroyo Central
Tierra Contenta Tract 50

Final Subdivision Plat

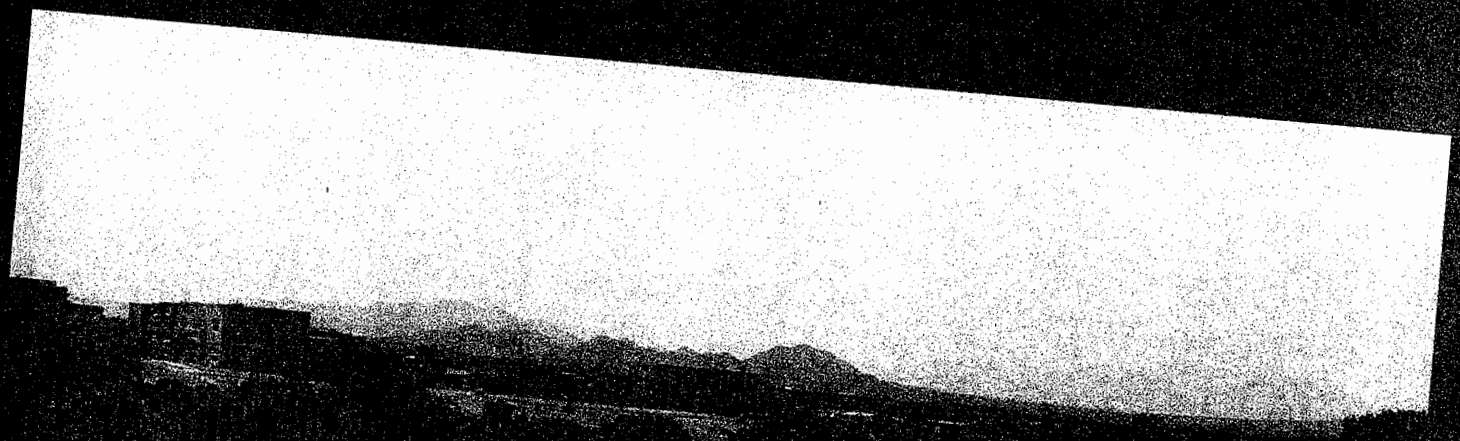


Exhibit "1"

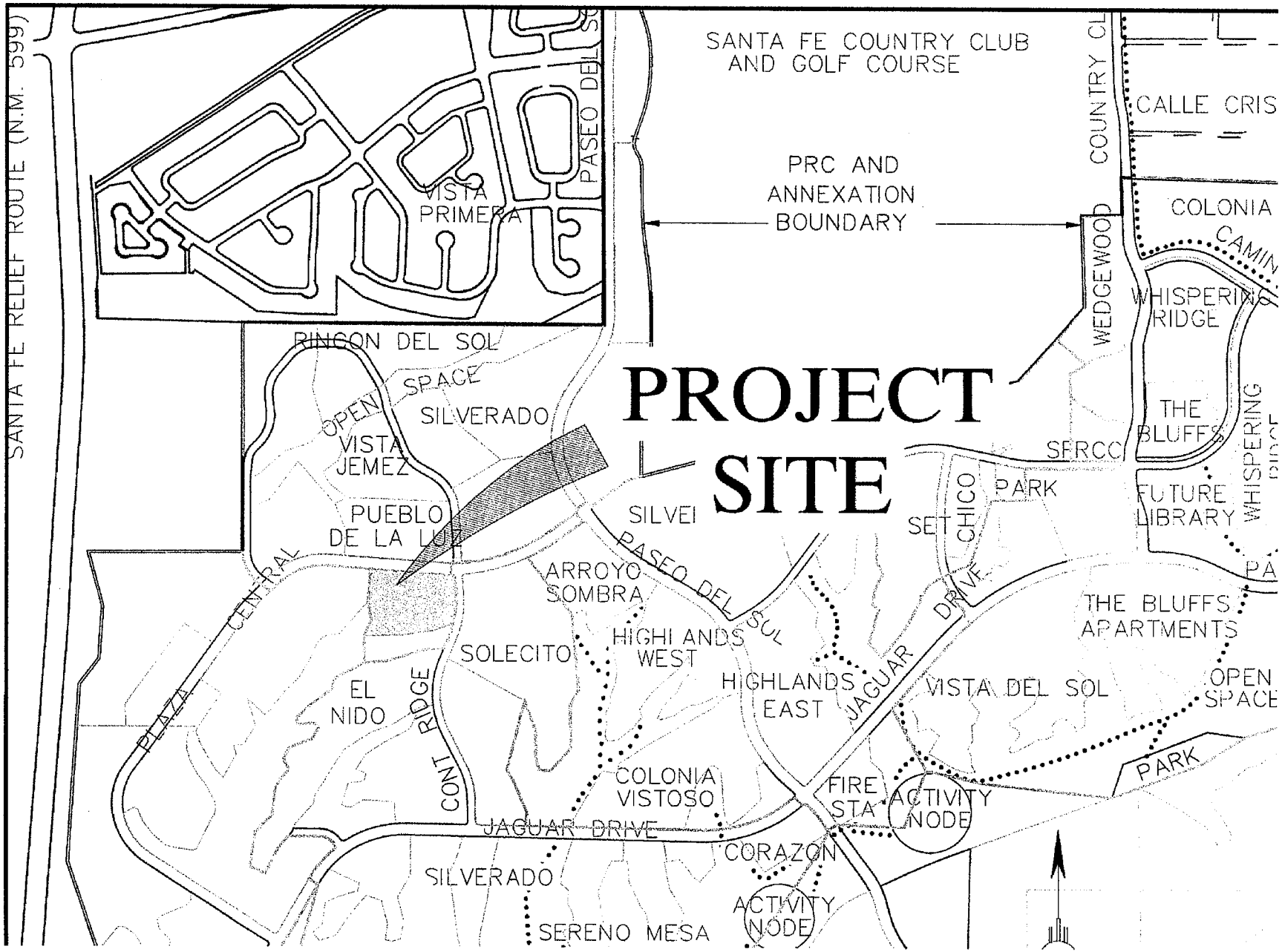
Arroyo Central

- Preliminary Subdivision Plat & Development Plan approved September 13
- Minor technical issues needed to be addressed

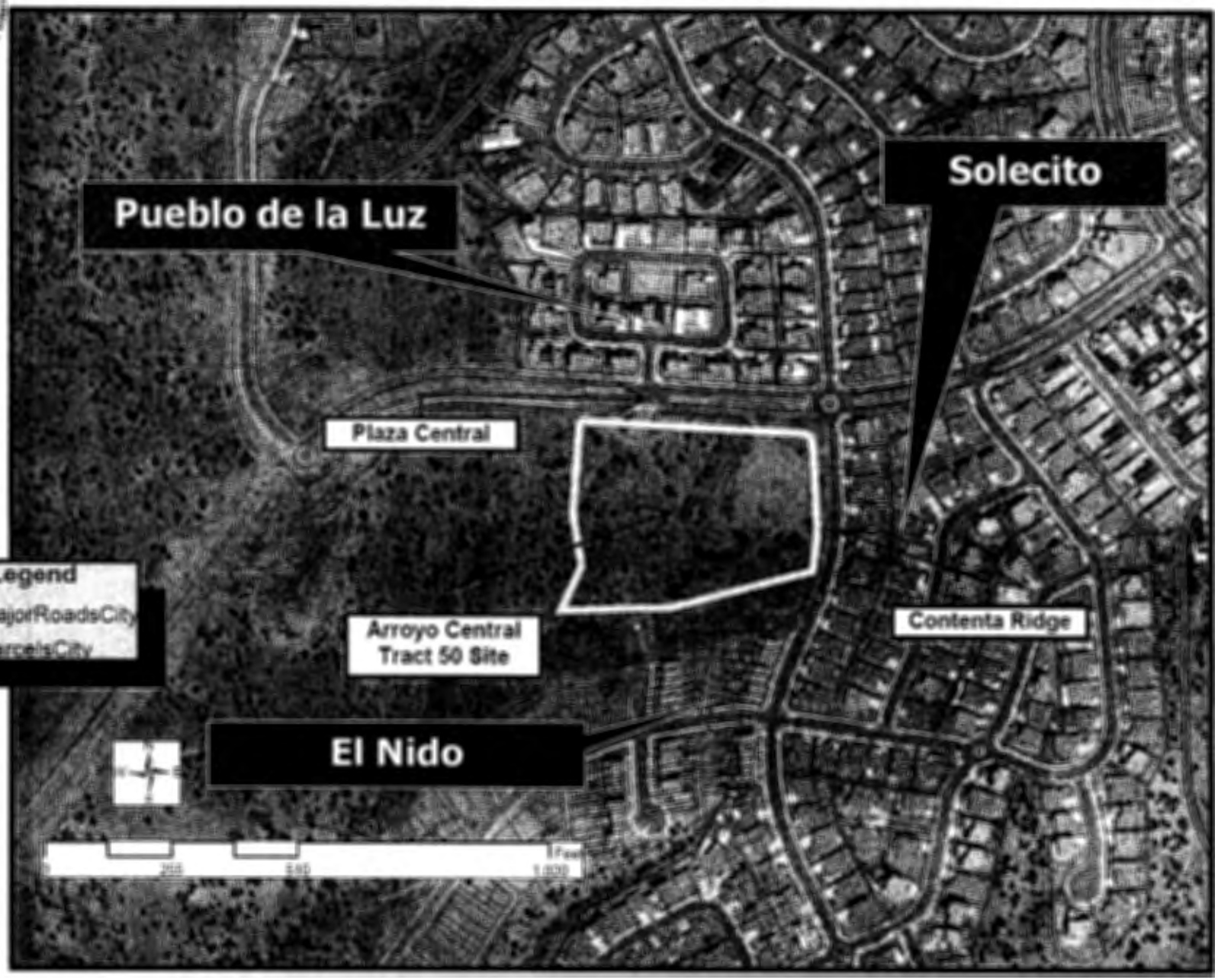
Arroyo Central

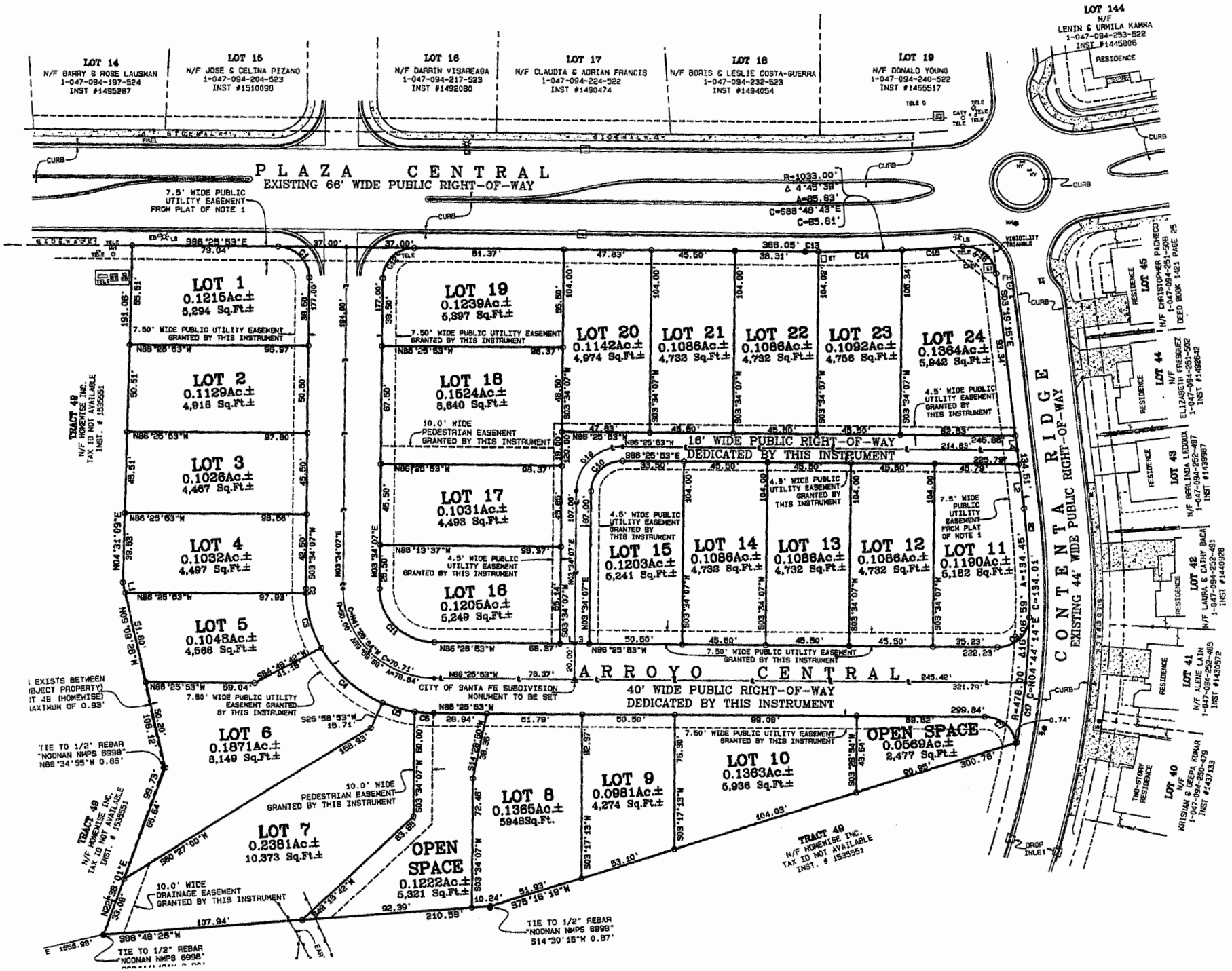
- 3.8-acre site
- Subdivide 24 lots
- Currently zoned Planned Residential Community (PRC)
- Development Plan commits to Design Standards as approved for Phase 2B

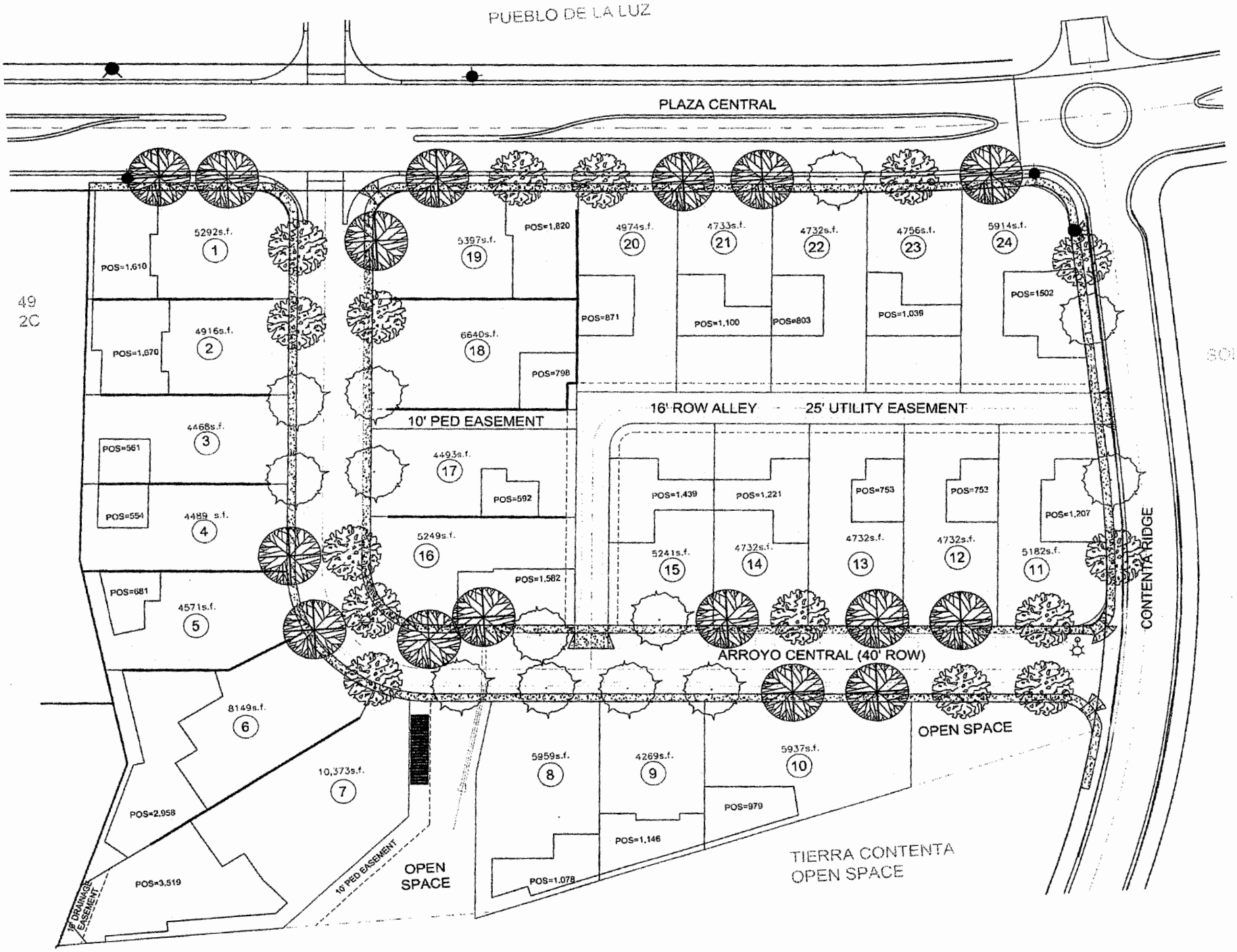
VICINITY MAP



ARROYO CENTRAL



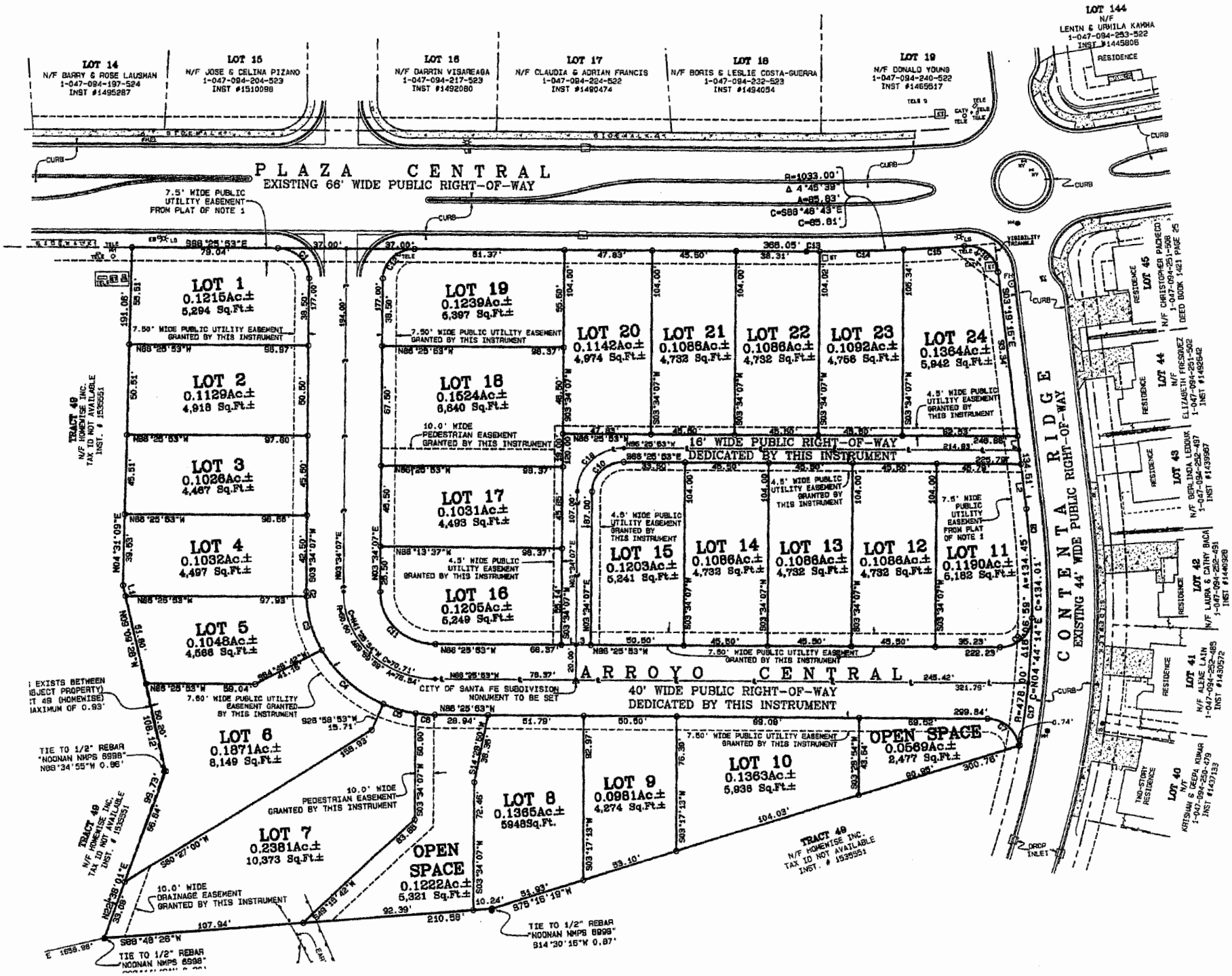

LOT 14
N/F BARRY & ROSE LAUSMAN
1-047-094-197-524
INST #1495287
LOT 15
N/F JOSE & CELINA PIZANO
1-047-094-204-523
INST #1510098
LOT 16
N/F DARRIN VISAREAGA
1-047-094-217-523
INST #1492080
LOT 17
N/F CLAUDIA & ADRIAN FRANCIS
1-047-094-224-522
INST #1490474
LOT 18
N/F BORIS & LESLIE COSTA-GUERRA
1-047-094-232-523
INST #1494054
LOT 19
N/F DONALD YOUNG
1-047-094-240-522
INST #1465517
LOT 144
N/F
LENIN & URMILA KAMMA
1-047-094-253-522
INST #1445806
PLAZA CENTRAL
EXISTING 66' WIDE PUBLIC RIGHT-OF-WAY
7.5' WIDE PUBLIC UTILITY EASEMENT FROM PLAT OF NOTE 1
LOT 1
0.1215Ac.±
5,294 Sq.Ft.±
LOT 2
0.1129Ac.±
4,918 Sq.Ft.±
LOT 3
0.1026Ac.±
4,467 Sq.Ft.±
LOT 4
0.1032Ac.±
4,497 Sq.Ft.±
LOT 5
0.1048Ac.±
4,566 Sq.Ft.±
LOT 6
0.1871Ac.±
8,149 Sq.Ft.±
LOT 7
0.2381Ac.±
10,373 Sq.Ft.±
LOT 8
0.1365Ac.±
5948Sq.Ft.
LOT 9
0.0981Ac.±
4,274 Sq.Ft.±
LOT 10
0.1363Ac.±
5,936 Sq.Ft.±
LOT 11
0.1190Ac.±
5,182 Sq.Ft.±
LOT 12
0.1066Ac.±
4,732 Sq.Ft.±
LOT 13
0.1066Ac.±
4,732 Sq.Ft.±
LOT 14
0.1066Ac.±
4,732 Sq.Ft.±
LOT 15
0.1203Ac.±
5,241 Sq.Ft.±
LOT 16
0.1205Ac.±
5,249 Sq.Ft.±
LOT 17
0.1031Ac.±
4,493 Sq.Ft.±
LOT 18
0.1524Ac.±
6,640 Sq.Ft.±
LOT 19
0.1239Ac.±
5,397 Sq.Ft.±
LOT 20
0.1142Ac.±
4,974 Sq.Ft.±
LOT 21
0.1086Ac.±
4,732 Sq.Ft.±
LOT 22
0.1086Ac.±
4,732 Sq.Ft.±
LOT 23
0.1092Ac.±
4,756 Sq.Ft.±
LOT 24
0.1364Ac.±
5,942 Sq.Ft.±
OPEN SPACE
0.1222Ac.±
5,321 Sq.Ft.±
OPEN SPACE
0.0669Ac.±
2,477 Sq.Ft.±
7.50' WIDE PUBLIC UTILITY EASEMENT GRANTED BY THIS INSTRUMENT
10.0' WIDE PEDESTRIAN EASEMENT GRANTED BY THIS INSTRUMENT
4.5' WIDE PUBLIC UTILITY EASEMENT GRANTED BY THIS INSTRUMENT
16' WIDE PUBLIC RIGHT-OF-WAY DEDICATED BY THIS INSTRUMENT
ARROYO CENTRAL
40' WIDE PUBLIC RIGHT-OF-WAY DEDICATED BY THIS INSTRUMENT
CITY OF SANTA FE SUBDIVISION MONUMENT TO BE SET
CONTENTA RIDGE
EXISTING 44' WIDE PUBLIC RIGHT-OF-WAY
TRACT 49
N/F HOMEWISE INC.
TAX ID NOT AVAILABLE
INST. # 1535951
TIE TO 1/2" REBAR "NOONAN NMPS 6998"
10.0' WIDE DRAINAGE EASEMENT GRANTED BY THIS INSTRUMENT
LOT 40
KRISHAN & NEEPA KUMAR
1-047-094-250-479
INST #1437133
LOT 41
N/F ALENE LAIN
1-047-094-252-485
INST #1430572
LOT 42
N/F LAURA & CATHY BACA
1-047-094-252-481
INST #1440928
LOT 43
N/F BERLINDA LEDOUX
1-047-094-252-497
INST #1439987
LOT 44
N/F
ELIZABETH FRESQUEZ
1-047-094-251-502
INST #1492642
LOT 45
N/F CHRISTOPHER PACHECO
1-047-094-251-508
DEED BOOK 1421 PAGE 25
RESIDENCE
TWO-STORY RESIDENCE
DROP INLET
CURB


PUEBLO DE LA LUZ
PLAZA CENTRAL
5292s.f.
1
POS=1,610
4916s.f.
2
POS=1,670
4468s.f.
3
POS=561
POS=554
4489 s.f.
4
POS=681
4571s.f.
5
8149s.f.
6
10,373s.f.
7
POS=2,958
POS=3,519
16' DRAINAGE EASEMENT
10' PED EASEMENT
OPEN SPACE
5397s.f.
19
POS=1,820
6640s.f.
18
POS=798
4493s.f.
17
POS=592
5249s.f.
16
POS=1,582
10' PED EASEMENT
4974s.f.
20
POS=871
4733s.f.
21
POS=1,100
4732s.f.
22
POS=803
4756s.f.
23
POS=1,039
5914s.f.
24
POS=1502
16' ROW ALLEY
25' UTILITY EASEMENT
POS=1,439
POS=1,221
POS=753
POS=752
POS=1,207
5241s.f.
15
4732s.f.
14
4732s.f.
13
4732s.f.
12
5182s.f.
11
ARROYO CENTRAL (40' ROW)
OPEN SPACE
5959s.f.
8
4269s.f.
9
5937s.f.
10
POS=979
POS=1,146
POS=1,078
TIERRA CONTENTA
OPEN SPACE
CONTENTA RIDGE
49
2C

Arroyo Central

Conditions:

- Minor corrections and additional information for the engineering drawings (Traffic & Wastewater)
- Complete design details on pedestrian trails in open space


LOT 14
N/F BARRY & ROSE LAUSMAN
1-047-094-197-524
INST #1495287
LOT 15
N/F JOSE & CELINA PIZANO
1-047-094-204-523
INST #1510098
LOT 16
N/F DARRIN VISAREAGA
1-047-094-217-523
INST #1492080
LOT 17
N/F CLAUDIA & ADRIAN FRANCIS
1-047-094-224-522
INST #1490474
LOT 18
N/F BORIS & LESLIE COSTA-GUERRA
1-047-094-232-523
INST #1494054
LOT 19
N/F DONALD YOUNG
1-047-094-240-522
INST #1465617
LOT 144
N/F
LENIN & URMILA KAKHA
1-047-094-253-522
INST #1445806
PLAZA CENTRAL
EXISTING 66' WIDE PUBLIC RIGHT-OF-WAY
7.5' WIDE PUBLIC UTILITY EASEMENT FROM PLAT OF NOTE 1
R=1033.00'
Δ 4°45'39"
A=85.83'
C=S88°48'43"E
C=85.81'
LOT 1
0.1215Ac.±
5,294 Sq.Ft.±
LOT 2
0.1129Ac.±
4,918 Sq.Ft.±
LOT 3
0.1026Ac.±
4,467 Sq.Ft.±
LOT 4
0.1032Ac.±
4,497 Sq.Ft.±
LOT 5
0.1048Ac.±
4,566 Sq.Ft.±
LOT 6
0.1871Ac.±
8,149 Sq.Ft.±
LOT 7
0.2381Ac.±
10,373 Sq.Ft.±
LOT 8
0.1365Ac.±
5948Sq.Ft.
LOT 9
0.0981Ac.±
4,274 Sq.Ft.±
LOT 10
0.1363Ac.±
5,936 Sq.Ft.±
LOT 11
0.1190Ac.±
6,182 Sq.Ft.±
LOT 12
0.1086Ac.±
4,732 Sq.Ft.±
LOT 13
0.1086Ac.±
4,732 Sq.Ft.±
LOT 14
0.1086Ac.±
4,732 Sq.Ft.±
LOT 15
0.1203Ac.±
5,241 Sq.Ft.±
LOT 16
0.1205Ac.±
5,249 Sq.Ft.±
LOT 17
0.1031Ac.±
4,493 Sq.Ft.±
LOT 18
0.1524Ac.±
6,640 Sq.Ft.±
LOT 19
0.1239Ac.±
6,397 Sq.Ft.±
LOT 20
0.1142Ac.±
4,974 Sq.Ft.±
LOT 21
0.1086Ac.±
4,732 Sq.Ft.±
LOT 22
0.1086Ac.±
4,732 Sq.Ft.±
LOT 23
0.1092Ac.±
4,756 Sq.Ft.±
LOT 24
0.1364Ac.±
5,942 Sq.Ft.±
OPEN SPACE
0.0569Ac.±
2,477 Sq.Ft.±
OPEN SPACE
0.1222Ac.±
5,321 Sq.Ft.±
7.50' WIDE PUBLIC UTILITY EASEMENT GRANTED BY THIS INSTRUMENT
10.0' WIDE PEDESTRIAN EASEMENT GRANTED BY THIS INSTRUMENT
4.5' WIDE PUBLIC UTILITY EASEMENT GRANTED BY THIS INSTRUMENT
16' WIDE PUBLIC RIGHT-OF-WAY DEDICATED BY THIS INSTRUMENT
7.5' WIDE PUBLIC UTILITY EASEMENT FROM PLAT OF NOTE 1
ARROYO CENTRAL
40' WIDE PUBLIC RIGHT-OF-WAY DEDICATED BY THIS INSTRUMENT
CITY OF SANTA FE SUBDIVISION MONUMENT TO BE SET
10.0' WIDE DRAINAGE EASEMENT GRANTED BY THIS INSTRUMENT
TIE TO 1/2" REBAR "NOONAN NMPS 6998" N88°34'55"W 0.96'
TIE TO 1/2" REBAR "NOONAN NMPS 6998" S14°30'15"W 0.87'
TIE TO 1/2" REBAR "NOONAN NMPS 6998"
TRACT 49
N/F HOMEWISE INC.
TAX ID NOT AVAILABLE
INST. # 1535551
TRACT 48
N/F HOMEWISE INC.
TAX ID NOT AVAILABLE
INST. # 1535551
CONTENTA RIDGE
EXISTING 44' WIDE PUBLIC RIGHT-OF-WAY
LOT 45
N/F CHRISTOPHER PACHECO
1-047-094-251-508
DEED BOOK 1421 PAGE 25
LOT 44
N/F
ELIZABETH FRESQUEZ
1-047-094-251-502
INST #1492642
LOT 43
N/F BERLINDA LEDOUX
1-047-094-252-497
INST #1439967
LOT 42
N/F LAURA & CATHY BACA
1-047-094-222-491
INST #1440329
LOT 41
N/F ALENE LAIN
1-047-094-252-485
INST #1430572
LOT 40
N/F
KRISHAN & DEEPA KUMAR
1-047-094-250-479
INST #1437133
TWO-STORY RESIDENCE
DROP INLET

City of Santa Fe, New Mexico

memo

DATE: November 16, 2012 for the December 6, 2012 Meeting

TO: Planning Commission

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

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

---

Case #2012-104. Aguafina Rezoning to R-5. JenkinsGavin Design and Development, agent for Aguafina Development, LLC, requests to rezone 5.73± acres from R-1 (Residential, 1 dwelling unit per acre) to R-5 (Residential, 5 dwelling units per acre). The property is located south of Agua Fria Street and west of Calle Atajo, at 4702 Rufina Street and 4262 Agua Fria Street. (Heather Lamboy, Case Manager)

I. RECOMMENDATION

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

The Planning Commission will make a recommendation to the City Council for final action.

II. APPLICATION OVERVIEW

The applicant is requesting to rezone a portion of a tract of land that is bisected by Rufina Street, between Agua Fria Road and Airport Road. Currently, the tract has split zoning. This application is requesting a rezoning of the tract only, a subdivision plat will be reviewed in the future if this rezoning is approved. The northern portion of the Tract is zoned Residential-5 (R-5) and the southern portion of the property is zoned Residential-1 (R-1). This parcel is located in a part of Santa Fe that has experienced dramatic growth over the past decade. The northern portion of the tract is part of the Phase 2 Annexation Area.

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

Exhibit "12"

proposed R-5 zoning category will be compatible with and comparable to the existing development pattern in the vicinity.

In initial meetings with Development Review Team staff, the City's Traffic Engineer discussed the need to limit access on Agua Fria due to the large amount of traffic on that roadway. Access was determined appropriate via Rufina Street, with additional access via Powerline Road. In order to comply with the International Fire Code, the access point at Agua Fria Street will be for emergency vehicles only.

The Early Neighborhood Notification (ENN) meeting was held on July 30, 2012. Those in attendance exhibited concern about the character of the development and how it would integrate with adjoining neighborhoods. Questions were asked about the access, and concerns were raised about utilizing Powerline Road as an access point. Additional discussion included the type of housing permitted. For additional detailed information regarding the meeting, refer to the ENN Meeting Summary in Exhibit C.

III. APPROVAL CRITERIA

14-3.5 REZONINGS

(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;

Applicant Response: *Not applicable.*

Staff Response: *Not applicable. This property was zoned residential by Santa Fe County. It is part of the Phase 2 Annexation area as established by the Subdivision, Planning, Platting and Zoning Ordinance (SPPAZO). When it was zoned R-1, the density was appropriate for the area. However, the density of the area has changed as the City has expanded southward.*

(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

Applicant Response: *The most significant change to the surrounding area is the pending annexation of many County properties along the Rufina Street and Airport Road corridor. Based on the Future Land Use designations approved for this area by the City as part of the annexation process, the primary intent is to encourage low density residential development along the Rufina Corridor.*

Staff Response: *As noted by the applicant, the character of the Rufina Corridor has changed. Additionally, the General Plan, which is the long-range guiding policy plan, indicates a future land use of Low Density Residential (3-7 dwelling units per acre). The proposed rezoning request to 5 dwelling units per acre is consistent with the General Plan.*

(iii) a different use category is more advantageous to the community, as articulated in the general plan or other adopted city plans;

Applicant Response: *Rezoning the southern portion of Tract C and all of Tract B to R-5 will bring both lots into compliance with the City's General Plan designation of Low Density Residential. The two tracts that comprise the subject property are bordered by the Las Acequias subdivision to the east, undeveloped property to the west, Agua Fria Village to the north, and Roadrunner West Mobile Home Park to the west and south. The proposed generously-sized lots will serve as a transition between the semi-rural environment of Agua Fria Village and the dense surrounding subdivisions. From the standpoint of connectivity, the General Plan encourages roadway connections between neighborhoods, which reduces stress on the arterial road network and promotes community integration. Accessing Tract C via Powerline Road complies with the General Plan by promoting a connection with the neighboring Las Acequias subdivision.*

Staff Response: *As stated by the applicant, the General Plan provides for a more dense land development pattern than one dwelling unit per acre within the City limits. While the proposed R-5 zoning district increases the permitted density on the subject property, it will be compatible with surrounding densities in the vicinity. The development of the tract will include more opportunities for affordable housing within the city. The Land Development Code also requires park amenities either through a land dedication or payment of impact fees. The applicant is encouraged to dedicate park area in the Aguafina development adjacent to one of the Las Acequias parks in order to complement these existing park facilities. If the impact fee option is chosen, an estimate of park impact fees for 24 single-family dwelling units (approx. size 1500-2000 square feet each) would total $29,136.*

(b) all the rezoning requirements of Chapter 14 have been met;

Applicant Response: *Yes.*

Staff Response: *All requirements for rezoning, including public notice requirements, have been met.*

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

Applicant Response: *The proposed project exemplifies a compact urban form as encouraged by the General Plan, while respecting the semi-rural nature of nearby properties with the Low Density Residential Designation. Section 17.1 of the General Plan calls for the development of more affordable housing in Santa Fe. The General Plan also calls for the City to actively participate in the creation of affordable housing:* "Opportunities are provided for housing of all income segments of the population in all areas of the city, while restricting the supply of large lot housing, which belongs in rural areas outside the city and not inside it. Housing affordability will also be aided by not artificially limiting the supply of land or the rate of growth. Active efforts to increase the supply of affordable housing are outlined. Affordable housing is provided close to jobs to promote transit use." *In addition, Section 9.1.6 states,* "The city should take a proactive role to ensure an adequate supply

of land is available so there are no artificial constraints on easily developable land."

Staff Response: *In addition to the applicant's response, other General Plan policies support this rezoning, including Policy 4-4-I-3, which states,* "Ensure that all residential development within the future growth areas is built at a minimum gross density of three units per acre, and an average of five units per acre, where topography allows."

The site is part of the Central Neighborhood Pattern Area of the Southwest Santa Fe Area Master Plan. The Plan identified this area as having the greatest potential to integrate future development with existing residential development. That is why it is critical that this application integrates with its surrounds through parks, pedestrian and vehicular connections. Additionally, the Master Plan calls for a broad range of residential densities in these areas in an effort to promote diversity, housing affordability, and community identity.

(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

Applicant Response: *The southwest sector of Santa Fe has been the epicenter of population growth in Santa Fe for many years. The addition of newly annexed, vacant tracts only increases the likelihood of this trend continuing. In addition, per Section 4.4 of the General Plan, the subject property is located within the Urban Area Boundary and is also in Staging Area One, which* "encompasses the highest priority for urban growth." (Section 4.5.1)

The area surrounding the subject property comprises high density mobile home communities, single family homes, and semi-rural residential. The proposed subdivision and accompanying Future Land Use Designation of Low Density is an appropriate bridge between the two extremes of existing residential development and is consistent with the City's intent to encourage this type of development pattern along Rufina Street. Furthermore, the project is adjacent to Rufina Street, a minor arterial roadway that contains the water and sewer infrastructure necessary to serve the project.

Staff Response: *The General Plan prioritizes growth for infill areas that are already served by public water and wastewater facilities. In the case of Aguafina, an opportunity is presented for infill development that provides for efficient use of City infrastructure.*

(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: *There is adequate public infrastructure available adjacent to the site to serve the proposed subdivision.*

Staff Response: *Staff agrees with the applicant, the site is served by City streets, water and wastewater facilities.*

(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;

Staff Response: *The proposal will not change the character of the area will be consistent with the prevailing uses in the area.*

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

Staff Response: *Not applicable. The size of the site proposed for rezoning is 11.51± acres.*

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

Staff Response: *With the construction of adequate infrastructure as required by the Land Development Code, this proposal will not benefit one or few landowners at the expense of surrounding landowners.*

IV. CONDITIONS OF APPROVAL

Many of the conditions presented by staff relate to future development on the property. An important issue that was raised by the Traffic Engineer was access to the site via a newly-constructed Powerline Road and a Rufina Street access for both tracts that are bisected by Rufina. The applicant has agreed to the Traffic Engineer's requirements for these access points, in addition to dedicating right-of-way for future cross access to properties to the west. The Fire Marshal asked for access to the site from Agua Fria due to the location of the closest fire station. The applicant has agreed to emergency access only via Agua Fria Street in order to address concerns from the Agua Fria Village Association regarding the number of access points along Agua Fria Road.

Many of the aforementioned issues will be further refined as part of the subdivision plat review. This application only requests the rezoning of the property from R-1 to R-5, and the applicant has provided a conceptual site plan in order to help the Commission understand how future single-family residential development may look on the site. In order to further control the character of development on the site, the applicant has provided proposed restrictive Covenants that will be recorded with the Final Subdivision Plat.

V. ATTACHMENTS:

EXHIBIT A: Conditions of Approval

1. Conditions of Approval

EXHIBIT B: Development Review Team Memoranda

1. Request for Additional Information, Heather Lamboy
2. Traffic Engineering Comments, John Romero
3. Fire Marshal Comments, Reynaldo Gonzales
4. Affordable Housing Comments, Kym Dicome
5. Technical Review Division Memorandum, Risana "RB" Zaxus
6. Metropolitan Transportation Organization, Keith Wilson
7. Solid Waste Division Memorandum, Randall Marco
8. Wastewater Division Memorandum, Stan Holland

EXHIBIT C: ENN Meeting Materials

1. ENN Public Notice Materials
2. ENN Meeting Notes

EXHIBIT D: Maps

1. Future Land Use Map
2. Zoning Map
3. Aerial
4. Aerial with Phase 2 Annexation Area

EXHIBIT E: Applicant Submittals

1. Transmittal Letter
2. Proposed Subdivision Covenants
3. Conceptual Site Plan

EXHIBIT F: Correspondence from the Public

1. Las Acequias Neighborhood Association Letter 11-28-12

City of Santa Fe, New Mexico

Exhibit A

Conditions of Approval

Aguafina Rezoning to R-5–Conditions of Approval
Planning Commission
Case #2012-104 – Aguafina Rezoning to R-5

Conditions	Department	Staff
Review comments are based on submittals received on August 15, 2012. The comments below should be considered as Conditions of Approval to be addressed prior to subsequent submittal unless otherwise noted: 1. The Developer shall provide an access from Tract "C" to Rufina Street, aligning the intersection with the proposed access to Tract B. Both accesses shall be partial accesses providing Right-in, Right-out, and Left-in turns only; 2. The Developer shall provide a traffic analysis of the access points to Rufina Street to determine if deceleration and/or acceleration lanes are needed and if so how long they should be; 3. The Developer shall plan this development so that it allows future access to the west that corresponds with proposed access to the east from the approved Cielo Azul Subdivision. We required the Cielo Azul developers to provide stub-outs so that their roadway network can connect to the east. The Developer shall indicate on the subdivision plat and development plan, the locations of these future Right-of-Way accesses and stub-outs (ghost lines) to the west; 4. We have reviewed a conceptual design of a subdivision that indicates a proposed access and utility easement. At such time as a submittal is made for a subdivision plat and/or a development plan, the proposed roads shall be built to City of Santa Fe standards and dedicated as public right-of-way.	Traffic Engineering	John Romero/ Sandra Kassens
The Fire Marshal conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) 2009 Edition. Below are the following requirements that shall be addressed prior to final approval of a subdivision plat. 1. Shall Comply with International Fire Code (IFC) 2009 edition. 2. Shall meet fire department access for R-5 zoning as per IFC 2009 edition, and have two points of access. 3. Shall meet fire protection requirements for R-5 zoning as per IFC 2009 edition.	Fire	Rey Gonzales
The subject property is accessible to the City sanitary sewer system and connection to the City sewer system is mandatory and shall be made prior to any new construction. Additionally, the following notes shall be included on the plat: Wastewater Utility Expansion Charges (UEC) shall be paid at the time of building permit application.	Wastewater	Stan Holland
Based on the latest SFHP requirements, 20% of the proposed 21 lot subdivision must be designated affordable which is 4.2 (21x.2=4.2).The 0.2 lot can be satisfied by providing another lot or paying a fractional fee. The affordable lots must be spread out and not clustered. A completed SFHO proposal is required prior to review of the plans by staff prior to Planning Commission approval of the Final Plat. A Santa Fe Housing Program (SFHP) Agreement shall be signed and recorded with the Final Plat. The affordable lots shall be designated on the plat.	Affordable Housing	Kym Dicome/ Alexandra Ladd

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

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2012-__

AN ORDINANCE

AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE; CHANGING THE ZONING CLASSIFICATIONS FOR TRACT B AND THE SOUTHERN 9.06± ACRES OF TRACT C, A PORTION OF S.H.C. 435 TRACT 3 WITHIN SECTIONS 6 & 7, TOWNSHIP 16 NORTH, RANGE 9 EAST, NEW MEXICO PRIME MERIDIAN, FROM RESIDENTIAL-1 (RESIDENTIAL, 1 DWELLING UNIT PER ACRE) TO RESIDENTIAL-5 (RESIDENTIAL, 5 DWELLING UNITS PER ACRE), AND PROVIDING AN EFFECTIVE DATE. ("AGUAFINA REZONING," CASE #2012-104).

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

Section 1. That a certain parcel of land comprising 11.51± acres (the "Property") located within Township 16N, Range 9E, Sections 6 & 7, New Mexico Prime Meridian, Santa Fe County, State of New Mexico, of which approximately 11.51± acres are located within the municipal boundaries of the City of Santa Fe, and are restricted to and classified as Residential-5 (R-5) as described in the zoning map attached hereto [EXHIBIT A] and incorporated herein by reference.

Section 2. The official zoning map of the City of Santa Fe adopted by Ordinance No. 2001-27 is hereby amended to conform to the changes in zoning classifications for the Property set forth in Section 1 of this Ordinance.

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

Section 4. This rezoning action is subject to the time restrictions set forth in Section 14-3.5(D)(1) SFCC 1987 (Two-year Review/Rescission). Resolution 2011-26 has extended zoning approvals for a limited duration of time.

Section 5. This Ordinance shall be published one time by title and general summary and shall become effective five days after publication.

APPROVED AS TO FORM:

_____

GENO ZAMORA, CITY ATTORNEY

City of Santa Fe, New Mexico

Exhibit B

Development Review Team Memoranda

City of Santa Fe
Land Use Department
Request for Additional Submittals

Project Name	Aguafina
Project Location	West of Rufina and Calle Atajo
Project Description	**Case #2012-104. Aguafina Rezoning to R-5.** JenkinsGavin Design and Development, agent for Aguafina Development, LLC, requests to rezone 5.73± acres from R-1 (Residential, 1 dwelling unit per acre) to R-5 (Residential, 5 dwelling units per acre). The property is located south of Agua Fria Street and west of Calle Atajo, at 4702 Rufina Street and 4262 Agua Fria Street. (Heather Lamboy, Case Manager)
Applicant / Owner	Jennifer Jenkins, JenkinsGavin Design and Development
Application Type	Rezone to R-5
Land Use Staff	Heather L. Lamboy, AICP

Comments:

In general, the request to rezone the parcel from R-1 to R-5 is not inconsistent with the general plan or the general development pattern in the neighborhood. With the public comment given at the Early Neighborhood Notification (ENN) meeting, it became obvious that a lower density than 5 dwelling units per acre was desired by the neighborhood.

The concept plan proposal initially submitted with this application called for lot sizes varying from 0.15-acre to 0.90-acre. Attached in the comments the need has been identified to provide more access points than just the proposed Powerline Road access to the northern tract. Other possible access points include a right-in, right-out at Rufina Street and access via Agua Fria Road. To be consistent with General Plan policies regarding roadway and pedestrian connectivity throughout the city, it is suggested that the roadway connect from Agua Fria through the northern and southern tracts (across Rufina Street) to a hammerhead which can be extended in the future to Airport Road.

The Traffic Engineer has identified the need for a Traffic Analysis of the access points to Rufina Street to determine whether deceleration and/or acceleration

lanes will be required. The engineer has also identified the need to provide connectivity to the west with the Cielo Azul development.

The Affordable Housing Planner has identified a higher number of affordable units than provided on the plan. Review the math and ensure that the affordable units are distributed evenly throughout the development.

The City Engineer commented that no stormwater ponding has been provided. As this is a rezoning request without an accompanying Development Plan or Plat, no requirement to illustrate stormwater ponding will be made at this time. However, it is important to plan accordingly when undertaking the platting process for the parcel.

Please provide revised submittals by September 7, 2012 so we can stay on track for the October 4, 2012 Planning Commission public hearing. Two (2) copies of the traffic analysis must be provided, one for the master file and another for the traffic engineer. With reference to the drawings, please provide four (4) paper copies and one (1) CD copy for distribution to the Development Review Team.

If you have any questions, please feel free to contact me at 955-6656.

City of Santa Fe, New Mexico

memo

DATE: August 22, 2012

TO: Heather Lamboy, Planning and Land Use Department

VIA: John Romero, Traffic Engineering Division Director

FROM: Sandra Kassens, Traffic Engineering Division SMK

SUBJECT: **Aguafina Rezoning to R-5. (Case #2012-104)**

ISSUE

JenkinsGavin Design and Development, agent for Aguafina Development, LLC, requests to rezone 5.73± acres from R-1 (Residential, 1 dwelling unit per acre) to R-5 (Residential, 5 dwelling units per acre). The property is located south of Agua Fria Street and west of Calle Atajo, at 4702 Rufina Street and 4262 Agua Fria Street.

RECOMMENDED ACTION:

Review comments are based on submittals received on August 15, 2012. The comments below should be considered as Conditions of Approval to be addressed prior to subsequent submittal unless otherwise noted:

1. The Developer shall provide an access from Tract "C" to Rufina Street, aligning the intersection with the proposed access to Tract B. Both accesses shall be partial accesses providing Right-in, Right-out, and Left-in turns only;
2. The Developer shall provide a traffic analysis of the access points to Rufina Street to determine if deceleration and/or acceleration lanes are needed and if so how long they should be;
3. The Developer shall plan this development so that it allows future access to the west that corresponds with proposed access to the east from the approved Cielo Azul Subdivision. We required the Cielo Azul developers to provide stub-outs so that their roadway network can connect to the east. The Developer shall indicate on the subdivision plat and development plan, the locations of these future Right-of-Way accesses and stub-outs (ghost lines) to the west;
4. We have reviewed a conceptual design of a subdivision that indicates a proposed access and utility easement. At such time as a submittal is made for a subdivision plat and/or a development plan, the proposed roads shall be built to City of Santa Fe standards and dedicated as public right-of-way.

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

City of Santa Fe, New Mexico

memo

DATE: **August 22, 2012**

TO: Case Manager: Heather Lamboy

FROM: **Reynaldo Gonzales, Fire Marshal** RDG

SUBJECT: **Case #2012-104. Aguafina Rezoning to R-5.**

I have conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) 2009 Edition. Below are the following requirements that shall be addressed prior to approval by Planning Commission. If you have questions or concerns, or need further clarification please call me at 505-955-3316.

1. Shall Comply with International Fire Code (IFC) 2009 edition.
2. Shall meet fire department access for R-5 zoning as per IFC 2009 edition, and have two points of access.
3. Shall meet fire protection requirements for R-5 zoning as per IFC 2009 edition.

City of Santa Fe, New Mexico

memo

DATE: August 16, 2012

TO: Heather Lamboy, Case Manager

FROM: Kym E. Dicome, Senior Housing Planner, OAH

SUBJECT: Case #2012-104 Aquafina Rezoning to R-5

The applicant submitted a Letter of Application (dated August 13, 2012) that states that three of the 21 lots will be affordable based on the Santa Fe Homes Program (SFHP). Based on the latest SFHP requirements, 20% of the proposed 21 lot subdivision must be designated affordable which is 4.2 (21x.2=4.2).The 0.2 lot can be satisfied by providing another lot or paying a fractional fee. The affordable lots must be spread out and not clustered.

A completed SFHO proposal is required prior to review of the plans by staff or plat by the City's Planning Commission. After final approval has been granted by the City's Planning Commission, a SFHP Agreement is signed and recorded with the plat or development plan. The affordable lots will be designated on the plat or plan.

These comments apply to the plan or platting phase of the project which is contingent upon approval of the rezoning request.

City of Santa Fe, New Mexico

memo

DATE: August 22, 2012

TO: Heather Lamboy
Case Manager

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

RE: Case # 2012-104
Aquafina Rezoning to R-5

I reviewed a 1-sheet Rezone Plan and the Letter of Application, and have the following review comment:

*There is no location shown for stormwater ponding as required by the Land Development Code. All applicable requirements of Article 14-8.2 must be met if the project goes forward after rezoning.

LAMBOY, HEATHER L.

From: WILSON, KEITH P.
Sent: Friday, August 24, 2012 8:52 AM
To: LAMBOY, HEATHER L.
Cc: MARTINEZ, ERIC B.
Subject: Case #2012-104 Aguafina Rezoning to R5

Hi Heather

RE: **Case #2012-104. Aguafina Rezoning to R-5.** \\file-svr-1\Public$\Land Use\2012-104 Aguafina Subdivision Plat

We have no Multi-Use trails in the Bicycle Master Plan that impact this project.

Let me know if you have additional questions.

Keith P. Wilson
MPO Senior Planner
Santa Fe Metropolitan Planning Organization
P.O. Box 909
Santa Fe, NM 87504-0909
Phone: 505-955-6706
Fax: 505-955-6332
kpwilson@santafenm.gov

Please Visit Our Website at: www.santafempo.org

Find Us on Facebook

City of Santa Fe, New Mexico

Exhibit C

Early Neighborhood Notification (ENN)
Meeting Materials

Print Form

Early Neighborhood Notification Meeting

Request for Staff Attendance

Submittals must be completed before the City will schedule the meeting date and staff for an ENN meeting. Meetings should be coordinated with the Land Use Department to ensure staff attendance, and meetings will not be scheduled on public hearing days including Board of Adjustment, BCD-DRC, Planning Commission and City Council hearing days.

DEVELOPMENT/PROJECT NAME: Aguafina Rezoning
(The same name shall be used throughout the ENN & application submittal process)

PROJECT LOCATION/ADDRESS: Tract B 4702 Rufina St. & Tract C 4262 Agua Fria St.
(Attach vicinity map and site plan)

APPLICATION TYPE:

- ☐ General Plan Amendment: From: _____ To: _____
- ☐ Annexation: _____
- ☑ Rezoning From R-1 To: R-5
- ☐ Preliminary Subdivision: Number of lots _____
- ☐ Preliminary Development Plan
- ☐ Final Subdivision: Number of lots _____
- ☐ Final Development Plan
- ☐ Variance _____
- ☐ Development Plan
- ☐ Special Exception _____
- ☐ Amended Development Plan
- ☐ Other _____

Detailed Project Description: Rezone the southern portion of Tract C & all of Tract B so zoning is consistent with the northern portion of Tract C.

DEVELOPMENT/PROJECT INFORMATION:

Neighborhood Association(s) w/in 200' of project (exclude R-O-W): Las Acequias NA & Roadrunner West HOA

Acreage: ± 11.51 Zone District: R-5, R-1 Future Land Use: Transitional mixed use / Low Density Residential

Date of Pre-application meeting: May 10, 2012

AGENT/OWNER INFORMATION:

AGENT: JenkinsGavin Address: 130 Grant Avenue, Suite 101

City: Santa Fe State: NM Zip Code: 87501 Phone: 505-820-7444

OWNER: Aguafina Development LLC Address: _____

PROPOSED ENN MEETING DATES: *(Provide three (3) options)*

	Preferred Option	Alternative 1	Alternative 2
DATE:	July 30, 2012		
TIME:	5:30 p.m.		
LOCATION:	Southside Library 6599 Jaguar Drive Santa Fe, NM 87507		

Received by LUD on: Current Date 6/20/12 **LUD Initials:** _____

REYNALDO VARELA

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

June 7, 2012

RE: 4262 Agua Fria St. (Tract C)
4702 Rufina St. (Tract B)

To Whom It May Concern:

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

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

Thank you.

Sincerely,

Reynaldo Varela

Reynaldo Varela
for Aguafina Development LLC

jenkinsgavin
DESIGN & DEVELOPMENT INC

EARLY NEIGHBORHOOD NOTIFICATION MEETING

July 13, 2012

Dear Neighbor:

This letter is being sent as notice of a neighborhood meeting to discuss an application to rezone 4702 Rufina St. (Tract B, totaling ±2.45 acres) and a portion of the property at 4262 Agua Fria Street (Tract C, totaling ±9.06 acres). The northern portion of Tract C is zoned R-5 (5 dwelling units per acre), while the southern portion of Tract C and all of Tract B are zoned R-1 (one dwelling unit per acre). To resolve the split zoning issue, the applicant is requesting a change to R-5 zoning for the southern 3.2 acres of Tract C and all of Tract B, with the intent to create an 18-lot single family subdivision.

In accordance with the requirements of the City of Santa Fe's Early Neighborhood Notification regulations, this is to inform you that a meeting is scheduled for:

Time:	***5:30 PM***
When:	***Monday, July 30, 2012***
Where:	***Southside Library***
	6599 Jaguar Drive
	Santa Fe, NM 87507

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

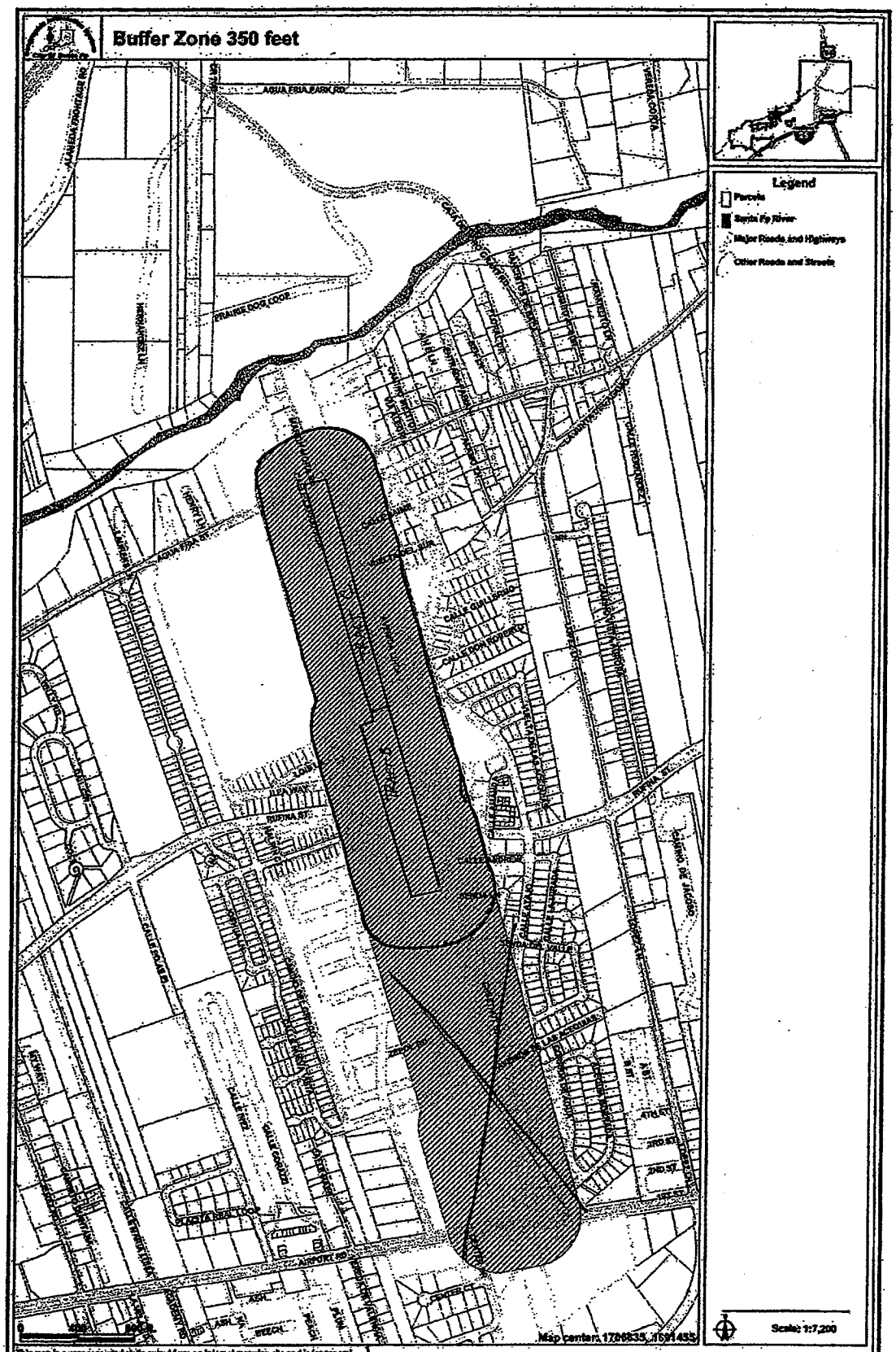
Attached please find a vicinity map and proposed site plan. If you have any questions or comments, please contact Jennifer Jenkins at 505-820-7444 or jennifer@jenkinsgavin.com.

Sincerely,

Jennifer Jenkins

Attachments: Vicinity map
Site plan

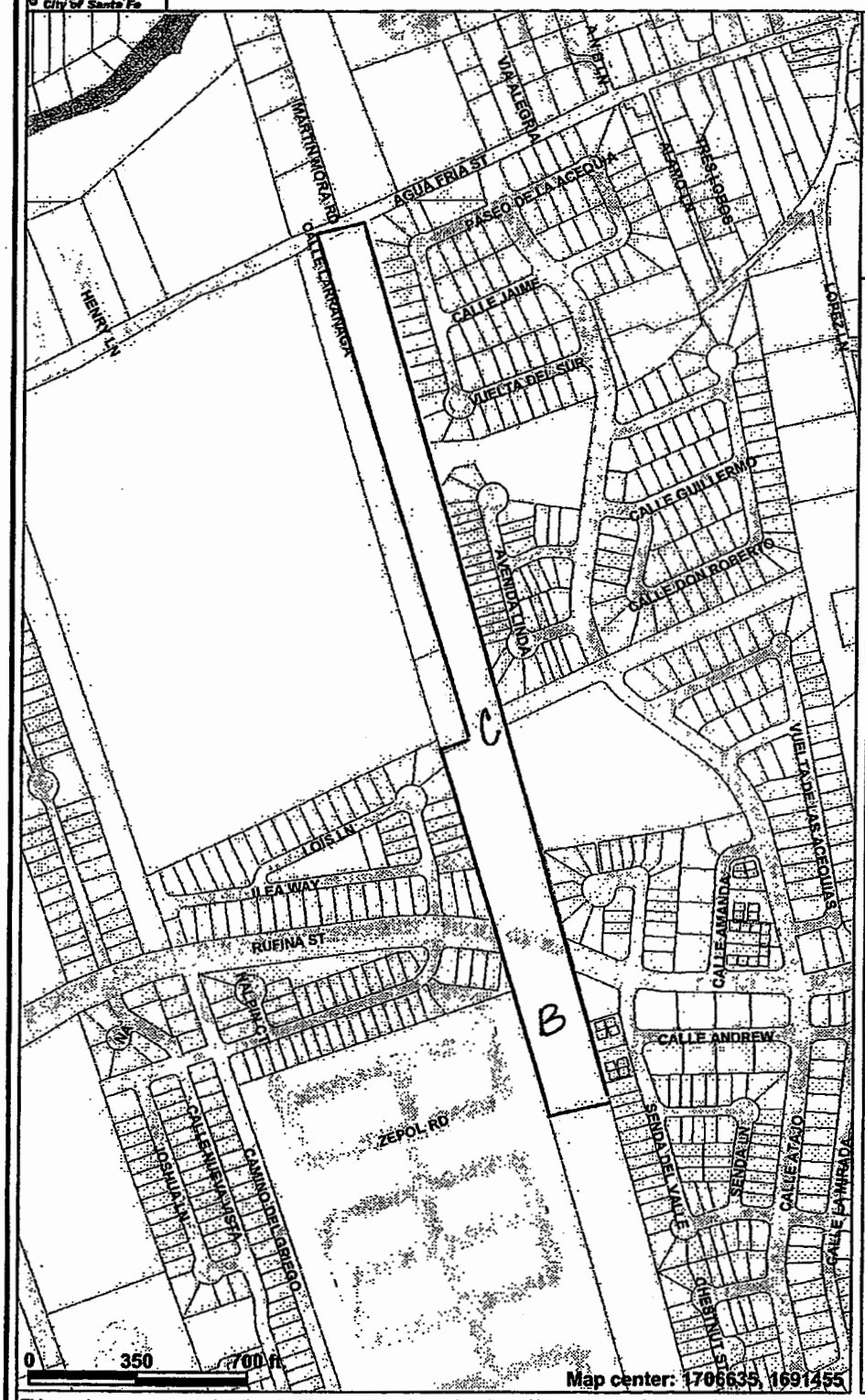
Buffer Zone 350 feet

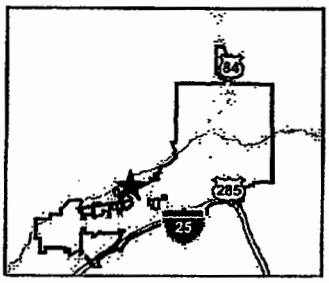


This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

1" = 60'

Vicinity Map



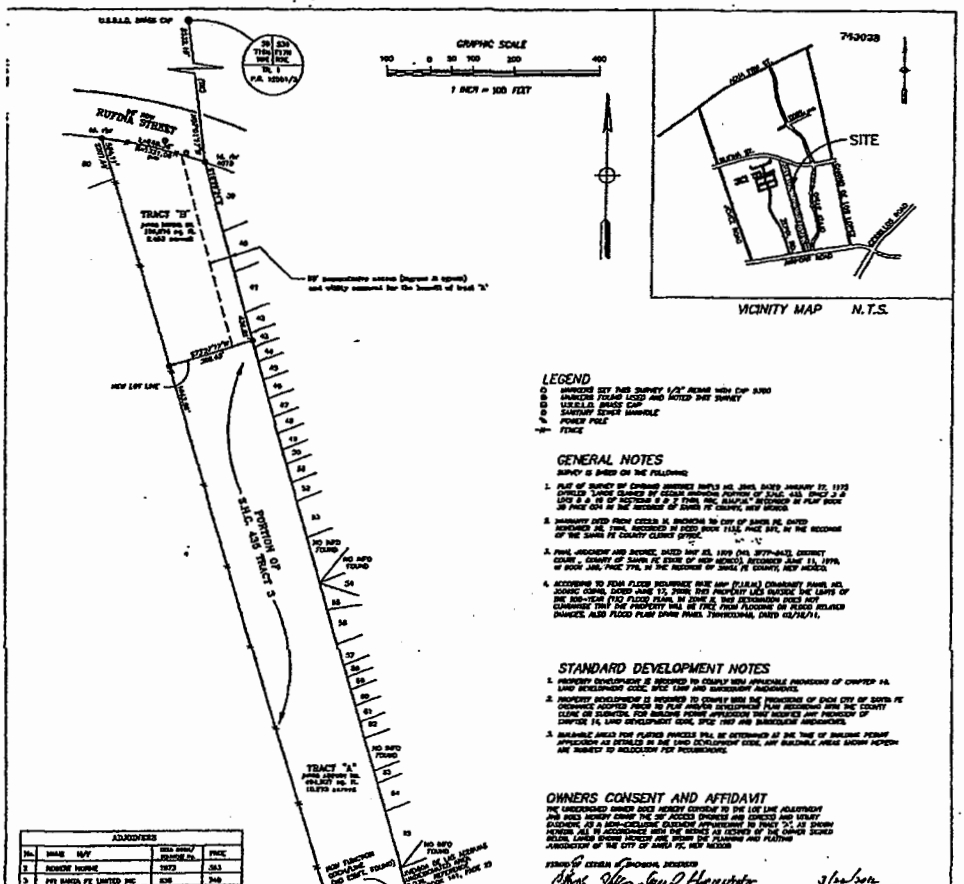


Legend

- Parcels
- Santa Fe River
- Major Roads and Highways
- Other Roads and Streets

Scale: 1:6,000

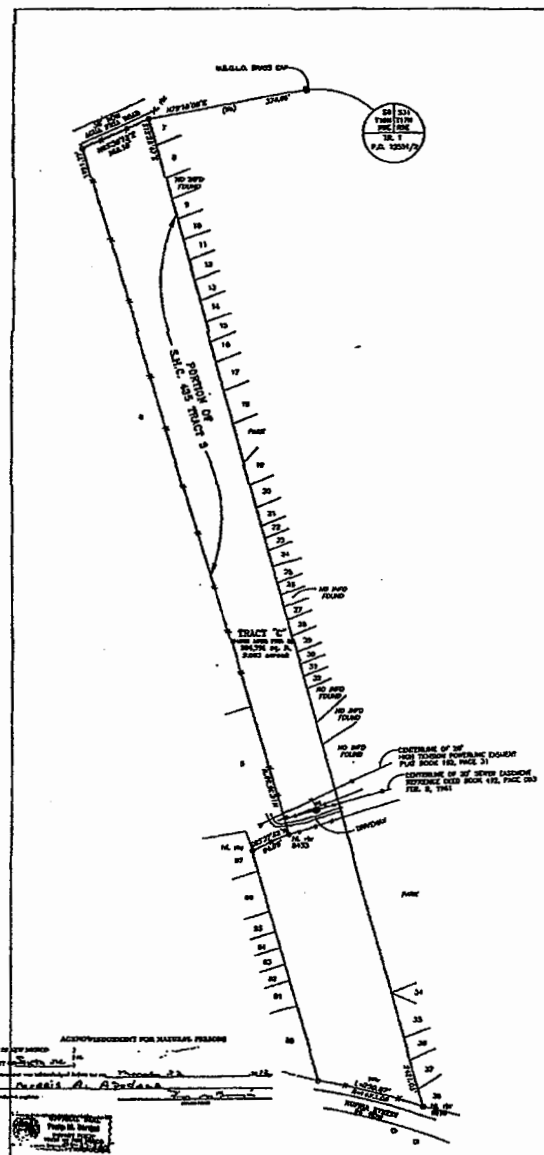
This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.



ADJOINERS			
No.	NAME N/Y	BOOK/PAGE OR DOC. NO.	PARCEL
2	ROBERT MORRIS	1973	313
3	PFI SANTA FE LIMITED INC	838	340
4	MARIA & ANDRES LOPEZ	400	133
30	KENNETH DUELE	1987	898
40	ANTHONIE CARTER	2306	838
41	ARCHIBALD BYRONS	600	865
42	CITY OF SANTA FE	686	165
43	CITY OF SANTA FE	686	165
44	CITY OF SANTA FE	686	165
45	CITY OF SANTA FE	686	165
46	CITY OF SANTA FE	686	165
47	CITY OF SANTA FE	686	165
48	CITY OF SANTA FE	686	165
49	CITY OF SANTA FE	686	165
50	CITY OF SANTA FE	686	165
51	CITY OF SANTA FE	686	165
52	CITY OF SANTA FE	686	165
53	CITY OF SANTA FE	686	165
54	CITY OF SANTA FE	686	165
55	CITY OF SANTA FE	686	165
56	WESTERN AMERICAN FINANCIAL	308	234
57	WESTERN AMERICAN FINANCIAL	308	334
58	PEDRO GONZALES	1997	968
59	RAMON JIMENEZ	733	784
60	JOANNA CHOPIN	738	858
61	JOANNE POLLARD	738	362
62	ROXANNE PARRILLA	738	739
63	MARTHA LAMONT	786	678
64	DORIS WITHERS	1424186	
65	ROBERT HERNANDEZ	783	231
66	MARGARET WOOD	1938	277
67	JOEL MARAIS	787	373
68	ROBERT ARCHULETA	1328863	
69	WAYNE STAFFORD	1319	978
70	BRENDA LUNA	687	102
71	AURORA FAITH JONES	2677	979
72	CAROL GAY	735	687
73	MARLEEN FOX	1344684	
74	JOHN DURBANE	1789	501
75	NAPOLI VANDELA	1632	698
76	NANCY ROGERS	1461	204
77	MORLINDA MELCHIORIZ	1391978	
78	DAVID BARNS	1396	060
79	RALPH CLEMENTINO		
80	NO INFO FOUND		

A – Z SURVEYING INC.
3530 AGUA FRIA ROAD
SANTA FE – NM 87507
TELEPHONE (505) 471-5366
FAX (505) 471-5366

CHECKED BY:	DATE: 2012	SURVEY NO:
SCALE: 1"=100'	DRAWN: A	121-023



GRAPHIC SCALE

100 0 50 100 200 400

1 INCH = 100 FEET

743039

ADJOINERS			
NO.	NAME, W/O	DEED BOOK/ REFERENCE NO.	PAGE
2	ROBERT HOWE	1672	343
3	PO SANTA FE LIMITED INC	826	740
4	MARIA & ANTONIO LOPEZ	480	132
5	ABE OR ANTONIO TAPIA	513	764
6	STEVE C. LARRANAGA	1761	807
7	DAVID & MARIA PECOS	1082	748
8	AMY MIRLAW	1975	833
9	BOOEY & DIANA HOOKER	1440210	
10	JULIE & SOLIS SHOP	1138	748
11	ELIA A. ARCHULETA	1129	078
12	MICHEL & SHARON DORCHAK	1327	845
13	NANCY OCKSIDENT	2142	210
14	ERIC & DEBORAH KELLER	1419420	
15	STEVEN FREDERICKS	2602	390
16	JOHN BURDIMANT	1060	337
17	NATIONAL BANK OF ALBUQUERQUE		
18	RICHARD E. CHANG	1551	984
19	DENNIS ARCHULETA	1919	859
20	BARBARA JEAN MOREY	1125	940
21	WAYNE LOPEZ	1720	901
22	CORNY WALTER	1718	301
23	ELIZABETH BACHICHA	1124	979
24	MARTIN HUMPHRIES	1300024	
25	THOMAS SENEZ	1726	726
26	JUAN ORLANDO ROMERO	1168	807
27	BONNY E. ROMERO	1126	440
28	DENNIS WRIGHT	1403579	
29	THERESA TRUJILLO	1724	998
30	RUDY MARTINEZ	1723	839
31	JUAN ROMERO	2301	238
32	SANTA FE CHARMANY HOUSING	1404	184
33	NO INFO FOUND		
34	JOSE TRUJILLO	1703	031
35	ROSEMARY MONDRAGON	1714	919
36	WILLIAM SCHLAR	1686	246
37	JEFFERY CARDENAS	1486	338
38	CHRISTINA GAMBOA	1408248	
41	AQUAPRIMER WEST LLC	PLAT BK. 448	PG 21-22
42	JOAQUIN RIOS	2060	849
43	CARMELE JOHANNEZ	2398	221
44	ALEJANDRO CORNEJO	2138	143
45	DAVID MONTANO	2125	422
46	LUIS JAVIA	2049	845
47	DAVID MONTES	2151	684
48	JORGE A. MARTINEZ	2211	014

GENERAL NOTES

SURVEY IS BASED ON THE FOLLOWING

1. PLAT OF SURVEY OF DAMIANO MARTINEZ SURPLUS NO. 2916A, DATED JANUARY 15, 1970 ENTITLED "LANDS CLAIMED BY CECILIA BACHICHA PORTION OF S.A.C. 425, SURVEY 3 & LOTS 8 & 10 OF NOTIONS 6 & 7 TRACT, SAC. 8.A.P.A." RECORDED IN PLAT BOOK 38 PAGE 2006 IN THE RECORDS OF SANTA FE COUNTY, NEW MEXICO.
2. WARRANTY DEED FROM CECILIA M. BACHICHA TO CITY OF SANTA FE, DATED NOVEMBER 26, 1984, RECORDED IN DEED BOOK 1133, PAGE 345, IN THE RECORDS OF THE SANTA FE COUNTY CLERKS OFFICE.
3. FINAL JUDGMENT AND DECREE, DATED MAY 23, 1979 (NO. 9773-243), DISTRICT COURT - COUNTY OF SANTA FE, STATE OF NEW MEXICO, RECORDED JUNE 13, 1979, IN BOOK 281, PAGE 779, IN THE RECORDS OF SANTA FE COUNTY, NEW MEXICO.
4. ACCORDING TO FEMA FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 350049 0164G, DATED JUNE 17, 2008, THIS PROPERTY LIES OUTSIDE THE LIMITS OF THE 100-YEAR (1%) FLOOD PLAIN, IN ZONE X. THIS DETERMINATION DOES NOT GUARANTEE THAT THE PROPERTY WILL BE FREE FROM FLOODING OR FLOOD RELATED DAMAGES. ALSO FLOOD PLAIN DFIRM PANEL 35049C0164G, DATED 03/18/11.

LEGEND

- ○ MONUMENTS SET THIS SURVEY, 1/2" REBAR WITH CAP 5300
- ● MONUMENTS FOUND USED AND TIED THIS SURVEY
- ● R.L.S.L.S. DATED CAP
- ● SANITARY SEWER MANHOLE
- POWER POLE
- TOPOS
- OVERHEAD UTILITY LINE

STATE OF NEW MEXICO }
COUNTY OF SANTA FE } SS INSTRUMENT No. 1644326

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON THE 30TH DAY OF March 2012 AT 9:50 O'CLOCK A.M. AND WAS DULY RECORDED IN PLAT BOOK 713 PAGE(S) 027 OF THE RECORDS OF SANTA FE COUNTY, NEW MEXICO.

WITNESS MY HAND AND SEAL OF OFFICE
COUNTY CLERK

Geraldine Salazar
DEPUTY SANTA FE COUNTY CLERK'S OFFICE, STATE OF NEW MEXICO

ACKNOWLEDGEMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO
COUNTY Santa Fe

This instrument was acknowledged before me on March 23, 2012

by Dennis A. Azedano

Notary Public

My commission expires

OFFICIAL SEAL
Freda M. Varela
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires

CITY SIGNATURES

Kathryn Zaxus 03/29/12
CITY ENGINEER FOR LAND USE DATE

Tamara Jones 03.27.12
CITY PLANNER DATE

PURPOSE:

TO SHOW A LEGAL LOT OF RECORD

CERTIFICATE

I, MORRIS ARCHULETA, A NEW MEXICO REGISTERED PROFESSIONAL SURVEYOR COMPLETED THIS ON DECEMBER 1, 2011, I CONDUCTED AND AM RESPONSIBLE FOR THIS SURVEY, THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THIS SURVEY AND PLAT MEET THE MINIMUM STANDARDS FOR SURVEYING IN THE STATE OF NEW MEXICO.

3/22/12
MORRIS A. ARCHULETA, R.L.S. DATE

A - Z SURVEYING INC.
1036 AGUA FRIA ROAD
SANTA FE - NM 87507
TELEPHONE (505) 471-3366
FAX (505) 471-3366

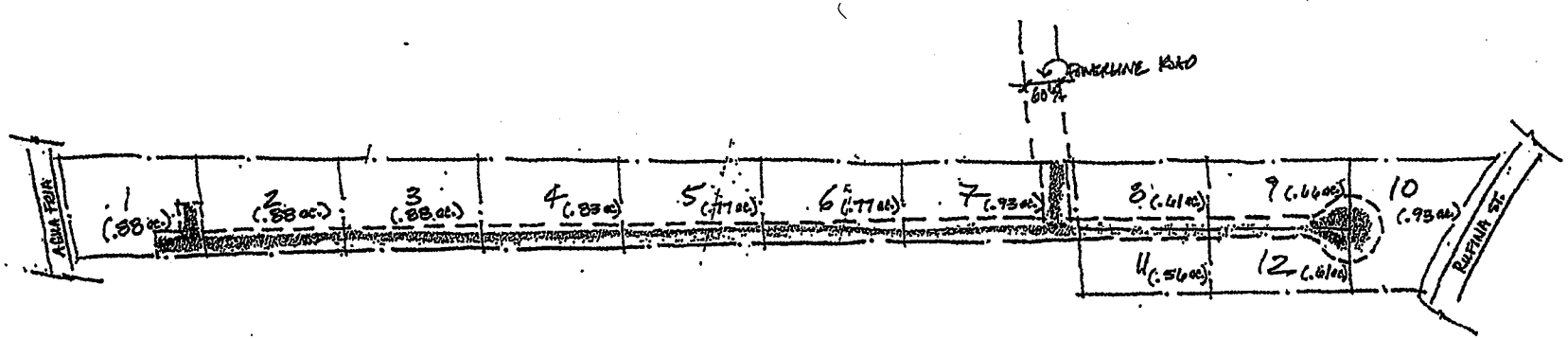
MAPPING FOR COUNTY CLERK

BOUNDARY OF REMAINING PARCEL

ESTATE OF CECILIA M. BACHICHA
(DECEASED)

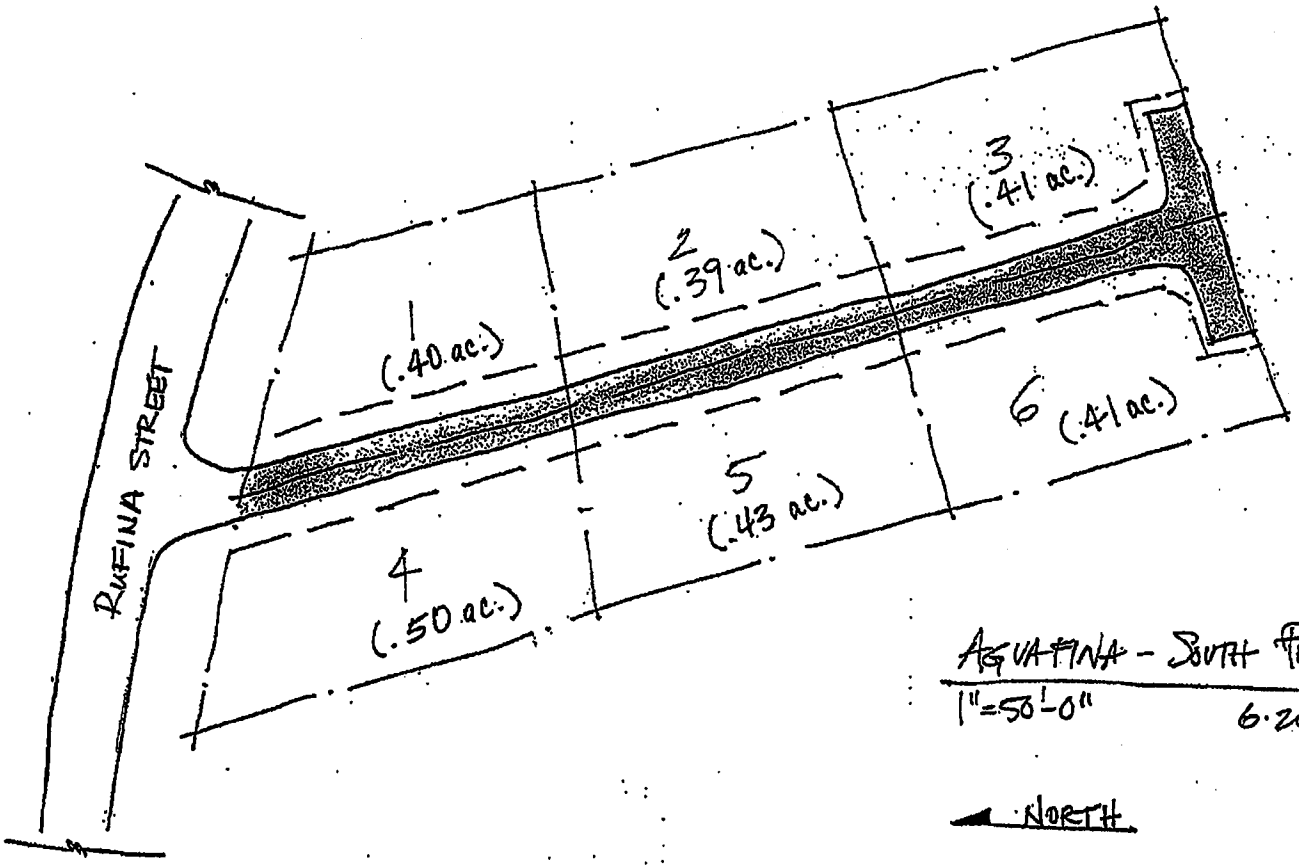
APC: 1-013-089-366-201
PORTION OF S.A.C. 425 TRACT 3
WITHIN SECTION 8 & 9
T19N, R8E, N.M.P.M.
SANTA FE COUNTY, NEW MEXICO

CHECKED BY:	DATE: 2012	SURVEY NO:
SCALE: 1"=100'	JANUARY 4	511-025



ACUMANA - NORTH PHASE (TRACT C)
1" = 100'-0"
6-26-12

NORTH



AGUATINA - SOUTH PHASE (TRACT B)

1"=50'-0" 6.20.12

NORTH

Submit by Email | Print Form

Early Neighborhood Notification (ENN) Guidelines

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

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

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

A rezone is requested for 4702 Rufina St. (Tract B, totaling ±2.45 acres) and a portion of the property at 4262 Agua Fria Street (Tract C, totaling ±9.06 acres). The northern portion of Tract C is zoned R-5 (5 dwelling units per acre), while the southern portion of Tract C and all of Tract B are zoned R-1 (one dwelling unit per acre). To resolve the split zoning issue, the applicant is requesting a change to R-5 zoning for the southern 3.2 acres of Tract C and all of Tract B, with the intent to create an 18-lot single family subdivision. This change to R-5 zoning will not only resolve the split zoning issue but will bring the property into greater compliance with surrounding density, which includes R-5, R-7, MHP (Mobile Home Park), and R-6 zoning. The requested rezone is less dense than the surrounding neighborhoods.

(b) EFFECT ON PROTECTION OF THE PHYSICAL ENVIRONMENT *For example: trees, open space, rivers, arroyos, floodplains, rock outcroppings, escarpments, trash generation, fire risk, hazardous materials, easements, etc.*

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

(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.*

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

(d) RELATIONSHIP TO EXISTING DENSITY AND LAND USE WITHIN THE SURROUNDING AREA AND WITH LAND USES AND DENSITIES PROPOSED BY THE CITY GENERAL PLAN *For example: how are existing City Code requirements for annexation and rezoning, the Historic Districts, and the General Plan and other policies being met.*

Surrounding and adjacent parcels are variously zoned R-5, R-7, MHP (Moblie Home Park), R-6, RMLD (Multiple Family-12 dwelling units per acre), C-1 (Office and Related Commercial), and C-2 (General Commercial). The City's General Plan designations for the surrounding neighborhood include Transitional Mixed Use and Low Density Residential (3-7 dwelling units per acre). Therefore, a rezone to R-5 is consistent with the land use and density of the surrounding areas and complies with the General Plan's Future Land Use designation.

(e) EFFECTS UPON PARKING, TRAFFIC PATTERNS, CONGESTION, PEDESTRIAN SAFETY, IMPACTS OF THE PROJECT ON THE FLOW OF PEDESTRIAN OR VEHICULAR TRAFFIC AND PROVISION OF ACCESS FOR TEH 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.*

Agua Fria and Rufina streets are already overly accessed. In an effort not to exacerbate the existing access issues on Rufina and Agua Fria, the proposed subdivision will concentrate access at the signalized intersection at Calle Atajo and Rufina Street. The lots on Tract C will be accessed via Calle Atajo to Powerline Road. Since there will be only 12 lots with no through traffic between Rufina and Agua Fria streets, no significant traffic impact is anticipated. Powerline Road will be improved and will connect to a driveway ending in a "Y" turnaround to the north and a cul-de-sac to the south. Tract B will be accessed via Rufina Street via a short driveway ending in a hammerhead turnaround. Access to these 6 lots will not significantly impact the traffic patterns on Rufina. Adequate parking will be provided for all lots.

(f) IMPACT ON THE ECONOMIC BASE OF SANTA FE *For example: availability of jobs to Santa Fe residents; market impacts on local businesses; and how the project supports economic development efforts to improve living standards of neighborhoods and their businesses.*

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

(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. (Ord. No. 2005-30(A) § 4)*

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

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

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

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

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

(j) EFFECT ON THE OPPORTUNITIES FOR COMMUNITY INTEGRATION AND SOCIAL BALANCE THROUGH MIXED LAND USE, PEDESTRIAN ORIENTED DESIGN, AND LINKAGES AMONG NEIGHBORHOODS AND RECREATIONAL ACTIVITY AND EMPLOYMENT CENTERS *For example: how the project improves opportunities for community integration and balance through mixed land uses, neighborhood centers and/or pedestrian-oriented design.*

The Project will link to the existing Las Acequias neighborhood. The generously sized lots will provide ample outdoor recreation areas.

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

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

ADDITIONAL COMMENTS (Optional)

SFPS
Santa Fe Public Schools

Santa Fe Public Schools

Property & Asset Management
Residential Development Impact Information Form
School Notification as required by City Ordinance 14-8.18 AFCC 1987

Required for all projects that create six or more new residential lots or dwelling units.

1. Project Name: Agua Fina Rezoning
2. Location of Property: 4702 Rufina St & 4262 Agua Fria St.
3. Owner/Agent Name: Jenkins Gavin
   Mailing Address: 130 Grant Ave, Ste 101, Santa Fe 87501
   Phone & Fax: 820-7444
4. Unit Matrix

PROJECT EFFECT ON STUDENT POPULATION		
Unit Type	Unit Quantity	Average Price
Single Family (detached)	18	$200,000
Single Family (attached)		
Townhome/ Apartment		
Multi-Family		
Commercial		

5. Elementary School Zone for Proposed Development: Ramirez Thomas
6. Middle School Zone for Proposed Development: Ortiz
7. High School Zone for Proposed Development: Capital
8. Build-out Timeline (i.e. year(s); #/yr):
   2017 - 3.6 units/year

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

Submit completed form directly to:
Justin Snyder, Property & Asset Management,
Santa Fe Public Schools, 610 Alta Vista, Santa Fe, NM 87505

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

Project Name	Aguafina
Project Location	4702 Rufina Street & 4262 Agua Fria Street
Project Description	Rezone from R-5 and R-1 to R-5
Applicant / Owner	Jennifer Jenkins, JenkinsGavin Design and Development
Pre-App Meeting Date	May 10, 2012
ENN Meeting Date	Monday, July 30, 2012
ENN Meeting Location	Southside Library
Application Type	Rezoning
Land Use Staff	Heather L. Lamboy, AICP
Other Staff	
Attendance	49 members of the public

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

Ms. Jenkins started the meeting by stating that she would give a short overview of the proposal, and then would open up a question and answer period. She noted that there were a lot of people present, and asked that the question and answer period be handled in an orderly manner. She stated that she would do her best to ensure that everyone had been heard. Ms. Jenkins gave an overview of the project.

The project straddles Rufina Street, with the piece north of Rufina consisting of 9 acres and south of Rufina 2.5 acres. At the northern portion of the tract, the current zoning district is R-5 (Residential, 5 dwelling units per acre) and the

southern portion of the tract is R-1 (Residential, 1 dwelling unit per acre). Ms. Jenkins stated that the City has a requirement that zoning should follow parcel boundaries, which it does not in this case. She stated that it was the applicant's intent to "fix this problem," and rezone so that the entire site will have an R-5 zoning district. Ms. Jenkins reviewed the zoning districts around the site, which includes R-5 and R-7. Ms. Jenkins stated that she felt that there was a strong sense of neighborhood on this part of Rufina.

A neighbor asked for clarification on the zoning change request. Ms. Jenkins clarified that the request was to change the R-1 portion of the property to R-5, to match that existing portion already zoned R-5. Ms. Jenkins further clarified that the City of Santa Fe has a General Plan which calls for a residential land use of 3 to 7 dwellings per acre. She commented that the proposal would be right in the middle of the General Land Use category.

Ms. Jenkins then oriented the group to the location of Calle Atajo in Las Acequias.

A neighbor commented that when Rufina was opened Calle Atajo had become very loud, and cars can be heard at all times of the day and the impact has been enormous, especially for those who live close to Rufina.

Ms. Jenkins then provided a conceptual site plan to illustrate the vision for the property. She stated that the first step in the review process will be to change the zoning, which involves a public hearing in front of the Planning Commission and City Council, and then there will be additional review on the details of the site plan through the subdivision review process, which involves two public hearings in front of the Planning Commission.

A neighbor asked the width of the parcel, and Ms. Jenkins stated that she would have Ms. Gavin get that information and report back.

Ms. Jenkins then commented that, at the preapplication meeting with the City, the City's traffic engineer commented on how to access the site. The Traffic Engineer stated that Powerline Road is a dedicated right-of-way, and recommended that the northern site be accessed via an improved Powerline Road (which is located on the northern portion of Las Acequias Park, currently a dirt road). Ms. Jenkins stated that the Traffic Engineer is looking for alternate routes to access properties in order to reduce the overcrowd both on Rufina and Agua Fria.

Ms. Jenkins stated that 18 lots are planned, ranging in size from ½ to 1 acre. There will be a lane to serve the 12 lots on the north (which will only be accessed through Powerline Road, no access via Agua Fria or Rufina Road) and a cul-de-sac on the south to serve 6 lots. The parcel south of Rufina will be accessed via Rufina. Ms. Jenkins commented that there is already access to all public utilities

and infrastructure. She added that her client wanted to create larger lots in order to have a more rural character within the City.

A neighbor asked who the property owner is for the parcels. Ms. Jenkins responded that Mark Zappelin is her client. The neighbor asked if Ms. Jenkins' client had any relationship with Jeff Branch or his company. Ms. Jenkins responded that there was no relationship between Mr. Zappelin and Mr. Branch. The neighbor asked how long had Mr. Zappelin owned the property and Ms. Jenkins responded not very long.

A neighbor asked whether Ms. Jenkins had been to Powerline Road. The neighbor commented that the road was not very wide and it did not appear that there would be enough room to build a proper road. The neighbor asked why not access both the north and south tracts via Rufina. Ms. Jenkins responded that she could look into that.

A neighbor commented about the large amount of trash on this site and the Cielo Azul site, and commented that no land use applications should be permitted until the sites are cleaned up. The neighbor complained that the City has done nothing to address the sound problem from the traffic along Rufina.

Ms. Jenkins responded to an earlier question that the easement width is 58 feet for Powerline Road. She stated that the proposal would be to widen to 20 feet with base course. She commented that she did not want to change the character of the area with a large roadway.

A neighbor asked whether there would only be one unit/house per lot. Ms. Jenkins responded that was correct. The neighbor asked whether there would be a turnaround at the end of the road, and Ms. Jenkins responded yes. Ms. Jenkins added that the road is proposed on the west side of the homes. A neighbor asked whether any house plans were available. Ms. Jenkins responded that, at this point, her client was only creating lots and is not a builder. She commented that the City would require her to develop restrictive covenants.

A neighbor asked why not make the entire property R-1 instead of R-5. Ms. Jenkins responded that they are proposing 12 lots on 9 acres, and that already a portion of the property is zoned R-5.

A neighbor asked that if Powerline Road is approved, can some sound walls be built to cut down on noise. He stated that already there is a lot of noise from the park, and road noise would aggravate that situation.

A neighbor asked whether fences would be constructed around the subdivision. Ms. Jenkins responded that at this point, they did not have that level of detail. She stated that it is likely that at least the back yards would be fenced.

Ms. Jenkins commented that it could be possible that the construction of a road along the Powerline Road easement could help with the situation of loitering at the park. If a road is built, there will be more activity in the area and will discourage illicit activity in the park.

A neighbor commented that when mobile homes are moved, they always use Calle Atajo south of Rufina to Airport Road. Another neighbor added that there is a lot of cut-through traffic via Calle Atajo to Airport Road, and did not want more stress on their neighborhood street. Ms. Jenkins responded that the proposed development will not likely stop cut-through traffic.

A neighbor asked whether Powerline Road would be extended across Calle Atajo from the development. Ms. Jenkins responded no. She stated that she felt that, with the proposed development, there would be a low impact to the neighborhood.

A neighbor asked whether one of the lots could be used to expand the Las Acequias Park or the park to the north for the benefit of both developments. Ms. Jenkins responded that they would try to make Rufina work for access in order to respect the concerns raised by the neighborhood. She stated that if one looks at the big picture, what has happened is that there are a series of neighborhoods with dead ends and no connectivity, which then creates a few roads that are overburdened with vehicular traffic. Ms. Jenkins commented that it is the City's job to uphold the vision, and she reminded the group that only 12 houses were being proposed north of Rufina, which will be accessed via Powerline Road.

Ms. Jenkins provided an illustration of ~~what~~ the proposed Powerline Road. She stated that the roadway would be 20 feet wide with drainage swales and vegetation on either side. She stated that there would be no parking signs along the roadway, and that it would become a private street to create barriers to illegal parking.

A neighbor asked about whether any additional parks were planned for the south side of Santa Fe. Ms. Lamboy responded that the SWAN park has been planned, and was recently funded through the bond election. She stated that the timeline for completion of Phase 1 will be by the end of 2013, early 2014.

Ms. Jenkins then gave the group information that was requested earlier in the meeting. Relative to the width of the tract, at its skinniest it is 140 feet wide. Ms. Jenkins stated that if you allow 15 to 20 feet for a driveway, then the lots will be at least 125 feet deep. Ms. Jenkins commented that typical lots are 100 feet deep.

A neighbor asked whether the houses would be built up to the eastern property line, adjacent to the Las Acequias neighborhood. Ms. Jenkins replied that regular setbacks would be required for the lots, and the minimum setback at the

rear of the lots is 15 feet. The neighbor asked about the location of parking for the proposed lots, and Ms. Jenkins responded that parking would be located at the front or side of the proposed lots, with garages and driveways.

A neighbor asked what would happen to the existing homes to the west of Las Acequias. Ms. Jenkins clarified that those homes would not be part of this project.

A neighbor commented that if there were to be development right behind Las Acequias, they want it to be attractive, and hope that the homes on big lots are built.

A neighbor asked why Ms. Jenkins chose the R-5 zoning district if the goal is only for 18 lots on the 9 acres. Why not R-3 or R-2 if that was truly the intention? Ms. Jenkins responded that it just seemed to make sense to continue the R-5 zoning, like that which is already in place on the northern portion of the tract. She said that she would discuss the possibility of a lower density zoning district with her client.

A neighbor commented that the biggest concern is the traffic impact. Will there be access to Agua Fria. Ms. Jenkins replied that there will be no access to Agua Fria with this development. Ms. Linda Flatt commented that the Traditional Village of Agua Fria has standards regarding access to Agua Fria Road.

A neighbor asked what the average price of the lots will be. What is the targeted consumer? Ms. Jenkins stated that the targeted consumer will be families in search of larger lots within the City.

A neighbor asked whether something could be done for Las Acequias. The construction of a sound wall along Rufina was a suggestion, similar to that found at Colores. Another neighbor asked about the installation of speed bumps in the neighborhood, and Ms. Flatt replied that 80% of the neighborhood has to approve of the bumps according to the City's Traffic Division. Ms. Flatt added that the neighborhood association would be working on this issue in the near future.

There was discussion about the proposed density and how important it is to the Las Acequias neighborhood that it look attractive. A neighbor commented that this is an opportunity to get 12 homes (north of Rufina) as a buffer to a mobile home park (Cielo Azul). The neighbor stated that Las Acequias would like to see reassurance in writing, but it would possibly look very pretty.

Ms. Flatt commented that Las Acequias has been through a lot when it comes to surrounding development, and out of the choices offered this one looks good. She asked about the type of homes that would be built, and asked that they be stick built and not be mobile homes or manufactured homes.

Ms. Jenkins then wrapped up the meeting and commented that they would be making application so that the case could be heard at the October 4 Planning Commission hearing. She stated that if the Planning Commission recommends approval for the rezoning, then it must be heard by the City Council, which would likely occur in November or December. If the rezoning is approved, then Ms. Jenkins would apply for subdivision plat the beginning of 2013, where the details of the project can be handled. Ms. Jenkins promised to take the ideas raised tonight back to her client for consideration, especially those dealing with density and additional park space.

The meeting concluded at 7:00pm.

COMMENT CARD Early Neighborhood Notification Meeting

Date: 7-31-12 Project: ALVARINA

Please let us know your thoughts:

I would be opposed to accessing property through powerline Rd. I would like to see access through Rutina Rd.

Your Contact Information (optional):

Name: Kate Douthit

Phone: 505 690 0619

Email: kDuake@AOL.com

COMMENT CARD Early Neighborhood Notification Meeting

Date: Project:

Please let us know your thoughts:

Not to develop Powerline Rd, reduce traffic at Las Aguas Park

Your Contact Information (optional):

Name: Amy Kaplan

Phone: 690-2410

Email: amyj.kaplan@yahoo.com

COMMENT CARD Early Neighborhood Notification Meeting

Date: 7/30/12 Project: Regre 4702 Rubino St 4262 Aqua Fina Street etc

Please let us know your thoughts:

The Los Angeles Neighborhood is currently filled to capacity with housing, cars, trucks and ~~[illegible]~~ endless traffic all day long. We don't need any more density and pollution from more cars & trucks.

Your Contact Information (optional):

Name:

Phone:

Email:

COMMENT CARD Early Neighborhood Notification Meeting

Date: 7/30/12 Project: Agua Fina

Please let us know your thoughts:

This area is TOO DENSE already. Instead of making it all R-5 zoning it should be all R1. or this proposed subdivision ~~[illegible]~~ should be purchased by the City and Turned into 'GREEN space' only! (& do the same with Cielatzell) make it parks & open/GREEN space.)

Your Contact Information (optional):

Name: Eva Taylor

Phone:

Email: Etemail@comcast.net

COMMENT CARD Early Neighborhood Notification Meeting

Date: 7/31/2012 Project: AQUA FINA

Please let us know your thoughts:

WARM WALKS ON POWERLINE RD ALONG PARK & BACK OF RESIDENCES PLUS ACCESS FROM RESIDENCES TO POWERLINE RD. WILL SUPPORT THAT

Your Contact Information (optional):

Name: KARL MOFFATT

Phone:

Email: KARLFMOFFATT@GMAIL.

COMMENT CARD Early Neighborhood Notification Meeting

Date: 73012 Project: Agua Fina

Please let us know your thoughts:

!!! R-5 is too dense no rezoning !!!

Right now I am trying to establish who is responsible for maintenance of the hillside behind my home which the city claims is my property

Your Contact Information (optional):

Name: Terry Malone

Phone: 505.474.5749

Email: terrymalone.tm@gmail.com

1343 Acacia Boulevard

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

Project Name: Aguafina Rezoning **Meeting Date:** July 30, 2012

Meeting Place: Southside Library, 6599 Jaguar Drive **Meeting Time:** 5:30 p.m.

Applicant or Representative Check Box below

↓		Name	Address	Email
☐	1	Maria M. Padilla	1091 Avenida Linda	tafoyam@2001yahoo.com
☐	2	Richard L. Martinez	5204 Joshua Lane	
☑	3	Hillary Welles	130 Grant Ave #101	hillary@jenkinsgavin.com
☑	4	Colleen Gavin	" "	colleen@ " " "
☑	5	Jennifer Jenkins	" "	jennifer@ " " "
☐	6	LeeAnne Clokey	935 Vuelta Del Sur	lclokey@aol.com
☐	7	Cheryl Ordon	1152 Vuelta de las Acequias	cheryldee@aol.com
☐	8	Dwight Ramos	4421 Calle Jaime	dwightramos@gmail.com
☐	9	MARTIN SANCHEZ	3665 CERRILLOS RD #12	Martsnch6@aol.com
☐	10	Michelle Montman	4424 Calle Jaime	mlmontman@msn.com
☐	11	JANNA NEDBOY	1297 Chestnut St	yaszmina@gmail.com
☐	12	Nadia Rincon	1299 Zepol Rd. SFNM	sierravista@swipro.com

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

Heather Lamboy — Printed Name of City Staff in Attendance

Signature of City Staff in Attendance

7/30/12 — 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: Aguafina Rezoning **Meeting Date:** July 30, 2012

Meeting Place: Southside Library, 6599 Jaguar Drive **Meeting Time:** 5:30 p.m.

Applicant or Representative Check Box below

↓		Name	Address	Email
☐	1	Amy Kaplan	915 Vuelta Del Sur	—
☐	2	Sharon Demcsak	925 Vuelta Del Sur	Demcsaks@comcast.net
☐	3	Daniel Forrest	1443 Arequia Borrada W	—
☐	4	ELFA ARCHULETA	923 Vuelta del Sur	elfa_archuleta@msn.com
☐	5	Mary I Yamashin	1238 Senda Jr.	
☐	6	TOMAS CLOKEY	935 VUELTA DEL SUR	
☐	7	ADAMINA PINO	1104 Vuelta delas Acequias	
☐	8	ROSEMARY PEREZ MENDEZ	1139 Senda Del VALLE	—
☐	9	Sydney Davis	1220 Senda Del Valle 'A'	mediuse@cybermesa.com
☐	10	Liddy Padilla	4304 Acequia La	liddyp@q.com
☐	11	FRANCES MARTINEZ	917 Vuelta del Sur	fmartinez@cuddymccarthy.com
☐	12	Chip Conway	1019 Calle de Roberto	—

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

Heather Lamboy — Printed Name of City Staff in Attendance

Signature of City Staff in Attendance

7/30/12 — 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: Aguafina Rezoning **Meeting Date:** July 30, 2012

Meeting Place: Southside Library, 6599 Jaguar Drive **Meeting Time:** 5:30 p.m.

Applicant or Representative Check Box below

↓		Name	Address	Email
☐	1	Katie Douthit	1080 Avenida Linda	KDMNOUP@AOL.COM
☐	2	Michael Demcsak	925 Vuelta Del Sur	michaelD@artisan-santafe.com
☐	3	Jolly Randall	1296 Chestnut St	rivercanyon@earthlink.net
☐	4	Carmen Delgado	1280 Chestnut	cmdelgado2@hotmail.com
☐	5	Jeanette Morales	" "	" "
☐	6	Richard Russell	" "	
☐	7	Loretta Martinez / Mike Sealy	1253 Senda del Valle	brettanmartinez@gmail.com
☐	8	Wren Propp	1084 Ave. Nella	wrenpropp@gmail.com
☐	9	KARL F MOFFATT	" "	KARLFMOFFATT@GMAIL.COM
☐	10	María Padilla	1274 Senda del Valle SF	mapjfl@g.com
☐	11	Rita Pacheco	1299 Zepol Rd Sp 115.	MAYKA@yahoo.com
☐	12	Josh Rappaport	942 Vuelta del Sur SF, NM	JOSH@SINGINGTURTLE.COM

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

Heather Lamboy

Printed Name of City Staff in Attendance

Signature of City Staff in Attendance

7/30/12

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: Aguafina Rezoning **Meeting Date:** July 30, 2012

Meeting Place: Southside Library, 6599 Jaguar Drive **Meeting Time:** 5:30 p.m.

Applicant or Representative Check Box below

↓		Name	Address	Email
☐	1	Paul Lucero	1068 Avenida Linda	
☐	2	Abe Tapia	POB 159444 SFNM 87592	
☐	3	Veronica Flores	1299 Zepel Rd #120	Guinaps@Hotmail.com
☐	4	EVA TAYLOR	4416 Calle Jaime	Etemail@comcast.net
☐	5	RUTH Solomon	1076 AVENIDA LINDA	ruthsolz@comcast.net
☐	6	Susan Crespi	1064 Avenida Linda	screspi@q.com
☐	7	LARRY Hudgins	1443 ACEQUIA BORRADA W.	HILARRYOUS@Q.COM
☐	8	Terry Malone	1343 Acequia Borrada	terry.malone.tm@gmail.com
☐	9	LINDA WILDER FLATT	950 VUELTA del SUR	linda@safeguardsf.com
☐	10	Alfred Flatt	950 Vuelta del Sur SF	
☐	11	Anabel & Luis Avitia	2957 Luis Ln. #24	avitiaanabel@yahoo.com
☐	12	Doug Taylor	947 Vuelta del Sur	tdetaylor@cs.com

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

Heather Lamboy — Printed Name of City Staff in Attendance

Signature of City Staff in Attendance

7/30/12 — Date

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

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

Project Name	Aguafina
Project Location	4702 Rufina Street & 4262 Agua Fria Street
Project Description	Rezone from R-5 and R-1 to R-5
Applicant / Owner	Jennifer Jenkins, JenkinsGavin Design and Development
Pre-App Meeting Date	May 10, 2012
ENN Meeting Date	Monday, July 30, 2012
ENN Meeting Location	Southside Library
Application Type	Rezoning
Land Use Staff	Heather L. Lamboy, AICP
Other Staff	
Attendance	49 members of the public

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

Ms. Jenkins started the meeting by stating that she would give a short overview of the proposal, and then would open up a question and answer period. She noted that there were a lot of people present, and asked that the question and answer period be handled in an orderly manner. She stated that she would do her best to ensure that everyone had been heard. Ms. Jenkins gave an overview of the project.

The project straddles Rufina Street, with the piece north of Rufina consisting of 9 acres and south of Rufina 2.5 acres. At the northern portion of the tract, the current zoning district is R-5 (Residential, 5 dwelling units per acre) and the

southern portion of the tract is R-1 (Residential, 1 dwelling unit per acre). Ms. Jenkins stated that the City has a requirement that zoning should follow parcel boundaries, which it does not in this case. She stated that it was the applicant's intent to "fix this problem," and rezone so that the entire site will have an R-5 zoning district. Ms. Jenkins reviewed the zoning districts around the site, which includes R-5 and R-7. Ms. Jenkins stated that she felt that there was a strong sense of neighborhood on this part of Rufina.

A neighbor asked for clarification on the zoning change request. Ms. Jenkins clarified that the request was to change the R-1 portion of the property to R-5, to match that existing portion already zoned R-5. Ms. Jenkins further clarified that the City of Santa Fe has a General Plan which calls for a residential land use of 3 to 7 dwellings per acre. She commented that the proposal would be right in the middle of the General Land Use category.

Ms. Jenkins then oriented the group to the location of Calle Atajo in Las Acequias.

A neighbor commented that when Rufina was opened Calle Atajo had become very loud, and cars can be heard at all times of the day and the impact has been enormous, especially for those who live close to Rufina.

Ms. Jenkins then provided a conceptual site plan to illustrate the vision for the property. She stated that the first step in the review process will be to change the zoning, which involves a public hearing in front of the Planning Commission and City Council, and then there will be additional review on the details of the site plan through the subdivision review process, which involves two public hearings in front of the Planning Commission.

A neighbor asked the width of the parcel, and Ms. Jenkins stated that she would have Ms. Gavin get that information and report back.

Ms. Jenkins then commented that, at the preapplication meeting with the City, the City's traffic engineer commented on how to access the site. The Traffic Engineer stated that Powerline Road is a dedicated right-of-way, and recommended that the northern site be accessed via an improved Powerline Road (which is located on the northern portion of Las Acequias Park, currently a dirt road). Ms. Jenkins stated that the Traffic Engineer is looking for alternate routes to access properties in order to reduce the overcrowd both on Rufina and Agua Fria.

Ms. Jenkins stated that 18 lots are planned, ranging in size from ½ to 1 acre. There will be a lane to serve the 12 lots on the north (which will only be accessed through Powerline Road, no access via Agua Fria or Rufina Road) and a cul-de-sac on the south to serve 6 lots. The parcel south of Rufina will be accessed via Rufina. Ms. Jenkins commented that there is already access to all public utilities

and infrastructure. She added that her client wanted to create larger lots in order to have a more rural character within the City.

A neighbor asked who the property owner is for the parcels. Ms. Jenkins responded that Mark Zappelin is her client. The neighbor asked if Ms. Jenkins' client had any relationship with Jeff Branch or his company. Ms. Jenkins responded that there was no relationship between Mr. Zappelin and Mr. Branch. The neighbor asked how long had Mr. Zappelin owned the property and Ms. Jenkins responded not very long.

A neighbor asked whether Ms. Jenkins had been to Powerline Road. The neighbor commented that the road was not very wide and it did not appear that there would be enough room to build a proper road. The neighbor asked why not access both the north and south tracts via Rufina. Ms. Jenkins responded that she could look into that.

A neighbor commented about the large amount of trash on this site and the Cielo Azul site, and commented that no land use applications should be permitted until the sites are cleaned up. The neighbor complained that the City has done nothing to address the sound problem from the traffic along Rufina.

Ms. Jenkins responded to an earlier question that the easement width is 58 feet for Powerline Road. She stated that the proposal would be to widen to 20 feet with base course. She commented that she did not want to change the character of the area with a large roadway.

A neighbor asked whether there would only be one unit/house per lot. Ms. Jenkins responded that was correct. The neighbor asked whether there would be a turnaround at the end of the road, and Ms. Jenkins responded yes. Ms. Jenkins added that the road is proposed on the west side of the homes. A neighbor asked whether any house plans were available. Ms. Jenkins responded that, at this point, her client was only creating lots and is not a builder. She commented that the City would require her to develop restrictive covenants.

A neighbor asked why not make the entire property R-1 instead of R-5. Ms. Jenkins responded that they are proposing 12 lots on 9 acres, and that already a portion of the property is zoned R-5.

A neighbor asked that if Powerline Road is approved, can some sound walls be built to cut down on noise. He stated that already there is a lot of noise from the park, and road noise would aggravate that situation.

A neighbor asked whether fences would be constructed around the subdivision. Ms. Jenkins responded that at this point, they did not have that level of detail. She stated that it is likely that at least the back yards would be fenced.

Ms. Jenkins commented that it could be possible that the construction of a road along the Powerline Road easement could help with the situation of loitering at the park. If a road is built, there will be more activity in the area and will discourage illicit activity in the park.

A neighbor commented that when mobile homes are moved, they always use Calle Atajo south of Rufina to Airport Road. Another neighbor added that there is a lot of cut-through traffic via Calle Atajo to Airport Road, and did not want more stress on their neighborhood street. Ms. Jenkins responded that the proposed development will not likely stop cut-through traffic.

A neighbor asked whether Powerline Road would be extended across Calle Atajo from the development. Ms. Jenkins responded no. She stated that she felt that, with the proposed development, there would be a low impact to the neighborhood.

A neighbor asked whether one of the lots could be used to expand the Las Acequias Park or the park to the north for the benefit of both developments. Ms. Jenkins responded that they would try to make Rufina work for access in order to respect the concerns raised by the neighborhood. She stated that if one looks at the big picture, what has happened is that there are a series of neighborhoods with dead ends and no connectivity, which then creates a few roads that are overburdened with vehicular traffic. Ms. Jenkins commented that it is the City's job to uphold the vision, and she reminded the group that only 12 houses were being proposed north of Rufina, which will be accessed via Powerline Road.

Ms. Jenkins provided an illustration of what the proposed Powerline Road. She stated that the roadway would be 20 feet wide with drainage swales and vegetation on either side. She stated that there would be no parking signs along the roadway, and that it would become a private street to create barriers to illegal parking.

A neighbor asked about whether any additional parks were planned for the south side of Santa Fe. Ms. Lamboy responded that the SWAN park has been planned, and was recently funded through the bond election. She stated that the timeline for completion of Phase 1 will be by the end of 2013, early 2014.

Ms. Jenkins then gave the group information that was requested earlier in the meeting. Relative to the width of the tract, at its skinniest it is 140 feet wide. Ms. Jenkins stated that if you allow 15 to 20 feet for a driveway, then the lots will be at least 125 feet deep. Ms. Jenkins commented that typical lots are 100 feet deep.

A neighbor asked whether the houses would be built up to the eastern property line, adjacent to the Las Acequias neighborhood. Ms. Jenkins replied that regular setbacks would be required for the lots, and the minimum setback at the

rear of the lots is 15 feet. The neighbor asked about the location of parking for the proposed lots, and Ms. Jenkins responded that parking would be located at the front or side of the proposed lots, with garages and driveways.

A neighbor asked what would happen to the existing homes to the west of Las Acequias. Ms. Jenkins clarified that those homes would not be part of this project.

A neighbor commented that if there were to be development right behind Las Acequias, they want it to be attractive, and hope that the homes on big lots are built.

A neighbor asked why Ms. Jenkins chose the R-5 zoning district if the goal is only for 18 lots on the 9 acres. Why not R-3 or R-2 if that was truly the intention? Ms. Jenkins responded that it just seemed to make sense to continue the R-5 zoning, like that which is already in place on the northern portion of the tract. She said that she would discuss the possibility of a lower density zoning district with her client.

A neighbor commented that the biggest concern is the traffic impact. Will there be access to Agua Fria. Ms. Jenkins replied that there will be no access to Agua Fria with this development. Ms. Linda Flatt commented that the Traditional Village of Agua Fria has standards regarding access to Agua Fria Road.

A neighbor asked what the average price of the lots will be. What is the targeted consumer? Ms. Jenkins stated that the targeted consumer will be families in search of larger lots within the City.

A neighbor asked whether something could be done for Las Acequias. The construction of a sound wall along Rufina was a suggestion, similar to that found at Colores. Another neighbor asked about the installation of speed bumps in the neighborhood, and Ms. Flatt replied that 80% of the neighborhood has to approve of the bumps according to the City's Traffic Division. Ms. Flatt added that the neighborhood association would be working on this issue in the near future.

There was discussion about the proposed density and how important it is to the Las Acequias neighborhood that it look attractive. A neighbor commented that this is an opportunity to get 12 homes (north of Rufina) as a buffer to a mobile home park (Cielo Azul). The neighbor stated that Las Acequias would like to see reassurance in writing, but it would possibly look very pretty.

Ms. Flatt commented that Las Acequias has been through a lot when it comes to surrounding development, and out of the choices offered this one looks good. She asked about the type of homes that would be built, and asked that they be stick built and not be mobile homes or manufactured homes.

Ms. Jenkins then wrapped up the meeting and commented that they would be making application so that the case could be heard at the October 4 Planning Commission hearing. She stated that if the Planning Commission recommends approval for the rezoning, then it must be heard by the City Council, which would likely occur in November or December. If the rezoning is approved, then Ms. Jenkins would apply for subdivision plat the beginning of 2013, where the details of the project can be handled. Ms. Jenkins promised to take the ideas raised tonight back to her client for consideration, especially those dealing with density and additional park space.

The meeting concluded at 7:00pm.

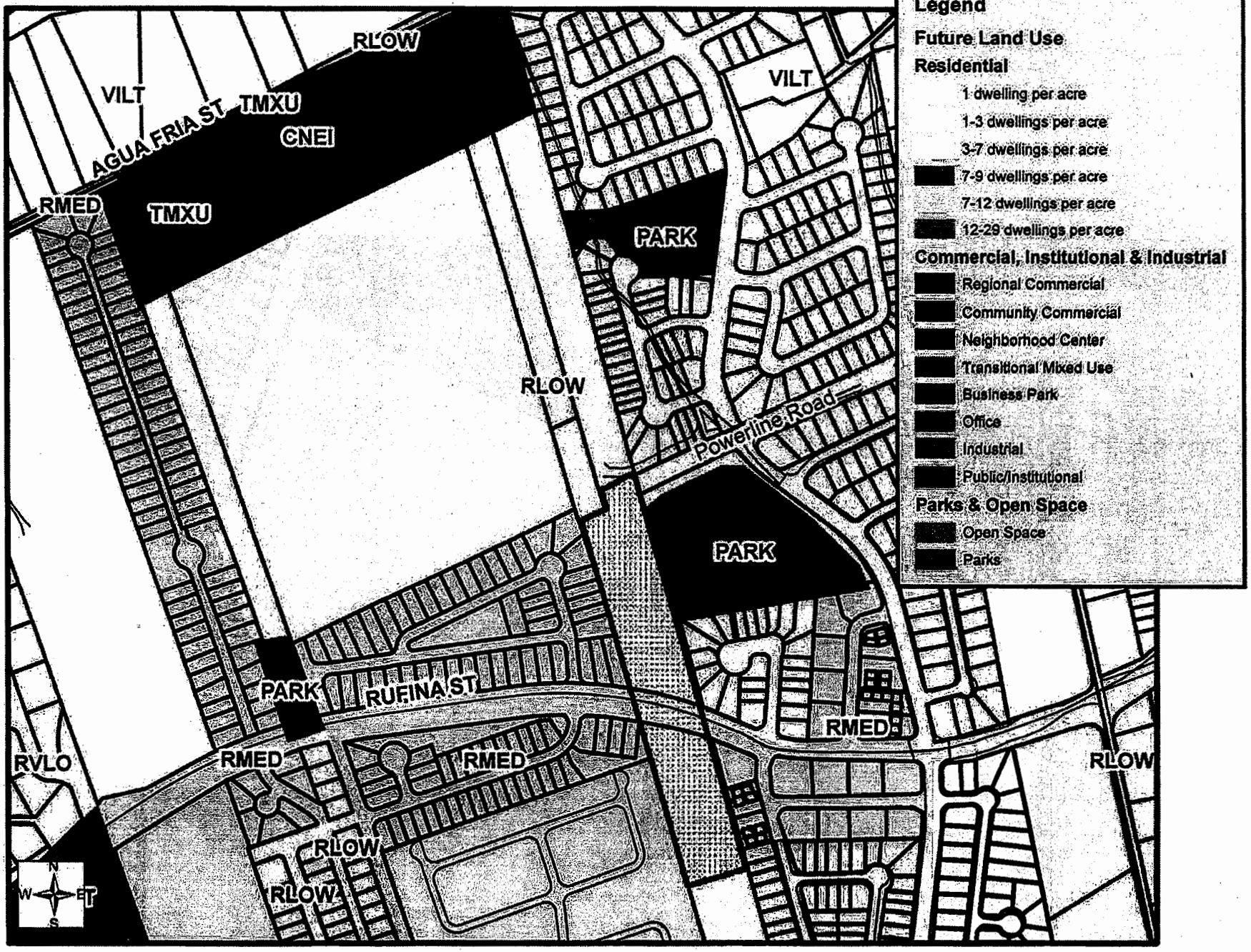
Note: The applicant met with the neighborhood at their regular annual meeting to present a refined version of the proposed plan in order to have additional dialogue before the public hearing.

City of Santa Fe, New Mexico

Exhibit D

Maps

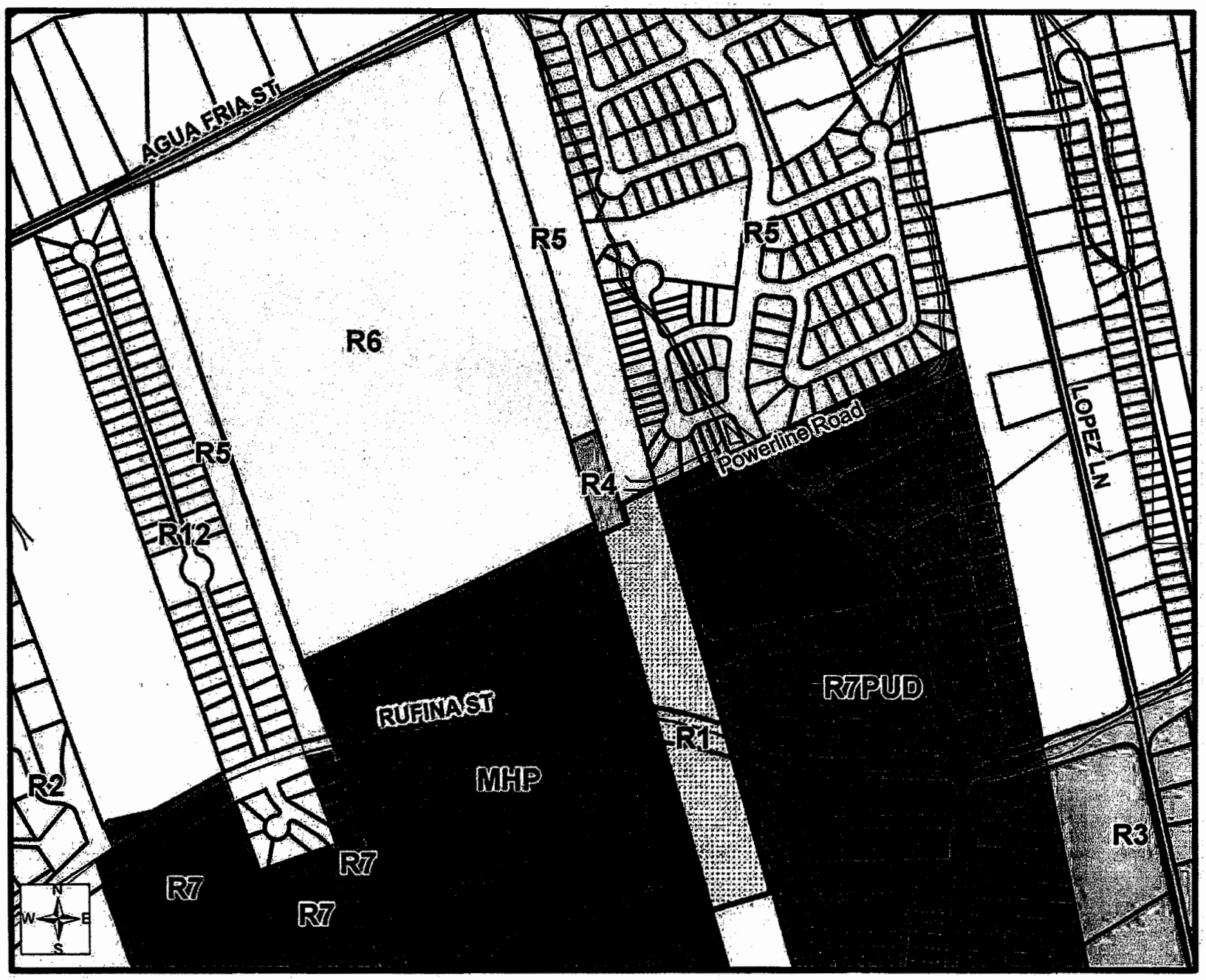
AGUAFINA FUTURE LAND USE



0 237.5 475 950 1,425 1,900 Feet

Tract Proposed for Rezoning Outlined in Red

AGUAFINA ZONING



0 237.5 475 950 1,425 1,900 feet

Tract Proposed for Rezoning Outlined in Red

AGUAFINA AERIAL WITH PHASE 2 ANNEXATION AREAS

0 237.5 475 950 1,425 1,900 Feet

Tract Proposed for Rezoning Outlined in Red

City of Santa Fe, New Mexico

Exhibit E

Applicant Submittals

jenkinsgavin
DESIGN & DEVELOPMENT INC

August 13, 2012

Tamara Baer, Planner Manager
City of Santa Fe Current Planning Division
200 Lincoln Ave.
Santa Fe, NM 87501

RE: Letter of Application
Aguafina Rezone

Dear Tamara,

This letter is respectfully submitted on behalf of Aguafina Development, LLC in application to to rezone 4702 Rufina St. (Tract B, totaling ±2.45 acres) and a portion of the property at 4262 Agua Fria Street (Tract C, totaling ±9.06 acres)., for consideration by the Planning Commission on October 4, 2012. We are requesting a rezone to R-5 (five dwelling units per acre) for the southern portion of Tract C and all of Tract B.

Property Description

The northern portion of Tract C is in the Presumptive City Limits, Phase 2 Annexation Area. The remainder of Tract C and all of Tract B are within the City Limits. Tract C currently has split zoning; the northern portion of the tract is zoned R-5 (5 dwelling units per acre), while the southern portion of Tract C and all of Tract B are zoned R-1 (one dwelling unit per acre). The Future Land Use Designation for both tracts is Low Density Residential (3-7 dwellings per acre), with a small section of Transitional Mixed Use at the northern boundary of Tract C (see attached Future Land Use map). To resolve the split zoning issue and bring the property into compliance with the General Plan, the applicant is requesting a change to R-5 zoning as stated above.

Conceptual Development Scenario

A Conceptual Site Plan is submitted herewith describing how the owner intends to subdivide the property in accordance with the requested R-3 zoning. A 21-lot single family subdivision is proposed. This low density subdivision will maintain a semi-rural environment while providing appropriate connectivity with the Las Acequias neighborhood to the east. Per discussions with City Traffic Engineer John Romero, the 14 lots on Tract C will be accessed from Calle Atajo via Powerline Road, providing signalized access to Rufina Street at Calle Atajo. The 7 lots on Tract

130 GRANT AVENUE, SUITE 101 SANTA FE, NEW MEXICO 87501 PHONE: 505.820.7444 FACSIMILE: 505.820.7445

B will be accessed directly from Rufina Street. Lastly, pursuant to the provisions of the Santa Fe Homes Program, three affordable lots (20%), two on Tract C and one on Tract B, will be provided as part of the Project.

Rezone Criteria

This request is to rezone the southern portion of Tract C and all of Tract B to R-5 zoning (please see attached Zoning Map). The responses to the approval criteria are outlined below:

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

(i) there was a mistake in the original zoning. N/A

(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. The most significant change to the surrounding area is the pending annexation of many County properties along the Rufina Street and Airport Road corridor. Based on the Future Land Use designations approved for this area by the City as part of the annexation process, the primary intent is to encourage low density residential development along the Rufina Corridor.

(iii) a different use category is more advantageous to the community, as articulated in the general plan or other adopted city plans. Rezoning the southern portion of Tract C and all of Tract B to R-5 will bring both lots into compliance with the City's General Plan designation of Low Density Residential. The two tracts that comprise the subject property are bordered by the Las Acequias subdivision to the east, undeveloped property to the west, Agua Fria Village to the north, and Roadrunner West Mobile Home Park to the west and south. The proposed generously sized lots will serve as a transition between the semi-rural environment of Agua Fria Village and the dense surrounding subdivisions. From the standpoint of connectivity, the General Plan encourages roadway connections between neighborhoods, which reduces stress on the arterial road network and promotes community integration. Accessing Tract C via Powerline Road complies with the General Plan by promoting a connection with the neighboring Las Acequias Subdivision.

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

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

The proposed Project exemplifies a compact urban form as encouraged by the General Plan, while respecting the semi-rural nature of nearby properties with the Low Density Residential designation.

Section 1.7.1 of the General Plan calls for the development of more affordable housing in Santa Fe. The General Plan also calls for the City to actively participate in the creation of affordable housing: "*Opportunities are provided for housing for all income segments of the population in all areas of the city, while restricting the supply of large lot housing, which belongs in rural areas outside the city and not inside it. Housing affordability will also be aided by not artificially limiting the supply of land or the rate of growth. Active efforts to increase the supply of affordable housing are outlined. Affordable housing is provided close to jobs to promote transit use.*" In addition, Section 9.1.6 states, "*The city should take a proactive role to ensure an adequate supply of land is available so there are no artificial constraints on easily developable land.*"

(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.

The southwest sector of Santa Fe has been the epicenter of population growth in Santa Fe for many years. The addition of newly annexed, vacant tracts only increases the likelihood of this trend continuing. In addition, Per Section 4.4 of the General Plan, the subject property is located within the Urban Area Boundary and is also in Staging Area One, which "*encompasses the highest priority for urban growth*" *(Section 4.5.1).*

The area surrounding the subject property comprises high density mobile home communities, single family homes, and semi-rural residential. The proposed subdivision and accompanying Future Land Use Designation of Low Density is an appropriate bridge between the two extremes of existing residential development and is consistent with the City's intent to encourage this type of development pattern along Rufina Street. Furthermore, the Project is adjacent to Rufina Street, a minor arterial roadway that contains the water and sewer infrastructure necessary to serve the Project.

(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.

There is adequate public infrastructure available adjacent to the site to serve the proposed subdivision.

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

- Rezone Application
- Letter of Owner Authorization
- Warranty Deed
- Lots of Record
- Zoning Map
- Future Land Use Map
- Conceptual Site Plan
- Application fees in the amount of $2,241.00, as follows:
  Rezone $2,151.00
  Posters $90.00

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

Sincerely,

JENKINSGAVIN DESIGN & DEVELOPMENT, INC.

Jennifer Jenkins

Colleen Gavin, AIA

Aerial Map

Legend

Roads

Parcels

2009 Orthophotography

1:1,200

1 inch = 100 feet

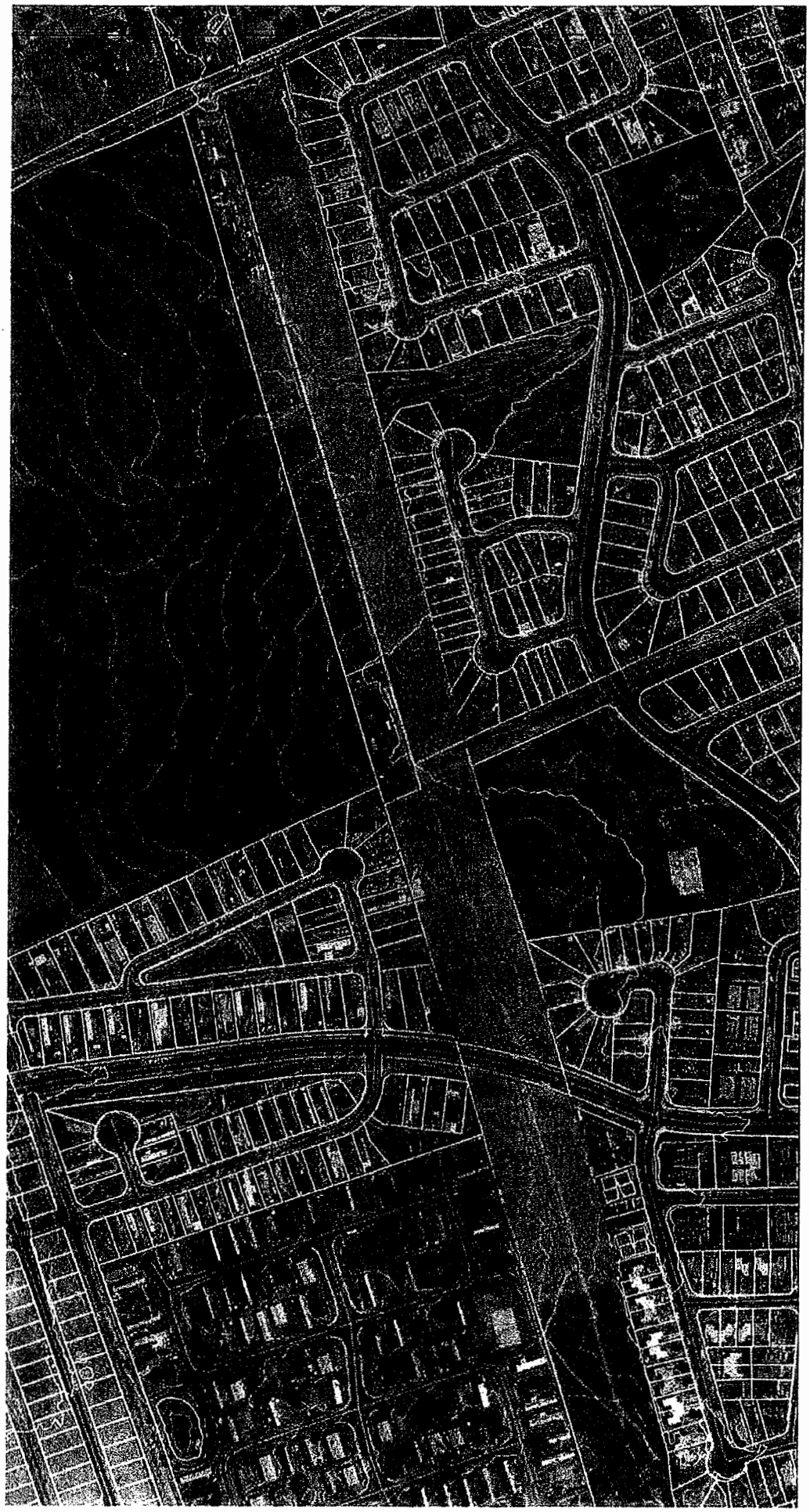
0 30 60 120 180 240 Feet

0 0.0125 0.025 0.05 0.075 Miles

This information is for reference only. Santa Fe County assumes no liability for errors associated with the use of these data. Users are solely responsible for confirming data accuracy.

SANTA FE COUNTY

May 8, 2012



Aerial Map

Legend

Roads

Parcels

2008 Orthophotography

1:1,200

1 inch = 100 feet

0 30 60 120 180 240 Feet

This information is for reference only
Santa Fe County assumes no liability for
errors associated with the use of these data
Users are solely responsible for
confirming data accuracy

May 8, 2012

Aguafina
Proposed Restrictive Covenants

Use and Occupancy. All Lots and dwellings will be used and occupied primarily for single-family residence purposes only. No Lot or dwelling may be used for commercial, institutional or other non-residential purpose, except for permissible home occupations approved and licensed by the City of Santa Fe. This prohibition will not apply to **"yard sales"** conducted entirely on an Owner's Lot.

Architectural Standards. All dwellings constructed on any Lot shall comply with the following standards:

1. Building exteriors, including that of detached accessory structures, shall be stucco, metal siding (i.e. corrugated panels, stainless steel, galvanized panels, etc.), natural wood siding, or a combination of these materials.
2. Exterior colors shall be predominantly earth-toned (except for permissible metal materials). Accent colors for window and door trim are permitted.
3. Roofs may be flat, shed, or pitched. Shed and pitched roofs shall have a minimum pitch of 3:12. Roofing materials shall be non-reflective.
4. The maximum allowable height for primary dwellings is twenty-four feet. Detached accessory structures shall be single story and limited to fourteen feet in height.

Rezoning Prohibited. No Lot may be rezoned to any classification allowing commercial, institutional or other non-residential use without the express consent of the Association and Declarant, which may be withheld in Declarant's sole discretion. Declarant or the Association may enforce this covenant by obtaining an injunction against any unapproved rezoning at the expense of the enjoined party.

Drainage Alteration Prohibited. The surface water drainage contours of each Lot will conform to the grading plan established by the Declarant and approved by the City of Santa Fe. No Owner will fill or alter any drainage swale or structure established by the Declarant, nor will any Owner install landscaping or other improvements that may damage or interfere with the installation and maintenance of utilities or which may obstruct or divert surface water runoff from the drainage patterns, swales and easements established by the Declarant.

Nuisances. No noxious or offensive activity will be carried on upon any Lot, nor will anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood. No Owner shall engage in any activity which materially disturbs or destroys the vegetation, wildlife, or air quality within the Community or which results in unreasonable levels of sound or light pollution. Nothing shall be done or maintained on any part of a Lot which emits foul or obnoxious odors outside the Lot or creates noise or other conditions which tend to disturb the

peace, quiet, safety, comfort, or serenity of the occupants and invitees of other Lots. No noxious, illegal, or offensive activity shall be carried on upon any portion of the Community, which in the Board's reasonable determination tends to cause embarrassment, discomfort, annoyance, or nuisance to the occupants and invitees of other Lots.

Vehicles. No abandoned, derelict or inoperable vehicles may be stored or located on any Lot.

Animals and Pets. Each Unit shall be permitted a reasonable number of usual and common household pets, as determined in the Board's discretion. Pets which are permitted to roam free, or, in the Association's sole discretion, endanger the health, make objectionable noise, or constitute a nuisance or inconvenience to other Owners or residents of any portion of the Community shall be removed upon the Board's request at the Owner's expense. If the Owner fails to honor such request, the Board may cause the pet to be removed at the Owner's expense. No pets shall be kept, bred, or maintained for any commercial purpose.

Garbage and Refuse Disposal. No Lot will be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall be kept in enclosed containers designed for that purpose. Materials incident to construction of improvements may be stored on Lots during construction by Declarant and Owners.

Driveways. Prior to or upon completion of the construction of the dwelling, a driveway must be constructed on each Lot, that will accommodate a minimum of two vehicles parked either side-by-side or in tandem. Driveways must be surfaced with base course, gravel, concrete, or asphalt and must be constructed to maintain positive drainage.

Parking. Vehicles may only be parked in a Lot's designated driveway and/or garage or on the street where on-street parking is permitted. Vehicles may not be parked in any yard area on a Lot.

Commercial or Institutional Use. No Lot, and no building erected or maintained on any Lot, will be used for manufacturing, industrial, business, professional, commercial, institutional or other non-residential purposes, except for permissible home occupations approved and licensed by the City of Santa Fe.

This Section shall not apply to restrict Declarant's activities in the Community, nor shall it restrict the activities of persons approved by Declarant involved with the development and sale of property in the Community.

Detached Buildings. Detached accessory buildings, such as detached garages, storage buildings and greenhouses, must be compatible with the dwelling to which it is appurtenant in terms of its

design and material composition. Exterior materials and roofing materials of such outbuildings shall be consistent with the existing exterior and roofing materials of the dwelling.

Fences. All fences and walls must comply with City requirements. The maximum allowable height for fences and walls is six feet. No chain-link, metal cloth or agricultural fences may be built or maintained on any Lot unless such fence is located within the perimeter fence in such a manner that it is not visible from any street. Unless otherwise agreed between Owners, side and rear yard fences that separate adjacent Lots will be owned and maintained by the Owner on whose Lot the fence exists, or if the location is indefinite, such fence will be maintained by the Owners whose Lots are involved jointly with expenses being shared equally. All block walls must be stuccoed to match the color of the dwelling.

Sidewalks. All sidewalks will conform to City specifications and regulations. If a homeowner, its representative, agent or employee, causes damage to any sidewalk located on or adjacent to such homeowner's Lot, the homeowner must repair or replace the sidewalk so that it will be returned to its original condition.

Landscaping and Exterior Maintenance. The Declarant will install street trees along each Lot frontage in accordance with City requirements. The Lot Owner is responsible for maintaining and watering street trees on or adjacent to the Owner's Lot. Prior to or upon completion of construction of an Owner's residence on a Lot, the Owner shall install front yard landscaping on the Lot. All landscaping located on any Lot will be properly maintained at all times by the Lot Owner. Each Lot Owner will keep all shrubs, trees, grass, and plantings of every kind on his Lot cultivated, pruned, free of trash, and other unsightly material. The minimum front yard landscaping requirements are as follows:

1. Ground surfacing in the form of native grasses, plant ground cover, sod, gravel, or combination thereof. A maximum of 30% of a front yard, exclusive of the driveway, may be covered in gravel.
2. A minimum of one shrub per 100 square feet and one tree per 500 square feet.

All improvements upon any Lot, including driveways, fences, and walls, must be kept in good condition and repair and adequately painted or otherwise maintained by the Lot Owner at all times. Declarant and the Association will have the right at any reasonable time to enter upon any Lot to replace, maintain, and cultivate shrubs, trees, grass, or other plantings as deemed necessary; and to paint, repair, or otherwise maintain any improvements in need thereof, and to charge the cost thereof to the Lot Owner.

Antennae, Satellite Dishes and Solar Collectors. Except with the written permission of the Association Board or as provided herein, no Owner may erect or maintain (a) any direct

broadcast satellite ("**DBS**") antenna greater than one meter (39 inches) in diameter, or (b) any multi-channel multipoint distribution service (wireless cable) ("**MMDS**") antenna greater than one meter (39 inches) in diameter; provided, however, such DBS or MMDS antenna being less than one meter in diameter may be placed in the least conspicuous location on a Lot where an acceptable quality signal can be received as long as such DBS or MMDS antenna is screened from view (for aesthetic reasons) of any street, unless otherwise approved in writing by the Association Board. Solar collector panels may be placed on or around the residential structure, as long as they are screened from view by the roof parapet or, in the case of ground mounted panels, screened by landscaping or walls/fencing or a combination thereof.

Clothes Hanging Devices. No clothes hanging devices exterior to a dwelling are to be constructed on the Lot except those of a temporary nature that are screened from view from the front of the Lot.

Window Treatment. No aluminum foil, reflective film or similar treatment will be placed on windows or glass doors. Temporary window treatments must be removed within forty-five (45) days.

Burning. Except for enclosed outdoor fireplaces and outdoor cooking, no burning of anything will be permitted anywhere on the Property.

Utilities. Except as to special street lighting or other aerial facilities which may be required by the City or by the franchise of any utility company or which may be installed by the Declarant pursuant to its subdivision approval, no aerial utility facilities of any type (except meters, risers, service pedestals, transformers and other surface installations necessary to maintain or operate appropriate underground facilities) will be erected or installed on the Property, whether upon individual Lots, easements, streets or rights-of-way of any type, either by the utility company or any other person or entity, including, but not limited to, any person owning or acquiring any part of the Property, and all utility service facilities (including, but not limited to, water, sewer, gas, cable, electricity and telephone) will be buried underground unless otherwise required by a public utility. No individual water supply system or sewage disposal system will be permitted on any Lot, including, but not limited to, water wells, cesspools or septic tanks.

Construction Activities. This Declaration will not be construed so as to unreasonably interfere with or prevent normal construction activities during the remodeling of or making of additions to improvements by a Lot Owner (including Declarant) upon any Lot within the Property. Specifically, no such construction activities will be deemed to constitute a nuisance or a violation of this Declaration by reason of noise, dust, presence of vehicles or construction machinery, posting of signs or similar activities, provided that such construction is pursued to completion with diligence and conforms to usual construction practices in the area. If construction upon any

Lot does not conform to usual practices in the area as determined by the Association Board or the Declarant in their sole good faith judgment, the Association Board or the Declarant will have the authority to obtain an injunction to stop such construction. In addition, if during the course of construction upon any Lot, there is an excessive accumulation of debris of any kind that is offensive or detrimental to the Property or any portion thereof, then the Association Board or the Declarant may contract for or cause such debris to be removed, and the Lot Owner will be liable for all expenses incurred in connection therewith.

City of Santa Fe, New Mexico

Exhibit F

Public Correspondence

L.A.N.A.
Las Acequias Neighborhood Association
P.O. Box 28062
Santa Fe NM 87592
(505) 424-6929

November 28, 2012

Planning Commission
City of Santa Fe
Santa Fe, New Mexico

To Whom It May Concern:

The Las Acequias Neighborhood Association (LANA) and Board recognize that Jenkins Gavin Design and Development are presenting the proposal for the Agua Fina Rezoning. We feel there are many questions that need to be answered. We would like to clarify the issues that still concern us about the proposed project and their "proposed restrictive covenants". We realize that at this time the only concern is the proposed change in zoning so that the entire parcel is R-5. The Las Acequias Neighborhood Association would agree to this change in zoning if the Planning Commission and City Council address our concerns.

1. Clarify what type of structures will be allowed in the community and that all dwellings be built on permanent foundations; hopefully this community will be all permanent stick built homes.
2. Guaranteeing that the north section of the project, which is presently in the county, will be covered by the City's regulations, ordinances and infrastructure. If for some reason, annexation does not go forward and lots are sold in Agua Fina, what happens?
3. The maximum height for primary dwellings should be single story and limited to 14 feet in height because many of the homes in Las Acequias are just one story, especially at the northern end, and two story structures would block the view and the afternoon sun.
4. The Agua Fina developers should be responsible for providing an open park or green area.
5. The Planning Commission and City Council will protect the existing communities surrounding this new proposed community by helping enforce the covenants of the planned community.
6. The District 3 Councilors and the City of Santa Fe Police are very aware of the problems that exist within the Las Acequias Community and the Las Acequias city park and the issues that come into play with Powerline Road being made an access road for this development. The L.A. community does not want that road to be the access road for Agua Fina because it is so vulnerable being right next to the park. This would cause even more traffic and congestion in that area. The families who live around the park put up with enough, as it is. We request that the access road into the development be off of Rufina and if a second entrance is required for safety, that Powerline Road ONLY be used for an Emergency entrance/exit.
7. In the developer's covenants they state that pets are permitted to roam free, isn't that against city code?

The Planning Commission meeting is just the first step in the approval process of this property and there will be more opportunities to discuss the details of their proposal. The purpose of this letter is to inform you officially and to go on record that the Las Acequias Community has concerns which need to be addressed.

Thank you for taking our points into consideration and reviewing them as we proceed through these steps in the coming weeks and months.

Sincerely,

LANA Officers: Liddy Padilla, Pres., Joanna Nedboy, Vice Pres., Sharon Shaheen, Secretary and Larry Hudgins, Treas. and The Las Acequias Executive Board

Aguafina

Rezone from R-1 to R-5

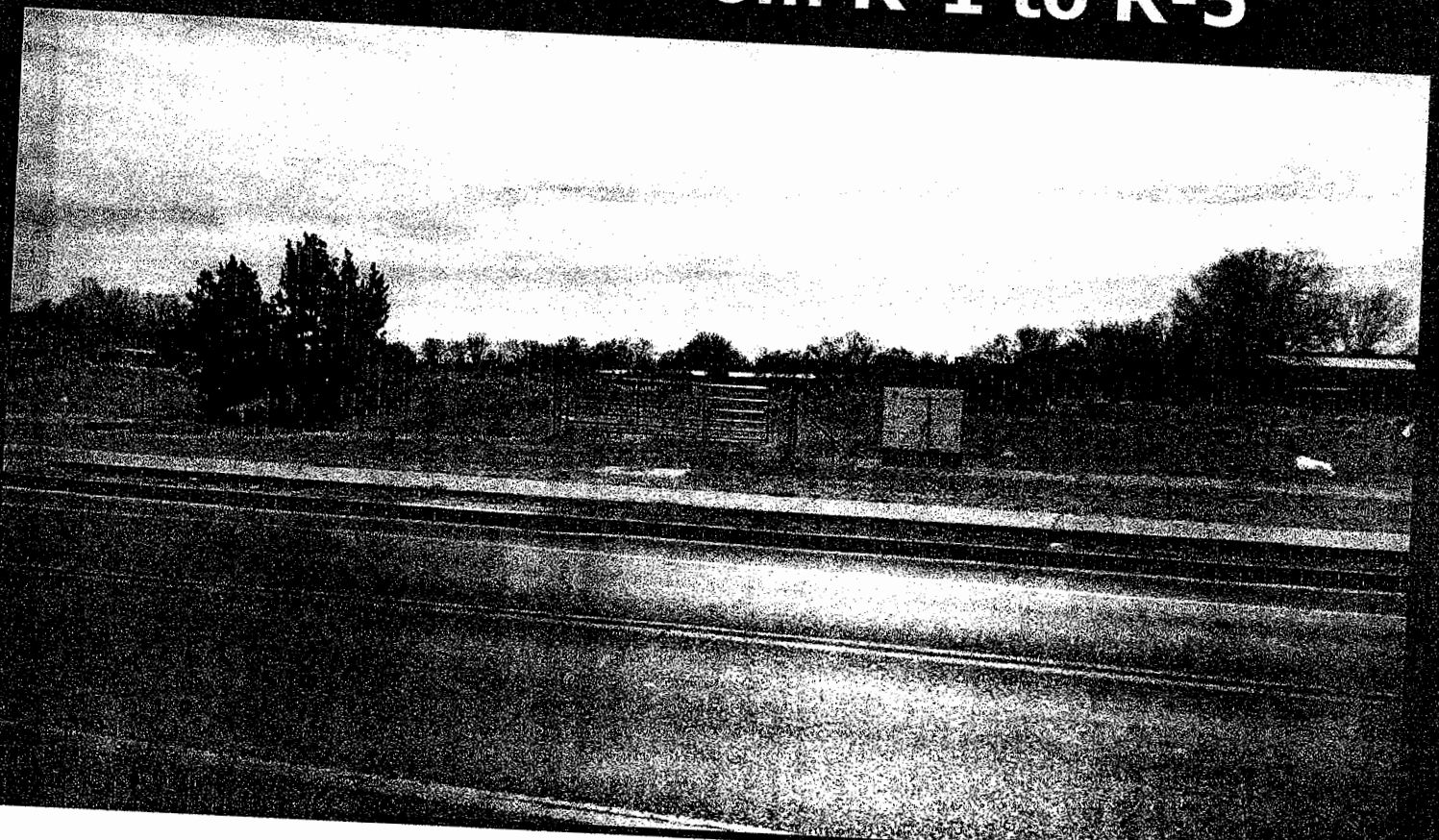
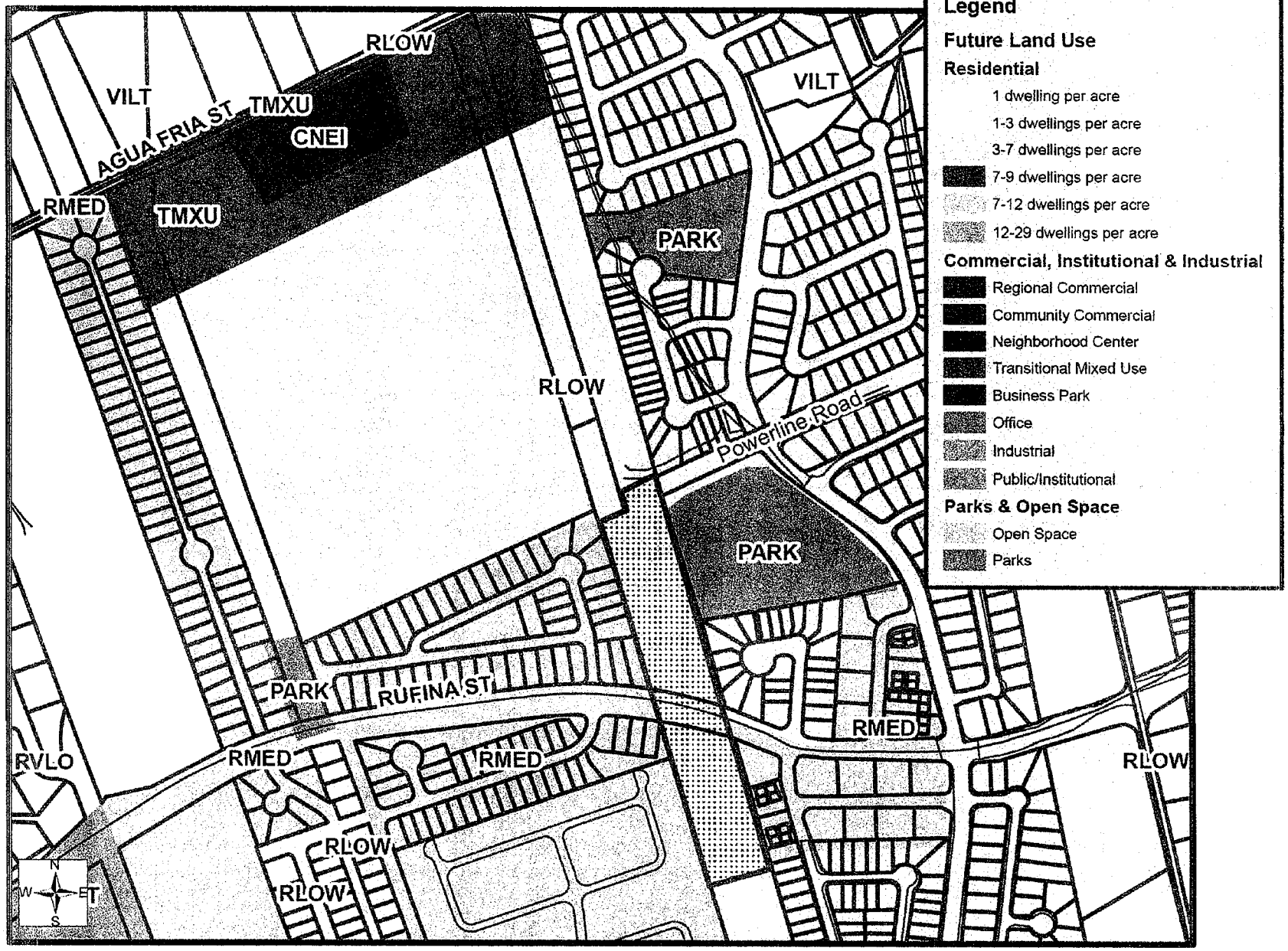


Exhibit "13"

Request:

- Rezone 5.73± acres from R-1 to R-5
- Located in the Southwest Master Plan Area
- Northern tract that is adjacent to the site is in the Phase 2 Annexation Area

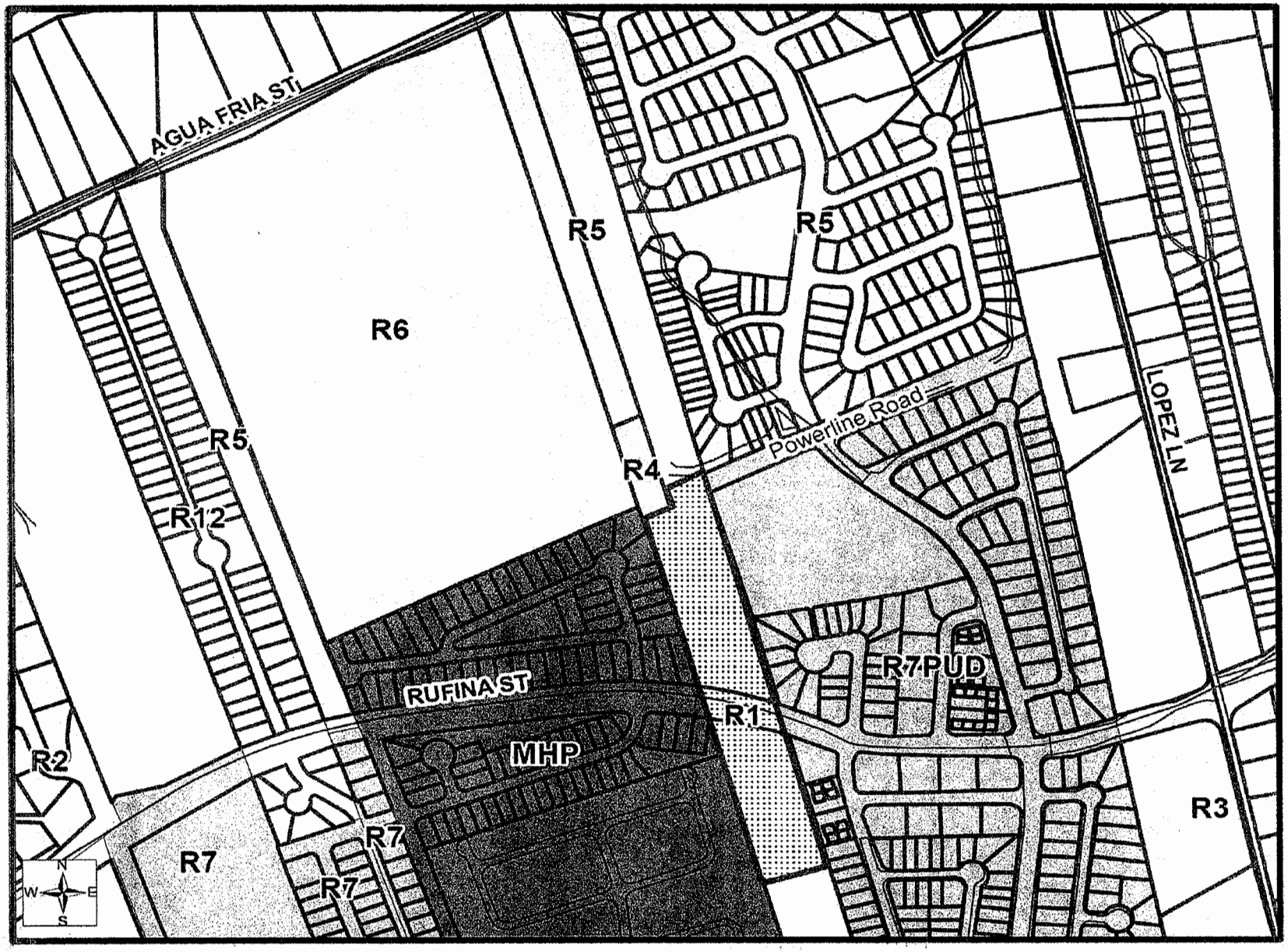
AGUAFINA FUTURE LAND USE



0 237.5 475 950 1,425 1,900

Tract Proposed for Rezoning Outlined in Red

AGUAFINA ZONING



0 237.5 475 950 1,425 1,900 Feet

Tract Proposed for Rezoning Outlined in Red

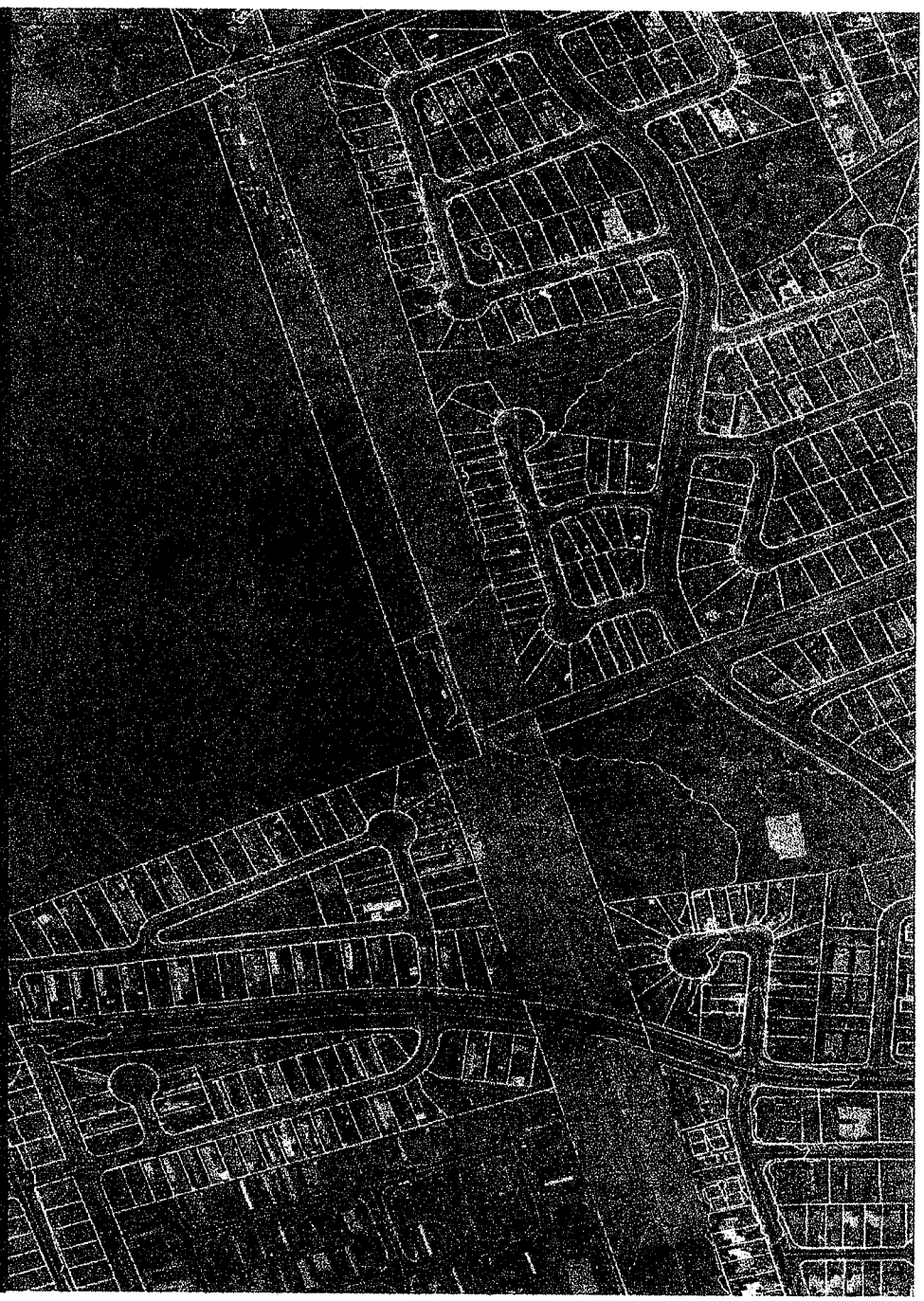
AGUAFINA AERIAL WITH PHASE 2 ANNEXATION AREAS

0 237.5 475 950 1,425 1,900

Tract Proposed for Rezoning Outlined in Red

Aguafina

- Many of the proposed conditions relate to future subdivision review



Aguafina

- Traffic Engineer has determined site should be accessed via Rufina and Powerline Road
- Agua Fria Road access point for emergency access <u>only</u>

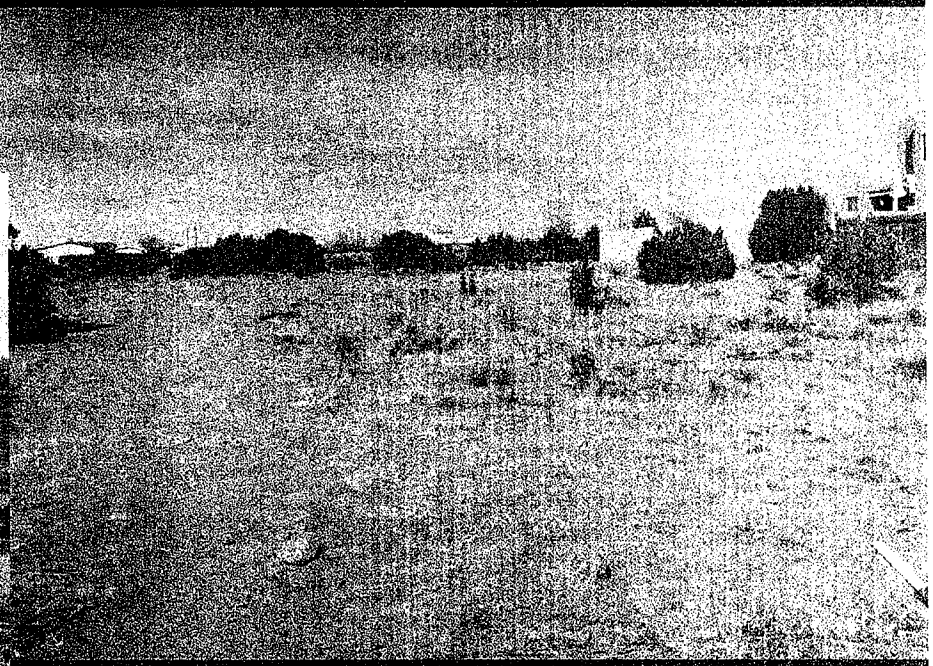
Aguafina

Criteria for judging whether a rezoning is appropriate:

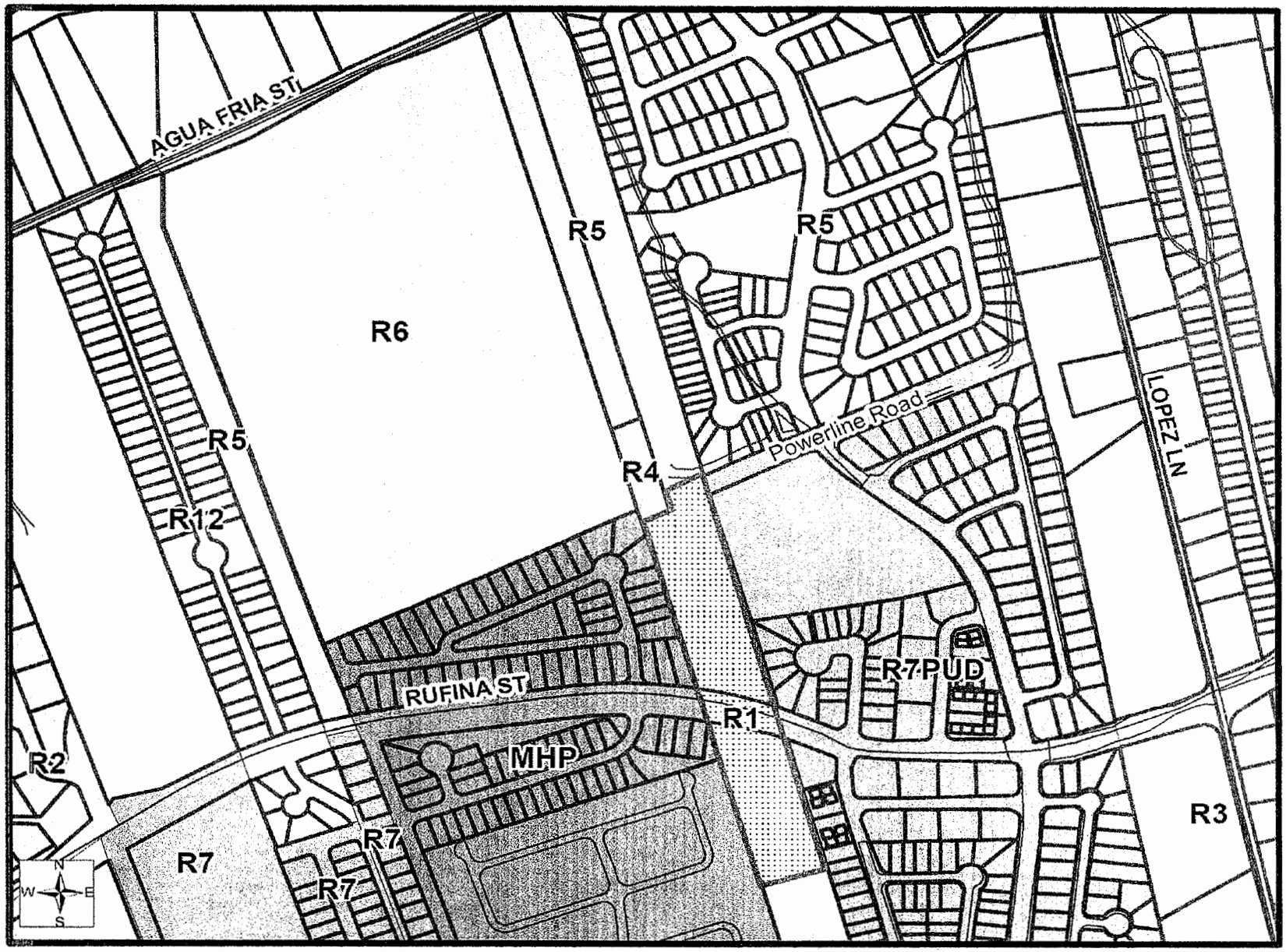
- Mistake in original zoning
- Change in the area
- Is the new category more advantageous to the community?

Aguafina

Staff recommends CONDITIONAL APPROVAL to the Planning Commission



AGUAFINA ZONING



0 237.5 475 950 1,425 1,900 Feet

Tract Proposed for Rezoning Outlined in Red

City of Santa Fe, New Mexico

memo

DATE: **December 6, 2012**

TO: **Planning Commission**

FROM: **Current Planning Division**

RE: **Additional Information**

The attached information is not in your December 6, 2012 Planning Commission packet. The information is in the following order:

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

- Letter of concern from Agua Fria Village Association dated December 5, 2012.

SS001.PM5 - 7/95

Exhibit "14"

GURULE, GERALDINE A.

From: William Mee <williamhenrymee@aol.com>
Sent: Wednesday, December 05, 2012 9:32 PM
To: GURULE, GERALDINE A.; LAMBOY, HEATHER L.
Cc: cdGonzales@comcast.net; LoisBMee@aol.com; Ray.Olguin@state.nm.us; marie.anaya@state.nm.us; cheryldee@aol.com; gjmontano@msn.com; catsfe@msn.com
Subject: Opposition to Case 2012-104 Agua Fina

Agua Fria Village Association

2073 Camino Samuel Montoya
Santa Fe, NM 87507

City Planning Commission Members
City of Santa Fe
P.O. Box 909
Santa Fe, NM 87504-0909

December 5, 2012

Dear Honorable Planning Commission Members:

The Agua Fria Village Association (AFVA) is the County-recognized neighborhood association for the state-authorized Agua Fria Village Traditional Historic Community (THC) requests that you deny Case# Case 2012-104 for the Agua Fina Rezoning.

Denial should be based on the following factors:

1. Our neighborhood received no notification on the proposed rezoning or the Early Neighborhood Notification meeting although we are bordering the subject lot on the north and are on file as a neighborhood association with the City.

2. The City-commissioned study of the annexation areas by UNM's Bureau of Business and Economic Research released 3-2012 states that the City is not in a position to provide adequate services to the Proposed Annexation Area 2 where the subject property exits. Increasing the density from R-1 to R-5 will exacerbate these problems.

3. City and County have begun a series of Annexation negotiations that the AFVA has requested to be a part of in our letter of July 15, 2012 to the City and County Managers, the Mayor, and the 8 City Councilors and 5 County Commissioners. We do not get an invitation to the meetings and they are not noticed in the legal ads or under the city or county meeting notice bulletins in the New Mexican. We have written to the City and County Managers and the City and County Land Use Administrators requesting that a "Gap Plan" be done jointly by City and County staffs to see what long term traffic control should be done on Rufina Street. City Engineering staff had recommended to residents that they contact the County and City to request such a study back in 2008. Case #2012-104 should be denied or tabled until such joint planning is done.

4. There are a number of impacts that this development will make on the surrounding neighborhoods and community at large: traffic, solid waste, litter, school crowding, increased water and sewer use, temporary construction jobs, increased park usage, an increase to the base rate of property taxes for the subject property and adjoining properties. It is interesting to note that these factors all negatively impact the quality of life of the surrounding neighbors (they take something away from existing taxpayers), but they all increase the need for bureaucratic systems provided for by the City of Santa Fe, which from the perspective of city officials mean this is positive and progress; leading to the adage of: growth for growth's sake.

Something we can agree on is making Agua Fria Street an emergency only access.

Thank you for your attention to this matter.

Sincerely,

William Henry Mee, President AFVA
(505) 473-3160
WilliamHenryMee@aol.com

CITY OF SANTA FE:

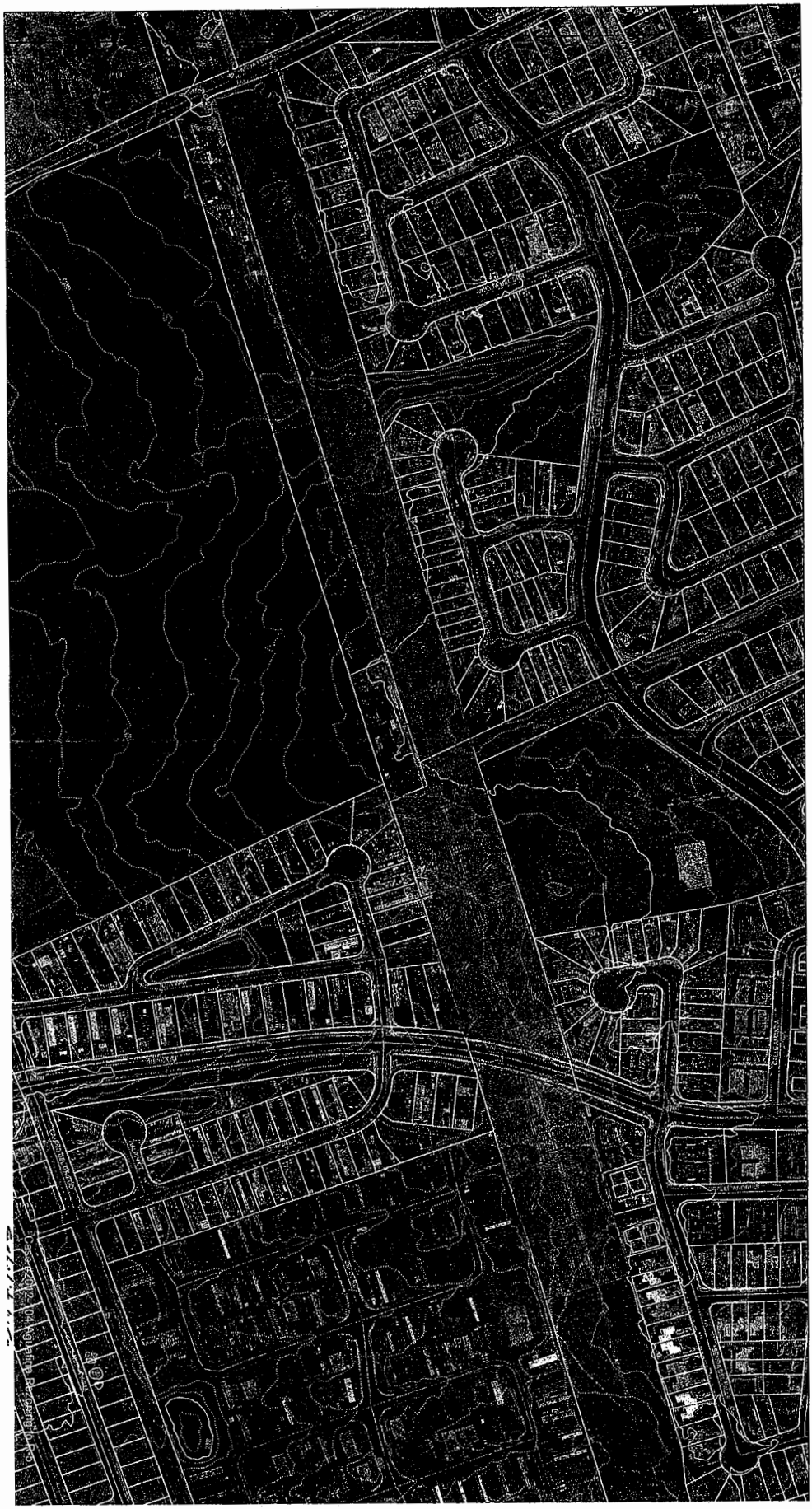
Chairperson Tom Spray
Vice Chair Renee Villareal
Secretary Lisa Bemis
Signe I. Lindell
Angela Schackel Bordegaray
Lawrence Ortiz
Michael Harris
Dan Pava

Planning Commission Liaison:
Geraldine Gurule
gagurule@santafenm.gov

Case Manager hllamboy@santafenm.gov

CC:

AGUA FRIA ASSOCIATION MEMBERS:
cdGonzales@comcast.net, LoisBMee@aol.com,
Ray Olguin, Marie Anaya, Cheryl Odom, Catherine Baca



Aguafina Rezone
Conceptual Site Plan

2008 Orthophotography

N
W E
S

1:1,200

1 inch = 100 feet

0 30 60 120 180 240 Feet

0 0.0125 0.025 0.05 0.075 Miles

NEW BUSINESS #5

Re: Fwd: Aguafina

From : ken <kenkast@yahoo.com> Wed, Dec 05, 2012 02:25 PM

Subject : Re: Fwd: Aguafina

To : liddyp@q.com, cheryldee@aol.com, yaszmina@gmail.com, sherwood@cybermesa.com, margbarela2@gmail.com, sharonshaheen@comcast.net, fabulousfabs13@yahoo.com, cisco2157@gmail.com, lhudgins@webtv.net, linda@safeguardsf.com

Reply To : ken <kenkast@yahoo.com>

Liddy and board:

Sorry I can't make it to the meeting. I find in disconcerting that Ms. Jennifer was so willing to change the dog thing in the proposed covenants, while ignoring the other greater issues therein (not to mention the major issues outside of the covenants like access, road building and open space). Even bigger than the wording which allows any kind of building (trailers) is the fact that the covenants keep mentioning enforcement by an association yet there is nothing in the covenants creating an association and more, there is nothing in the covenants stating that they become part of the deed and carry forward through any transfers. Without this language the covenants are totally bogus.
ken

From: "liddyp@q.com" <liddyp@q.com>
To:
Sent: Tuesday, December 4, 2012 6:34 PM
Subject: Fwd: Aguafina

Hello everyone, here are the revised covenants from Jennifer Jenkins who is representing Agua Fina. Hope to see you all there on THURSDAY EVENING AT 6:00 PM - CITY HALL. We need all of you there to show them we care about our neighborhood.

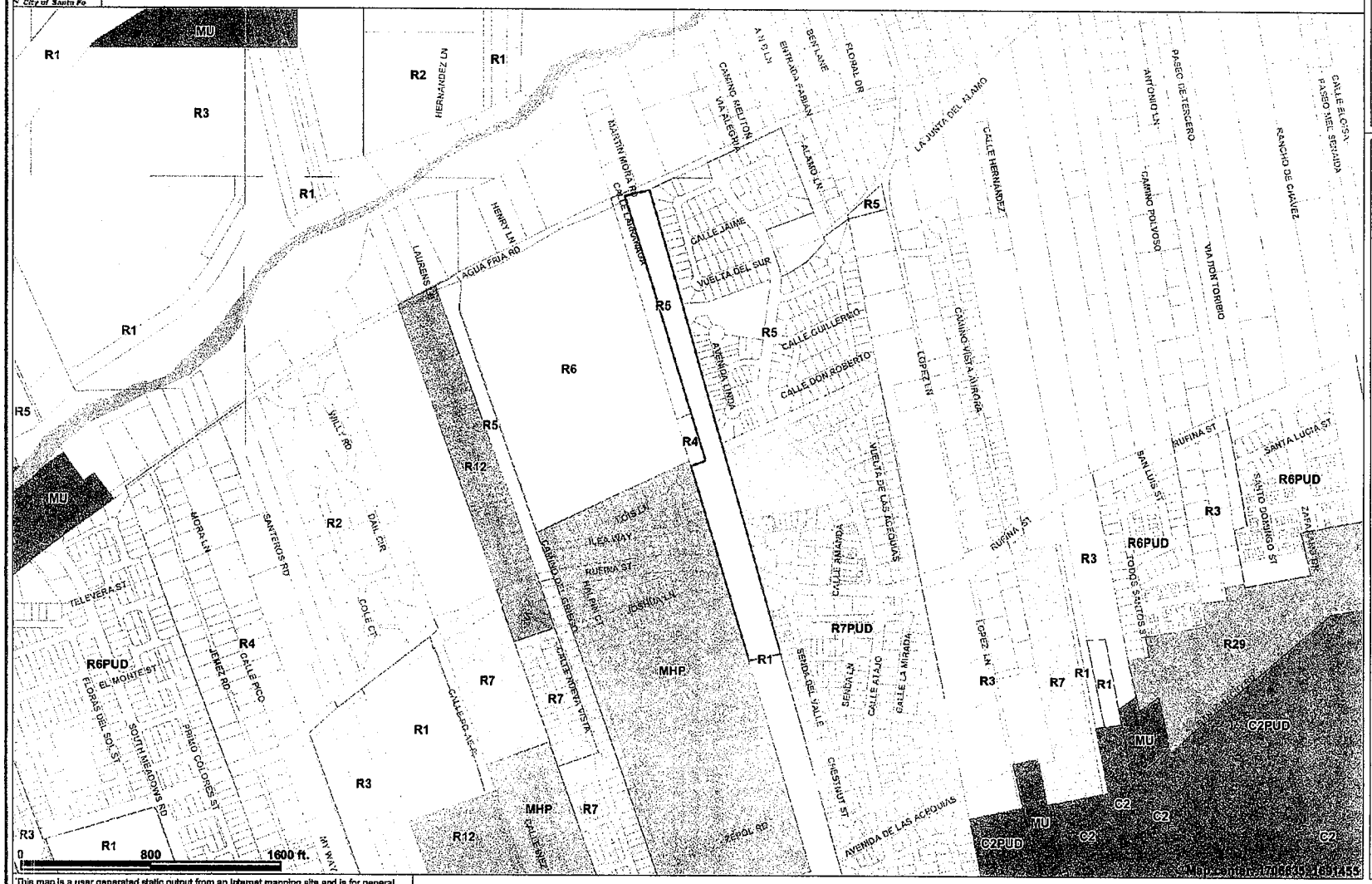
Thank you.

Liddy Padilla, President

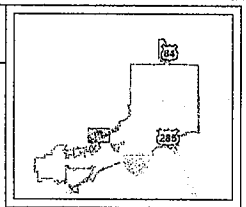
Exhibit "16"

Exhibit "17"

Zoning Map



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

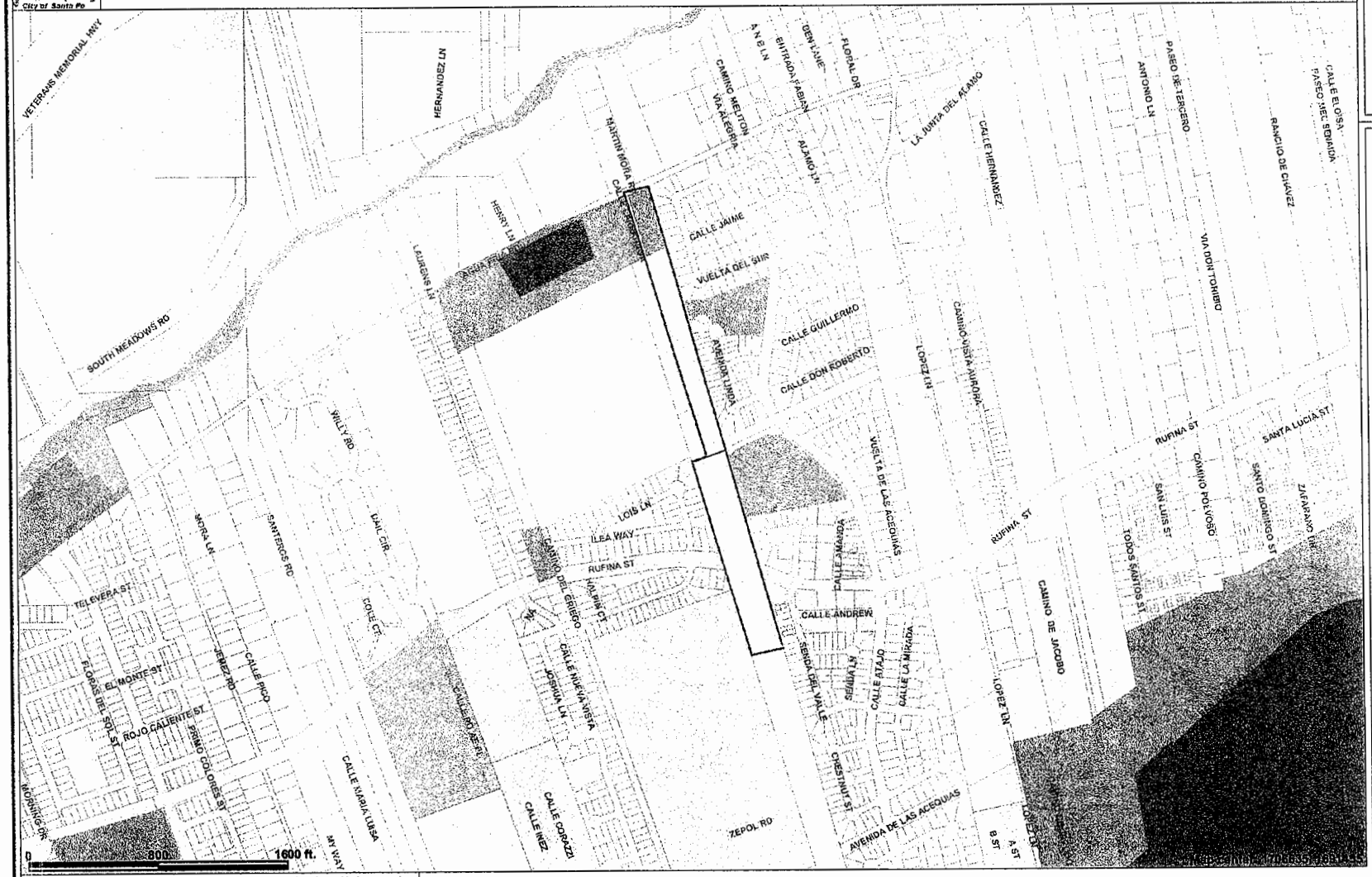


Legend

- Parcels
- Santa Fe River
- Zoning
  - RR Rural Residential
  - R1, (PUD) Single-Family 1du/ac.
  - R2, (DT), (PUD), (AC) Single - Family 2du/ac
  - R3, (PUD) Single - Family 3du/ac
  - R4 Single - Family 4du/ac
  - R5, (DT), (PUD), (AC), R5 Single - Family 5-6du/ac
  - R7, (I), (PUD), R8 Single - Family 7-8du/ac
  - RC5, RC5AC Compound 5du/ac
  - RC8, RC8AC Compound 8du/ac
  - R10, (PUD) Multiple - Family 10du/ac
  - R12, (PUD) Multiple - Family 12du/ac
  - R21, (PUD) Multiple - Family 21du/ac
  - R20, (PUD),(AC) Multiple - Family 20du/ac
  - RAC Residential Arts & Crafts
  - MHP Mobile Home Park
  - C1, (PUD) Office and Related Commercial
  - C2, (PUD) General Commercial
  - C4 Limited Office and Retail
  - HZ Hospital Zone
  - BCD Business Capital District
  - I1, (PUD) Light Industrial
  - I2 General Industrial
  - BIP Business Industrial Park
  - PRC, PRRC Planned Community
  - SC1, SC2, SC3 Planned Shopping Center
  - MU Mixed Use
- Major Roads and Highways
- Other Roads and Streets

Scale: 1:7,200

Future Land Use Map



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

Legend

- Parcels
- 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 (7-9 dwellings per acre)
  - Medium Density (7-12 dwellings per acre)
  - High Density (12-29 dwellings per acre)
  - Regional Commercial
  - Community Commercial
  - Neighborhood Center
  - Transitional Mixed Use
  - Business Park
  - Office
  - Industrial
  - Public/Institutional
  - Open Space
  - Parks
- Major Roads and Highways
- Other Roads and Streets

Scale: 1:7,200

Aguafina Rezone

General Plan Compliance

General Plan Designation

The rezone will bring the property into compliance with the General Plan Designation of Low Density Residential.

Transitional Neighborhoods

The proposed generously sized lots will serve as a transition between the semi-rural environment of Agua Fria Village and the surrounding dense neighborhoods.

Connectivity

The General Plan encourages roadway connections between neighborhoods, which reduces stress on the arterial road network and promotes community integration.

Urban Form

The rezone exemplifies a compact urban form and the efficient use of infrastructure as encouraged by the General Plan.

Affordable Housing

The rezoning will allow for additional affordable housing opportunities in Santa Fe.

PHASE 1
PHASE 2
PHASE 3
AGUA FRIA RD
HENRY LN
CALLE AMANDA
LOPEZ LN

City of Santa Fe, New Mexico

memo

DATE: Prepared November 26, 2012 for the December 6, 2012 meeting

TO: Planning Commission

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

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

WINDMILL HILL PRELIMINARY SUBDIVISION AND VARIANCE

Case #2012-123. Windmill Hill at Las Placitas Compound Preliminary Subdivision Plat with Variances. JenkinsGavin Design and Development, agent for Doug and Peggy McDowell, requests Preliminary Subdivision Plat approval for four single-family residential lots on 1.48± acres. A variance is requested to reduce the minimum street width from 38 feet to the width of existing access easements of 29 feet and 20 feet. The property is located at 623 ½ Garcia Street, and is zoned R-3 (Residential, three dwelling units per acre). (Donna Wynant, Case Manager)

No specific development will occur as a result of this application. Final subdivision plat will come back to the Planning Commission for review and decision.

RECOMMENDATION

Staff recommends **APPROVAL** of the Preliminary Subdivision Plat to divide the subject site into four lots, subject to the conditions of approval as outlined in the attached Development Review Team memoranda (See Exhibits A-1 through A-7).

EXECUTIVE SUMMARY

The applicant is requesting Preliminary Subdivision Plat approval of a 1.48± acre tract into four (4) lots, located at 623 ½ Garcia Street. The subject property is zoned R-3 (Residential, three dwellings per acre) in the Downtown and Eastside Historic District. This application includes a request for a Variance for a portion of the offsite private driveway access from Garcia Street.

Exhibit "18"

The proposed subdivision is comprised of four single family lots. The largest lot at the south end of the property includes an existing home:

- Lot 1: 14,345.5 sq. ft. (0.33 acre)
- Lot 2: 12,008.75 sq. ft. (0.28 acre)
- Lot 3: 11,560.5 (0.27 acre)
- Lot 4: 19,645.75 sq. ft. (0.45 acre). Includes a 1,527 sq. ft. residence.

Lot 4 also contains a historic windmill, which gives the project its name. The applicant plans to preserve and maintain the windmill which was erected in the early 1930s.

Access to the subject property is from Garcia via a series of private easements as described below and shown in Exhibit B-3. The lane, which is approximately 450 feet from Garcia, leads to a 15 foot easement that connects to the northwest corner of the subject property. A 20 foot wide easement on the property then gives access to the four proposed lots via a 15 foot wide driveway.

The easements from Garcia Street to the site are:

- A 29 foot wide easement from Garcia Street adjacent to the Las Placitas Compound.
- 20 foot wide easement to the edge of the Spier property comprised of adjacent 15 foot and 5 foot easements.
- A 15 foot easement to the northwest corner of the subject property.
- A 20-38 foot wide easement through the Alire Compound at the north property line will be used as an emergency access.

The existing 29 and 20 foot access easements do not meet the minimum lane width of 38 foot to access the development according to §14-9.2-1, Design Criteria for Street Types, required for streets giving access to up to 30 dwelling units. Twenty one properties access the same private drive that the subject property proposes to access from Garcia Street. In response to concerns of Alire compound residents who opposed additional traffic through their area, the applicant proposes direct access into the proposed subdivision at its northwest corner and to restrict the north entrance to emergency access. (See Exhibit B-4, Photos of access into site.) A road maintenance agreement exists for Las Placitas and the applicant has indicated it will be coordinated with Windmill Hill under a maintenance agreement for the rest of the road. The Traffic Engineer indicated no significant impact on traffic would result from the additional three homes.

The lot access driveway within the proposed subdivision has a 15 foot drivable surface in a 20 foot access and utility easement. The Fire Marshal has indicated his approval of the plan provided the driveway has a minimum 16' wide all-weather drivable surface for emergency access and if all the homes have an automatic sprinkler system. (See Exhibit A-7, Fire Marshall's memorandum). The driveway includes permeable pavers with drop inlets along the driveway to a pumice wick lateral distribution system on the site. Each house will also have a 3,000 gallon cistern with overflow to the drop inlet system. Swales and surface collection are also part of the stormwater management plan to retain and use most of the water on site.

Surrounding land use and zoning includes single family homes, primarily zoned R-3 with the exception of the Las Placitas Compound, a 6 lot development further to the west, which is

zoned R-4. Originally known as Emmanual Place, Las Placitas was approved by the Planning Commission and recorded in 2007. The property owner, Doug McDowell, contributed 9 feet of extra width towards the 18 feet necessary to provide a 38 foot wide easement, in anticipation of other property owners to the south to contribute the other 9 feet, which to date has not occurred.

City sewer, water and dry utilities are available to service the property. The existing house is currently on a private septic system, but will be required to connect to the City sewer system. The sewer line located to the north of the site will be extended into the site to each lot for separate sewer service connections. The terrain slopes down from south to north with grades at less than 30 percent. Buildings may be sited on the lots, subject to the setback requirements and lot coverage of the R-3 district. An area designated "Common Area" at the northwest entrance of the development is 7,182 sq. ft. and is also intended for shared open space or a community garden.

Since this proposal will result in only 3 additional homes, no affordable unit is required. However, a fractional fee of $15,964 is required as stated in the Santa Fe Affordable Homes Proposal. (See Exhibit D-2Exhibit 3 in the Applicant's materials).

Because the property is within the Downtown and Eastside Historic district, new construction and remodeling will be subject to Historic Board review and approval.

VARIANCE REQUEST

A variance is requested from SFCC 14-9.2-1, Design Criteria for Street Types, to allow for 29 and 20 foot off-site access easements that are not in compliance with the requirement that a Lane have a minimum right-of-way width of 38 feet.

The responses to the Variance Criteria are as follows:

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

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

Applicant's Response:
The unusual physical characteristics of the land relate to its location in the historic eastside, tucked behind the Alire Compound. The traditional land use pattern in this neighborhood has been in place for decades and is characterized by narrow lanes off of Garcia Street accessing relatively small lots.

Staff Response:
The property is currently developed at a low density (1 unit on 1.48 acre) in an area zoned R-3 (Single Family Residential, 3 du/ac) with no other access to the site. The access from the northwest corner of the site gives more direct access into the site compared to access from the north as proposed with a previous subdivision layout that was withdrawn.

(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's Response:
N/A

Staff Response:
Staff concurs.

(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's Response:
N/A

Staff Response:
Staff concurs.

(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's Response:
N/A

Staff Response:
Neither the land, nor the structure is nonconforming and is not a landmark or significant property. The existing residence is not designated as significant or contributing.

(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's Response:
The subject property is part of the historic eastside neighborhood traditionally accessed via narrow lanes. Construction of 680 linear feet of asphalt roadway, 38 feet wide with curb and gutter and sidewalks on both sides, is inappropriate and would devastate the character and traditional land use pattern of this quiet, historic enclave off of Garcia Street.

Staff Response:
Minimum width for a street giving access to 0-30 dwelling units is 38 feet, which if widened to that extent would be out of character for this area No other access to the site is available since adjacent lots are fully developed.

(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's Response:
The proposed four-lot single family subdivision is compliant with the property's and the vicinity's R-3 zoning.

Staff Response:
Staff concurs.

(4) The variance is the minimum variance that will make possible the reasonable use of the land or structure. The following factors shall be considered:
(a) whether the property has been or could be used without variances for a different category or lesser intensity of use;
(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's Response:
Regardless of the land use or intensity, the City Code would require the above described roadway improvements. This request is simply an effort to preserve the existing character of the neighborhood, while providing for adequate vehicular and emergency access.

Furthermore, this variance request is consistent with the following provision of the General Plan: (1) Section 1.7.8, Character, which states in part, "... new growth should not erode the qualities that contribute to Santa Fe's unique character and ambiance"; (2) Section 2, Heritage Resources, which identifies "Character" as a theme and guiding policy to maintain and respect Santa Fe's unique personality, sense of place , and character"; and (3) Section 3, Land Use, which identifies "Urban Form" as a theme and guiding policy to "promote a compact urban form and encourage sensitive and compatible infill development".

Staff Response:
The property owner currently has a home on the property, but is at a lower density than the surrounding area. Any increase in lots on the subject property would require a variance from the minimum 38 foot width for a lane that gives access to the property.

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

Applicant's Response:
This variance serves the public interest by preserving the historic character of this neighborhood.

Staff Response:
Staff concurs. The variance would allow a reasonable number of lots, similar to other properties in the area and is therefore not contrary to the public interest.

NEIGHBORHOOD INPUT

An Early Neighborhood Notification meeting was held on September 27, 2012 (See Exhibit C-1: ENN Report). Immediate neighbors were concerned about water coming into their property and compromising the adobe structure. Mr. McDowell discussed fire and emergency access. His approach is to do less, paying attention to, and honoring the historic community. He said all buildings will be one-story; and they are considering post & rail fence or low coyote fence between lots. He said the subdivision would probably be gated. A participant questioned the plan to gate the subdivision. Mr. McDowell said there's a gate there now and the gate helps to slow traffic as well as keep traffic out. He said he doesn't like the idea either because he feels the message is "keep out: we're not part of you." McDowell said that serious consideration will be given to the gate. In general, the proposed project and Mr. McDowell's approach to the development of the property were met with a positive response from those attending the meeting.

In conclusion, the proposed project is in keeping with the density and character of the neighborhood, is sensitive to site design and stormwater management considerations, and supports City policy of infill development. The recommended conditions of approval are generally of a technical nature and can be met at time of final subdivision plat or at the time of building permit application.

ATTACHMENTS:

EXHIBIT A: Development Review Team Conditions and Documentation:

1. DRT Summary Chart of Conditions of Approval
2. Technical Review Division – City Engineer memorandum, Risana Zaxus
3. Technical Review Division – Landscape memorandum, Noah Berke
4. Solid Waste Division form, Randall Marco
5. Engineering Division memorandum, Sandra Kassens
6. Wastewater Management Division memorandum, Stan Holland
7. Fire Marshal memorandum, Reynaldo Gonzales
8. Water Budget, Amanda Martinez

EXHIBIT B: Maps & Photographs

1. Aerial Photo
2. Zoning Map
3. Private easements- from Garcia Street to the proposed Windmill Hill subdivision
4. Photographs of access to Windmill Hill Subdivision

EXHIBIT C: Early Neighborhood Notification

1. ENN Report: 9/27/12
2. ENN Guidelines
3. ENN Sign-In Sheet

EXHIBIT D: Applicant Materials

1. Applicant's Letter of Application
2. Windmill Hill Preliminary Subdivision Plat
3. Windmill Hill Preliminary Subdivision Site Plan

Windmill Hill Preliminary Subdivision Plat
Case #2012-123

DRT Conditions of Approval	Department	Staff
Site Plan (Sheet 2) Add the address of existing residence. Plat, sheet 1 of 2 Revise floodplain reference for 2/18/11 FIRM only, as the City now uses only this FIRM for permitting purposes. Revise note 3 and Dedication and Affidavit to indicate that shared drainage facilities will be maintained by the Homeowners' Association (presumably on-lot ponding will be maintained by lot owner). Remove "Building Permit No's," as this information is unavailable until after recording of the Plat. Plat, sheet 2 of 2 Identify 14' and 24' portions of 38' exclusive access agreement for Scherer instrument, or remove these dimensions if not applicable. Remove "20' access agreement…" note near center of page or add an indicator of where this applies. Grading and Drainage (Sheet 7) Identify permeable pavers in plan view. Add to note 5 that permeable pavers shall be maintained by the HOA. Add a specification for the permeable pavers. Include installation procedures per manufacturer's recommendations as applicable. Add rim and invert elevations for catch basins. Remove stray rim and invert note east of 38' access easement, or identify where it applies.	Tech Review Div/Land Use	Risana Zaxus

EXHIBIT A-1

Temporary Erosion Control Plan (sheet 11) Revise note 1 to allow for silt fence or waddle. Permanent Erosion Control Plan (sheet 12) Add to note 2 that the City may inspect the drainage facilities AND permeable pavers… Add a maintenance schedule for permeable pavers as applicable, to include specific instructions recommended by the manufacturer, if available. Project Construction Notes (sheet 15) Revise Note 23 to indicate that approval for curb cuts shall be by the City Traffic Engineer. Revise or eliminate Erosion and Sediment Control note, in that a NOI is not required for this project, as indicated elsewhere in the plan set. Sheets 2, 5, 7, 8, 11, and 12 Location of off-site easements is not clearly identified. Add arrows or otherwise clarify.		
Where the entrance is located for these properties is where trash is picked up.	Solid Waste/Public Works	Randall Marco
1. On the private 6 inch sewer line at station 3+52.50, a cleanout is shown at the terminal end of the sewer line on sheet 8 and a manhole is shown on sheet 10. Clarify which is to be used. If it is a manhole it is to have a private sewer lid with detail to clarify it is a private manhole. 2. If cleanouts are used on the 6" private sewer line the Wastewater Division recommends a minimum 100 foot separation between cleanouts. Other factors such as sewer line slope may dictate close spacing of the cleanouts. 3. Identify the new manhole to be constructed on the existing public sewer line as a public manhole to be built to City of Santa Fe Wastewater Division Standards.	Wastewater Management/Pubic Works	Stan Holland

Windmill Hill Preliminary Subdivision Plat
Case #2012-123

4. The length of 6 inch pipe on the P&P sheet (258') does not match the stationing (3+52.50)		
1. Shall Comply with International Fire Code (IFC) 2009 Edition. 2. Variance granted due to automatic sprinkler system installed in all residences existing and new construction. 16 feet driveway with 20 feet easement.	Fire Marshal	Reynaldo Gonzales

DATE: October 26, 2012

TO: Donna Wynant, Land Úse Senior Planner
Case Manager

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

RE: Case # 2012-123
Windmill Hill at Las Placitas Compound
Preliminary Subdivision Plat with variances

I reviewed a plan set dated 10/15/12, and a Drainage Calculations Summary. The following review comments are to be considered conditions of approval:

Site Plan (Sheet 2)
Add the address of existing residence.

Plat, sheet 1 of 2
Revise floodplain reference for 2/18/11 FIRM only, as the City now uses only this FIRM for permitting purposes.

Revise note 3 and Dedication and Affidavit to indicate that shared drainage facilities will be maintained by the Homeowners' Association (presumably on-lot ponding will be maintained by lot owner).

Remove "Building Permit No's," as this information is unavailable until after recording of the Plat.

Plat, sheet 2 of 2
Identify 14' and 24' portions of 38' exclusive access agreement for Scherer instrument, or remove these dimensions if not applicable.

Remove "20' access agreement..." note near center of page or add an indicator of where this applies.

EXHIBIT A-2
(p1 of 2)

Grading and Drainage (Sheet 7)
Identify permeable pavers in plan view.

Add to note 5 that permeable pavers shall be maintained by the HOA.

Add a specification for the permeable pavers. Include installation procedures per manufacturer's recommendations as applicable.

Add rim and invert elevations for catch basins.

Remove stray rim and invert note east of 38' access easement, or identify where it applies.

Temporary Erosion Control Plan (sheet 11)
Revise note 1 to allow for silt fence or waddle.

Permanent Erosion Control Plan (sheet 12)
Add to note 2 that the City may inspect the drainage facilities AND permeable pavers...

Add a maintenance schedule for permeable pavers as applicable, to include specific instructions recommended by the manufacturer, if available.

Project Construction Notes (sheet 15)
Revise Note 23 to indicate that approval for curb cuts shall be by the City Traffic Engineer.

Revise or eliminate Erosion and Sediment Control note, in that a NOI is not required for this project, as indicated elsewhere in the plan set.

Sheets 2, 5, 7, 8, 11, and 12
Location of off-site easements is not clearly identified. Add arrows or otherwise clarify.

City of Santa Fe, New Mexico

memo

DATE: November 13, 2012

TO: Donna Wynant, AICP, Land Use Planner Senior

FROM: Noah Berke, CFM, Planner Technician Senior

SUBJECT: Final Comments for Case #2012-123 Windmill Hill at Las Placitas Compound Preliminary Subdivision Plat with Variances

---

Below are comments for Windmill Hill at Las Placitas Compound Preliminary Subdivision Plat requests. These comments are based on documentation and plans dated October 15, 2012:

Landscaping Improvements are not required as per Article 14-8.4(B), until Final Subdivision Plat approval, Final Development Plan approval, Final Master Plan approval or at time of Building Permit submittal.

EXHIBIT A-3

City of Santa Fe, New Mexico

memo

DATE: November 16, 2012

TO: Donna Wynant, Senior Planner

FROM: Randall Marco, Solid Waste, Public Works

SUBJECT: Case #2012-123 Windmill Hill Preliminary Plat

Where the entrance is located for these properties is where trash is picked up.

EXHIBIT A-4

DATE: November 5, 2012

TO: Donna Wynant, Planning and Land Use Department

VIA: John Romero, Traffic Engineering Division Director

FROM: Sandra Kassens, Traffic Engineering Division

SUBJECT: **Windmill Hill at Las Placitas Compound Preliminary Subdivision Plat with Variances. Case # 2012-123.**

ISSUE

JenkinsGavin Design and Development, agent for Doug and Peggy McDowell, requests Preliminary Subdivision Plat approval for four single-family residential lots on 1.48± acres. A variance is requested to reduce the minimum street width from 38 feet to the width of existing access easements of 29 feet and 20 feet. The property is located at 623 ½ Garcia Street, and is zoned R-3 (Residential, three dwelling units per acre).

RECOMMENDED ACTION:

Review comments are based on submittals received on October 18, 2012. The comments below should be considered as Conditions of Approval to be addressed prior to final approval unless otherwise noted:

> The Traffic Division has no comments on the proposed Windmill Hills Subdivision in that it is located off of a private driveway and will not create a significant impact on traffic on the local street, namely Garcia Street.

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

EXHIBIT A-5

City of Santa Fe, New Mexico

memo

DATE: October 25, 2012

TO: Donna Wynant, Senior Planner

FROM: Stan Holland, Engineer, Wastewater Division

SUBJECT: Case #2012-123 Windmill Hill Preliminary Plat

The plan set dated 10/15/12 has been reviewed and the Applicant shall address the following Comments:

1. On the private 6 inch sewer line at station 3+52.50, a cleanout is shown at the terminal end of the sewer line on sheet 8 and a manhole is shown on sheet 10. Clarify which is to be used. If it is a manhole it is to have a private sewer lid with detail to clarify it is a private manhole.

2. If cleanouts are used on the 6" private sewer line the Wastewater Division recommends a minimum 100 foot separation between cleanouts. Other factors such as sewer line slope may dictate close spacing of the cleanouts.

3. Identify the new manhole to be constructed on the existing public sewer line as a public manhole to be built to City of Santa Fe Wastewater Division Standards.

4. The length of 6 inch pipe on the P&P sheet (258') does not match the stationing (3+52.50)

EXHIBIT A-6

City of Santa Fe, New Mexico

memo

DATE: **October 25, 2012**

TO: Case Manager: Donna Wynant

FROM: **Reynaldo Gonzales, Fire Marshal** RDG

SUBJECT: Case # 2012-123 Windmill Hill at Las Placitas Compound Preliminary

I have conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) 2009 Edition. Below are the following requirements that shall be addressed prior to approval by Planning Commission. If you have questions or concerns, or need further clarification please call me at 505-955-3316.

1. Shall Comply with International Fire Code (IFC) 2009 Edition.
2. Variance granted due to automatic sprinkler system installed in all residences existing and new construction. 16 feet driveway with 20 feet easement.

EXHIBIT A-7

City of Santa Fe, New Mexico

memo

DATE: October 25, 2012

TO: Donna Wynant, Land Use Senior Planner
Case Manager

FR: Amanda Martinez, Planner Tech Sr.
Water Budget Office, Land Use Dept.

RE: Case#2012-123
Windmill Hill

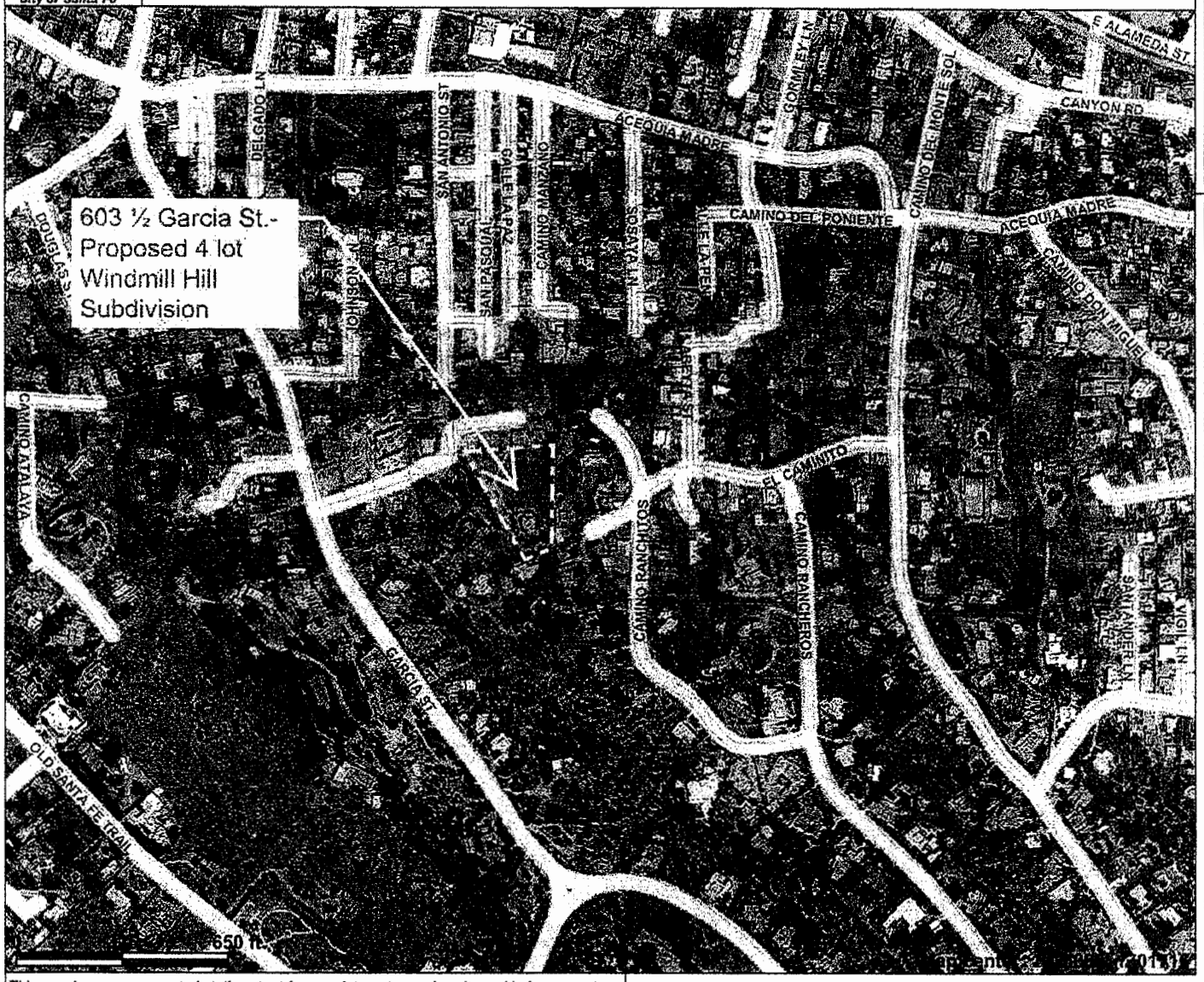
After reviewing the plan set for Case # 2012-123 it is determined that the water offset requirement for each single family residence in the subdivision will be .25 acre feet of water, totaling 1 AFY for the four lot subdivision.

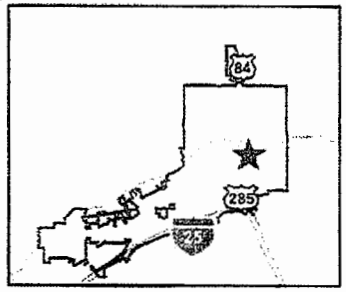
The applicant may meet offset requirements by way of toilet retrofit credits or by purchasing this amount from the City Water Bank. A water rights transfer is not required.

*Refer to SFCC 14-8.13 for more detailed information

EXHIBIT A-8

Aerial Photo





Legend

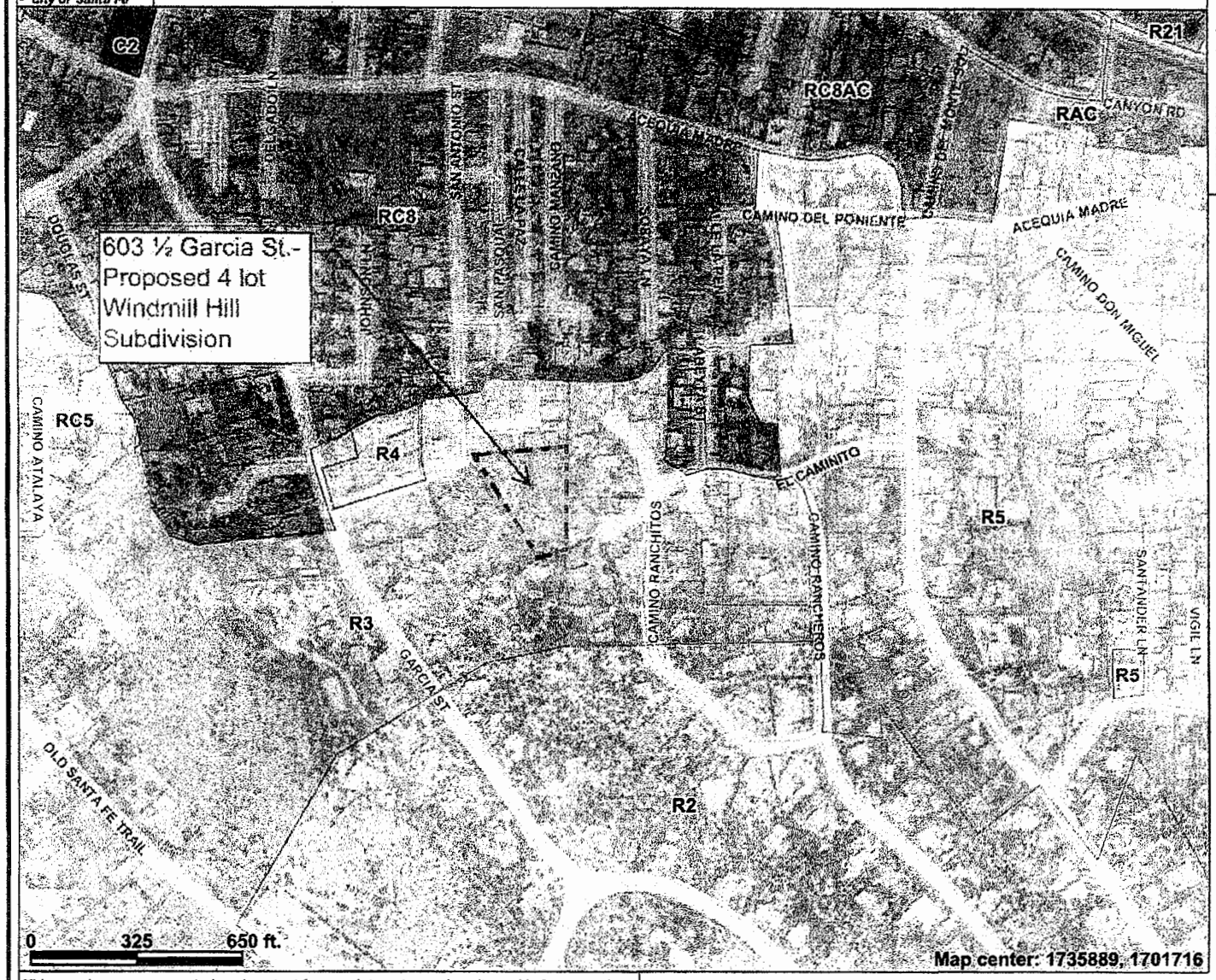
- City Limits
- Parcels
- Airport Clear Zones
- Santa Fe River
- Major Roads and Highways
- Other Roads and Streets
- 2011 Aerial Photography - 1 foot resolution

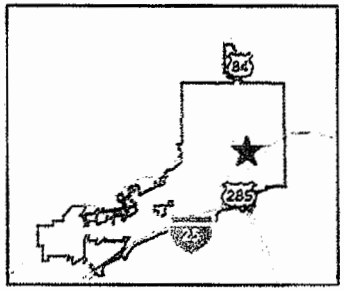
Scale: 1:5,594

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 B-1

Zoning Map





Legend

- City Limits
- Parcels
- Airport Clear Zones
- Santa Fe River

Zoning

- RR Rural Residential
- R1, (PUD) Single- Family 1du/ac.
- R2, (DT), (PUD), (AC) Single - Family 2du/ac
- R3, (PUD) Single - Family 3du/ac
- R4 Single - Family 4du/ac
- R5, (DT), (PUD), (AC), R6 Single - Family 5-6du/ac
- R7, (I), (PUD), R8 Single - Family 7-8du/ac
- RC5, RC5AC Compound 5du/ac
- RC8, RC8AC Compound 8du/ac
- R10, (PUD) Multiple - Family 10du/ac
- R12, (PUD) Multiple - Family 12du/ac
- R21, (PUD) Multiple - Family 21du/ac
- R29, (PUD),(AC) Multiple - Family 29du/ac
- RAC Residential Arts & Crafts
- MHP Mobile Home Park

Scale: 1:5,594

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 B-2

LEGEND

- △ CITY OF SANTA FE SURVEY CONTROL MONUMENT, 3" BRASS CAP IN CONCRETE
- ● SURVEY MONUMENT FOUND; 3/4" IRON PIPE UNLESS OTHERWISE NOTED
- ○ SURVEY MONUMENT ESTABLISHED OR RE-ESTABLISHED; Set, this survey; 1/2 inch rebar, YAGER 8123 aluminum cap
- COMPUTED POINT, NOT SET
- OVERHEAD UTILITY LINES
- UTILITY POLE

Variance requested from 38' minimum right-of-way width

20' wide easement

29' wide easement

38' wide easement for emergency access- In compliance with min. ROW width (No variance needed)

Windmill Hill Subdivision

CROSSHATCHED AREA NON-EXCLUSIVE ACCESS UTILITY EASEMENT FOR SCI CRGR INSTRUMENT # 1384556 CONTAINS A GAS COMPANY OF NEW MEXICO & PNM RIGHT-OF-WAY EASEMENT

TRACT B-10 PLAT BOOK 552, PAGE 016 N/F RAMIREZ INSTRUMENT No. 1374078 UPC 1-054-098-003-339

PUBLIC UTILITY EASEMENT

LAS PLACITAS COMPOUND

LOT 5 611 GARCIA STREET

LOT 6 610 GARCIA STREET

PRIVATE ACCESS AND PUBLIC UTILITY EASEMENT

GARCIA STREET

15' WIDE ENTRANCE AND EXIT EASEMENT MISC BOOK 22 PAGE 69 MISC BOOK 285 PAGE 621

15 WIDE ROAD EXMT

N/F SPIER BK 020, PG 225 UPC 1-054-098-012-310

TRACT A-2 PLAT BOOK 21, PAGE 15 N/F SPIER MISC BOOK 312, PAGE 408 UPC 1-054-098-003-325

20' PRIVATE ACCESS EASEMENT DRAINAGE, DRY UTILITIES, PRIVATE SEWER AND PUBLIC WATER EASEMENT

COMMON AREA 7,182 SF., 0.16 Ac.±

LOT 1 14,385 SF. 0.33 Ac.±

LOT 2 11,961 SF. 0.27 Ac.±

LOT 3 11,565 SF. 0.27 Ac.±

LOT 4 19,650 SF. 0.45 Ac.±

N/F WERNER BK 2577 PG 076 UPC 1-054-098-019-341

N/F GEANAKOPLOS BK 2147 PG 644 UPC 1-055-095-016-321

N/F MASON BK 701, PG 205 UPC 1-054-098-313-310

N/F BAILEY BK 2674 PG 739 UPC 1-055-098-021-300 PL BK 356 PG 039

N/F GUZEK RECPT # 1449335 UPC 1-055-098-005-320 PL BK 311 PG 045

LINE	LENGTH	BEARING
[illegible]	[illegible]	[illegible]

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CH BEARING	CHORD
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

(FOR UNSUBDIVIDED SECTION)	SUBDIVISION PLAT OF
25	WINDMILL HILL AT LAS PLACITAS
TOWNSHIP 17N	Formerly Tract J of Mauricio G. Alire Lot 35, Block 84-B, 1924 Official Map Plat Book 2, Page 206 623 1/2 GARCIA STREET SANTA FE, NEW MEXICO
RANGE 9E	YAGER LAND SURVEYS LLC 505-983-8172
SANTA FE GRANT	DATE / SCALE 1" = 30' / SHEET 2 of 2

EXHIBIT B-3

Windmill Hill at Las Placitas Compound:

Variance request from minimum 38' ROW width

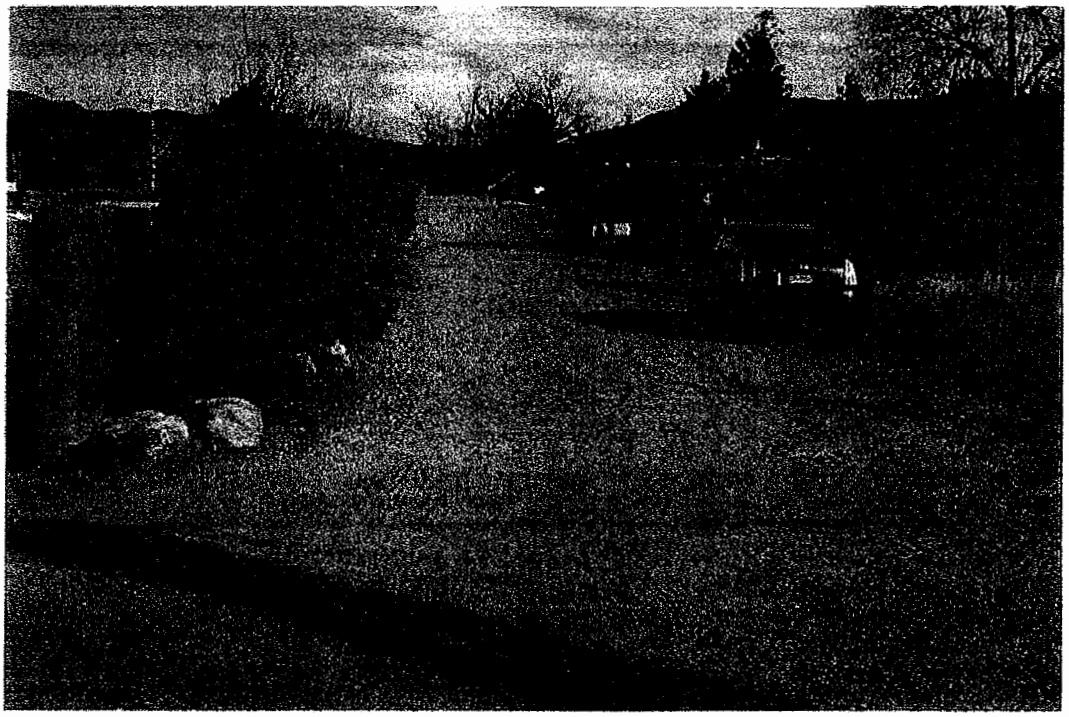


Figure 1: 29' wide easement from Garcia Street- along south side of Las Placitas.

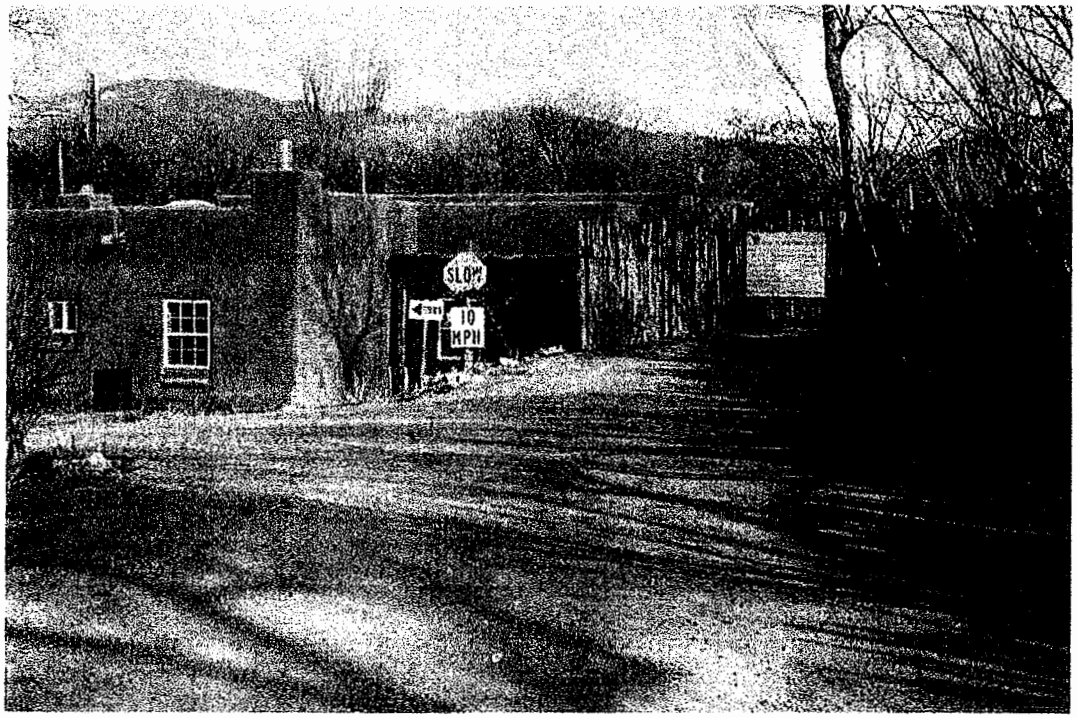


Figure 2: 20' wide easement- alongside north lot line of Spier property.

EXHIBIT B-1
(p. 1 of 2)

Windmill Hill at Las Placitas Compound:

Access to North (Emergency Access) Entrance- complies with 38' minimum ROW width- no variance required.

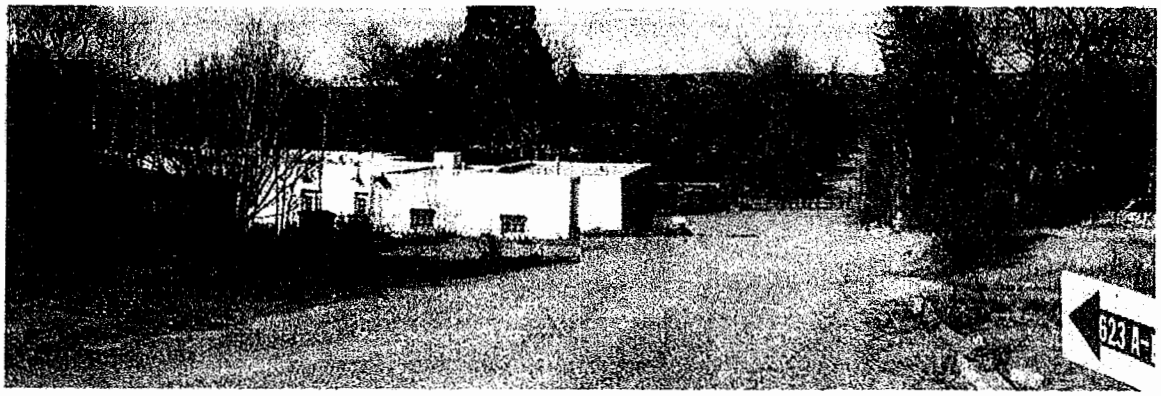


Figure 3: 38' wide easement that leads into the Alire Compound.

Figure 4: 38' wide easement into Alire Compound.

Figure 5: 38' wide easement into north side of Windmill Hill for emergency access

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

Project Name	Windmill Hill at Las Placitas Compound
Project Location	623 ½ Garcia Street
Project Description	Subdivision of 1.48 acres into 4 residential lots. Variance for offsite roadway access from Table 14-9.2-1 – Design Criteria for Street Types
Applicant / Owner	Doug McDowell
Agent	JenkinsGavin Design & Development Inc
Pre-App Meeting Date	August 2, 2012
ENN Meeting Date	September 27, 2012
ENN Meeting Location	Santa Fe Main Library – 145 Washington Avenue
Application Type	Subdivision & Variance
Land Use Staff	Tamara Baer
Other Staff	None
Attendance	12 Neighbors (plus 4 representing applicant)

Notes/Comments:
Ms. Baer explained the process and introduced Doug McDowell.

Mr. McDowell spoke about water and drainage and referred to the first LEED gold for Las Placitas Compound Phase 1. He showed a slide of an aerial view and gave some history of ownership; discussed drainage problem noting historic flow to the northwest and how to capture, distribute and use the water on the property. Mr. McDowell explained the plan including permeable pavers for new driveway with drop inlets along the driveway to a pumice wick lateral distribution system on the site. Each house will also have a 3,000 gallon cistern with overflow to the drop inlet system. Swales and surface collection are also part of the drainage plan. The developer will work with a professional installer. The design goal is to retain and use most of the water on the site.

Immediate neighbors were concerned about water coming into their property and compromising the adobe structure.

EXHIBIT C-1
(p. 1 of 2)

Mr. McDowell discussed fire and emergency access. His approach is to do less, paying attention to, and honoring the historic community. He said all buildings will be one-story; and they are considering post & rail fence or low coyote fence between lots. He said the subdivision would probably be gated.

A participant questioned the plan to gate the subdivision. Mr. McDowell said there's a gate there now and the gate helps to slow traffic as well as keep traffic out. He said he doesn't like the idea either because he feels the message is "keep out: we're not part of you." McDowell said that serious consideration will be given to the gate.

Mr. McDowell said he is open to suggestions. Someone asked if the existing residence was going to be renovated. Mr. McDowell said that it would, but that there were no specific plans for the 1,000 square-foot structure yet. He said that the windmill – built in the 1940s - will be reconstructed and returned to operating condition. Mauricio Alire was the original owner of most of the land in this area.

The approximate location of the new residences was shown. Eighteen-foot high story-poles are on the property now, as is a flag at 18 feet on the windmill. The plan is to build under US Green Building Council guidelines. Underground electrical connections are in place. A 6-inch main will run 4-inch lines to houses. All units will be flat-roofed mix of Pueblo and other styles such as "clean traditional."

A road maintenance agreement exists for Las Placitas – and Mr. McDowell will coordinate with Windmill Hill and will organize a meeting to create a maintenance agreement for the rest of the road. In response to a question, Mr. McDowell said that he intends to keep existing walls and fences and improve them only as needed. He agreed that he could move the tail end of the driveway away from the neighbors. McDowell introduced his partner, Architect Jim Satzinger, who spoke about the problems with sprawl and benefits of infill as "the right thing to do."

Mr. McDowell was praised by the audience.

The meeting ended at approximately 6:45.

Submit by Email | Print Form

Early Neighborhood Notification (ENN) Guidelines

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

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

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

The proposed project is a 4-lot subdivision on 1.48 acres at 623 1/2 Garcia Street. There is one existing dwelling on the property, which is located in the Downtown and Eastside Subdistrict of the Historic Overlay District. The lots and future homes will be harmonious with the existing development patterns, HDRB requirements, and architectural styles in the area.

(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 plan follows the natural slope and feel of the property's gentle terrain. All terrain management regulations will be complied with, ensuring proper drainage, erosion control, and preservation of significant vegetation. A common area for potential open space or community garden is proposed at the northwest boundary of the property.

EXHIBIT C-2

(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.*

No known qualifying sites or structures are present. The property is located in the River and Trails Archaeological District, which does not require an archaeological survey for properties comprising less than two acres.

(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 subject property is zoned R-3 (Residential, 3 dwelling units per acre). This is consistent with the zoning of the surrounding neighborhoods, which are primarily zoned R-3, with the exception of Las Placitas, which is zoned R-4. The proposed lot sizes range between 0.33 acre and 0.45 acre, which places them in the mid-range of surrounding lot sizes, i.e. larger than some neighboring lots and smaller than others. The Land Use Designation according the the City General Plan is Low Density (3-7 dwelling units per acre). The Project is in compliance with this designation.

(e) EFFECTS UPON PARKING, TRAFFIC PATTERNS, CONGESTION, PEDESTRIAN SAFETY, IMPACTS OF THE PROJECT ON THE FLOW OF PEDESTRIAN OR VEHICULAR TRAFFIC AND PROVISION OF ACCESS FOR TEH 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.*

Since only three additional residences will be added, the Project's impact on the neighborhood's pedestrian and vehicular traffic patterns will be minimal. The proposed subdivision will be accessed via a 15' easement at the northwest corner of the property, with additional emergency access via a 38' easement at the north of the property. A Variance is requested for a portion of the offsite private driveway access from Garcia Street, per Table 14-9.2-1, Design Criteria for Street Types.

(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.*

Future development will include site grading, offsite road improvements, and construction of utility infrastructure and residential buildings, with a proportional contribution to the City of Santa Fe tax base. Future development of the proposed lots will provide economic opportunity for local design professionals, building contractors and subcontractors, construction material suppliers, real estate professionals and financial service providers.

(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. (Ord. No. 2005-30(A) § 4)*

The plan calls for subdivision of the existing lot into four lots. Since there is already an existing residence, only three homes will be added; therefore, no affordable unit is required, per Santa Fe City Code Section 14-8.11. However, a fractional fee will be contributed to the Affordable Housing Trust Fund.

(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.*

Future development will be served by existing public infrastructure. Water and sewer mains north of the property will be extended from existing mains adjacent to the property to serve the project. There is currently adequate fire and police protection in the area.

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

The project's water demand will be offset through compliance with the City's conservation credit program. During construction, the requisite SWPPP measures will be in place. Rainwater harvesting methods will be employed for future onsite use.

(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 Project is designed to be pedestrian-friendly and will integrate seamlessly with the existing neighborhood.

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

The Project supports the City General Plan by promoting a compact urban form through infill development.

ADDITIONAL COMMENTS (Optional)

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

Project Name: Windmill Hill at Las Placitas Compound **Meeting Date:** September 27, 2012

Meeting Place: Santa Fe Public Library, Main Branch **Meeting Time:** 5:30 p.m.

Applicant or Representative Check Box below

↓		Name	Address	Email
☑	1	Hillary Welles	130 Grant Ave #101	hillary@jenkinsgavin.com
☑	2	Colleen Gavin	130 Grant Ave #101	colleen@jenkinsgavin.com
☑	3	Doug McDowell	208 Dezy Rd	douge mcdowell@santafe.com
☑	4	Jim Satzinger	1801 Camino Cruz Blanca	jas@satzingerdesigns.com
☐	5	Dolores Sainz	633 Garcia st.	
☐	6	Ramus Sainz	633 Garcia st.	
☐	7	Shane Greenwerth	552 Garcia St	shanesantafe@gmail.com
☐	8	GWYN MASON	659 Garcia	gwmason@swibell.net
☐	9	WILSON K. MASON	659 Garcia	—
☐	10	Scott Wong	637 Garcia	scottwong@casasoltcra.com
☐	11	Hassan Salam	625 Garcia	hassansalam@msn.com
☐	12	John PenLaFarge	647 Old SFe Tr.	penname@earthlink.net

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

Tamara Baer — Printed Name of City Staff in Attendance

Tamara Baer — Signature of City Staff in Attendance

9.27.12 — Date

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

EXHIBIT C-3 (p. 1 of 2)

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

Project Name: Las Placitas Compound at Windmill Hill **Meeting Date:** September 27, 2012

Meeting Place: Santa Fe Public Library, Main Branch **Meeting Time:** 5:30 p.m.

Applicant or Representative Check Box below

↓		Name	Address	Email
☐	1	LAURIE HILTON	134 CALLE SAN SIMON	lauriehilton@q.com
☑	2	JACK ROBINSON	1012 CAMINO ANASAZI S.F.	
☑	3	Peggy McDowell	1317 B Cerro Gordo Rd	
☑	4	Kathlyn McDowell	" "	
☐	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.

Tamara Baer	Tamara Baer	9.27.12
Printed Name of City Staff in Attendance	Signature of City Staff in Attendance	Date

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

(p. 2 of 2)

SANTA FE HOMES PROGRAM PROPOSAL

"Windmill Hill at Las Placitas"

This Santa Fe Homes Program Proposal ("SFHP Proposal") is made this 10th day of October, 2012 by Doug McDowell ("SFHP Developer").

RECITALS

A. SFHP Developer is the developer of 623 ½ Garcia Street hereinafter referred to as the "Property".

B. SFHP Developer desires to develop the Property, and seeks from the City development incentives subject to the terms and conditions hereinafter set forth.

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 to subdivide the 1.38-acre property at 623½ Garcia Street into four single family lots.
2. The Property is to be developed as a four-lot single family subdivision.

B. SFHP PLAN. SFHP Developer proposes to build 3 dwelling units. Developer agrees to comply with the Santa Fe Homes Program ordinance.

Twenty percent of the total number of "for sale" dwelling offered for sale in an SFHP development shall be SFHP Homes, as follows:

EXHIBIT D-2

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

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

Zero percent (0%) of the total dwelling units shall be sold at or below the Affordable Home Price for Income Range 4.

If an applicant exceeds the percentage in Income Range 2 or Income Range 3 as set forth above, the requirement in any higher Income Range may be reduced by the same percentage.

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

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

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

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

F. DEVELOPMENT INCENTIVES. SFHP Developer requests a 15% density bonus and a reduction in the amount of submittal fees for development review applications, waivers of the building permit fees, capital impact fees, and sewer extension fees proportional to the number of SFHP units. SFHP Developer also requests a reduction to the water utility extension fee and an exemption from the retrofit and consumptive water rights requirements for the SFHP units.

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

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

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

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

SFHP DEVELOPER:

Doug McDowell — Date: 10/10/12

ACKNOWLEDGMENT

State of New Mexico }
} ss.
County of Santa Fe }

The foregoing instrument was acknowledged before me on this A 10th day of October 2012 by Doug McDowell.

My commission expires: _____

Notary Public

OFFICIAL SEAL
Hillary Welles
NOTARY PUBLIC - STATE OF NEW MEXICO
My Commission Expires: 10/26/2015

REVIEWED BY:

OFFICE OF AFFODABLE HOUSING DATE

Nicholas Schrave, P.E.

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

EXHIBIT 1

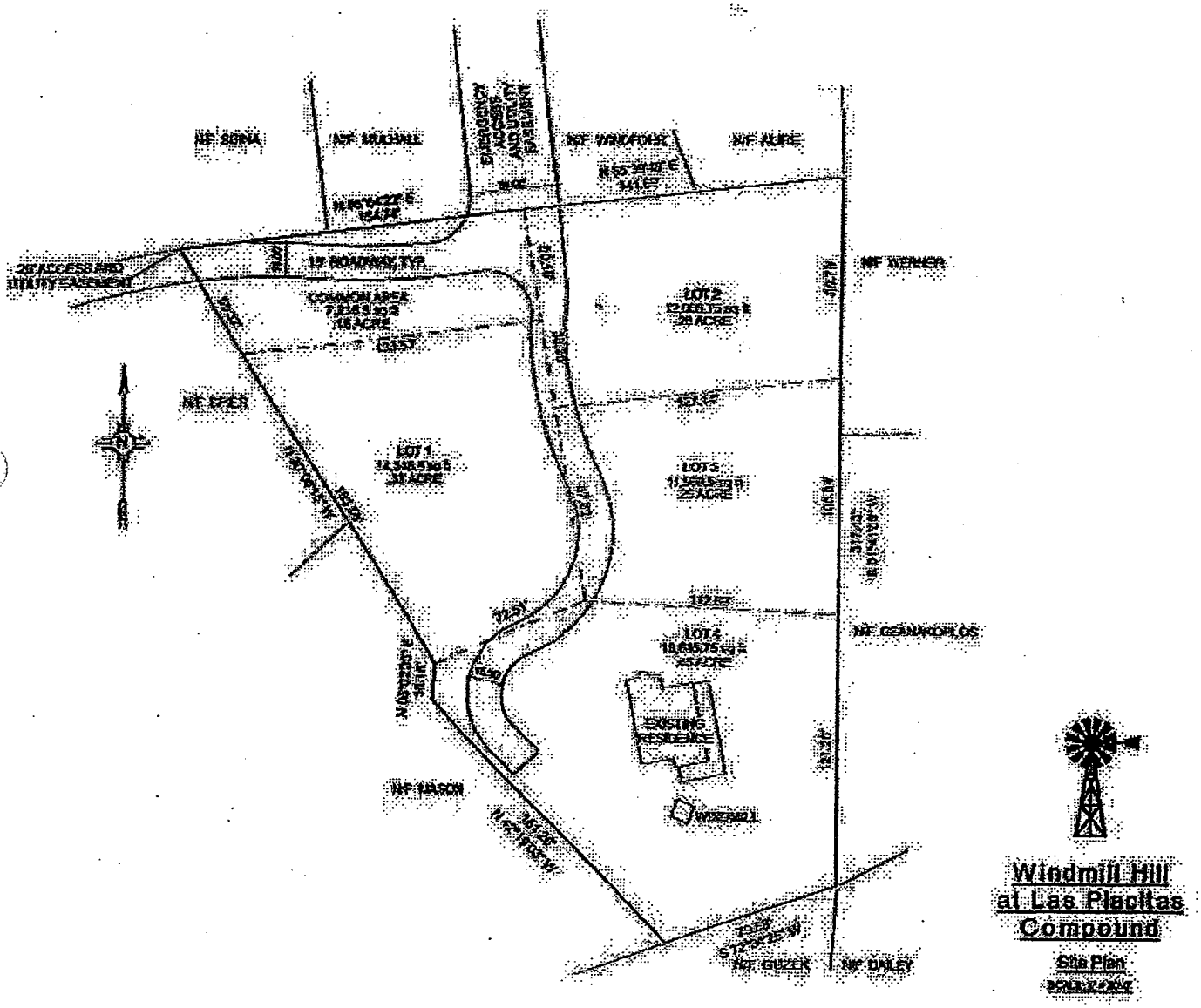

NF SENA
NF MULHILL
NF WINDFOLK
NF ALIRE
NF WERNER
NF MYER
NF GEANAKOPLOS
NF HASON
NF GUZER
NF DALEY
COMMON AREA
LOT 1
LOT 2
LOT 3
LOT 4
EXISTING RESIDENCE
Windmill Hill
at Las Placitas
Compound
Site Plan

EXHIBIT 2

SANTA FE HOMES PROGRAM PRICING SCHEDULE

Effective June 2012*

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

Income Range	2 Bedroom, 1 Bath 1-2 person household (900 sq ft minimum)	3 Bedroom, 2 Baths 3-4 person household (1100 sq ft minimum)	4 Bedroom, 2 Baths 4-5 person household (1250 sq ft minimum)
Income Range 2 (50-65% AMI) Maximum Price Required # of units	$121,500 x units	$136,000 x units	$151,750 x unit
Income Range 3 (65-80 % AMI) Maximum Price Required # of units	$158,000 x unit	$177,750 x units	$197,250 x units
Income Range 4 (80-100% AMI) Maximum Price Required # of units	$194,500 x units	$218,750 x units	$242,750 x units

*Prices are revised according to the most recent area median income published by HUD. Household income based upon HUD area median incomes as of December 2011.

EXHIBIT 3

SFHP FOR SALE UNIT CALCULATION WORKSHEET

The project proposes 2.90 units per acre. The project has an area of approximately 1.38 acres. The project is proposing 3 new homes or manufactured home lots **THROUGH JUNE 7, 2014: The SFHP requirement is calculated below:**

Total number of units multiplied by (0.2) = the number of SFHP units required ____3____ total units x 0.2 = 0.6 = 0 **SFHP units required**

Calculate the fractional unit fee: The Fractional Fee for 3 units is $15,964.00.

FROM JUNE 8, 2014 FORWARD: The SFHP requirement is calculated below:

Total number of units multiplied by (0.3) = the number of SFHP units required.

3 total units x 0.3 = 0.9 = 0 SFHP units required Calculate the fractional unit fee: $136,000 / 2 = $68,000 and $68,000 x 0.9=$61,200 fractional fee.

jenkinsgavin
DESIGN & DEVELOPMENT INC

October 15, 2012

Tamara Baer, Planner Manager
Current Planning Division
City of Santa Fe Land Use Department
200 Lincoln Ave.
Santa Fe, NM 87501

RE: WINDMILL HILL AT LAS PLACITAS COMPOUND
PRELIMINARY SUBDIVISION PLAT APPLICATION

Dear Tamara:

This letter is submitted on behalf of Doug and Peggy McDowell in application for Preliminary Subdivision Plat approval to create four single family lots on ±1.48 acres, located at 623 ½ Garcia Street. The subject property is zoned R-3 (Residential, three dwellings per acre) in the Downtown and Eastside Historic District. In addition, we are applying for a Variance for a portion of the offsite driveway access from Garcia Street. This application is submitted for consideration by the Planning Commission at their meeting of December 6, 2012.

Project Summary

The proposed subdivision comprises four single family lots on ±1.48 acres. The largest lot, which includes an existing home, will comprise ±0.45 acres, while the three additional lots will range in size from 0.27 to 0.33 acres. The layout is intended to reflect the patter of traditional compounds found throughout this historic neighborhood.

Access

The property is accessed from Garcia Street via a series of private easements as described below.

1. A 29-foot easement from Garcia Street adjacent to the Las Placitas Compound.
2. A 20-foot easement to the edge of the Spier properties, comprised of adjacent 15-foot and 5-foot easements.
3. A 15-foot easement to the northwest corner of the subject property.

In addition, secondary emergency access is available at the north property boundary via the below described easement:

130 GRANT AVENUE, SUITE 101 SANTA FE, NEW MEXICO 87501 PHONE: 505.820.7444 FACSIMILE: 505.820.7445

An access and utility easement through the Alire Compound ranging in width from 20 to 38 feet implemented in a Grant of Easements and Setback Agreement dated June 17, 2005.

The lots will be served by a Lot Access Driveway that will connect to the above described 15-foot easement at the northwest corner of the property. The driveway has a 15-foot drivable surface within a 20-foot access and utility easement.

Variance Request

We are requesting a variance from SFCC §14-9.2-1, Design Criteria for Street Types, which requires that the Project be accessed by a Lane with a minimum right-of-way width of 38 feet. The existing 29-foot and 20-foot off-site access easements described above are not in compliance with this requirement. The responses to the Variance Criteria are as follows:

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

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

The unusual physical characteristics of the land relate to its location in the historic eastside, tucked behind the Alire Compound. The traditional land use pattern in this neighborhood has been in place for decades and is characterized by narrow lanes off of Garcia Street accessing relatively small lots.

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

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

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

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

The subject property is part of the historic eastside neighborhood traditionally accessed via narrow lanes. Construction of 680 linear feet of asphalt roadway, 38 feet wide with curb and gutter and sidewalks on both sides, is inappropriate and would devastate the

character and traditional land use pattern of this quiet, historic enclave of off Garcia Street.

(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 proposed four-lot single family subdivision is compliant with the property's and the vicinity's R-3 zoning.

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

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

(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.

Regardless of the land use or intensity, the City Code would require the above described roadway improvements. This request is simply an effort to preserve the existing character of the neighborhood, while providing for adequate vehicular and emergency access.

Furthermore, this variance request is consistent with the following provisions of the General Plan: (1) Section 1.7.8, Character, which states in part, *"...new growth should not erode the qualities that contribute to Santa Fe's unique character and ambiance"*; (2) Section 2, Heritage Resources, which identifies "Character" as a theme and guiding policy to *"maintain and respect Santa Fe's unique personality, sense of place, and character"*; and (3) Section 3, Land Use, which identifies "Urban Form" as a theme and guiding policy to *"promote a compact urban form and encourage sensitive and compatible infill development"*.

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

This variance serves the public interest by preserving the historic character of this neighborhood.

<u>Water</u>

New service lines will be extended to the lots from the existing water main at the northwest corner of the property. Please refer to the Water and Fire Protection Plan for full details.

Wastewater

The existing house is currently on a private septic system, which will be abandoned in accordance with NMED requirements. The house and the three new lots will be connected to the City sewer system via four new gravity service lines connecting to the existing 6" sewer main north of the property. A new manhole will be installed at the connection point. Please refer to the attached Sewer Plan and Profile for further information.

Terrain Management and Drainage

The subject property's terrain slopes gently from south to north with an average grade of approximately 10 percent. Per the City Code, no ground disturbance or development shall occur on natural slopes of 30 percent or greater. Any future buildings can be located at any location on the site as the grades are clearly less than 30 percent. There is only one minor occurrence of 30 percent slopes along the west boundary of the property.

The driveway will be constructed with a combination of permeable pavers and gravel, allowing for significant storm water percolation. In addition, storm water is collected in bar ditches and drop inlets, which feed a series pumice wicks that provide detention and percolation. Please refer to the attached Grading and Drainage Plan and Drainage Analysis for further information.

Each new home will be equipped with a 2,000 – 3,000 gallon cistern irrigation system. Canales will be hard piped to the cisterns and on-lot ponds/swales will overflow to the cisterns. These efforts are all part of a sustainable water harvesting design.

Archaeology

The subject property lies within the River and Trails Archaeological District. The River and Trails District does not require an archaeological survey for properties of less than two acres; therefore, no archaeological survey will be required.

Santa Fe Homes Program

In accordance with the Santa Fe Homes Program, a fractional fee in the amount of $15,964.00 will be paid upon recordation of the Final Plat.

Early Neighborhood Notification

An Early Neighborhood Notification meeting was held on September 27, 2012. Nine neighbors were in attendance. Topics discussed included water harvesting, drainage, fire and emergency access, resident access, utilities, location of new dwellings, style of new dwellings, renovations of existing structures, and the Las Placitas road maintenance agreement. For further meeting details, please see attached ENN meeting notes.

Subdivision Approval Criteria

Following are our responses to the Subdivision Approval Criteria from Santa Fe Land Development Code §14-3.7(C).

(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.

The subdivision is designed to highlight the property's natural features such as the gently sloping terrain, existing trees, and other vegetation. The historic windmill after which the subdivision is named will be restored and maintained as a central feature of the property. In addition, the existing rock walls and coyote fences will be restored. Such measures will ensure that the property retains its uniqueness and remains an asset to the neighborhood.

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

The subject property is situated on gently sloping terrain that is well suited for the proposed 4-lot subdivision. Furthermore, the subdivision has been designed to mirror the historic compounds in the neighborhood and preserve the unique character of the area.

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

The plat complies with the standards of Chapter 14, Article 9, except for the above referenced variance request.

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

A Variance from SFCC §14-9.2-1, Design Criteria for Street Types, is requested with this application to address off-site roadway access.

(5) A plat shall not be approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with applicable provisions of other chapters of the Santa Fe

City Code unless an exception is approved pursuant to the procedures provided in that chapter prior to approval of the plat.

No new non-conformities are created with this plat.

In support of this request, the following documentation is submitted herewith for your review:

1. Subdivision Application
2. Variance Application
3. Letters of Authorization
4. Warranty Deed
5. Legal Lot of Record
6. ENN Meeting Notes
7. Santa Fe Homes Program Proposal
8. Drainage Calculations Report
9. Subdivision Plans (6 sets +CD)
10. Application Fees in the amount of $990.00, as follows:
    Preliminary Plat: $400
    Variance: $500
    Posters: $90

Please contact me should you have any questions or need additional information.

Thank you for your consideration.

Sincerely,

Jennifer Jenkins

Colleen Gavin, AIA

August 28, 2012

RE: 623 ½ Garcia Street

To Whom It May Concern:

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

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

Thank you.

Sincerely,

Doug McDowell, President
McDowell + Satzinger Fine Homes

October 22, 2010

RE: 623 ½ Garcia Street

To Whom It May Concern:

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

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

Thank you.

Sincerely,

Sky Scherer

PERSONAL REPRESENTATIVE'S DEED 1422800

The Estate of Mauricio Alire, by Manuel P. Morales, III and John E. Alire, as Co-Personal Representative, appointed on February 14, 1996, in State of New Mexico, First Judicial District Court No. Matter Number 95-256(P) grants to Mark A. Scherer and Susan D. Scherer, husband and wife, the following described tract of real estate situate in Santa Fe County, New Mexico:

1429300

See Exhibit A attached hereto and made a part hereof.

SUBJECT TO: Reservations, restrictions, easements, and liens of record.

WITNESS our hands and seals this 28th day of October, 1997.

ESTATE OF MAURICIO ALIRE, deceased

By Manuel P. Morales III Co. Pers. Rep.
Manuel P. Morales, III
Co-Personal Representative of the
Estate of Mauricio Alire

By John E. Alire Co P.R.
John E. Alire
Co-Personal Representative of the
Estate of Mauricio Alire

COUNTY OF SANTA FE 1001-327
STATE OF NEW MEXICO)SS
I hereby certify that this instrument was filed for record on the 30 day of Oct A.D. 19 97 at 9:02 o'clock A m and was duly recorded in book 1453, page 807-810 of the records of Santa Fe County.
Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, N.M.
Deputy

COUNTY OF SANTA FE 1003233
STATE OF NEW MEXICO)SS
I hereby certify that this instrument was filed for record on the 17 day of Nov A.D. 19 97 at 1:43 o'clock P m and was duly recorded in book 1454, page 300-302 of the records of Santa Fe County.
Witness my Hand and Seal of Office
Rebecca Bustamante
County Clerk, Santa Fe County, N.M.
Deputy

ACKNOWLEDGMENT

1423810

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

The foregoing Personal Representative's Deed was acknowledged before me this 21st day of October 1997, by Manuel P. Morales, III, Co-Personal Representative of the Estate of Mauricio Alire.

1429301

Notary Public

My Commission expires:

01-17-99

OFFICIAL SEAL
Kelly M. Wilner
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires: 01-17-99

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

The foregoing Personal Representative's Deed was acknowledged before me this 21st day of October 1997, by John E. Alire, Co-Personal Representative of the Estate of Mauricio Alire.

Notary Public

My Commission expires:

01-17-99

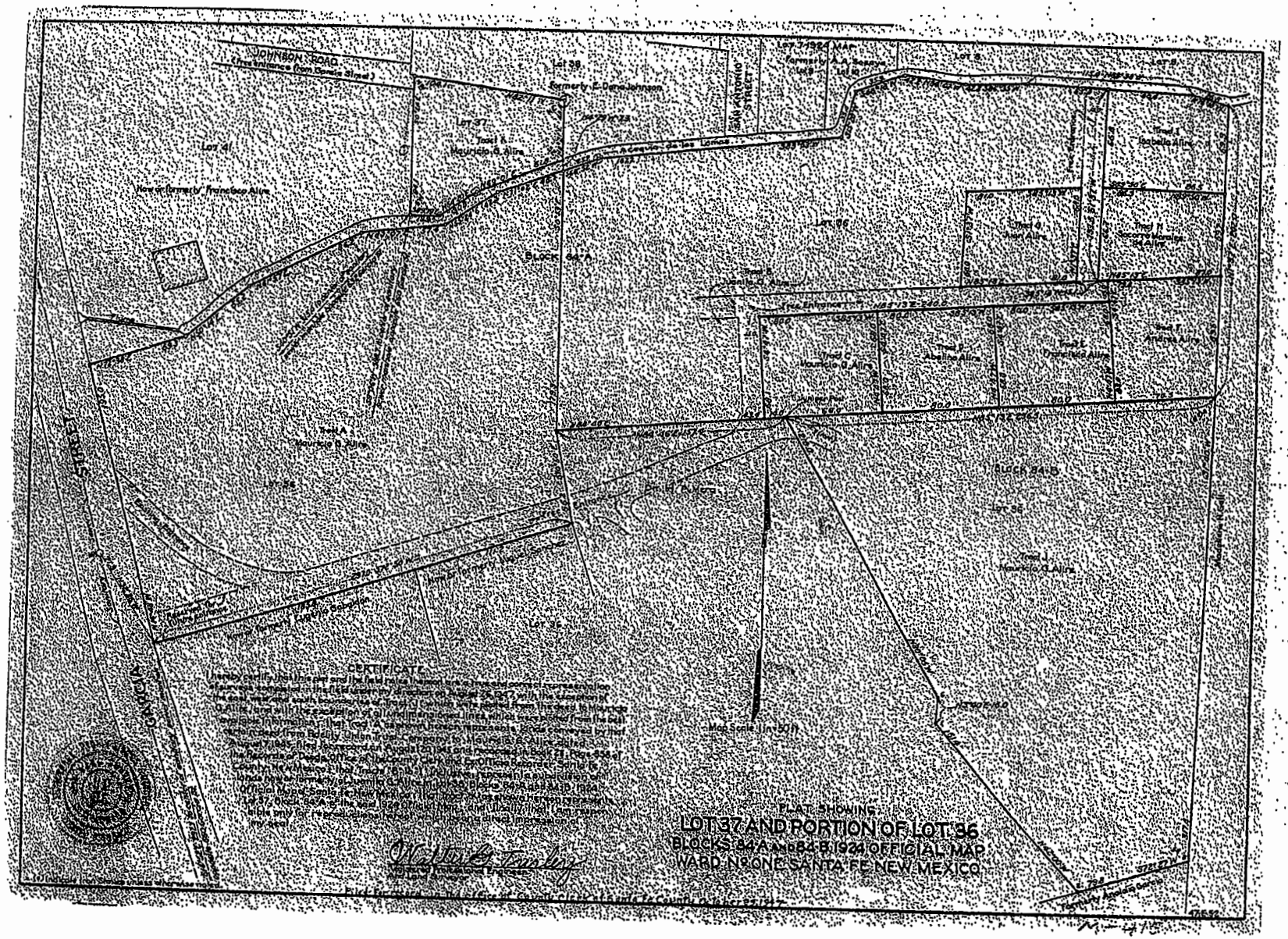
OFFICIAL SEAL
Kelly M. Wilner
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires 01-17-99

pd\alire\docs\pdeed
October 28, 1997

1429302

EXHIBIT "A"

All of that tract of land as shown on survey entitled "Plat of Survey for Mauricio O. Alire...", filed in the Office of the County Clerk, Santa Fe County, New Mexico, on September 5, 1995, in Plat Book 315, page 002, as Document No. 917,211.


JOHNSON ROAD
Lot 38
Formerly E. Dana Johnson
Lot 37
Tract B
Mauricio G. Alire
Lot 41
New or formerly Francisco Alire
SAN ANTONIO STREET
Lot 7 1924 MAP
Formerly A. A. Seaver
Lot 8
Lot 9
Tract I
Sabella Alire
Tract H
Socorro Montoya Alire
Tract G
Alire Alire
Tract F
Andrew Alire
Tract E
Dorothea Alire
Tract D
Abeline Alire
Tract C
Mauricio G. Alire
Lot 36
BLOCK 84-A
BLOCK 84-B
Tract A
Mauricio G. Alire
Lot 35
Lot 34
Tract J
Mauricio G. Alire
Lot 36
Tract L
Mauricio G. Alire
Lot 33
Lot 32
Lot 31
Lot 30
Lot 29
Lot 28
Lot 27
Lot 26
Lot 25
Lot 24
Lot 23
Lot 22
Lot 21
Lot 20
Lot 19
Lot 18
Lot 17
Lot 16
Lot 15
Lot 14
Lot 13
Lot 12
Lot 11
Lot 10
Lot 9
Lot 8
Lot 7
Lot 6
Lot 5
Lot 4
Lot 3
Lot 2
Lot 1

SANTA FE HOMES PROGRAM P R O P O S A L

"Windmill Hill at Las Placitas"

This Santa Fe Homes Program Proposal ("SFHP Proposal") is made this 10th day of October, 2012 by Doug McDowell ("SFHP Developer").

RECITALS

A. SFHP Developer is the developer of 623 ½ Garcia Street hereinafter referred to as the "Property".

B. SFHP Developer desires to develop the Property, and seeks from the City development incentives subject to the terms and conditions hereinafter set forth.

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 to subdivide the 1.38-acre property at 623½ Garcia Street into four single family lots.
2. The Property is to be developed as a four-lot single family subdivision.

B. SFHP PLAN. SFHP Developer proposes to build 3 dwelling units. Developer agrees to comply with the Santa Fe Homes Program ordinance.

Twenty percent of the total number of "for sale" dwelling offered for sale in an SFHP development shall be SFHP Homes, as follows:

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

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

Zero percent (0%) of the total dwelling units shall be sold at or below the Affordable Home Price for Income Range 4.

If an applicant exceeds the percentage in Income Range 2 or Income Range 3 as set forth above, the requirement in any higher Income Range may be reduced by the same percentage.

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

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

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

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

F. DEVELOPMENT INCENTIVES. SFHP Developer requests a 15% density bonus and a reduction in the amount of submittal fees for development review applications, waivers of the building permit fees, capital impact fees, and sewer extension fees proportional to the number of SFHP units. SFHP Developer also requests a reduction to the water utility extension fee and an exemption from the retrofit and consumptive water rights requirements for the SFHP units.

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

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

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

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

SFHP DEVELOPER:

Doug McDowell 10/10/12

Doug McDowell Date

Windmill Hill
Preliminary Subdivision Plat

Planning Commission
December 6, 2012

Windmill Hill
Preliminary Subdivision Plat

Proposal: Subdivide the property into 4 lots.

Next Step: If Preliminary Plat is approved the approved will return to PC for Final Subdivision Plat.

Garcia St.

Windmill Hill
Preliminary Subdivision Plat

623 ½ is 1.48± acres in size, zoned R-3 (Residential, 3 du/ac);

Currently the existing property contains:
- a 1,527 house and
- a historic windmill, erected in the 1930s.

square foot

Aerial Photo

Surrounding Zoning

Windmill Hill
Variance Request

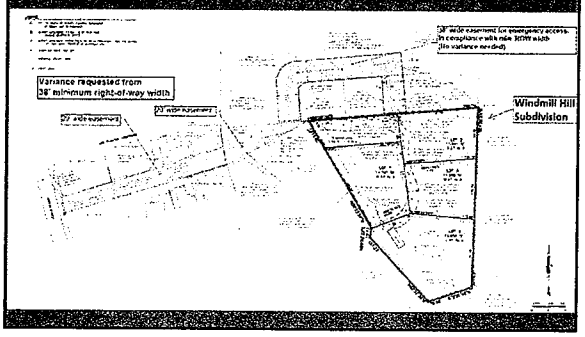
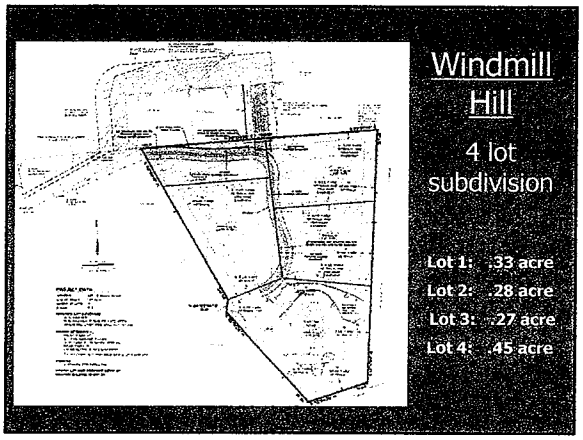
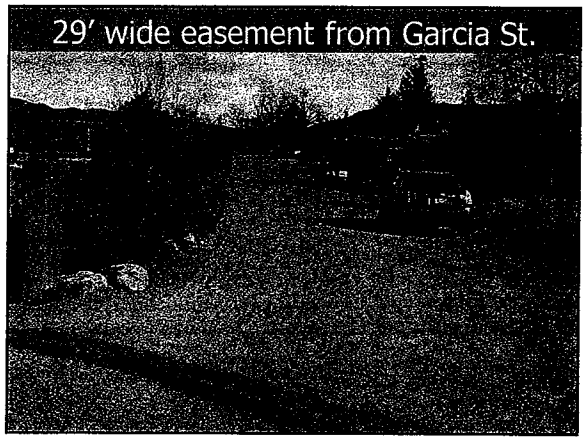
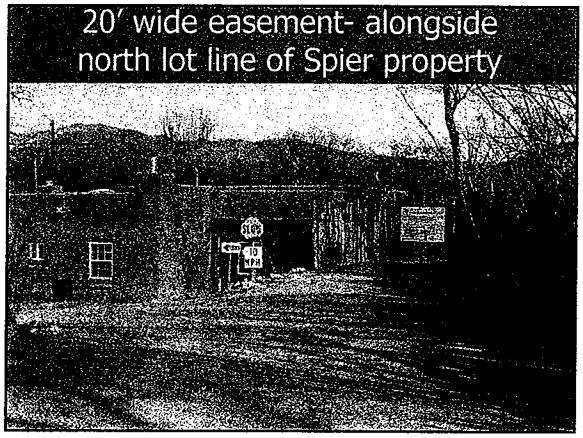


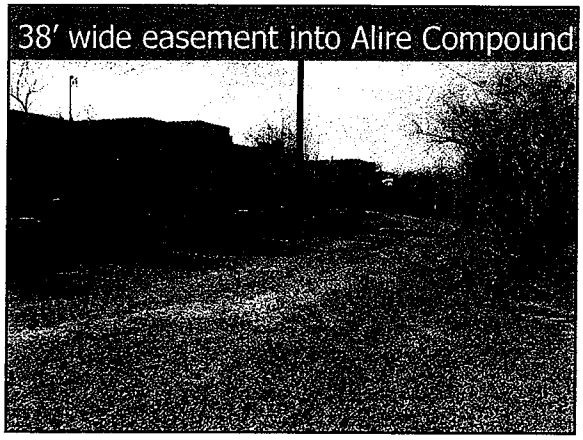
Exhibit "19"

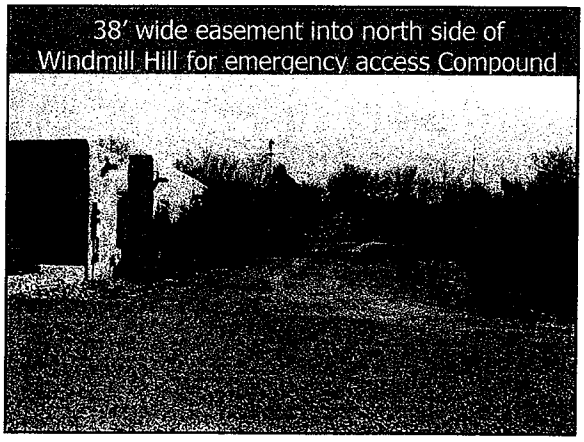

Windmill Hill
4 lot subdivision
Lot 1: .33 acre
Lot 2: .28 acre
Lot 3: .27 acre
Lot 4: .45 acre


29′ wide easement from Garcia St.


20′ wide easement- alongside north lot line of Spier property

38′ wide easement into Alire Compound
623 A


38′ wide easement into Alire Compound


38′ wide easement into north side of Windmill Hill for emergency access Compound

Windmill Hill
Preliminary Subdivision Plat

Conclusion:

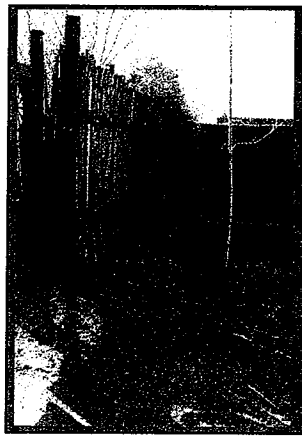
Staff supports the proposed four lot subdivision subject to the Conditions of Approval outlined in the Staff Memo.

Windmill Hill
Additional Photos

627 Garcia

House- east of north entrance

View looking towards Garcia St.



View of Fence along north property line of the site.