City of Santa Fe

Agenda

CITY CLERK'S OFFICE
DATE 7/12/13 TIME 1:50 pm.
SERVED BY Geraldine Gurule
RECEIVED BY J. P. Ortiz

PLANNING COMMISSION
Thursday, August 1, 2013 - 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: July 11, 2013
FINDINGS/CONCLUSIONS: None

E. CONSENT CALENDAR

1. **Case #2013-64. High Summit III Master Plan, Final Development Plan and Subdivision Plat Time Extension.** Report of Land Use Director's approval of a second one-year administrative time extension for the High Summit Development and Master Plans and Final Subdivision Plat originally approved by the Extraterritorial Zoning Commission in 2003, to extend the current approvals through December 31, 2014. James Houghton, agent for the "Grevey-Liberman Family Group". (Donna Wynant, Case Manager)

F. OLD BUSINESS
G. NEW BUSINESS

1. **Case #2013-60. Violet Crown Cinema Development Plan.** William S. Banowsky, Jr., Principal, Violet Crown Cinema Santa Fe LLC, requests Development Plan approval to develop an approximately 25,800 square foot motion picture theater and a 4,447 square foot restaurant on Lease Lot "G" of the Santa Fe Railyard Master Plan property. Lease Lot "G" covers approximately 18, 418 square feet and is located within the In-Between area of the North Railyard at 1606 Alcaldesa Street. The property is zoned BCD-RED (Business Capitol District- Redevelopment Townscape Subdistrict). (William Lamboy, Case Manager)

2. **Case #2013-57. Villa Esperanza Development Plan.** Montoya Land Use Consulting, Inc., agent for Santa Fe Civic Housing Authority, requests Development Plan approval for the construction of 14 new two-story dwelling units, additions to 8 dwelling units, the remodel of 32 existing dwelling units, and other site improvements on a 5.84± acre site. The property is zoned R-21 (Residential, 21 dwelling units per acre) and is located at 1750-1807 Hopewell and Mann Streets. (Donna Wynant, Case Manager)

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

4. **Case #2013-37. Manderfield School General Plan Amendment.** JenkinsGavin Design and Development, agents for Manderfield LLC, request approval of a General Plan Future Land Use Map Amendment to change the designation of 1.48± acres from Public/Institutional to Medium Density Residential (7 to 12 dwelling units per acre). The property is located at 1150 Canyon Road. (Heather Lamboy, Case Manager) **(POSTPONED FROM JULY 11, 2013)**

5. **Case #2013-38. Manderfield School Rezoning to RAC.** JenkinsGavin Design and Development, agents for Manderfield LLC, request rezoning of 1.48± acres from R-5 (Residential, 5 dwelling units per acre) to RAC (Residential Arts and Crafts). The property is located at 1150 Canyon Road. (Heather Lamboy, Case Manager) **(POSTPONED FROM JULY 11, 2013)**

6. **Case #2012-39. Manderfield School Special Use Permit and Variance.** JenkinsGavin Design and Development, agents for Manderfield LLC, request a Special Use Permit to allow a full service restaurant for a proposed coffee house. The application also includes a variance to 14-7.2(H) to allow for 4,600 square feet of non-residential use where a maximum of 3,000 square feet is allowed. The property is located at 1150 Canyon Road. (Heather Lamboy, Case Manager) **(POSTPONED FROM JULY 11, 2013)**

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.**

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CITY OF SANTA FE
PLANNING COMMISSION
August 1, 2013

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CASE #2013-37. MANDERFIELD SCHOOL GENERAL PLAN AMENDMENT. JENKINSGAVIN DESIGN AND DEVELOPMENT, AGENTS FOR MANDERFIELD LLC, REQUEST APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 1.48± ACRES FROM PUBLIC/ INSTITUTIONAL TO MEDIUM DENSITY RESIDENTIAL (U TO 12 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED AT 1150 CANYON ROAD	Motion to recommend failed	39-72
CASE #2013-38. MANDERFIELD SCHOOL REZONING TO RAC. JENKINSGAVIN DESIGN AND DEVELOPMENT, AGENTS FOR MANDERFIELD LLC, REQUEST REZONING OF 1.48± ACRES FROM R-5 (RESIDENTIAL, 5 DWELLING UNITS PER ACRE) TO RAC (RESIDENTIAL ARTS AND CRAFTS). THE PROPERTY IS LOCATED AT 1150 CANYON ROAD	Motion to recommend failed	39-72

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CASE #2013-39. MANDERFIELD SCHOOL SPECIAL USE PERMIT AND VARIANCE. JENKINSGAVIN DESIGN AND DEVELOPMENT, AGENTS FOR MANDERFIELD LLC, REQUEST A SPECIAL USE PERMIT TO ALLOW A FULL SERVICE RESTAURANT FOR A PROPOSED COFFEE HOUSE. THE APPLICATION ALSO INCLUDES A VARIANCE to 14-7.2(H) TO ALLOW FOR 4,600 SQUARE FEET OF NON-RESIDENTIAL USE WHERE A MAXIMUM OF 3,000 SQUARE FEET IS ALLOWED. THE PROPERTY IS LOCATED AT 1150 CANYON ROAD	Special Use & Variance denied	39-72
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MINUTES OF THE MEETING
OF THE
PLANNING COMMISSION
August 1, 2013

A regular meeting of the City of Santa Fe Planning Commission, was called to order by Chair Tom Spray, at approximately 12:00 noon, on Thursday, August 1, 2013, in the City Council Chambers, City Hall, Santa Fe, New Mexico.

A. ROLL CALL

MEMBERS PRESENT:
Commissioner Tom Spray, Chair
Commissioner Lisa Bemis
Commissioner Michael Harris
Commissioner Lawrence Ortiz
Commissioner John Padilla
Commissioner Dan Pava
Commissioner Angela Schackel-Bordegary
Commissioner Renee Villarreal

MEMBERS EXCUSED:
Commissioner Signe Lindell

OTHERS PRESENT:
Tamara Baer, Planner Manager, Current Planning Division – Staff liaison
Kelley Brennan, Assistant City Attorney
William L. Lamboy, Land Use Senior Planner, Current Planning Division
Heather Lamboy, Senior Planner, Current Planning Division
Donna Wynant, Senior Planner, Current Planning Division
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

MOTION: Commissioner Harris moved, seconded by Commissioner Villarreal, to approve the Agenda as published.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Harris, Ortiz, Padilla, Pava, Schackel-Bordegary and Villarreal voting in favor of the motion and no one voting against [7-0].

D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

1. MINUTES – JULY 11, 2013

The following corrections were made to the minutes:

Page 1 under Roll Call amend as follows: **~~MEMBERS ABSENT~~ EXCUSED** to show Chair Tom Spray as being excused.

Page 3 under Long Range Committee correct as follows: "Commissioner Bemis, ~~Commissioner Schackel-Bordegary~~ Commissioner Viarrial and Commissioner Pava ~~currently~~ formerly served on the Long Range Committee. Commissioner Villarreal was replaced by Commissioner Schackel Bordegary..."

Page 4 paragraph 1 under new Business, correct spelling as follows: ~~John Devry~~ Jaome Blay, Deputy Fire Marshal.

Page 5, paragraph 9, line 1, correct as follows: "...up to ~~50%~~ 75% maximum reduction to ~~for a~~ fire ~~suppression system~~ and it's reduction to fire flows. ..."

Page 5, paragraph 10, line 1, correct as follows: "...appendix ~~D~~ B of the..."

Page 6, paragraph 3, correct as follows: *Add an explanation indicating that Wendy Blackwell now is the Homeland Security person with the State of New Mexico.*

Page 17, paragraph 3, line 2, correct as follows: "...on the criteria and mechanism..."

Page 17, paragraph 3, line 3, correct as follows: "...information. ~~and with that information~~ He..."

Page 17, paragraph 3, line 4, correct as follows: "... Add an explanatory remark after the last sentence indicating that Commissioner Harris said it reads better if it says "with another process besides a special use permit."

MOTION: Commissioner Villarreal moved, seconded by Commissioner Harris, to approve the minutes of the meeting of July 11, 2013, as amended.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Harris, Ortiz, Padilla, Pava, Schackel-Bordegary and Villarreal voting in favor of the motion and no one voting against [7-0].

2. FINDINGS/CONCLUSIONS

There were no Findings/Conclusions for approval.

E. CONSENT CALENDAR

1. CASE #2013-64. HIGH SUMMIT III MASTER PLAN, FINAL DEVELOPMENT PLAN AND SUBDIVISION PLAT TIME EXTENSION. REPORT OF LAND USE DIRECTOR'S APPROVAL OF A SECOND ONE-YEAR ADMINISTRATIVE TIME EXTENSION FOR THE HIGH SUMMIT DEVELOPMENT AND MASTER PLANS AND FINAL SUBDIVISION PLAT ORIGINALLY APPROVED BY THE EXTRATERRITORIAL ZONING COMMISSION IN 2003, TO EXTEND THE CURRENT APPROVALS THROUGH DECEMBER 31, 2014. JAMES HOUGHTON, AGENT FOR THE "GREVEY-LIBERMAN FAMILY GROUP." (DONNA WYNANT, CASE MANAGER)

A Memorandum, with attachments, prepared July 17, 2013, for the August 1, 2013 meeting, to the Planning Commission, from Donna Wynant, Senior Planner, Current Planning Division, regarding this case, is incorporated herewith to these minutes as Exhibit "1."

MOTION: Commissioner Padilla moved, seconded by Commissioner Villarreal to approve the Consent Calendar as presented.

DISCUSSION: Commissioner Padilla noted that this is the second and final one-year extension, and asked what happens after that – does the Applicant have an option.

Ms. Baer said it is her understanding that after January 1, 2014, this area no longer will be under City jurisdiction. She said depending on revision, or if the City and County adopt a joint Ordinance to replace or revise SPPAZO [Subdivision, Platting, Planning, And Zoning Ordinance], "we are hoping that the County will agree to accept the City's approvals as we have theirs. It would then be under the County's jurisdiction."

Mr. O'Reilly said this is final extension available through the City's Land Development Code for this project. He said, "What happens after the County resumes jurisdiction for this area, no one can say. It's unclear how they would treat a future request by this developer to extend their approvals. We can only deal with what is available to us through the City Code."

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Harris, Ortiz, Padilla, Pava, Schackel-Bordegary and Villarreal voting in favor of the motion and no one voting against [7-0].

F. OLD BUSINESS

There was no Old Business.

G. NEW BUSINESS

1. CASE #2013-60. VIOLET CROWN CINEMA DEVELOPMENT PLAN. WILLIAM S. BANOWSKY, JR., PRINCIPAL, VIOLET CROWN CINEMA SANTA FE LLC, REQUESTS DEVELOPMENT PLAN APPROVAL TO DEVELOP AN APPROXIMATELY 25,800 SQUARE FOOT MOTION PICTURE THEATER AND A 4,447 SQUARE FOOD RESTAURANT ON LEASE LOT "G" OF THE SANTA FE RAILYARD MASTER PLAN PROPERTY. LEASE LOT "G" COVERS APPROXIMATELY 18,418 SQUARE FEET AND IS LOCATED WITHIN THE IN-BETWEEN AREA OF THE NORTH RAILYARD AT 1606 ALCALDESA STREET. THE PROPERTY IS ZONED BCD-RED (BUSINESS CAPITOL DISTRICT – REDEVELOPMENT TOWNSCAPE SUBDISTRICT). (WILLIAM LAMBOY, CASE MANAGER)

A Memorandum, with attachments, prepared July 18, 2013, for the August 1, 2013 meeting, to the Planning Commission, from William Lamboy, Land Use Senior Planner, Current Planning Division, regarding this case, is incorporated herewith to these minutes as Exhibit "2."

A power point presentation *2013-60 – Violet Crown Cinema Development Plan*, entered for the record by William Lamboy, is incorporated herewith to these minutes as Exhibit "3."

A power point presentation *VIOLET CROWN*, entered for the record by Doug Payne, Architect, Domiteaux Baggett Architects, is incorporated herewith to these minutes as Exhibit "4."

William Lamboy presented information in this case via power point. Please see Exhibits "2" and "3" for specifics of this presentation.

Public Hearing

Presentation by the Applicant

Mr. Banowsky, Mr. Czoski and Mr. Payne were sworn

Bill Banowsky, Jr., Principal, Violet Crown Cinema [previously sworn], said he is the principal owner of Violet Crown Cinema. He said they have signed a long term ground lease with the Railyard to develop the cinema at this space as just described. When they began the project it was important to create the design to conform 100% with the railyard master plan as well as look beyond the plan to understand more about the history of the Railyard to make sure that their design intention represents the original intentions of those in the community that created the concept of the Railyard master plan. He said Richard Czoski, Executive Director, Santa Fe Railyard Community Corporation ["SFRCC"], is here to answer any questions about the overall development. Mr. Banowsky said he will answer questions about the project itself. He introduced Doug Payne, one of the Principal Architects on the project to take us through the design plan.

Doug Payne, Architect, Domiteaux Baggett Architects [previously sworn], presented information via power point [Exhibit "4"]. Mr. Payne said, "Our intentions for the design of Violet Crown Cinema has been to conform to the Railyard Master Plan and the City's Development Code without the need for variances and to respect and reinforce the fabric of the Railyard. The Violet Crown Cinema will be located at 1606 Alcaldesa. As proposed, it will consist of 30,000 sq. ft. of cinema and restaurant. The construction consists of 26,000 sq. ft., dedicated to 11 auditoriums, entry lobby, concessions and administration spaces, with the entry of Alcaldesa Street. 4,500 sq. ft. of the building will be dedicated to a full service restaurant serving both cinema patrons and visitors to the Railyard. Simultaneously, the pedestrian area is Alcaldesa Street and the Plaza will be completed by the City on the north, east and west sides."

Mr. Payne continued, "Eight 49-seat auditoriums will be located below grade, accessed by the central staircase and bank of elevators. The remaining 3 will be accessed from the mezzanine level. Of these 3, one will have an approximately 120 seat capacity and the ability to present alternative formats, vintage film and live presentations."

Mr. Payne continued, "The cinema is designed to respect the esthetic scale and articulation of the Railyard and the neighboring buildings. Specific building elements consist of a weather steel box anchoring both the low slope metal roof and divided light window wall facing the Plaza. The cinema entrance opens to Alcaldesa Street through a divided light entry wall. The remainder of the entry elevation is transitioned to stucco, corrugated metal and arbors used to articulate the elevations facing the Manhattan Street residential neighborhoods. To the south, between the cinema and Santa Fe Clay, stucco and corrugated metal siding will be continued. Thank you very much, I'll be happy to answer any questions."

Richard Czoski, Executive Director, SFRCC, said is here to answer questions. He said the balance of the area around the actual cinema is the responsibility of the City to construct. The design has already been approved. The Trust for Public Lands ["TPL"] did the design on the Plaza which is the track side. And they have the infrastructure designed for Alcaldesa Street and Camino de la Familia on the two sides. The north and the west side were approved when the infrastructure drawings were approved in 2006. The Fire Chief has requested some minor changes for fire lanes and accessibility. He said they will be making those changes subsequently, but haven't incorporated those into the infrastructure design at this point.

Speaking to the Request

Suby Bowden was sworn. Ms. Bowden said she was a lead member of the Railyard Master Plan Team. She is extremely pleased to see Violet Crown coming here this evening to finally fill the hole we've had in the Railyard for so many years. She encourages the Commission to support the project.

Ms. Bowden continued, "I do have questions that concern me about the next stage of the Plaza Development beyond the theater itself. It is my understanding, if you could answer me, will the project for the plaza come back to the Planning Commission or will this be the only hearing."

Chair Spray said the Commission will deal with questions after the testimony.

Ms. Bowden said, "Okay, well then I'll speak to it. The reason I'm speaking to it is because Violet Crown has proposed a canopy on the east side of its elevation which extends 10 feet out over the conservation easement, beyond the build-to lines. In the document, it says that meets the build-to lines, but in fact, they are proposing a canopy. The canopy would be nice for people who later can sit in tables and chairs for people, like the brewery does on the Plaza, to get as much activity as it can. With the 10 foot setback, it pushes the fire lane further out from the building, because the letter from the Fire Department states that any portion of the building above 30 feet, requires a 26 foot fire lane, and they want it on all three sides. This means the fire lane get pushed even further out beyond the projected canopy. That means it has a big impact on the trees. And fundamental to the original master plan, that was developed with the Trust for Public Lands, was there was be trees on both the east and the west side of the tracks, in order to show the continuity of the Plaza. So we've been told, but I've not seen actual plans ye. As Richard Czoski said to you, that will impact the plaza plan and therefore potentially could significantly reduce trees. I would ask that we maintain the same number of trees even if they are clustered tighter together, rather than cutting trees into half of what we had on the west side of the Plaza."

Ms. Bowden continued, "I also encourage the Planning Commission to ask this tenant, SFRCC and the City to tie all the roof water, which fortunately is sloping to the east side, into the water collection system to the park. You may hear from staff that we've had trouble with the water collection system, but we've just completed looking through 62 boxes at the TPL, and we found a great deal of information about the water collection system, and we feel we may be able to answer questions. So we encourage you tie all the roof water into what eventually will go down to the park, especially during this drought condition we're in today."

Ms. Bowden continued, "And lastly, we cannot tell from this plan, with the two measures that have to do with the building itself and the area around the building which were raised at the ENN meeting, but did not make it into the minutes in your package. One of them was concern about the safety of the crosswalk between Santa Fe Clay and the cinema. It's a pretty mean alley late at night, and I think it's going to require a lot of attention to be sure it is extremely well lit, that there are buttons along the way if someone gets trapped in there and need to hit the button for the police, but there are police now on the Railyard. I wouldn't ever walk down that walkway right now by myself late at night, and so I am concerned about that."

Ms. Bowden continued, "Lastly, when the tables and chairs come before the City and the public that we encourage it to be a public conversation and not simply a vendor's license."

Stefanie Beninato [previously sworn] said her main concern is about parking. The City is actually giving away free parking, or allowing this tenant free parking for 5 years. She thinks there is a real problem, because the other businesses there don't get the same consideration. She said there is really nothing distinguishing this business from the others, except the City has spent a lot of time, energy and money settling with the former lessees to do this movie theater. She said it wouldn't be successful if people had to pay the parking, and the objection in the community against this project – who would go to a

cinema where you have to pay for parking when you could go to many others that have free parking. She said free parking is discriminatory and sets a really bad precedent for business use in the Rail Railyard, unless you want to make it all free, all the time for everybody no matter what. Then it's not a problem because you are treating people equitably and fairly.

Vicky Ortega, 1224-B Cerro Gordo, was sworn. Ms. Ortega said it's exciting to get a new movie theater. She asked the owners to consider making some dollar movies or family type packages which are more cost effective for families. She said there isn't a whole lot here for teenagers to do, noting she has a teenage daughter. She said movies can be expensive. She said in Albuquerque they have theaters that have dollar movies, which seems to be successful. She would like the owners to take this into consideration.

The Public Testimony Portion of the Public Hearing Was Closed

The Commission commented and asked questions as follows:

- Commissioner Harris said he would like to speak to the issues raised by Ms. Bowden. He said, with regard to the runoff, the low sloped roof to the east is an asset for water collection. He said because of his company's work on the Railyard Park, he knows there is a stub-out on the west side of the tracks, on the SE corner of the proposed Plaza. He asked Mr. Payne to look at N3.00 in the sheets for the Railyard Park, and it is referenced there. He said there is a line that picks up the water from the Market Station, noting Mr. Drypolcher verified the stub-out is there.

  Mr. Czoski said the rooftop water from Market Station is tied into the water harvesting system. He said the Violet Crown design also has a collection system at the SE corner of their building, and they are prepared to dedicate all the rooftop to the water harvesting system if the City will run a new line under the tracks to tie into the line on the other side. He said there are two issues with the existing line. The site drops off from where the existing line ties into Market Station, so it would have to go uphill, which you know won't work for that. So there will have to be a new line from that SE corner across the tracks and tie in the area of the shade structure.

- Commissioner Harris said he was unaware of the elevation difference. He asked Mr. Czoski if he is saying that stub-out won't work.

  Mr. Czoski said the stub-out closest to this building actually is a water supply to irrigate trees on the Plaza. There isn't a line going back the other way to the water harvesting line. The only one that was put in is higher in elevation and is being utilized.

- Commissioner Harris suggested Mr. Czoski talk to Mr. Drypolcher about this, commenting they think there is something there that is possible, noting he has loaned most of his records to TPL.

  Mr. Czoski said if there is something there, he is sure they would use it.

Mr. Banowsky said they specifically designed the building to capture water from the rooftop, which resulted in the location for the water collection system. They had planned to put in a cistern of some type until this arrangement could be figured out, if it couldn't be done immediately. They will be able to harvest maximum water collection from the roof.

- Commissioner Harris said are you saying one way or another you will harvest it.

  Mr. Banowsky said they are harvesting one way or another which ideally goes into the Railyard system.

- Commissioner Harris said we get hit hard and fast in terms of rain and they need to consider that in running the numbers.

- Commissioner Harris said, with regard to the canopy, it looks like the proposed building goes to the lease line, and Mr. Czoski said yes.

- Commissioner Harris said the canopy projects into the conservation easement and Mr. Czoski said yes.

- Commission Harris asked if that condition was allowed on the Farmer's Market.

  Mr. Czoski said the Farmer's Market building is set back far enough, so that situation doesn't occur. They had discussions with the TPL, and the TPL is in agreement with canopy going over the conservation easement.

  Mr. Czoski said, in terms of the fire lane, he met with Fire Marshal Rey Gonzales, and he has asked, on the Plaza side of the building, that the northernmost row of trees closest to Alcaldesa to be deleted. He said all he wants on that side of the building is to be able pull an EMT truck up, so he needs 26 feet in from Alcaldesa Street. The two northernmost trees would have to be deleted, but the ones further to the south would remain. He does not need the 26 foot fire lane along that east face.

- Commissioner Harris asked about seating under the canopy on the easement. He said the seating at Second Street Brewer goes only to the lease line, so we have a different situation in terms of the canopy and seating allowed in the conservation easement.

  Mr. Czoski said their discussions with the TPL were that they would work on seating at a later date, but that's not critical to the development of this building, or the operation of the restaurant. The seating on the north side is not on the conservation easement. He said that will happen and they will license that off Alcaldesa Street. It is really a placeholder at this point on the conservation easement. He said, "If it can be worked out among the parties, it will be done. If it can't, it will be abandoned."

- Responding to Commissioner Harris, Mr. Czoski said the decision will up to the TPL as the holder of the conservation easement.

- Commissioner Harris asked what happens if this development doesn't go forward – financial difficulties such that they cannot continue operations.

  Mr. Czoski said it is a similar situation with all ground leases in the Railyard. The City owns the ground and the ground is leased to the tenant. He said, "In 99% of the cases, they borrow money to build the building. If the tenant defaults on the ground rent to us, the lender will step in and pay the ground rent. Because if they default on the lease, any building reverts to the landlord which is the Railyard Corporation. No lender is going to lose a $7 million building over $50,000 to $60,000 annual ground rent. He said from a financial perspective, it's the safest way to be a real estate owner and developer." He said if the cinema experiences trouble, the lender will take it over and try to find another operator, but the City and the Railyard will be in the same position as if it was successful. It will negatively impact the rest of the project, because this will bring a lot of people to the Railyard, and we obviously are hoping it is a success. He said Mr. Banowsky is investing a great deal of money to make it a success.

  Mr. Czoski said, with regard to the parking, the parking is free to the customers of the cinema, but the Railyard is paying the City for the parking. Mr. Czoski said, "The City is not donating the parking. I just want to make that clear."

- Commissioner Schackel-Bordegary said to clarify, this is a Development Plan approval, so this is conceptual. She asked if the Final Development Plan will be coming back to the Commission.

- Chair Spray said no.

- Commissioner Schackel-Bordegary said, then we need to put any conditions on it tonight. She would like more information on the walkway – how wide and such. She asked the designer to comment on the walkway.

  Mr. Payne said the walkway is 14 feet from building face to building face, noting City Code requires them to keep the lighting under 3 foot candle lighting, so it will be quite dim under those circumstances.

- Responding to Commissioner Schackel-Bordegary, Mr. Payne said the City requires a certain amount of light in pedestrian areas and walkways.

- Commissioner Schackel-Bordegaray asked if that has to do with the provisions of the Night Sky Ordinance.

  Ms. Baer said it's an outdoor light ordinance, and not a night sky ordinance, and there are limitations on the number of watts or lumens that can be shed in any situation. She said she believes the architect quoted 3 watts which is at a given point, so 3 watts probably is sufficient.

She said you wouldn't want a sidewalk over-lit or for an alley to be brighter than the remainder of the building. It would have to follow City Code, unless they want to request a variance.

- Commissioner Schackel-Bordegary asked Ms. Baer to explain what she means by "you wouldn't want it to be any brighter."

  Ms. Baer said she meant you wouldn't want it to be brighter than the entrance to the building, and entrances can't be lit more than 5 watts.

- Commissioner Schackel-Bordegary said there are no entrances on the walkway.

  Ms. Baer agreed saying however, "You wouldn't want a narrow alley between two buildings to be brighter than the front of the building. I wouldn't think."

- Commissioner Schackel-Bordegary said she wouldn't want to walk down such a narrow space which isn't really well lit.

  Ms. Baer said she believes 3 watts is well lit. She said it is a semantic issue – "one person's dim, is another person's sufficient."

- Commissioner Schackel-Bordegary said this is something we will have to see how it turns out. She said, "I'm leery about it now, the way it is, and it's going to be narrowed-in. That's just a consideration, and I'm confident you will take into consideration everything you need to do to ensure that it is as safe as possible via design, lighting, so it isn't an afterthought and we're stuck with it."

  Mr. Czoski said, "Given the choice, I would walk down Alcaldesa Street, which is only about 60 feet further down, which will be very well lit. This corridor is there for exiting purposes from the Santa Fe Clay building and the cinema. If you are walking to the cinema or Santa Fe Clay, given the choice, I think most people would walk down the well lit street between the cinema and Flying Star, but not to underestimate your comments."

  Mr. Czoski said he is working with the City to see if they could be willing to find cameras in the Railyard from the City-wide program which has been approved on a prototype basis. However, if that works out, we would propose to put more cameras at the Railyard and probably would put one in this narrow corridor."

- Commissioner Schackel-Bordegary said he dispelled her concern entirely by reminding her that Alcaldesa is the connection, and will be the path most taken.

  Ms. Baer said, "Quick correction. I was saying watts, I certainly meant to say foot candles."

- Commissioner Schackel-Bordegary noted that Mr. Czoski dealt with one of her concerns which is the free parking. She said she read Mr. Banowsky's letter saying he would provide for educational

screening and work with the School District to do that. She said this is a positive sign, and she would welcome this which will benefit the schools and the community.

- Commissioner Pava asked what has been done to deal with icicles that form on buildings in Santa Fe, and said REI comes to mind where large icicles form, and those icicles can fall off. He asked what precautions can be taken. He said this is a real concern which he has experienced on the north and east sides of REI, noting this is going to be a tall building with over-hangs.

  Mr. Payne said they expect to install a heating system across the gutters so icicles don't form and present a hazard.

- Commissioner Padilla said he didn't hear the answer to the question about parking, and free parking for this entity and not other entities on the Railyard.

  Mr. Czoski reiterated that the parking is not free and the Railyard is paying the City for the parking, noting they felt that was necessary for a business of this kind. The parking is for 4 hours, so people can go to a movie and then to other businesses.

- Commissioner Padilla asked what would happen if the extension of the overhang into the conservation is not approved, and what would be the option.

  Mr. Czoski said, "If there is no seating, the windows slide open, and there would be a side wall with visibility to the tracks. The entry would be on the north side. He said the canopy would be deleted if it was not approved by the TPL.

- Commissioner Padilla asked if that would impact the overall design or proposed services for customers in the dining area, and Mr. Czoski said no.

  Mr. Banowsky said they are prepared to delete the canopy if it isn't approved, but they do believe it is important to have the outdoor seating. However, they are prepared to move forward with the project if the canopy were not to be approved.

  Mr. Payne said, "The canopy was designed with energy modeling and it is very important to the energy level in the building. If it was to go away, we would have to find another way to shade it, perhaps with louvers, so it didn't impact the cooling levels."

- Commissioner Padilla asked if that would be an item on the east façade to meet the energy modeling calculations. He said those would go out into the conservation easement. He asked how the louvers would be approved if the canopy wasn't approved.

  Mr. Payne said it would be a much slighter profile, and they would set the building back so the louvers met the building line.

- Commissioner Padilla noted Item L, provides rooftop screening of mechanical equipment is not required. He said the plan indicates rooftop equipment would be mounted on the east slope, which would be visible from the Plaza.

  Mr. Payne said, "That isn't entirely correct. The slope of the roof is slight enough that if you are standing on the side of the tracks [inaudible] you wouldn't see the equipment at all or perhaps just the very tip top. It's a one and a half to twelve slope, so it's very slight."

- Commissioner Padilla said then the Railyard Master Plan criteria doesn't require screening of rooftop equipment, even if facing an important public space and gathering area.

  Mr. Czoski said, "That is correct. In fact, it prohibits screening. It is meant to enhance the industrial vernacular of the architecture, and the fact that most of the buildings in the Railyard are industrial. And I've had other people ask me the same question, but that's the situation with the Master Plan."

- Commissioner Padilla said, with regard to the building lighting, he sees the corridor as being a discharger and emergency exit and such. He said, "I think if there is some consideration, once lighting is in there... I believe your plans call for 2 lumens instead of 3... that if 3 lumens actually gives us a little more security and safety, I would like for that to be considered."

- Commissioner Padilla asked, "On the façade where you are using the lighted poster boxes, what type of lighting is in there, and is that, since it is not a down-type lighting, it's basically illuminating the posters, what type of lighting is that going to have or what effect will it have on the façade where the posters are illuminated."

  Mr. Payne said the boxes are lit by internal [inaudible] strips. He said they expect the light would be blocked to the point that they don't exceed the City's required foot-candles. He doesn't know what the lumens would be, but he can look that up.

- Commissioner Villarreal said she can't determine from the materials in the packet if there is a wall separating the proposed seating under the awning and how Market Street would affect that. Is there something that would block that in the event a car is out of control or something of that nature.

  Mr. Payne said there are no detailed plans for that area, reiterating this is conceptual.

- Commissioner Villarreal said hopefully they will make that a secured place once they get into more detail.

- Commissioner Harris said the only conditions of approval in this case are the Fire Marshal's condition as well as from the Wastewater Management Division and asked if this is correct.

  Mr. Lamboy said that is correct.

- Commissioner Harris said we are being asked to approve a development plan with these conditions. He thinks the water issue is important enough to be put as a condition of approval. He said as far as the other elements with the design, we've had a full discussion here, and this is more than conceptual, and this is what will be there if it is approved.

  Ms. Baer said that is correct. There may be minor changes at building permit, but this is what they would expect to see. She said, "You can make a condition if there is a significant change, that it must come back to you."

- Commissioner Harris said on the lower level there are 400 seats, with two bathroom stalls for men and 2 stalls for women, which seems pretty lean to him.

  Mr. Payne said that is lean, but they have satisfied the plumbing requirements under the Code at the second floor. He said they "shoe-horned" 8 theaters into the bottom floor, and that's where the design is now.

  Mr. Banowksy said the plan was to locate the primary bathroom facilities on the main floor, which is a very short walk from any of the auditoriums below.

- Commissioner Harris said he understands and believes it is outside our purview. He said he would look at the two flanking theaters, perhaps going down to 40 seats to expand the footprint of the two rest rooms. He said only two stalls apiece at the lower level for 400 seats will be troublesome for them.

- Commissioner Padilla asked, regarding the canopy on the east, if it doesn't work withe conservation easement to have the canopy there, would removal of that cause a significant change to what's been presented and would that come back to the Commission.

  Ms. Baer said she would say it would not, but the Commission could make that a condition.

- Commissioner Padilla said the issue of snow and ice buildup, that is a gradual slope, but we would like to make sure if things go awry that it is controlled.

- Commissioner Schackel-Bordegary said she is comfortable with it not having to come back in that event. She noted a comment in the ENN sign-in sheet from May 16th, where someone wrote in, "No eating in a 50 foot theater:' She asked if we know what they mean.

  Mr. Banowsky said he doesn't know, and can only speak to their experience with the 50 seat theater concept launched in Austin two years ago which has been enormously successful. He said people seem to like eating and drinking in the theater while they watch the movie and they don't see that as being problematic.

- Commissioner Schackel-Bordegary said then perhaps this person objects to that concept.

Mr. Banowsky said perhaps, but he doesn't know.

– Commissioner Schackel-Bordegaray said then the concept is to eat.

Mr. Banowsky said there are table systems by each chair where one can set a dinner plate and enjoy high quality food while watching the movie and have a beer or a glass of wine.

MOTION: Commissioner Pava moved, seconded by Commissioner Villarreal, to approve Case #2013-60, Violet Crown Cinema Development Plan, with all conditions of approval as set out in the Staff Report [Exhibit "2"].

FRIENDLY AMENDMENT: Commissioner Schackel-Bordegary would like to add a condition of approval that the water be harvested off the low slope roof, and be tied into the system, the park wide system. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE COMMISSION.**

DISCUSSION: Chair Spray asked if there is any language that is appropriate so we can be as specific as possible.

Ms. Brennan said, "From what I heard, they are willing to use their best efforts to do that. There may be some obstacles, so I don't know if you mandate it, and it may not be possible, they might have to come back. If the condition is to use their best efforts to tie into that system. I understand the City has a role to play in that, and the approval won't affect what the City does.

Commissioner Schackel-Bordegary asked, "Based on that statement, does that mean that if it is not doable, or they run into obstacles in however it is dealt with, if we don't ask for it to come back, we won't know how that will occur.

Chair Spray said, "It would seem to me, best effort to me, means best effort. And if they can't do that, then we would have to make the provision, I believe, to be able to ask it come back here."

Commissioner Schackel-Bordegary said, "In that case I would want it to come back, and I say that because we need to know why, or why not, rain catchment systems work in Santa Fe. So I'm going to make the statement, it's one thing to design it that way and we know we wanted it that way. So if it didn't get designed to work, we need to fix that now, going forward, particularly in this City in the drought. As we go forward we should be on top of our how our rain catchments work or don't work. And I, as a Planning Commissioner, want to know the outcome, and make sure that it would happen.

Commissioner Harris said, "It's like anything else in this business, it can be made to work. There's a few options, even, just like we have pumps that will move water from the system, it's possible to collect it next to the building and pump it to the line that already exists coming off the market station, so I think there's a few options here that can make it work."

Chair Spray asked the maker to restate the motion, to include what you think is appropriate, Commissioner Pava.

RESTATED MOTION: Commissioner Pava moved, seconded by Commissioner Villarreal, to approve Case #2013-60, Violet Crown Cinema Development Plan, with all conditions of approval as set out in the Staff Report [Exhibit "2"], and in addition, the condition regarding the rooftop water harvesting, so the Applicant will coordinate with the City of Santa Fe to a mutually agreeable method, technology, for harvesting the water off of the low sloped roof."

DISCUSSION ON THE RESTATED MOTION: Responding to the Stenographer's question about a friendly amendment requiring that it come back to the Commission if there are significant changes, Chair Spray said, "I don't think we made the friendly amendment about it coming back here. That was a comment that was made, but I don't think a motion was made about bringing it back here. I think Commissioner Pava has the correct motion at this point and that has been seconded."

Commissioner Ortiz said, "I think we can capture all of that by including a statement to make sure we capture the water from the rooftop system into the Railyard system. I think that's the key thing, and that will require creative engineering, whatever they have to do to make this thing work. Ultimately, I think we want it to go into the Railyard system, correct."

Commissioner Schackel-Bordegary said, "Right."

Chair Spray said, "I believe that would be okay, but I don't think that's necessarily in conflict with what Commissioner Pava made in his motion, would you say that."

Commissioner Pava said, "I didn't specify the Railyard."

Chair Spray asked, "Are you suggesting we add that, Commissioner Ortiz, make another friendly amendment."

Commissioner Ortiz said, "I think, based on discussions, I think that's ultimately what we're trying to accomplish is get that system going to the current Railyard system."

Chair Spray said, "And you're asking best efforts on that as well, not necessarily as a condition. Specify where you're going with that."

Commissioner Ortiz said, "I don't think we necessarily have to specify the location, because we're still going to try to get that system into the Railyard System."

Chair Spray asked, "Commissioner Pava, is it possible to restate that motion one more time with that provision there."

Commissioner Pava said he would defer to Commissioner Ortiz to restate it if possible. He said, "Mine was a little bit cumbersome actually. I would be happy to entertain hearing it, if you have a better sense of it."

Chair Spray said Commissioner Pava will still be the maker of the motion, but we want to hear your text on this.

PROPOSED SECOND RESTATEMENT OF THE MOTION BY COMMISSIONER ORTIZ: Commissioner Pava moved, seconded by Commissioner Villarreal, to approve Case #2013-60, Violet Crown Cinema Development Plan, with all conditions of approval as set out in the Staff Report [Exhibit "2"], and with an additional condition that there be a stormwater catchment system going to the railyard system." **THE RESTATEMENT WAS NOT ACCEPTED BY THE MAKER, AND THE RESTATED MOTION AS PREVIOUSLY STATED STANDS.**

Chair Spray asked if he wants it from the low slope roof.

Commissioner Ortiz said, "If we asked for a specific location we complicate matters, because one way or another, you still want it into that system, and they're going to have to make it work, however it has to be. If that means if they have to go with a line underneath the tracks, whatever it is, but ultimately we want it to work into the Railyard system, not being independent with their own cistern, which does not work for the Railyard system."

Commissioner Pava said, "I intentionally left my motion vague, referring to technologies and whatever, and working with City staff to an agreeable solution, because I would defer to staff how that would be done. I know I didn't use the word Railyard, but I'm not sure that's even necessary, since there are other controls beyond our regulatory controls that probably are going to govern how this is dealt with. That's why I left it vague. I'm fine with modifying it and adding some language, but we have a long agenda, and I don't think it's going to add a whole lot of value to this. I don't know, Mr. Chair, what would you like to do."

Chair Spray asked Commissioner Ortiz if he wants to add the language about the Railyard, because Commissioner Pava will do that.

FRIENDLY AMENDMENT: Commissioner Ortiz would like to add an additional condition of approval that there be a stormwater catchment system going to the railyard system. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE COMMISSION.**

Chair Spray asked if the text of the motion is clear to Ms. Brennan and Ms. Baer in terms of developing this going forward.

Ms. Baer said, "I just point out to the Commission that this will not go to City Building Permit because it is on City property, and it would go to the CID for permit. And I believe the motion is clear at this time."

VOTE: The motion, as amended, was approved on the following roll call vote [7-0]:

> **For**: Commissioner Bemis, Commissioner Harris, Commissioner Ortiz, Commissioner Pava, Commissioner Padilla, Commissioner Schackel-Bordegary and Commissioner Villarreal.

Against: None.

Explaining his vote: Commissioner Padilla said, "I vote yes and I want to compliment the owners of Violet Crown for moving forward with this. Thank you. Yes."

2. CASE #2013-57. VILLA ESPERANZA DEVELOPMENT PLAN. MONTOYA LAND USE CONSULTING, INC., AGENT FOR SANTA FE CIVIC HOUSING AUTHORITY, REQUESTS DEVELOPMENT PLAN APPROVAL FOR THE CONSTRUCTION OF 14 NEW TWO-STORY DWELLING UNITS, ADDITIONS TO 8 DWELLING UNITS, THE REMODEL OF 32 EXISTING DWELLING UNITS, AND OTHER SITE IMPROVEMENTS ON A 5.84± ACRE SITE. THE PROPERTY IS ZONED R-21 (RESIDENTIAL, 21 DWELLING UNITS PER ACRE) AND IS LOCATED AT 1750-1807 HOPEWELL AND MANN STREETS. (DONNA WYNANT, CASE MANAGER)

A Memorandum, with attachments, prepared July 17, 2013, for the August 1, 2013 meeting, to the Planning Commission, from Donna Wynant, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "5."

A power point presentation *Case #2013-57: Villa Esperanza Development Plan, Planning Commission, August 1, 2013*, entered for the record by Donna Wynant, is incorporated herewith to these minutes as Exhibit "6."

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

Public Hearing

Presentation by the Applicant

Monica Montoya Montoya Land Use Consulting, Agent for the Santa Fe Civic Housing Authority, was sworn. Ms. Montoya said she and Mr. Gifford are the team that are working on this project.

Tom Gifford, Project Architect, 805 Early Street [previously sworn]. Mr. Gifford said, "I have a presentation if you would like me to give it to you, or with the long agenda this evening, I'm happy to answer questions, whichever you would prefer."

Chair Spray said that is his call, and Mr. Gifford said he is happy to answer questions.

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 Commissioners asked questions and commented as follows:

- Commissioner Villarreal commended the people and the Architect involved with this project, because it is an area of great need of development and rehabilitation. She is happy to see there will be options for a green, sustainable development which she appreciates.

- Ms. Villarreal asked what are the plans for the relocation of residents during construction.

- Mr. Gifford said the relocation will be phased, somewhere in the neighborhood of 8-10 units, and there would accommodations by the Santa Fe Civic Housing Authority off site through apartments where they rent a block of apartments and we move people into them, so they have no cost or burden during remodeling. They have the first right to return to the unit, as long as they remain rent qualified.

- Commissioner Villarreal asked if the rent will be increased when they return to the unit.

  Mr. Gifford said he doesn't know, but said perhaps Ed Romero can answer that question.

  Ed Romero, Santa Fe Civic Housing Authority, was sworn. Mr. Romero said, "The answer is, we have 120 units across 5 different sites in Santa Fe. Those 120 units will retain the same basically 30-40% AMI rent and income and subsidy that follows it. Someone with very minimal income could rent these particular units. On top of that, we are asking to add, across all 5 units [sites?], somewhere in the neighborhood of 28-30 new units, which will be targeting 60% AMI renters, which would mean, on a 20-bedroom unit, rent somewhere in the $600 to $700 range. We will retain the character of the 120 units which is designed for very low income."

- Commissioner Harris said he understood Ms. Wynant to say the tot lot is being discussed, but wasn't necessarily going to be built, and asked where the childrens playground with the tot lot be built out as part of this project.

  Ms. Wynant said there two different play areas, one is right behind the community building. The one across the arroyo is shown on the plan which they are planning to do in the future. However, they have to work out the details of accessing it via the bridge to other side of the arroyo. She would defer to the Applicant with regard to their specific plans.

- Commissioner Harris said his concern is safety. He said we had a tragedy in the last month where an individual died in an arroyo in a rain. He said arroyos are attractive nuisances. He said it can be a real hazard to have children in the proximity of an arroyo in a rain like the one we had today. He said there is a 6' 8" fence around the perimeter on that side of the property. He said, "I think there really needs some real measures of control on both sides of the arroyo, quite frankly, to ensure that a child or someone else doesn't get into the arroyo and get hurt."

Ms. Montoya said the Santa Fe Civic Housing Authority does own a portion of the property on the north side of the arroyo, which is the area she believes they are discussing. She said, "They have been talking about a potential development of that side of the tract at some point. It isn't designed in any current plan. In the future, if we ever do decide to develop that, we will definitely take that into consideration, especially if there is a tot lot involved. But I don't believe there is any plan, at this point, to do anything on north side of the arroyo, which is that tract of land off Quapaw. It has access off of Quapaw.

- Commissioner Harris said it is unclear whether or not they are going to build the tot lot.

  Ms. Montoya said it won't be built with this Development Plan Application. It is not proposed.

- Commissioner Harris said, in any event, the arroyo is accessible to people, whether or not there is a tot lot up there, and asked if this is correct.

  Ms. Montoya said, "There is access to it presently. The buildings that line the arroyo at this point, those will be remodeled. There also will be a parking lot on the south side of the arroyo. I don't believe we have any plans for accessing the arroyo. The only plans we may have is to clean up the arroyo, but I don't believe we have any plans at this point to make it usable by any of the residents. Did that answer your question."

- Commissioner Harris asked if the arroyo flows in a rain such as we had today. He said, "As I drove over here from the south side of town, there was water water everywhere, quite frankly."

  Ms. Montoya said in her personal experience, she has never see this arroyo flow. She said, "I just saw a nod from the Director of the Housing Authority, Ed, and his nod is no, it doesn't flow, but in my personal experience, I have not seen it."

- Commissioner Harris said his caution would be to really look closely at it, and whether or not you build a tot lot there with a bridge, to clean it up and to have another run of fencing. If you don't develop that piece on the other side of the arroyo, you could run the fence straight through and save a little money as well. He commended them for the project, commenting it is past due in terms of raising the bar on that whole development, so he thinks it is a good project.

  Ms. Montoya said they agree with him, noting this is a single family project and there will be families with small children, and they share the concern and will take his concerns under advisement in the future.

- Commissioner Schackel-Bordegary asked how this project came about, whose idea was it, the process and who funds it. She said we should know since this is public housing. She also commends them on the changes and the net gain housing.

  Mr. Romero said, "For the past 20 years, the United States has seen a drain on public housing. Basically, what's happened in public housing is it's never been subsidized correctly. So what has

happened is housing authorities generally lop off that arm, if you have a site that just keeps draining money and gets worse and worse. The capital fund is very small in order to rehabilitate them. So one of the ideas HUD came up with was called RAD, Rental Assistance Demonstration program, in which they let us convert public housing to Section 8 based housing. So, instead of us getting a subsidy on a yearly basis, we get a contract for 20 years with a 20 year renewal. It also allows us to sell these particular properties into a tax credit entity, so we gain equity and equity investor in the project. We also gain [inaudible] that are held on these properties so that forever these property will retain the same similar characteristics of the rental clients we have. Basically, it opens a whole new set of financial capabilities, in this case, to bring $15 million to this deal, and about $20 million to a deal we have in Bernalillo, and another $15 million in Espanola. Basically, it is bringing $35 to $40 million in capital up front to run these projects out another 20 years with a fixed contract with HUD to renew after 20 years. We think it's the best possible opportunity to capitalize the property. I hope I answered your question."

- Commissioner Ortiz said Commissioner Harris captured most of his questions. He said, "I just wanted to comment that if there is going to be a tot lot, you strongly consider keeping it as far away from that arroyo is possible. My experience with that arroyo is that it is very unpredictable. It does flow, it can flow, it has a large drainage basin which extends, and when the flows come in it is high velocity flows. That's my comment, and I am concerned with everything Commissioner Harris mentioned."

- Commissioner Padilla commended the Civic Housing Authority for its commitment to the community to provide affordable, quality housing. The work they are doing is commendable. He noted the report indicates the basketball court was removed. He said typically there are teenage kids in the area, noting he frequently drives through the area. He said the tot lot is great, although it might be a little hard for parents living on the south end to walk their children all the way to the tot lot. He asked what outdoor amenities do they plan to provide for teenagers to keep them "from hanging out on the stoop so to speak."

  Mr. Romero said one of the reasons they removed the basketball court is that it doesn't seem to be used well. He said many people think a basketball court is a great amenity for teenagers. However, they found it wasn't, and was a great place to break beer bottles, and to do anything except play basketball – it wasn't being utilized. He said, "Part of our game plan in that, was we brought in the community center which has a small indoor basketball court. We worked out an arrangement with the City 3 years ago to build, along with some BTOP funds [Broadband Technology Opportunities Program], a computing center that has a small capability for a daycare. We currently are working on a new LLC to provide daycare, community services, resident services across all our portfolio, but we want to base it out of our Hopewell-Mann Community Center."

- Commissioner Padilla asked what type of amenity areas exist for teenagers, other than the community center on site, if any.

  Mr. Romero said, "We don't have a lot of on-site. We have a few small mall parks. We've arranged something with the apartment complex across the street to allow use of the grass area.

We have talked with the City about potentially doing something in terms of teens at night. But, predominately, our clientele that live at the site have children age 6-12 years age in that particular site. So once they get to be teenagers... we don't seem to have as many teenagers at that site, and we haven't focused our needs on that particular section of clients."

- Commissioner Padilla said his last comment is, that as they move forward they consider some outdoor areas where kids could hang out as opposed to breaking beer bottles and so forth, not those kinds of areas, but someplace where there are amenities which are conducive to get together to read and do outside classroom work and those things, or just hang out.

- Commissioner Bemis said, "Just a quick comment about the tot lot. In looking at the map, could that be switched, obviously, away from the arroyo down to the bottom corner. I don't know what's in there in this yellow at the very bottom left hand side of the map."

- Mr. Gifford said the lower left corner would be back yards, but certainly they could consider that area which is a little behind some structures, but there is some public way to it and they could certainly consider that as we move forward.

- Commissioner Pava said at the ENN, there were notations that questions came up with regard to maintenance of open space, the common open space in the back yard, it stated that, "Mr. Gifford commented that the front yards would be common open space, and the back yards would be the responsibility of the tenants." He asked what happens if they don't maintain those back yards.

  Mr. Romero said, "When our clients don't maintain their units and they fall below standard, we would notify them first with a 7-day notice, and they have 7 days to correct that deficiency. Then they may get a second 7-day notice, and there could be termination of their lease and eviction."

- Commissioner Pava said he lives near a project that has Section 8 housing, and he finds that there is an overflow of parking, because people who aren't supposed to be there can't park on site and don't want to, so they use the City streets which they have every right to do. However, this causes problems. He lives in a very mixed neighborhood in Barrio la Canada. He said, "This is a constant source of friction between homeowners and renters and folks in these apartments. And I would like to know if you have experienced anything similar in the neighborhoods around this project historically. And if so, what have you done about it."

  Mr. Romero said, "Historically, we don't experience as many cars. Our clients don't have as many cars. Of course, their friends and relatives that come to visit them, do, and once in a while we have an overflow of parking, like anywhere else in the town. What we try to do with our Section 8 clients, because we also run the voucher program, is, if there is a neighborhood that is having issues with our clients, we try to step in, counsel our clients, encourage them to use different avenues in which to have friends and guests over, and to be a good part of the neighborhood fabric. If you are experiencing any of those kinds of issues, please give me a call."

Ms. Montoya said in her experience in working with multi-family development projects, parking does seem to be, or can be an issue, not just for this project, but for many multi-family development projects, the overflow parking can be a problem for neighborhoods. She said, "What I can tell you when we were looking at this project, designing it, planning the parking, we did meet Code requirement for parking, so we do feel we have plenty of parking. However, there might be some overflow into the neighborhood, but that's pretty typical of any multi-family project."

- Commissioner Pava said he understands the Code requirements, but typically their leases have restrictions on who should be living in the apartment. He said, "What I find is that people who aren't supposed to be living there, purposely park off site so they can spend the night and then leave. And this can cause an issue and a problem to neighborhoods. I don't want to belabor this at this point. I'm pointing it out. I think it's an issue, a real issue whether in the Hopewell area or my neighborhood, but it is an issue."

  Mr. Romero said they agree with the comment, and they do everything possible to encourage their residents to fit within the fabric of the neighborhood. And when there are issues, they try to address them with the neighborhood.

- Commissioner Pava asked the cost of the overhaul, and if it is a total of 40 units to be done.

  Mr. Romero said, "It's a total of 120 units that currently are on the grand. We'll demo one unit and we're going to add 32 units. For this particular project, this particular project, there will be 14 new units at this particular site for a total of 54 units. Across the City, we will be close to 150 from 120. It will cost somewhere in the $15 million range."

- Commissioner Padilla asked how many units are in the two-story building at the northwest end of the site off Hopewell.

  Mr. Romero said there are 8 units in the building, 4 up and 4 down, existing, stacked flats.

- Commissioner Padilla you are converting those to 8 two-story town homes, and Mr. Romero said this is correct.

MOTION: Commissioner Schackel-Bordegary moved, seconded by Commissioner Harris, to approve Case #2013-57, Villa Esperanza Development Plan, with all conditions of approval as recommended by staff [Exhibit '5"]

VOTE: The motion was approved on the following roll call vote [7-0]:

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

Against: None.

There was a short break here

3. **<u>CASE #2013-58.</u> AGUAFINA PRELIMINARY SUBDIVISION PLAT WITH VARIANCE. JENKINSGAVIN DESIGN AND DEVELOPMENT, AGENT FOR AGUAFINA DEVELOPMENT LLC, PROPOSES A 3-LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION. THE APPLICATION INCLUDES A REQUEST FOR A VARIANCE TO SECTION 14-9.2(D)(8) TO ALLOW TWO CUL-DE-SAC STREETS. THE PROPERTY IS ZONED R-5 (RESIDENTIAL, 5 DWELLING UNITS PER ACRE, 5.61± ACRES) AND R-3 (RESIDENTIAL, 3 DWELLING UNITS PER ACRE, 5.86± ACRES) AND IS LOCATED AT 4262 AGUA FRIA STREET, 4702 RUFINA STREET AND 4701 RUFINA STREET, WEST OF CALLE ATAJO. (HEATHER LAMBOY, CASE MANAGER)**

A Memorandum, with attachments, prepared July 15, 2013, for the August 1, 2013 meeting, regarding this case, is incorporated herewith to these minutes as Exhibit 7"."

A power point presentation *Aguafina Case #2013-58 Preliminary Subdivision Plat*, entered for the record by Heather Lamboy, is incorporated herewith to these minutes as Exhibit "8."

A power point presentation *Aguafina Properties*, entered for the record Jennifer Jenkins, JenkinsGavin Design and Development, is incorporated herewith to these minutes as Exhibit "9."

Heather Lamboy presented information in this case via power point. Please see Exhibits "7" and "8," for specifics of this presentation.

<u>Public Hearing</u>

<u>Presentation by the Applicant</u>

Jennifer Jenkins and Colleen Gavin of JenkinsGavin Design & Development, Agents for the owner, were sworn.

Ms. Jenkins presented information via power point. Please see Exhibit "9," for specifics of this presentation. Ms. Jenkins said, she is here this evening on behalf of Aguafina Development, LLC, requesting a Preliminary Plat approval for the little over 11 acres which Ms. Lamboy described.

Ms. Jenkins said, "I'm going to back up a little bit with a little more background, when we were last before you on this project. 'This' parcel here is zoned R-5, has been zoned R-5 since 2009 I believe. But when we first came before you, 'this' parcel that you see 'here' in R-5, was all one parcel. It was just one tract of land that had a split zoning situation, you might recall. The northernmost 5½ acres of the parcel was R-5, the southernmost 3.4 acres was R-1, and then there was another parcel down here on the south side of Rufina, about 2½ acres that was R-1. Our original rezone request was to make everything R-5. The General Plan in this area is 3-7 dwellings per acre, based on the surrounding zoning of R-6, R-7 and a

mobile home park and a lot of fairly dense activity.` It felt like an appropriate zoning category, and again, trying to kind of remedy a split zoning situation."

Mr. Jenkins continued, "The wishes by this body at the time was a recommendation for R-3 zoning, and actually we were quite comfortable with R-3, because we liked the larger lots, a little more of a semi-rural environment, so we were quite comfortable with that. So what we did, prior to going to City Council, is we went ahead and split the R-5 piece off, so we didn't have the split zoning issue. It's on its own parcel, it's its own legal lot of record, so we didn't have that split zoning problem any more."

Ms. Jenkins continued, "So we went to Council, again comfortable with your recommendation for R-3 zoning for the southern two tracts 'here.' It was an interesting night. I shall never forget it, and at that time, it was the desire of the Council to deny our request and have the property remain R-1. We were somewhat stunned by that decision, but it was the wish of the Council. So then we had to step back the next day and do some serious regrouping, like what does that mean. Well, what that meant was we have R-5, and if we're limited to R-1 on the other parcels, we have to maximize what we do on the R-5 piece. We can't spread the density out among those three parcels anymore because of that limitation. If we have to go with the R-1 if we're stuck on the R-1 on those parcels in terms of 30-32 lots on the R-1 piece. Nobody wanted that. The neighborhood was comfortable with R-3, we were comfortable with R-3, but for whatever reason we were not successful when conveying that."

Ms. Jenkins continued, "Long story short, at the following hearing [Council meeting] the City Council rescinded that decision and kind of gave us a clean slate, if you will, with respect to our request. And we came back, we formally amended our application to R-3, we went to Council and we were granted R-3 zoning on the southern two parcels."

Ms. Jenkins continued, "So now, we're at our next step and we are here for a Preliminary Plat Approval, and one of the requests of the neighborhood was that we bring all three parcels in as one project, one subdivision, and that's what we are doing tonight. As Heather mentioned, because of the long skinny nature of our subject property 'here,' I'm actually going to do this a little old school and approach the Board."

[STENOGRAPHER'S NOTE: There was a search for the portable microphone which, when found did not work, presumably because the battery was dead.]

Ms. Jenkins continued, "So, let me just, until we get that resolved, and I can approach. We find ourselves in a really interesting situation. We have worked with the neighborhood to keep the density down, that was the desire. The big concern was what's going to happen with that R-5 piece. And so we are able, as we conveyed very clearly at City Council the second time around, the third time around, that we can keep the density low on the R-5 piece. We absolutely can do that, but we needed the R-3 to make that work, so again, we could spread the density around. And there are some other things that make that possible."

Ms. Jenkins continued, "With respect to City Roadway Standards, which we're probably going to talk about a little tonight, there is a City Roadway Standard that's called a 'Lot Access Driveway.' It is a

legal, permissible roadway standard in the City Code. It has limitations, in term of only a maximum of 8 lots can be accessed with a lot access driveway. And there is a reason it's only a maximum of 8 lots, because 8 lots generate very little traffic. And if you have, say a base course, more of a semi-rural type roadway, it's good to have that in situations where you have low traffic generation. So basically, we took each of these parcels and we created small, little, almost compounds, if you will, of 8 lots and then the southernmost parcel has 7 lots. Each of them access by a lot access driveway. It is that configuration, that plan that makes it feasible for us to only do 8 lots on Tract C-1 when 32 lots would be permitted. We are happy with this program, based upon our discussions with the neighborhood, they are happy with this program as well. Oh, we do have a mike."

Ms. Helberg said she believes the battery is dead in the microphone.

Ms. Jenkins said, "If you can see the board, we're going to just move it right along."

Chair Spray said, "We can see that just fine. If you can stay right there behind the mike, we'll get it. We're good. Thank you. Maybe we can find a battery in the meantime."

Ms. Jenkins, using an enlarged drawing of the site, continued, "So 'this' is in a landscape format. And so what we have 'here,' is we have Agua Fria, which is 'here,' but that is the north end of the site as you can see on the board. 'Here,' we have Rufina. 'This' is the R-5 tract, which is Tract C-1. Tract C-2 is 'here,' which is R-3, and then Tract B is 'here,' which is also R-3. So, as you can see, our lots are the most generously sized lots in this neighborhood, easily, 1/3 acre up to 3/4 acre, and that was purposeful. And, as you might recall, there was discussion about access via the Power Line Road easement which is 'here.' We are not accessing via that. Mr. Tapia, who lives in the blue roofed house you can see right 'here,' we platted an easement for him. 'That' is his point of access. So we platted just an access easement for his purposes right across 'here.' We have also platted a 20 foot trail easement in 'this' location, per staff request. I think the vision is, at some point, there would be a trail connection and, maybe the power line easement, since it's apparently not going to be used for any type of roadway improvements, could be converted to some sort of pedestrian amenity over time."

Ms. Jenkins continued, "There was a question that came up regarding the emergency access. Originally when... we've had a couple of different discussions with Fire Marshal Gonzales about this, and what was explained to me is, the first responder here is actually the Agua Fria Station. And so we had an iteration of this plan at one point, that we only had an emergency access at Agua Fria. And that was requested by Mr. Gonzales, because that's where the first responders were coming from. But, obviously the emergency access is no longer necessary, because we have full access 'here,' approved by the Santa Fe County Public Works Department, because 'this' stretch of Agua Fria is still in the County's jurisdiction. And that comes down and we have an emergency turnaround 'here,' and then we also have the access coming off Rufina, again with emergency turnarounds at either end with the lots as described as generous sized."

Ms. Jenkins continued, "The way we have these dead ends done, again to prevent any sort of cut-through traffic that might try to get over to Power Line Road, we are here to keep cars off that road. The neighborhood and the City Council were very clear that that is not to be utilized, and we have designed this

strategically to ensure that. And 'this' may be a little bit easier to see. We've cut it into two parcels 'here,' so 'this' is the northernmost piece. And one thing I would like to address... actually, I'm going to back up to address that."

Ms. Jenkins continued, "In 'this area 'here,' Heather mentioned that this is a passive, kind of open space park area. The Las Acequias formal park is 'here,' and this is like I said, kind of a more passive, open space park area. And we have created about 8/10 of an acre, just under an acre of land 'here.' Very, very pretty in here. It collects water, which is great. There are a lot of mature trees. There is a lot of grass cover. It's actually quite lovely in terms of a passive, outdoor recreational space where you could take your dog, have a picnic. And so, we thought 'this' was really the optimal place to sort of create a connection to Las Acequias's outdoor space, as well as create an amenity for our neighborhood as well."

Ms. Jenkins continued, "Per the park dedication requirements in the City Code, if we were to actually dedicate a formal park, it would be 6,000 sq. ft., which is smaller than most of the lots we have here, certainly for a park. If we were to just do an open space dedication, it would be ½ acre. We are providing 6 times more land than you would have to provide if you did a formal park. And we're providing 1½ times the open space that would be required. So we feel this is a great use of this very pretty area of the property, so we would ask to be allowed to proceed in that fashion, for the purposes of our open space requirement."

Ms. Jenkins continued, "And also 'this' shows the improvements we're making to Rufina. We have right in, right out and left in access. At this point, we do not have left out access, so as you can see, we are developing what we commonly refer to as 'pork chops,' in order to address that."

Ms. Jenkins continued, "And then a lot of discussion occurred when we here last time, as well as at City Council, about the kinds of restrictive covenants that... because we obviously will have a homeowners association here, which will be collecting monthly dues and maintaining the roadways, maintaining any drainage facilities as the City requires. So, the neighborhood, we talked a lot about, well what kind of homes are going to be here, what will they look like and all these types of questions. Our client is not a home builder. Our client wants to create these lots, and potentially sell lots to builders, or sell lots to individuals who may want to build a home there. And so, in order to insure some cohesiveness among what goes on here, architecturally with respect to the homes, we have developed and will continue to develop restrictive architectural guidelines that govern how the homes will look and the materials used, and how these front yards will be landscaped, and maintenance requirements. The standard homeowner association stuff that we see."

Ms. Jenkins continued, "We will be submitting our formal covenants with our final plat application, because the City requires review of those prior to approval of final plat. And we will continue to work closely with Las Acequias as we develop those restrictive covenants. Our goal is that this is an attractive neighborhood, and that is their goal, and so we will work together to ensure that."

Ms. Jenkins continued, "So in closing, we ask for your support of this tonight, because this is the only way it can happen in a way that we have worked closely with the neighborhood to ensure keeping the density down. I really run into problems when I try to keep the density down, but this is the situation we

have, somewhat, which is unfortunate. I have the utmost respect for staff. We have respectfully agreed to disagree on this, and I completely respect their position and point of view on this, but the situation we are in is that, with this plan, as designed, we are able to keep only 8 lots on 11½ acres. That's been our marching orders, and we have work diligently to fulfill that. And so, we ask for your support, and with that, I would be happy to stand for any questions."

Speaking to the Request

All those speaking were sworn en masse

Susan Cryner, 1051 Calle Don Roberto, Las Acequias. Ms. Cryner said she is very concerned about density building in the City and in her neighborhood, in particular. She wants to support the lower density proposal. She would like to have the variance on the roadway allowed. She has been involved with this from the beginning. She attended the Council meeting where the request for R-3 was not approved, and "we were very happy with this." She said she doesn't know how this got put before this Commission again and it surprised her. She said they agreed with JenkinsGavin to tell the Council that we would be happy with R-3 if we could keep the density down. The reason it wasn't approved by the Council initially, was because of density issues. They were not told at the time that their proposal was contingent on this roadway, and if she had known, she would not have agreed. She said at this point "we are kind of stuck." She said she is disappointed information was withheld that "we would have like to have known when we made these decisions.' She said, "I am supporting the roadway so we can keep the density down.

Angelo Jaramillo, resident of Las Acequias Neighborhood, said when he attended the ENN meeting on July 10, 2013, one of the questions posed by residents to Ms. Jenkins was, to what extent the residents have any control over the development of this project. He said the response was, "Pretty customary and just issuing and kind of in light of what our previous speaker just mentioned as far as telling the residents not necessarily what they wanted to hear, but what the developer thought that they should hear." He said he has been to enough ENN meetings to know that the residents of any community have every right to control, pretty much, 100% of any aspect of proposed development that comes through their neighborhood which will impact the quality of their life in one way or another.

Mr. Jaramillo continued, saying, "I do want to commend City staff for their recommendation of denial of this project, exclusively focusing on the public safety issue. In addition to that commendation, I also want to comment Jennifer Jenkins. I have been able to witness her in action on many occasions in the past with other proposals of development. And I have to say, in terms of working with the neighborhood to achieve some sense of consensus or understanding, in terms of developing projects, it more often than not, comes out unilaterally in favor of the developer, which is typical of Santa Fe. And that being stated, I do want to add one recommendation to this Commission. If you do decide to vote in favor, as opposed to City staff recommendation, I know there is a caveat where developers can be held accountable whether or not they were inclusive of residential input. Where a financial component of the development project itself can be placed in a pool or a pot, particularly affecting the Las Acequias Park which recently has become an outstanding public safety issue and a very grave concerns to the residents

of Las Acequias. If for some reason the R-3 or R-5, or any technicalities that were not truthfully communicated to the residents of Las Acequia is approved tonight, I would wholeheartedly recommend that the developer is held accountable to at least create some financial resource to where the lighting could be affected, or the parking or the high impact of traffic which is a public safety issue on Calle Atajo can be reduced. That way, at the very least, you do include some of the sentimentally and very, I think, sincere input from the community itself. As a resident of Las Acequias I just wanted to put forth that. Thank you."

Linda Flatt, 950 Vuelta del Sur, Board of Las Acequias. She said she has appeared before this Commission quite a bit about Aguafina. She feels they have beaten a trail here. She said, "We are kind of between a rock and a hard spot." She said, "What I am feeling now, is we agreed and voted on, the Las Acequias community did, that we would approve the 8, 8, and 7, the three divisions, of the community because we were concerned about density, because of our park, because it is right behind that park area. And it has been a burden with the park and being concerned about what's being built there."

Ms. Flatt continued, "But, may I refresh our memory. We have been back and forth, and when it was before the Council, the Council did pass this plan after much discussion as Jennifer did say. And now, it seems, and I am confused by this, that the staff is now changing its position, because they're now saying that we have to have the full roadway. In some respects, I agree with that, because I would like to know that we would have sidewalks. I would like to know that we have good drainage, the best we can have next to our neighborhood."

Ms. Flatt continued, "At this point, we have agreed to the development that JenkinsGavin put forward as a total community, but the responsibility is that JenkinsGavin needs to reassure us as a community that the development has made has strong covenants, that the roadways are strong and will be the best in base course and that they have good drainage. All of these things concern us. We are now to the point where we realize the two cul de sacs, in question tonight, need to be done for this plan to work. So, in that respect, Las Acequias agrees with that. But our strong recommendation is that the houses be of high quality, that they built on permanent foundations, that we have good lighting, landscaping and that the covenants are strong and that there is a good maintenance program so this community is responsible. And they take pride in their community like Las Acequias does. Thank you."

Susan Cryner, 1051 Calle Don Roberto, Las Acequias, came back to the microphone and the Chair recognized her for a very brief remark. Ms. Cryner said as an association, they made many recommendations in meetings with JenkinsGavin. She said, "We want to make sure that all the recommendations that we made are in the covenants. And also what has not been addressed is, if this roadway has to be per the ordinances, we would have everything exiting onto Rufina, so everything from the housing will be exiting onto Rufina instead of part Agua Fria, part Rufina. Rufina is highly utilized, and I think in the zoning meeting with the Councils, representatives of 75% utilization, we have many blocks that are not developed in this area and we are already very close to capacity, and I think this is very important. This is a safety issue, and that we have more egress."

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

The Commission commented and asked questions as follows:

- Commissioner Harris said he wants to talk about the big picture on process. He said Table 14-2-1 provides that this Commission is to review and decide. He asked if there an appeal process back to the Governing Body as the result of our decision.

  Ms. Brennan said there is an appeal to the Governing Body.

- Commissioner Harris said in the minutes of the March 13, 2013, Council meeting, Ms. Brennan says, on page 32, "Ms. Brennan said, 'To the extent that this body's decision creates conditions that conflict with the Planning Commission's, this body's decision would control."

  Ms. Brennan said this is correct.

- Commissioner Harris asked if the Applicant Undertakings said on page 1 of Exhibit A, are synonymous with conditions that came out of the City Council meeting.

  Ms. Brennan said the Applicant offered to do these things, if the Council zoned R-3, and the Council did. The adjacent parcel wasn't before the Council and they couldn't rezone it. So, these 4 things were offered to the Council and the Council accepted them and rezoned as R-3.

- Commissioner Harris said he understands and asked, in the Council's mind, it they are synonymous with conditions.

  Ms. Brennan said she believes so, and believes that the Council left to the Commission a number of other things such as many of the things that were to go into the covenants that were not within the realm of their authority, given what was before them.

- Commissioner Harris said the Commission didn't have the letter from the Las Acequias association and we don't know its content. He said, "In my way of thinking, the Council left to this body many of the infrastructure issues that have been raised as part of staff's response. I just want to make sure, that in the Findings and Fact what are known and defined as Applicant Undertakings also can be viewed as the conditions of approval the Council imposed for approving the rezoning."

  Ms. Brennan said yes.

- Commissioner Harris said we know we are not the ultimate decision-makers on subdivisions, even though the Table seems to suggest that. There is an appeal process that goes back to the Governing Body.

  Ms. Brennan said there is an appeal process and the Governing Body, as the delegating authority has significant statutory power too which is part of what is behind her comment.

- Commissioner Harris reviewed conditions under Applicant Undertakings as follows: "1) The application would cover all 3 parcels, C-1, C-2 and B, and develop the adjacent parcel C-1 consistent with R-3 zoning, even though it is zoned R-5. Also not use Power Line Road as primary or secondary access for the development. And the fourth one is the easement for the Tapia family as Ms. Jenkins pointed out." He said, "So those were the only conditions I could see that came out of that March 13th Council meeting. There was no discussion about parks, for example, none of the other things that have been raised in the Staff Report."

  Ms. Brennan said, "I think, Commissioner, that the discussion about parks was specifically left as part of this discussion. The Governing Body was speaking to parks, among other things, as before the Planning Commission, and asking the Planning Commission to listen to, and consider the comments of the neighbors. And I would just point out that Condition #3 included not use Power Line Road and proposed instead a 3 base course lot access driveway. So I just point that out."

- Commissioner Harris said it was proposed, so that was an acknowledgment that it is a proposal that was coming from the applicant, but he doesn't see that as a condition being proposed. Not to use Power Line Road he interprets as a condition.

- Commissioner Harris said, "Under the Findings of Facts and Ms. Lamboy in her summary statement, also highlighted this particular paragraph, just reminding the Commission, the Governing Body acknowledged the members of the public and their comments and 'to be mindful of the concerns of the neighbors that are appropriately addressed in conjunction with the subdivision and development review process. It also says, 'And understand the Commission is the authority under the Code to review and approve, with or without conditions, or deny.' So, that's kind of the background for me. I do have some other questions on some of the technical issues, but I'd like to hold those off for a bit and allow other Commission members to speak to this application."

- Commissioner Schackel-Bordegary said, "I would like to respectfully request a little better understanding of my fellow Commissioner Harris's line of questioning. Can you cut to the chase, cut it down to size. What are we talking about. This is really complicated. I think this case would be a wonderful case study for a graduate study in planning on stakeholder involvement. I'm serious, it's complicated. What are you talking about, I guess. Where did you go with our attorney on that."

- Commissioner Harris agreed it is very complex, commenting he spent a lot of time reviewing this and trying to sort this out. He said the sorting had to do with what he asked Ms. Brennan. We're here to review and decide, according to 14-2.1, but that really is not the case. There is other, considerable authority granted to the Governing Body that allows an appeal process to go back to them. He said, "Not that, even if we are the ultimate decider, would I say we should ignore what the Governing Body said. I just wanted to make sure that I understood, kind of, the process and protocol. And that was the first point that I wanted to make, and then also to clarify whether the defined Applicant Undertakings really should be or were considered as conditions by the Governing Body. So, for instance, if we came back on any one of them, not granting the

easement to the Tapias, that's an easy one, there would be an appeal process by the Tapias, I assume, and they could overrule us, because we basically ignored their conditions."

- Commissioner Harris continued, "And your other quote, from that night, said ultimately their conditions rule the day, is the other thing that I read. Again, just trying to sort out process and protocol, and also just see what conditions have already been imposed."

- Commissioner Schackel-Bordegary said, "To cut it down. The City Council, whatever they ruled that night is governing what we are deciding here tonight. You have interpreted and confirmed that those are conditions of the City Council's approval, those 4 things. And by the way, I do interpret, to propose instead, 3 base course lot access driveways. To me, that translates into the proposal that we have here. That's why we have this proposal at all. I don't understand."

  Ms. Brennan said, "The only light I can shed on it, Chair Spray and Commissioners, is that it provides a framework in which you exercise your discretion."

- Chair Spray said, so we have the discretion to take it, and there is a process in place that if someone wants to take it back to the Council, then they can do so."

- Commissioner Harris said he didn't read the whole paragraph on Finding of Fact #12, which really acknowledges that the Governing Body's considered the comments of the members of the public, made at the hearing, 'understanding the Commission has the authority under the Code to review and approve with or with conditions or deny applications for subdivision and development plan approval, but mindful of the concerns of certain neighbors that are appropriately addressed' in the subdivision development process. I think they're really saying to pay closer attention to the neighbors than to the applicant, is part of what I'm saying here, is how I would read it. Because they do want us to review and approve with or without conditions. Again, this gets back to the technical issues of driveway access versus lane, subcollectors, parks, those kinds of things, and other comments from Mr. Romero. Again, it's confusion and I just wanted some guidance on this, and I think I've got it, and I hope I haven't confused my fellow Commissioners, but it seems I have."

- Commissioner Schackel-Bordegary said, "As I understand that, and I'm going to paraphrase crudely, and pardon that characterization. But we've looked at this a few times. We have the minutes from the meeting. It went to the Governing Body, and the Governing Body shot it down, the rezoning, right, to R-1. It was appealed. The Council rescinded its decision at a later time. I'm curious about that process, but I'm not going to ask that here and now. They ended up taking it back up at another Council meeting, and I think exactly what Commissioner Harris is saying is that the Council, in its authority, listened to the neighbors, helped designed what they wanted. They listened and said we're going to approve this. And the bottom line or the objection is the through traffic, is the density. The through traffic and density are the two issues. So in this process, the City Council then heard that from the neighbors. And that's what we've got here tonight. It's a neighborhood designed process. It doesn't meet City Code. Is that right. Okay, I'm done. I'm ready for a vote. I want to hear what my fellow Commissioners say."

- Commissioner Pava said, "This parcel isn't unique in Santa Fe. The potential for development on these long, narrow parcels, but I don't know that makes it unique in terms of granting a variance. And given the surroundings with the variety of densities, I would think as a planner I could look at this property and develop it per City Code and Standards. It may not meet all of the neighborhood's requirements, but then again that is only one of the factors in land development. It's an important factor, but so is public health, safety and welfare and City Code. I think all of us combined spent at least 3 hours reviewing this material. It is complicated and I thank Commissioner Harris for trying to clarify the big picture, and Commissioner Bordegary for the same. I really don't have questions for the Applicant, but I must say I support staff's position on this. Is Mr. Romero here. Can he speak to this a little bit. That would be helpful."

John Romero, Director, City Traffic Division, asked to what point he would like him to speak.

- Commissioner Pava said he thought from reading Mr. Romero's Memo of the past week, that there are some real issues. He asked if anything new that has been presented tonight to change his mind. He is trying to decide whether to support staff in the variance, and ask the Applicant to go back to the drawing board on subdivision design.

Mr. Romero said, "During the rezoning process, the conceptual design presented to me when the application was first submitted, showed a road from Rufina all the way to Agua Fria, with an emergency access to Agua Fria. It also showed, basically, on the south side of Rufina what they have proposed. So in his staff report, I recommended that both roads be built to certain City Standards. The reason for that, starting with the southern piece on the south side of Rufina, is there is a vacant piece of property south of that, that when developed, we would want to access that road. Because of that, it would kick that road and the number of units that access it over the 8 unit threshold which is the maximum allowed for a private driveway."

Mr. Romero continued, "On the northern side, I had conditioned that it be developed to a subcollector, because it would be accessing all of the properties created by this subdivision. It also would be accessing properties developed in Cielo Azul at some future point. And that was a spinoff of one of my other conditions which was to provide means of access to Cielo Azul which is to the west. When Cielo Azul came in, we had a condition on that development, to provide access to vacant properties to the east. This type of property is pretty common in this area, the long, skinny tract. People subdivided it this way because there was a ditch on the top and a river on the bottom and that's how they did it."

Mr. Romero continued, "So what we're trying to do is to get these individual tracts that come in one at a time, and when all is said and done, make it look like one, big cohesive development, to the best of our ability. That was the premise behind all my conditions. I did make that clear to the applicant and they were aware of it. I was aware of the reasoning for wanting to keep it rural and all of that, but in my opinion Code and proper development would necessitate that it be built to City standards and connected to other roads. Obviously not through Power Line to Calle Atajo, because that was conditioned out by City Council."

- Commissioner Pava said he appreciates that he's looking at the longer term and larger picture of land use, what is good for the City as a whole and the surrounding neighborhoods. He asked the minimum right of way required for an acceptable street.

  Mr. Romero said for a subcollector it is 42 feet.

- Commissioner Ortiz asked if access to this subdivision will be public or private.

  Ms. Jenkins said the roadways, per City Code, lot access driveways are defined as private roadways and will be maintained by the homeowners. She said the concept of that was created by City Code. The only variance before the Commission this evening is because of the cul de sacs. She said, "If lot access drives were such a health, welfare and safety issue, why is it in the Code anyway. It's not [a health, welfare, safety issue]. We don't have issues from the Fire Marshal. We have one variance request with respect to maintaining the cul de sacs and that it is. Lot access driveways are viable, utilized frequently and we're asking for the opportunity to utilize that.... it is a City standard. It's not a City owned street, but it very much is a City standard."

- Commissioner Ortiz asked if one of the driveways is 1,500 feet long.

  Ms. Jenkins said yes. She said there is an emergency turnaround at the end, but at the halfway point, there is another turnaround location per the request by Fire Marshal Gonzales.

- Commissioner Ortiz said, theoretically, if we approve this, and you built the roads with base course, the homeowners association would maintain all the roadways, and Ms. Jenkins said this is correct.

- Commissioner Ortiz said, as a former City Streets Director, he was happy with base course, but they require a lot of maintenance, and we aren't meeting the minimum criteria.

- Commissioner Bemis said, "I would just like to quote, 'Many of the zoning conditions have not been adequately and the proposed variance does not meet the approval criteria.' And that's under conditions of approval."

- Chair Spray said the conditions on page 8 of 8 provide, "If the Planning Commissions finds in favor of the variance, conditions of approval have been provided to give direction to the Applicant on additional items. It shall be addressed on the plat, prior to final plat submittal, which is included in the packet and has been shared with the applicant as well." He asked if this is correct.

  Ms. Baer said yes.

  Chair Spray said he presumes the applicant agrees with these conditions.

  Ms. Lamboy said staff would defer to the applicant on that issue.

- Chair Spray asked if the applicant agrees.

  Ms. Jenkins said, "With respect to the conditions of approval, obviously there are quite a few conditions that we are not in agreement with, primarily relating to the roadway standards. But with respect to other comments received from Wastewater, the City Engineer and other comments received from the Fire Marshal, we are in agreement with those. As I mentioned, I do have concerns about staff's comments regarding the park, and that's why I brought that up, so I would be happy to revisit that. So we are not in agreement with that condition. We feel like we have more than provided for the intent of those provisions in the Code."

- Commissioner Padilla asked in the event the denial does go forward, what are the options for the applicant after a denial.

- Ms. Lamboy said the process would be the following. There would be Findings of Fact that would be adopted relative to the denial at the next Planning Commission hearing at the beginning of September. Then, after that time, there would be a 30 day appeal period in which any party can choose to appeal the decision of the Planning Commission to the City Council. If it is appealed, then it would go to the City Council at the earliest convenient date that affects public notice.

- Commission Padilla asked if there is an option other than denial to allow the process to continued, to be reviewed. What are the options available to us, as a Planning Commission.

  Ms. Lamboy if the Commission finds it is in the best interest of the community as well as the applicant to further study this further, go back to the neighborhood, try to find a good solution, then the case can be postponed.

- Commissioner Padilla said the through street is a contentious issue. He said Commissioner Harris made him aware that there will be a gate at Agua Fria.

  Ms. Lamboy said, "That is correct. The gate would be accessible for emergency vehicles, Police and Fire. If it is a through street, the Agua Fria Traditional Village doesn't want the access, the extra traffic. With 8 lots or fewer, then both the Traditional Village as well as County staff feel that won't impact Agua Fria sufficiently.".

- Commissioner Padilla said currently, Lots 17-23 to the south are accessed off Rufina. Lots 9-16 are also accessed off Rufina. He asked for an explanation of how access comes off Lots 1-8, how is that accessed.

  Ms. Lamboy said currently as proposed, it would come off Agua Fria. If it is what staff is proposing, then access would be via Rufina, or eventually when the connection is made, through Cielo de Azul to an exit to Agua Fria that has been approved.

- Commissioner Harris asked Mr. Romero his recommendation for the intersection of Rufina.

Mr. Romero said, "There are two scenarios. One, if the subdivision is approved as proposed, with only 8 lots accessing off the north. They've done a portion of the traffic study that shows, volume wise, turn bays are not required. The only thing I asked them for is to do a capacity analysis to determine if there is sufficient capacity for vehicles to make left-outs. So there's enough capacity for them to make left-ins, right-in, right-outs. They haven't determined the left-out portion. The reason that is important is if left-outs experience a lot of delay, they are going to have to do a better job channeling it than what they propose right now. They put a pork chop that kind of directs cars to the right, but it won't physically prevent cars from wanting to make a left. They're going to make a left. In my opinion, the only way to effectively do that, if that is the case that it's needed, is to provide a median with median barrier, and that would involve widening of the roadway."

Mr. Romero continued, "Now if what staff's proposing, one continuous road from Rufina all the way to the northern end of the property, up against Agua Fria with emergency access to Agua Fria, there's a good chance that would necessitate a left-in turn bay, I'm not sure about a right-in, that might also be needed. A traffic study would have to be performed to determine that definitively."

- Commissioner Harris said then in either scenario Mr. Romero would not recommend a left-out.

  Mr. Romero said that is yet to be determined. We'd have to look at it. According to Jennifer, they're saying they do not meet the spacing requirements for a left-out. I'd have to review that, and if that was the case, they would have to do something more than what they've proposed. Because, again I don't think that will effectively prevent people from making a left-out. It's just going to make it a little more convoluted than if it was just a regular access point.

- Commissioner Harris said, your point of view is that, even with 8 lots, the left-out is problematic because of the potential for "stacking people backing up."

  Mr. Romero said he doesn't know if this is the case. A capacity analysis hasn't been performed to determine that, but access is based on what we have in place so we don't have what's on Agua Fria and Alameda. Just strip development full access, after full access after full access. If you have so many of those so closely spaced together it cumulatively degrades the function of the [inaudible], which in this case would be Rufina. So it's just having those full access points. That's why we have access spacing requirements. Two different that things that help determine whether left-outs are allowed or not."

- Commissioner Harris asked Ms. Flatt how the Las Acequias Association feels about the proposal, the solution to the parks and open space. He said Ms. Jenkins represented that there is a physical connection from what they're proposing for their open space to an already existing open space in Las Acequias.

  Ms. Flatt said actually what Ms. Jenkins calls a park, they call a field, because there isn't any development in it, and it isn't used at this point. She said the City has talked about developing it somewhat, but haven't moved forward with that. She said, "We are so gun shy of parks right now,

I don't know, to be honest, what the rest of community feels about the connection between my little park and that field park. I'm not sure that there is much connection actually. The topographic area goes down into kind of a ditch area which would have to be redeveloped if they were going to continue that out into a park. Is that what you were saying, do you know what I mean. Okay. I don't think that that has been a real discussion with us. We were so intent on the other factors, that I'm not certain that we really have discussed that at any length. I don't foresee that we would particularly want to have more people come into our community, because we have enough trouble with people coming into our community with the other park."

- Commissioner Harris said she uses the term park, but he thinks it is open space, and that's how it was characterized. He doesn't know if that open space would meet the Code requirement for parks or open space. He asked staff after hearing what is proposed and Ms. Flatt's response, if there is a possibility of meeting the park or open space requirement with this solution.

  Ms. Lamboy said there is no real amenity being proposed to the community. This is a drainage way, and it is open space, but there is no real exercise area, no place for a tot lot. There is nothing that could benefit the community. She understands there have been problems with the parks in the area, but this does not meet minimum standards, by any means.

- Commissioner Harris said Ms. Flatt seems hesitant to say this would be a welcome solution. He said, "What I've heard you say is that it does not meet the requirements of Chapter 14 for parks. Correct."

  Ms. Lamboy said yes.

- Commissioner Harris said he has seen the letter from the County, Mr. Baca and Mr. Cavanaugh, saying that there would be no issues with the County for 8 lots or less, in terms of access to Agua Fria. He didn't see anything in the packet about first responders from the Agua Fria Fire Department, and asked if that has been discussed.

  Ms. Lamboy said she didn't speak to the County Fire Department, but she did follow up with Fire Marshal Rey Gonzales when that came up. She said he told her on the phone and then followed-up in the Memo, about how this would be under City jurisdiction, and we shouldn't expect anything from the County. She said, "Maybe they can get there, but the protocol is to not expect service from the County."

- Commissioner Harris said, for him, that argues for the through street, the street through from Rufina to Agua Fria, with limited access emergency gate. He thinks ultimately the first response would be by the City Fire Department.

- Commissioner Harris said, "So, in summary, I'd just like to give my view of the technical issues. I would agree with staff, as I've just said, that the emergency response necessitates a through street. I also think, in any event, even if the variances were required for the cul de sac, I think that right of way should be dedicated to the City and those streets should meet City standards, whether

they be lane or subcollector. I think that's very important. I think we all have a notion of connectivity in neighborhoods. And I think, in terms of safety, to my way of thinking, sidewalks are a feature that allows neighbors to walk comfortably from one house to the other, even if it is down the road."

- Commissioner Harris continued, "The other issues, the park issues, I've gotten clarification there. I think it's not resolved as yet, and so I agree with staff, and I'm going to fall on the side of denial."

- Commissioner Villarreal said, "There's a lot of things that I want to mention about this. I feel like we've spun out, because we're trying figure out how it ended up on our plate. Again, I feel like most of this is because we are given opportunity to try to figure out how to make it work, and I feel like a lot of things we are considering as conditions, are not really conditions. They're up to us to figure out if they make sense. Based on the packet material, based on what Mr. Romero has stated, we have constantly drilled in with all the other projects, in terms of our Commission, how we decide about connectivity. And this is all about connectivity. We make it happen with other cases, we require it. And if we're looking at cul de sacs, this is not how you create connectivity. I live in a neighborhood off Agua Fria that has the exact same problem. It was developed piecemeal, so our street doesn't connect to the next street, which you probably could just walk across and you would be able to get into another neighborhood and eventually into places to walk, to eat, etc. It just doesn't make any sense to me to be able to do cul de sacs. I don't feel like they are community oriented. My whole issue at the beginning of this particular case, from the beginning was that there are traffic issues, and we haven't really resolved them. And I think it makes it even worse to try to use cul de sacs as an option."

  Commissioner Villarreal said, "So, with that being said, and without getting into the emotional side of things, because it's back to us. This kind of relates to a lot of things that happen, about movidas that happen in our communities, that end up pitting community members against City staff. And I feel that's where we are today. I think this could have been worked out. I think the neighbors weren't given much of a choice. They had to make concessions and say, okay, well this is what we have, this is what we have to figure out. That's not how communities are empowered. I think we need to deny it tonight, or we have an option to go back to the drawing board and try to figure out some other options. But I don't appreciate having threats, saying, well if you don't give us cul de sacs, we're going to give you more density. What's that about. That just doesn't make any sense. I would hope that one of my fellow Commissioners has a motion we can make this evening which will ameliorate all these issues that we talked about tonight."

- Commissioner Schackel-Bordegary said, before her fellow Commissioner just spoke, my original motion would be to postpone this case. I now want to recommend denial, which is in support of City staff. The reason I would want to postpone it is, judging by this, and other nights we spend here looking at proposals for this area of our City, it's been very painful, and we're spending a lot of time, and neighbors are being pitted against neighbors. We're putting our Traffic Engineer on the stand time after time, who is saying we're trying to connect here. What it begs for, it's a study area, it's the subject of growing pains in our City. It bumps right up against Agua Fria, and we're not working this out with them. I think we need a site visit, even if we deny this case. I would not

like to look at any more cases in this section of the City without working with them. Ourselves, we need to be on the ground out there and quit talking about this stuff from this chamber all the way across town. Because it is historic patterns we are now trying to shoehorn modern development in, and it takes the form unfortunately, of density and traffic."

Ms. Baer said, "If you're going to make a vote, if you would please vote on the variance first and then the Preliminary Subdivision Plat.

– Chair Spray said then we have to have two votes on this topic.

MOTION: Commissioner Schackel-Bordegary moved, seconded by Commissioner Villarreal, to deny the request for a variance in Case #2013-58, Aguafina Preliminary Subdivision Plat with Variance.

VOTE: The motion was approved on the following roll call vote [7-0]:

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

Against: None.

Chair Spray said, "I assume the Preliminary Subdivision Plat is not moot at this point, Ms. Baer. Do we still need to address that. Ms. Lamboy."

Ms. Baer said, Yes."

MOTION: Commissioner Schackel-Bordegary moved, seconded by Commissioner Villarreal, to deny the request for a Preliminary Subdivision Plat in Case #2013-58, Aguafina Preliminary Subdivision Plat with Variance.

DISCUSSION: Chair Spray asked Ms. Brennan if it is appropriate to deny this case, or if it is not just to approve that would be appropriate, and asked Ms. Brennan how we should word this.

Ms. Brennan said, "Yes, you can deny it. They can come back with another... you're denying... it's a preliminary denial."

VOTE: The motion was approved on the following roll call vote [7-0]:

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

Against: None.

There was a short break here

4. **CASE #2013-37. MANDERFIELD SCHOOL GENERAL PLAN AMENDMENT. JENKINSGAVIN DESIGN AND DEVELOPMENT, AGENTS FOR MANDERFIELD LLC, REQUEST APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 1.48± ACRES FROM PUBLIC/ INSTITUTIONAL TO MEDIUM DENSITY RESIDENTIAL (U TO 12 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED AT 1150 CANYON ROAD. (HEATHER LAMBOY, CASE MANAGER) (Postponed from July 11, 2013)**

Items G(4), G(5) and G(6) were combined for the purposes of presentation, public hearing and discussion, but were voted upon separately.

A Memorandum, with attachments, prepared July 19, 2013, for the August 1, 2013 Planning Commission meeting, to the Planning Commission members, from Heather L. Lamboy, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "10."

A power point presentation *Manderfield General Plan Amendment, Rezoning, Special Use and Variance*, entered for the record by Heather Lamboy, is incorporated herewith to these minutes as Exhibit "11."

A Memorandum dated August 1, 2013, to the Planning Commission, from Current Planning Division, regarding Additional Information, with the following Attachments: (1) Case #2013-37, Manderfield School General Plan Amendment; (2) Case #2013-38, Manderfield School Rezoning to RAC; and (3) Case ~~#2013~~ 2013-39, Manderfield School Special Use Permit and Variance, is incorporated herewith to these minutes as Exhibit "12."

A power point presentation *Manderfield School Planning Commission Meeting, August 1, 2013*, entered for the record by Jennifer Jenkins, is incorporated herewith to these minutes as Exhibit "13."

A letter dated August 1, 2013, To Whom It May Concern, regarding Manderfield School Project, from Rachel Flance, is incorporated herewith to these minutes as Exhibit "14."

A packet of letters in support of the project, entered for the record by Jennifer Jenkins, are incorporated herewith collectively to these minutes as Exhibit "15."

A letter dated July 29, 2013, with attachments, to Heather Lamboy, Planning Commission and to whom it may concern, from James Gollin, President, Canyon Neighborhood Association, entered for the record by Brian Egolf, is incorporated herewith to these minutes as Exhibit "16."

A copy of a Memorandum Opinion in *Vista Encantado Neighborhood Association, et al, Appellants vs. City of Santa Fe and Safe Property, LLC,* First Judicial District Court, dated July 16, 2008, by Judge James A. Hall, entered for the record by Fred Rowe, is incorporated herewith to these minutes as Exhibit "17."

A letter dated July 3, 2013, to the Planning Commission, from Mike Loftin, Homewise, entered for the record by Hillary Welles, is incorporated herewith to these minutes as Exhibit "18."

A packet of letters entered for the record by Richard Ellenberg, are incorporated herewith collectively to these minutes as Exhibit "19."

A letter dated August 1, 2013, to City of Santa Fe Planning Commission, Heather Lamboy, from Mark Trimmer, regarding Manderfield School, entered for the record by Colleen Gavin, is incorporated herewith to these minutes as Exhibit "20."

Heather Lamboy presented information in this case via power point. Please see Exhibits "10" and "11" for specifics of this presentation.

Public Hearing

Presentation by the Applicant

Chair Spray reminded Ms. Jenkins that she is still under oath.

Jennifer Jenkins, JenkinsGavin Design and Development, Agent for the owner [previously sworn]. Ms. Jenkins said they are here on behalf of the Applicant, Clare Moray and her father Mike Moray. She introduced Kurt Sommer, who is here on behalf of the Morays as well.

Ms. Jenkins said she is here to request the Commission's support to preserve the Manderfield School, which was designed by John Gaw Meem, constructed in 1928. It is a contributing building in the Downtown and East Side Historic District. It is on the State Register of Historic Places. The building has been vacant for years. The building is surrounded with a chain link fence, and there is no activity. It is not on the tax rolls, and "it is begging to be preserved." She said, "How do we preserve a 400 sq. ft., big old institutional building. How do we go about that. It's not easy. It's a really fun, exciting challenge frankly."

Ms. Jenkins presented information via power point presentation [Exhibit "13"]. Ms. Jenkins said, "This is the area surrounding the property. It's about 1½ acres. It is bordered by Canyon Road on its north and to its east, and it has the Cristo Rey Church to the south, as well as the other institutional buildings associated with the church. The new Water Tower Park is across the street. As Heather pointed out, the general plan has an institutional designation which we are asking to change this evening. And this is the zoning in the neighborhood. As you can see, the orange is the existing Residential Arts & Crafts zoning that exists along this stretch of Canyon Road, that comes to the top of Canyon Road, and we are proposing it to incorporate the Manderfield property."

Ms. Jenkins continued, "And this is a site plan that talks about kind of what the vision is for the property. And, as you can see in this east elevation portion, we are proposing a coffee house. We are proposing also 6 residential units that are primarily focused on the west side. And I am oriented a little differently, I do apologize if that's confusing, but north is on 'this' end of the building on the right side, and Canyon Road 'here' on the bottom, is the east side of the property. And the west elevation, on the top of

the page, and 'this' little end cap here, we're proposing for residential uses on the interior of the building, as well as four new casitas that would be located essentially on the rear of the property."

Ms. Jenkins continued, "And as Heather mentioned, we are proposing to maintain the existing access on Canyon Road, the existing driveway. You come into a parking area at front that serves the non-residential portion of the building. To create a public area of the building and then the private areas of the property, we are proposing a gated access here leading to a one-way driveway with a new exit onto Canyon Road in this area. It works better for emergency access and general circulation to maintain the dead end. The casitas are 1,200 to 1,400 sq. ft.. they aren't designed but that is their vision. There will be covered parking as well as parking for the residential units inside the Manderfield Building."

Ms. Jenkins continued, "A big part of the goal here is to preserve as much open and green space as possible, so they envision the front of the building, augmenting the landscaping, creating lawn and outdoor areas for people and to beautify that façade of the school. It is a contributing building in the Downtown and East Side Historic District, so the exterior modifications will be minimal with new stucco and new roof which will give it the TLC it needs and deserves. We are proposing private, outdoor courtyards for private outdoor space and entrances for the residential units, which you can see along the side."

Ms. Jenkins continued, "Why RAC. You may hear people in the neighborhood saying just leave it at R-5. I want to share with you the process of how we arrived at this vision. In architecture we hear, form follows function. This is an adaptive reuse of an existing building, where function follows form. The building, based on the natural restrictions of the building and of the Historic Code tells us more than we tell it. The blue are designated as primary elevations by the Historic Districts Review Board, so most of the east elevation and a good portion of the north elevation 'here,' are primary. That means you can't change the windows, can't add doors, you are limited significantly on the degree of modification you can do there. We have existing entry at the mid-point of the building. If that's the only way to get in this side of the building, okay."

Ms. Jenkins continued, "Here's the thing about residential private access, some sense of private outdoor space is critical to making that viable, desirable, giving a nice quality of life. We have that option on the west and 'here' on the south side. We don't have that option here. All of 'this' has to be accessed from one point. So, in utilizing the central corridor as access internally for the art studios, there are no store fronts, with their own door facing Canyon Road. We have to preserve the windows, we can't add doorways, we can't convert windows to doorways. And the key thing about historic status is you can go to the H-Board and ask for an exception, and the H-Board does grant exceptions in certain cases, but they can't grant exceptions that threaten status. We were before the H-Board a few months ago. A little bungalow on Delgado had an old portal out of proportion with the building, out of scale, poorly constructed. We wanted to maintain the look of that, but we wanted to beef it up a little bit and make it more in scale with the building. They wouldn't let us do it, because it would have threatened the contributing status of that building. So we said, okay, we will preserve that, we will maintain that."

Ms. Jenkins continued, "Manderfield School. They [H-Board] are not going to approve exceptions that threaten the status of this building. So our east façade is sacrosanct from that standpoint. This is the concept of art studios having that internal access. There's great north light here, there is great ceiling

heights and volumes. The spaces, these old classrooms translate so beautifully to that. The art studios, we're looking at 350 to 500 sq. ft., relatively small space. Structurally, the building is pretty sound in terms of the low bearing walls. We're trying to honor those and we want to keep them in place. We really love the idea when you walk inside, you go, wow, this was a school once, and it still maintains that feeling. We are going to move the chalkboards into the coffee house. We're preserving the hardwood floors. We don't want to gut the interior into non-recognition of what this place once was, and this is how we accomplish that."

Ms. Jenkins continued, "Early on, before Clare reached out to us, before she even made an offer on the property, she reached out to the Canyon Neighborhood Association. She knew they had great interest in this property and what happens here, as they should. She was contacted by Richard Ellenberg and they had lunch and breakfast and visited, and shared her vision. And he said what would be great would be a coffee house, a neighborhood gathering place, that could draw the community here. She thought that an interesting idea, and we moved forward with the coffee house which is the subject of the special use permit before you this evening."

Ms. Jenkins continued, "And one point to make, is we have been dialoguing with the neighborhood quite a bit. Over the last several months, we've had a series of 10 meetings, a combination of meetings with Canyon Neighborhood Association and their members, individual property owners, the Association's legal counsel, an ENN meetings – a series of 10 meetings. The feedback we've received about the program has been positive overall and we're pleased by that. Concern has been expressed about what could happen if somebody else ends up developing the property, how do we prevent the commercial creep. We have agreed the only non-residential uses are limited to the Manderfield Building, and the casitas will stay residential and can't be converted to galleries. This is a residential program with a small non-residential component. RAC is not commercial zoning, it is residential zoning that allows for mixed use. RAC is in the residential section of the Code not the commercial section. That is an important distinction. RAC says no more than 3,000 sq. ft. of a building can be non-residential. We are asking for a small variance so we can have 4,600 sq. ft. of non-residential space as opposed to the 3,000 sq. ft. limitation."

Ms. Jenkins continued, "In our dialogue with the neighborhood over the past months, some requests have been made and we've agreed to most of them, and I just want to touch on those quickly. Limiting non-residential uses to the Manderfield Building. If there is any outdoor seating for the coffee house, the square footage would be counted toward the parking requirement. There is concern about ensuring adequate on-site parking and we are happy to do that. With regard to alcohol consumption at the coffee house, we're next door to the Cristo Rey Church and have no interest in serving alcohol. Originally, there was a 15 year time limit on the prohibition, to keep in mind changing conditions in the neighborhood, but that has been eliminated, and alcohol consumption at the coffee house is prohibited, period."

Ms. Jenkins continued, "The parking area of the building is being screened with vegetation, including evergreen vegetation as well as a four-foot wall. We want to make sure the view from Canyon Road is as attractive as possible. We have limited the total number of dwelling units. RAC allows 21 dwellings per acre. That's never going to fit here in a trillion years, it's not possible. We're limited to single-story here, per the Historic District height limitations, which will mandate everything be single story.

We have put an overall maximum residential density limitation of 18 units, we're proposing 10 dwellings right now, but that would allow the non-residential space to convert to residential over time if that's how it worked out."

Ms. Jenkins continued, "Concern was expressed about the existing retaining wall along Canyon Road, and they intend to preserve the wall presuming it is structurally sound. It is on our property line and along the retaining wall there is area between the sidewalk and the wall we could plant to soften it and screen the retaining wall. It is City property so we would have to get a license agreement from the City to landscape it, and we feel confident it would be granted, and agreed to landscape the public right of way to soften the view of the retaining wall. Again, it's about beautification at this point."

Ms. Jenkins continued, "We have further restricted the types of non-residential permitted RAC uses, which are in the packet. Looking at the types of spaces we're creating, 350 to 500 sq. ft., the coffee house is about 1,200 sq. ft. Say somebody comes in and in an art studio teaches a yoga class, or a photographer, and such. These are the uses that feel like they make sense in the building, because the building isn't going anywhere, and make sense in the types of spaces we're creating. And so these are the limitations we would have on the kinds of non-residential uses."

Ms. Jenkins said, "With respect to due process, there is a process for making modifications to what we're proposing. These are the uses you can do in RAC, but you have to go to the Board of Adjustment or to this body for approval. There are more special use uses than there are permissible uses in RAC. It's pretty restrictive already, and inherent restrictions are built into the zoning. It's a 3,000 sq. ft. limitation. We're asking for a little more to be able to relate to the existing structure and these are the uses.... you can't do an office without coming to this body or the Board of Adjustment. There is due process for any of these other uses."

Ms. Jenkins continued, "We heard some rumblings in the neighborhood that somehow things changed, the plan changed – we said one thing and then we're doing another. It's not the case, and it's very important and I want to make this very clear. 'This' is the plan that was sent out in the ENN notice, 'this' drawing right here was sent. We have 6 residences, we have art studios, we have 4 casitas at the rear. 'This' went into the ENN notice. We sent out 70 letters, only 17 people came to the meeting, which is unfortunate. 'This' is the plan we actually showed at the ENN meeting. Same 4 casitas, arts and crafts space, coffee house. And 'this' is the plan that we're showing tonight. The only difference is, we heard concerns about adequate on-site parking, so we added more residential guest parking at the rear and we added a sidewalk that leads out to the sidewalk on Canyon Road to make sure of good pedestrian access. 'Those' are the only changes."

Ms. Jenkins continued, "So, we've agreed to as much as we think we can reasonably agree to, and maintain a viable vehicle to preserve this building. Some ideas were thrown around about guaranteeing, in perpetuity that nothing ever changes. And I respect that changes can be scary, but guarantees like that don't exist in life in general. And so, we are availing ourselves of the City Code to say, what we can do to ensure that this is done appropriately. And that's what we are here doing tonight."

Ms. Jenkins continued, "In addition to the conditions that are approved tonight, there will be restrictive covenants on this property. Obviously there's going to be a condominium for the residential units and those covenants will restrict the fact that these units in the back can be only residential, just as the special use permit is proposed. We are availing ourselves of everything we can, to assure the appropriate protections for the property."

Ms. Jenkins continued, "Lastly, I'm going to give the recorder, I have 39 letters of support here. I think most of them made it to your desk, but I'm unsure if 100% made it. And I'm going to give them to the recorder so they can be entered into the record [Exhibit "15"]. So, I greatly appreciate your attention and with that, would be happy to stand for any questions. Thank you."

Speaking to the Request

All those speaking to the request were sworn en masse

Chair Spray allowed attorneys representing people or entities 5 minutes to speak to the request, and individuals speaking to the request were allowed 2 minutes to speak to the issue, later amended to 1½ minutes.

Brian Egolf, Attorney, representing the Canyon Neighborhood Association [previously sworn], said the Association recently took an unanimous vote of its Board requesting that the Commission deny the matters before you tonight, and to recommend to the Governing Body that the zoning change and the change to the general plan not be approved.

Mr. Egolf said, "The concerns of the Neighborhood Association are the following. There is certainly some concern about growing commercialization in this part of the community. There is concern about the durability of the proposed restrictions on the use of the property as well as the enforceability of any restrictions that would be imposed on the property. Mr. Chair, with your indulgence, I would like to give you a quick picture of the process the Neighborhood Association has gone through over the past 6 weeks, trying to come to an accommodation and agreement with the developer."

Mr. Egolf continued, "Most recently, I met with JenkinsGavin, both with their counsel and without and with the developer and without, and throughout we were discussing the general concept with the plan originally presented. There were some concerns, but these were concerns that were, as we got further into it, we realized were the details that could be ironed out. But the Neighborhood Association wanted assurances that what was being proposed would actually be constructed. Where, if, for example, after a zoning change occurs, if there was a subsequent buyer, that there would be restrictions contemplated in the special use permit which would be found on the property, not in a special use permit approved by this body that could then be abandoned, leaving behind a rezoned 1½ acre parcel in the middle of this neighborhood. Unfortunately, Santa Fe does not have an ordinance permitting conditional zoning. The concerns could have been addressed with a conditional zoning approval, but unlike Las Cruces for example, the City does not have an ordinance that allows that to be done."

Mr. Egolf continued, "So, we moved away from the concept of conditional zoning. We looked at conditions on special use permits and on variances, and while those do provide some protection, they are of course subject to amend or change by a future Planning Commission. But, also if those permits are not used, if the property is rezoned and a different owner comes along or a different decision is made about the project going forward, those conditions would be lost. So then, we looked at a cultural preservation easement. The Neighborhood Association spent a considerable amount of time and research to see if this would be an appropriate vehicle for the purposes of imposing on the property itself, the conditions very similar to those that were just discussed. The idea was, and I'll give you some that we proposed to the developer as a way to start the negotiations, for how we could put a cultural preservation easement together. The idea that it would be adopted by the School Board. We discussed the Historic Santa Fe Foundation as the trustee to hold that easement, then we would be able to forward with the assurance that those restrictions are protected by State law, under the Cultural Preservation Easement Act, and would be durable and enforceable going forward, regardless of who owns the property and other factors."

Mr. Egolf continued, "The elements that we sought to have included such as a cultural preservation easement, were an overall limit on the entire parcel of commercial square footage of 4,600 sq. ft. That is the amount that is being requested this evening. We thought it would be appropriate, in doing a Cultural Preservation Easement, to ask that that be the total limit, not just for the Manderfield Building, but for the entire parcel. So, if the casitas are not constructed, that we wouldn't see a gallery built in the area to the west of the Manderfield Building, which would be permissible under RAC and you could have up to 3,000 sq. ft. of commercial space per structure. So we thought, let's ask for a total aggregate square footage limit of 4,600 square feet."

Mr. Egolf continued, "We talked about what sort of commercial activity would be allowed and what kinds of goods and services would be sold in the studios. And we suggested, as an opening to the negotiations, that there be a cultural preservation easement condition that would say that only goods produced by tenants or their relatives or their artist collaborators would be sold there, so we wouldn't have tee-shirt shops or kitsch being sold under the guise of arts and crafts in the Manderfield Building in those studios there. We discussed a prohibition on the sale of alcohol. We proposed an overall limit on the total number of habitable structures of 5, which is what's being requested tonight. We suggested a single story limit which is part of what is being requested. We had some issues with outdoor music and hours of operation of the coffee shop and things. These were all things we proposed to begin the process of negotiation."

Mr. Egolf continued, "In response, we never received a written offer, a counter-offer. We heard some concerns they had about the impact that imposing that kind of cultural easement might have on their ability in the future, to draw down on federal tax credits that flow from the work done on a building listed on the National Register of Historic Places. It's important to mention that the Manderfield Building is listed on the State Register. It's not listed on the National Register, and we understand from the developer that they hope to have it listed on the National Register and then seek a federal tax benefit for the work done on the building. We suggested there might be a way to work this easement to not jeopardize those tax credits. But that conversation happened last Friday. So we requested this meeting be postponed by a month or two to give myself and Mr. Sommer the opportunity to sit and do some of the research that was necessary and see if there was a way to find an accommodation that would make the neighborhood association

comfortable, but also to allow the project to go forward. Unfortunately there was not an agreement on the postponement, and so we find ourselves here tonight unfortunately, in opposition."

Chair Spray noted Mr. Egolf has exceeded his 5 minutes.

Mr. Egolf said, "I would like to add a few things, just for the purpose of making a record, because, depending on what happens tonight, we will be pursuing this."

Chair Spray said, "I would be good with that if the folks can come back down to 90 seconds, 1½ minutes so you can continue."

Mr. Egolf said, "I have some handouts. I'm not sure what the process is, if you would want to see these. I have a very few comments to make about the applicability of the general plan and the zoning request, if I may Mr. Chair."

Chair Spray told Mr. Egolf to give the handouts to the recorder and the staff.

Mr. Egolf entered the documents into the record [Exhibit "16"].

Mr. Egolf said, "At this point, I would like to make a couple of comments for the record about the ENN process, and about the general plan amendment as well as the zoning change. We believe that, based on the scope of the rezoning request that the discussion that occurred at the ENN was insufficient to give proper notice about what's being contemplated. And specifically, under 14-3.1(F)(6)(a), there is to be a conversation about the effect on the rezoning on the character and appearance of the surrounding neighborhood. That includes not just the effect that the project has, the effect of the rezoning on the surrounding neighborhood. As you will see from the minutes that were produced from the ENN, that was not the topic of conversation in terms of what the effect on the neighborhood would be of other uses that are permitted under the RAC. We think that should have been part of the presentation. As well to think that we should have discussion about the relationship to existing density and land use within the surrounding area and with the land use that is permissible with changes to the general plan. That also was not discussed, but it was an important component. And those concerns would have rise to the Neighborhood being here tonight."

Mr. Egolf continued, "Finally, with relation to the general plan amendment criteria. Let me talk about 14-3.2(E)(c)(1). It's required that the amendment not allow uses or changes that are significantly different from or inconsistent with the prevailing use and character in the area. As you'll see from the aerial map and the google maps print out [Exhibit "16"], the nearest commercial use, with the exception of the small architect's studio, is about a half mile away. There simply is no commercial activity near to the Manderfield School. While there is RAC zoning across the street, with the exception of that one architect's office, none of it is used for commercial. It's all used for residential, and so this fails to meet the general plan criteria, in that the change comports with the area. Only if you consider the area affected to be the entire stretch of Canyon Road down to El Farol and beyond, is there an argument that it is appropriate for the General Plan Change."

Mr. Egolf continued, "The other criterion under (E)(c)(3) is 'The amendment should not benefit one or a few landowners at the expense of the surrounding landowners or the general public.' Obviously, this change benefits a single landowner, so that part of that prohibition is satisfied. You are going to hear from the immediate neighbors immediately to the west that they are not in support of this plan because of the impact this will have on their residences. And you'll hear some other opposition tonight. And based on the opposition, as well as the lack of comportment with the surrounding area, you are on solid ground to recommend denial."

Mr. Egolf continued, "And then on the rezoning criteria, as to 14-3.5(C)(1)(a)(2), there has been no change in the surrounding area. While Manderfield is closed, that is not a change that gives rise to justification for this amendment and for the change in zoning. And also it is not consistent under (C)(1)(c), it's not consistent with the applicable policies of the general plan, including the future land use map, as I pointed out just a moment ago."

Mr. Egolf continued, "Final thought is that this is not the only thing that can ever happen to the Manderfield School. The choice is not this, or nothing. The choice is this, or something else in the future. And the Neighborhood Association would urge the body to proceed cautiously and not be convinced that this is an all or nothing proposition. It's the neighborhood that is... *[inaudible here because Mr. Egolf moved away from the microphone]* This is the only way to preserve this school. And finally, the claims that this about preserving Manderfield is simply not the case. This is about whether this particular plan should be allowed or not. This is not about whether Manderfield School should or would be preserved or not. Thank you."

Fred Rowe, President, Santa Fe Neighborhood Law Center, Board member of the Neighborhood Network [previously sworn], said he will be speaking largely from a legal perspective this evening which may simplify the Commission's resolution of the 3 separate cases, all of which the proponent must prevail on in order to make out on his proposition.

Mr. Rowe said, "First, in the guise of preserving the old school building which no one opposes and everyone supports, the developer seeks a rezoning that would at least triple the density of the present R-5 zoning area and would permit broad future commercialization of a residential area. Consequently this proposal is not opposed only by the Association for which the previous speaker advocated, but is also opposed by the Old Santa Fe Association, the Historic Santa Fe Association, the Neighborhood Network all of whom will speak presently and express reasons for their opposition, above and beyond the points that were made by Mr. Egolf. The critical issues I would put before this Commission is that this proposal clearly violates Judge Hall's Vista Encantada decision, which prohibits piecemeal rezoning, and I'm quoting from the opinion, 'that would undermine the purpose of zoning ordinances for enabling residents to rely on predicable, standard land use policies for the are.' These are quotations from Judge Hall's Opinion, and I'll hand the opinion to the Reporter, so it can be made part of the record [Exhibit "17"].

Chair Spray advised Mr. Rowe that he has exceeded his time and asked him to wrap-up.

Mr. Rowe said, "This project is an illegal, piecemeal rezoning, that will rezone 1.34 acres from R-5, which prohibits commercial usage to RAC, which allows broad, future commercialization. Moreover, it would triple, at least, the allowable density from 5 to 15 units, and for starters, it may be up for additional density of they come back. But apparently, we heard, the developer rejected an easement that would permanently, for the future, limit the commercialization of this particular 1.34 acres. Both restrictions were designed to prevent future commercialization and conversion of the coffee shop to a McDonald's or a pizza take out or a bingo parlor, all of which could become a part of this project in the future. While some Canyon Road areas are partially commercial, this tract is not adjacent to those areas which are on lower Canyon Road. This is on Upper Canyon Road."

Chair Spray again advised Mr. Rowe that he has exceeded his time, and said there are a lot of people behind him that want to stay with the 1½ limit and give extra time to Mr. Egolf, because he requested that. He is trying to make it fair for everyone and asked him "please not to make that more difficult for him to do that. One more sentence please."

Mr. Rowe said this approval would establish a horrendous precedent, and allow commercialization of a residential area whenever commercial owners wanted to encroach on a quiet residential district. He thanked the Chair for his patience.

Hillary Wells, JenkinsGavin, 130 Grant Avenue [previously sworn], read a letter into the record from Mike Loftin, Homewise, who could not be here this evening, who said, "I wholeheartedly support the Manderfield project and look forward to the City's approval of the necessary entitlements. Please see Exhibit "18" for the complete text of this letter. Ms. Welles said she has another letter for the record. Chair Spray said she has exceeded her time and asked her to submit the letter to the reporter to be entered for the record.

Elena Benton, Board of ACSYL Neighborhood Association [previously sworn], said it is the oldest and largest neighborhood association in Santa Fe. She cautioned the Commission about what happened in their neighborhood when the Old Pepper's Restaurant on Old Pecos Trail was changed to a nightclub. It took them two years to remove the nightclub, noting they promised they would never do anything to harm the neighborhood. She said the park around the corner from the nightclub changed from something usable and enjoyable to something where "mothers were pushing strollers over hypodermic needles, condoms and broken glass." She said it was a burden on their neighborhood, and their safety was compromised, noting there were more than 170 police phone calls during the two years. She said they finally were able to remove them because they were able to find a zoning limitation to get it kicked out. She said it has taken more than 4 restaurants changing owners to that location to find one that is family representative and accepted by the neighborhood. She said the hotel is owned by a local family who also has a home very close to the property, noting they also own the Sage Inn. She said, if this is passed, she strongly urges the Commission put limitations on what in there and what can be changed, because as time passes, the owners can change opinions that greatly affect the neighborhood. She said a nightclub would be disastrous here.

Richard Ellenberg, 1714 Canyon Road [previously sworn], said he has letters to be entered into the record [Exhibit "19"] which he provided to the reporter. He said he was contacted last winter about the project and he met with the prospective purchaser and told her she had a good board to work with, noting more than half of the Board is professionally involved in real estate and they aren't scared of development. He told her they wouldn't do RAC zoning, because it has so many uses and is so unlimited, and it would be very destructive, understanding that Manderfield is the entrance to the whole Canyon Association, the East Alameda networks, the Camino Acequia Associations. He said you see maps that focus just on the little spur coming up Canyon Road and not on the whole surrounding area which is all residential. He said he told her, "You have a good plan, we'll buy it, as long as you can guarantee that's what you're going to deliver." He said Jennifer Jenkins was hired and she called him. He said they talked about the possibilities that could happen under RAC. He said they then hold a meeting for people from ½ mile around the development, and 40-50 people attend. He thinks people like the plan. He said they are very concerned that they aren't going to get what they are being promised. He said we told them that we are hiring a lawyer for the neighborhood that the documents are written so we will get what is promised.

Mr. Ellenberg said, "After that meeting, the Board votes unanimously to be willing to support the plan, assuming and hiring an attorney to document that we would get what is being sold. We got a reply to that, 'no way.' No conditions, no covenants, no releases are agreeable, they want much broader uses. They want to change this, they want lots of flexibility. Basically, the developer ran away from this pretty plan you've seen, and plan that this Board was willing to support 100%. So what this comes down is, you are being asked to RAC zoning and you can't condition it. If you condition it in the variances, variances will be used to [inaudible]."

Chair Spray said Mr. Ellenberg's time has expired and asked him to wrap up.

Mr. Ellenberg said, "I want to put one figure in the record. This is 1.48 acres, at 40% lot coverage, that's 67,000 sq. ft. approximately you have to be covered. This would leave a difference of some 50,000 square plus to be built on this lot. If it's RAC, it can all be commercial and you can't limit it. There is a limit of 3,000 sq. ft. per building, but each building is separate, and if two structures are put next to each other with a fire wall they are separate building for the Code. If you approve RAC zoning, this is the horse out of the barn and there's nothing that can be done about it. We are sensitive to the need to be flexible with it, but we don't support just letting the horse out of the barn with a substantial rezoning that can go anywhere if the property owner changes their mind, or whatever."

Marilyn Bane, President, Historic Neighborhood Association [previously sworn], and is speaking on behalf of the Association's behalf. Their Board has voted to support the Canyon Neighborhood Association in opposing the developer's requested RAC zoning, which they believe would set the stage for increased commercialization of this historic residential area and affect negatively the quality of life for its residents. She is also a resident of Canyon Road, at 622 ½ B, commonly referred to as Lower Canyon Road. This property being discussed is "Upper Lower Canyon Road," as to be distinguished from "Upper Canyon Road." She said much of Lower Canyon Road carries and RAC zoning. This is the area she lives in that is sometimes called "tinsel town," other times "gallery row," and on a good day "the art and soul of Santa Fe." She said, even though it is RAC, she has never heard it referred to as

residential. She said when Canyon Road first received the designation the area really was live/work and it was mixed used. She said the street made its fame and fortune based on local artists living and working and showing their paintings or sculptures out of their homes. There was a grocery store where they could get a quart of milk. The houses and stores are all galleries, many adjunct business from Scottsdale, Los Angeles or New York. After 5:00 p.m., there is no life on Canyon Road, save for tourists walking or driving to or from Geronimo's, the Compound or El Farol.

Ms. Bane continued, saying when you continue to travel up Canyon Road to Palace Avenue, there is a gallery on the right, "The Last Gallery on the Right," and well named. From that point on there are no other galleries or businesses with the exception of the architect which is housed in a beautiful old house at 1034 Canyon Road, on the left.

Chair Spray said Ms. Bane she has exceeded her time and asked her to wrap up.

Ms. Bane continued, "That's why I'm confused when the application states that the Manderfield School is in the surrounding area of small businesses and mixed use areas. It simply isn't. Which is why, in another section of the application, it refers to the opportunity of bring small arts or businesses into the area, which unfortunately, it will. These will not be grocery stores, dry cleaners or other businesses that serve the existing neighborhood. They'll be whatever the market will bear for the developer. If you go up Canyon Road 'here,' you will see a gentle mixture of new homes, old homes and very old homes, all of them are private residences. All of them are a part of a very special residential neighborhood. You'll see hollyhocks, flowers all the way up, and the people you see there, are there from ten to five. They live there. They are generations of Santa Feans who have lived and still live in these homes. The Vigils, the Ortiz', the Olivas', and many other prestigious Santa Fe families are still there. The children, grandchildren, uncles, aunts who were both there, often still live there. This is the best of Santa Fe. You've heard it from other speakers, I'd like to reinforce that. Lower Canyon Road should not be allowed to creep up with the creeping commercialization and that will happen if you approve the RAC zoning this evening. Please deny this request."

Steve Westheimer, 1240 Canyon Road [previously sworn], said he is a close neighbor to the proposed project. He said, in his opinion and many other neighbors in the immediate neighborhood, the proposal is completely out of character with what surrounds it. It is true across the road it is zone RAC in a very small strip that abuts the River, there was no commercial development there, until the coffee house at the intersection, which is to the west. There is no commercial development to the east and to the north and south. He said Ms. Jenkins has talked about their vision, but they are worried that this is not yet a plan. The others have given you ample reason for denial. We all want Manderfield to be preserved, and it will be. The question is at what other cost to the neighborhood. He said, "I would suggest to you, at this time, that this proposal at this time, and in that location does not meet your criteria and will not be consistent with what is in the best interest of the neighborhood.

Chair Spray thanked Mr. Westheimer for his remarks and for finishing on time.

Cherie Johansen, President, Neighborhood Network [previously sworn], said she is speaking on behalf of the Network and its affiliate neighborhood association, and supports the Canyon Association in its opposition to the developer's request for RAC zoning. The Network feels this would set the stage for the commercialization of this historic residential area and adversely affect the quality of life of its residents. The Network stands with the Canyon Neighborhood Association and the neighbors of Cristo Rey Church. If this is approved, it will negatively affect the neighborhood in the area. She said they would like to see this great historic facility revitalized, and they applaud the better use of public school funds, but the neighbors are opposed to the commercial intrusion into the historic residential neighborhood. And the requested quadruple increase in density from 5 dwelling units to the RAC designation of 21 dwelling units. The proposed coffee shop and artistic studios are presented as attractions to the neighbors to enjoy and to meet and great. However, there are no guarantees once the variance is granted that the 1,200 sq. ft. coffee shop could later become any commercial establishes. Many commercial uses can go into RAC zoned areas without further public input or notice, and many other uses would be allowed if the special use permit is granted. She said, "We are asking that you deny the request."

George Jones, 570 Camino Monte Bello [previously sworn], said they have owned 1018-B Canyon Road since 1997, which was their beloved vacation home for many years. They know many people in the neighborhood, which is predominantly residential from Palace to the Manderfield School, and always had been residential. He said the petitioners' map of the RAC area, it eliminates the land that is actually Monsignor Patrick Smith Park, noting the RAC area is actually very small. He said in looking at the 3 reasons for rezoning, the characteristics of the neighborhood have not changed in a long long time. He said another issue for them is safety. He said in that stretch, Canyon Road is very narrow, and there are not sidewalks all the way. He said there are no sidewalks in front of their property. It is a heavily trafficked area during the day, a lot of trade traffic, tourists. There are many times he has to stop and let an ongoing car pass because there isn't enough room in places. This project will add to that traffic, noting there is already a big addition to the traffic with 1020 Canyon Road, where 7-8 new homes are being built.

Chair Spray said Mr. Jones has exceeded his time, and asked him to conclude his remarks.

Mr. Jones said safety and parking will be issues. There is no parking on Alameda and the spill-over will park on Canyon Road. Nobody should be forced to walk through an unsafe area from the last gallery to this coffee house. He wants to save the school, but this isn't the project to do that.

Sondra Goodwin, 1615 Cerro Gordo Road [previously sworn], said her grandfather was Sage Goodwin, an architect who worked for John Gaw Meem in the late 1920s and early 1930s. She isn't here to speak to the project design. She speaks in favor of the project, but in fear of retaliation. She said she is unaffiliated. She is for infill, high density and mixed resident-commercial zoning. Our current zoning laws support sprawl, forcing a drive. She spoke about bees dying because of loss of habitat, and in 50 years some species will be extinct because of sprawl. She asked who you are thinking of when you support these ideas, saying she is the future, and infill and high density are the way to go. She urged approval of this project.

Eric Enfield, Architect,[previously sworn] said he has done a lot of renovation projects in Santa Fe, including the Museum of Spanish Colonial art and has worked on many John Gaw Meem buildings. He is in support of the proposal because it is an alternative to deteriorating schools, and the funding will help the schools. He feels the uses and the approved zoning are appropriate. The zoning is RAC with extremely limited uses. He would prefer renovation to deterioration. Some neighbors are drawing the line on commercial development on Canyon Road, but precedent has already been set. He went to school on Upper Canyon Road in 1972, and went there recently to purchase jewelry and there are architects offices web designers and residential. The area is zoned residential with an arts and crafts overlay. He said the proposed zoning is appropriate doesn't allow bars, restaurants, business, professional, medical, grocery or laundromats without a special exception which will trigger a public process. He said there probably were in this school every day along with associated parents and cars. He said the proposal for 10 residential units, a coffee house and 6-8 art studios is a less intense use that existed previously. He said this plan initially supported by the Canyon Neighborhood Association, and after the support, it was decided to ask for restrictions in perpetuity.

Chair Spray said Mr. Enfield has exceeded his time and asked him to wrap up his remarks.

Mr. Enfield said if the Canyon Neighborhood Association specifically oppose the coffee house/restaurant house, the Commission could include a denial of this use on this property and not allow the special use permit for this part of the project. He asked the Commission to support the project and to ask for a hand count of those in support of the project.

John Eddy, Board member, Old Santa Fe Association [previously sworn], said he is here on behalf of the Association. Mr. Eddy said the Association is excited about the concept of adaptive reuse. He said there is a confluence of buildings on these blocks which are unique to Santa Fe, among them Cristo Rey Church. He said they do like the idea of adaptive reuse, but are very concerned about the creep of zoning from Lower Canyon Road making its way to middle Upper Canyon Road. Their Association voted to support the Canyon Neighborhood Association in asking the Commission to deny the request for rezoning.

Joseph Maestas, 3999-A Old Santa Fe Trail [previously sworn], commended the Commission for the tough job they have. He said he is here is in support of the Canyon Neighborhood Association's position to turn down these requests. He said this project has many many positive aspects, and it is unfortunate an agreement couldn't be reached between the developer and the Association. He said perhaps more time is needed to come to some consensus. He would like to a show of hands in favor of denying these requests. He said part of the job of the Commission is to weigh compliance with appropriate codes with public acceptance and hopes the Commission will side with public acceptance.

Stephanie Gonzales, 511 Apodaca Hill [previously sworn], said she is concerned that there are still so many unanswered issues, and she hopes perhaps a dialogue between the developers and Mr. Egolf can resume. She is here tonight because of the many unanswered questions. She said the vision has changed from the beginning, commenting it is a whole different vision right now. She is here tonight to request that the Commission deny this request.

Brad Acton, 1206 Upper Canyon Road [previously sworn], said his sentiment is one of extreme disappointment that the process was pushed to this point without negotiation between the Association. He wished that the developers had been to reach an agreement on the additional layer of restrictions in addition to RAC zoning to the satisfaction of the neighborhood. He said there is a potential fruitful outcome of such a negotiation. He said the proposed mechanism doesn't seem to negate receiving federal tax dollars for the historic registration status the building could achieve. He is hoping that this board will see potential in these future negotiations, given the passion of the neighborhood representatives here tonight, and ask the developers to go back to the table with the Association's attorney, and seriously look at the benefits of the cultural property overlay easement. He said they think the project is worth this effort. They think RAC is an excessively coarse designation for this very sensitive location. He said a refining of that designation is entirely possible with the continuation of the negotiations, with serious consideration of the cultural overlay.

Bonifacio Armijo, 1103 Avenida Cordoniz [previously sworn], said he also has a residence at 463 Camino Don Miguel. He said he served 5 years on Planning Commission and commends the members for their work. He said he believes the problem with the project is people don't want to see happen here what happened in downtown. He spent a year on the Downtown Steering Committee, and they found the over-growth of allowing too much commercial in a residential area, and we need to be careful. He said currently there is a good cut-off line at Alameda and Palace and Canyon is where most of the commercial ends and all the residential takes off. And after that there are Prep and Cristo Rey and Atalaya and other schools, but the rest is residential. He commends the developers in trying to bring forward a project, noting Santa Fe needs more projects, noting he is a building contractor by trade. He said this is, however, a project in the wrong place. He said they have done a good job of designing around the School, but he has concerns if you allow this to take place what will happen after that. He is opposed to this project.

Erica Wheeler, 1151 East Alameda [previously sworn], said she can see Manderfield from her house. She would love to see something positive to happen with the school, noting there are a lot of positive aspects to the development. However, as it stands, she is urging the Commission to deny the request for the rezoning. She is very concerned about overflow parking because "my street is prime for that and I've seen what has happened with the Canyon Road Tea House." She said the overflow parking is along Alameda and sometime they park on the east side of Alameda which turns it into a single lane road. She urged the Commission to deny the request at this point, so people can get back to the table and do a better job of planning.

Richard Yates, 540 Palace [previously sworn], said he built a house at 1242 Canyon Road in 1983, and resided there for 27 years and raised 3 children there. He said living on that side of town was wonderful, but each time he left his house, he drove through other peoples neighborhoods to get services – buy food, go to restaurants, etc. He said he is in favor of the project and like that they are adding smaller residential units to it. He said the property could be developed as a single residence which is what happened on the east side where there are larger and larger houses and fewer and fewer people. He said the school is no longer a school is there are less children living in the area.

Former City Councilor Karen Heldmeyer, 325 E. Berger [previously sworn], said she lives in the Don Gaspar neighborhood which has had its own run-ins with RAC, so they know the permitted uses in the RAC without public input or discussion. They also know about the special exceptions which are much more intense uses. They are asking for a special exception, not for a coffee house, but for a restaurant which, if approved, any kind of restaurant could move in there. They also know about other commercial uses which just kind of sneak in because the City business license people don't always talk to the people in land use. She said this is much too much an intensive use for this area. She said she, too, served as a Planning Commissioner, as well as a City Councilor, and she has heard dreams, wishes, hopes and promises and intents. She said, "My rule of thumb always was, to ask them 'if you're really sincere about this, will you limit your use to that very specific small use.' And sometimes people would say yes, but most of the time they would say, 'we want the flexibility, or what if we sell the property.' And what that tells you is that there is a wide open door when you give RAC zoning to a property, that all kinds of things that can go through. This is a nice piece of land on the east side. There isn't much of that. It's a John Gaw Meem building. We know there aren't going to be any more of those. There can be something that is appropriate for this, but RAC zoning is just too much in this particular location."

Roman Abeyta, 4325 Camino Lila [previously sworn], said Camino Lila is actually Airport Road. However, he grew up on Canyon Road, and went to Manderfield School before he attended Atalaya. He said his dad still lives at 1132 Canyon Road, two houses away from Head Start. He said he also has served on the Planning Commission, and has worked in Planning and Land Use. He said the proposal is too intense for this property. He said, as Mr. Armijo stated previously, Cristo Rey is right on the other side of the School, and asked, "If you grant this, what will happen next." He said what could happen is Lower Canyon Road will become as intense as Upper Canyon Road, and this will be the one parcel that opens the door for that, so he is requesting the Commission to deny this request.

Chris Abeyta [previously sworn] said he speaks for David Rodriguez, who owned the land where Cristo Rey and Manderfield are located. He said, as his mom Rosendita Abeyta said, this gentleman wanted to preserve the spirit of Cristo Rey and education and the community. He said he played in the area and at Manderfield. He sees it every day. He doesn't see how that spirit would be preserved, and how the children who grew up there can walk in there in a gated community, as we're not allowed in any gated communities. He this lady said, 'the building speaks to us.' He said it has spoken to

him many times and he never heard it say the word casitas. He said he is speaking for the spirit, commenting that he is about spirit, about Santa Fe and la tierra y la gente. He said he really believes this project won't be successful and urges the Commission to deny it.

Robert Abeyta, 1134 Canyon Road [previously sworn], said "this is my brother and he said most of the things I was going to say." Mr. Abeyta said his problem is the coffee shop, noting we have 60 coffee shops in Santa Fe and we don't need another coffee shop. He said the traffic is terrible, and we don't need more houses. He is concerned about the water use, commenting we are in a drought. He asked if we want more houses and more water uses coming out of this project. He said, "I'm against that."

Vicki Ortega, Cerro Gordo [previously sworn] said she is opposed to this project. She said her grandfather helped to build Cristo Rey Church and she attended kindergarten at Manderfield. She said it is sentimental to her, however she speaks from a common sense point of view. She said, "We in this neighborhood have seen so much change that has not been beneficial to the neighborhood." She strongly urges the Commission to seriously consider not approving the project. She said the project is not in the interest of the neighborhood. She was here last week to oppose two different requests to downgrade homes from historical status. She has been back in the neighborhood for 12 years, having grown up on Cerro Gordo, and has seen constant constant change because of these kinds of requests. She is concerned that there won't be anything historical about the east side if all of these projects keep being approved. She urged the Commission to not approve this process.

Brad Perkins, 3 Camino Pequeno [previously sworn], said he strenuously objects to the proposed upzoning. First, the community surrounding Cristo Rey has been a religiously, centric residential neighborhood for more than 100 years. He said RAC zoning has the possibility to demolish that essence. He said the possible choices under RAC cause a real fear of what could happen. Secondly, the Cristo Rey neighborhood has always been a residential community and nothing else, providing homes for multi generations of New Mexico families. As a result, it is now, one of the most deeply rooted communities in Santa Fe. He said there would be no benefit to the community from a zoning change that is clearly evident from the development plan currently being consider. He said, "I would go one step further from what Fred Rowe said about Jim Hall's decision, and the follow up to that, 'The Supreme Court declared that there had to be a significant change in the neighborhood to justify a rezoning, or there had to be a mistake in the zoning in the first place.' He said neither of those conditions apply, and nothing has happened in that neighborhood, until now to justify a rezoning.

Chair Spray noted Mr. Perkins has exceeded his time and asked him to conclude.

Mr. Perkins said, "Yes very quick. The Supreme Court also said, 'proof would have to show at a minimum that there is a public need for a change of the kind in question. The change has to be justified by need, and that the need would be best served by changing the classification by the particular piece of property in question as compared with other available property.' And that's from the State Supreme Court, and I think that settles the question right there."

Michael Lass, 1211 Upper Canyon Road, Member and Immediate Past President of the Canyon Neighborhood association [previously sworn]. He said he is proud of the community and Santa Fe. He said he would like to highlight a few points. The point they are making is that RAC a very broad zoning and it is subject to abuse. He said the Board felt this proposal, as you've heard, had a great deal of merit. Their central concern was that the merit of the proposal be proposed. He said Ms. Heldmeyer put the point on it when she said, when you turn to the developer and say, we like your proposal, but we want to assure that it will be implemented and it won't have untoward consequences in the future. Will you commit by the appropriate restrict, and the developer says to you no, that speaks volumes. He said we are looking for them to put a real commitment to what they say it is, and not with broad arguments to zoning and all this other stuff. The commitment they say they will make to this project and to our community and they are unwilling to do that, and that's why we're all here tonight.

Suby Bowden [previously sworn], said she is a neighbor of the subject property. She said she also was a Planning Commissioner for many years, and understands their role tonight is representing the common good, and the community is fundamental to the conversation this evening. She said the applicant is offering great opportunity for the common good, to support the school system through the purchase, to preserve the building. They are also sitting adjacent to the Catholic church, which she believes is the largest commercial establishment on Canyon Road. She said there is huge traffic coming in and out of the Church on a regular basis, so traffic to her isn't the issue. She also said the Canyon Neighborhood Association has gone further than she expected them to go, in saying that what has been proposed they are willing to meet which is a big step. She said it appears one proposal by the association has been made to establish a cultural conservation easement with the Santa Fe Public schools assures the Schools meet its needs, the community meets its needs and the needs of the Association, and the developer meets what has been asked for. And ultimately, they go back to the table and work out the logistics. She said when she was on the Commission she saw many neighborhoods do this over and over and over again, and it's good for our community. The general plan calls for neighborhood associations to have greater voice for the next 20 years when put into place in 2001, and it is 12 years later. She encouraged the Commission to ask everyone to go back to the able with a cultural conservation easement which will allow everyone to work it out together for our common good.

Kurt Sommer, 200 West Marcy, Sommer, Udall, Sutin, Hardwick & Hiatt [previously sworn], said he represents the developer. He said, "I want to address a couple of the issues, particularly the negotiations that Mr. Egolf brought up, the cultural conservation easement that he wants imposed on the property and why we would not agree to it. Imposing a preservation easement at the front end of a development will jeopardize, potentially, some of the tax codes which would be used to support the development of the project. The answer to that was, however, was we're willing to impose covenants and restrictions once it was zoned on the property that would meet all of their needs. Unfortunately, and I think Mr. Egolf was correct when he said that we couldn't do conditional zoning that would do it on the front end. We're telling you we are willing, unlike what Ms. Heldmeyer said, we are willing commit to limit the project as proposed. Nobody is against the project that is there. We are willing to do the project that is there,

we're willing to do it by prior covenant that are unamendable to allow this to happen. We just could not agree to the cultural preservation easement on the front end, because it will jeopardize a conservation easement on the façade that we want to grant. It will possibly jeopardize the historic tax credits.'

Mr. Sommer continued, "And as a tax lawyer, I'm telling you it's not appropriate to do it on the front, and it we had to do it on the front end, we may lose those benefits which would detrimentally affect the economics of this project. We are willing to do it voluntarily on the covenants and restrictions on the project. It will not provide for commercial creep that they're worried about, which is a legitimate concern. All the concerns raised here today are legitimate. I'm not minimizing them one bit. What I'm saying to you is, there already are sufficient restrictions about height that could be put on by virtue of the zoning. Ms. Jenkins adequately addressed that. There are also limitations about how much commercial could be put into the building, because of the size of the building, no more than 3,000 sq. ft. We're asking for a minor exception to that particular point."

Mr. Sommer continued, "The coffee house, we could address that specifically with them. The coffee house idea came about solely because the community asked for it. I'm going to pass my time, but I thank you very much, and I appreciate it."

Ronnie Layden [previously sworn] said, "Everybody made very good points, and nobody loves my Santa Fe as much as I love my Santa Fe. I'm a native. I actually own the very last gallery on Canyon Road. I'm a little bit past The Last Gallery on the Right. I'm Ronnie Layden Fine Art. I have so many pass by my gallery and ask for directions to Cristo Rey Church. So I heard discussions about it being a little small road and it being dangerous for pedestrians. I park on Alameda. It's not the overflow parking from the Tea House. I park there and other people that work there. So those two concerns aren't existing anyway. It's a tourist attraction and quite honestly that school falling apart is an eyesore. To tell you the truth, I'm a starving artist. The traffic dies off up there, so I don't see any other business, other than a coffee shop with some studios next to a church. I think it's a cute little marriage right there. Anything other like some nightclub or a K-Mart is absurd and just wouldn't happen. I'm speaking that I'm the last gallery on Canyon Road. There is the Audubon Society, there are other businesses up farther than us, but it's not going to bring all of Santa Fe up through there. A coffee shop, people stopping, looking at the Church. I think it's a nice little stop for them to get some refreshment."

Colleen Gavin, JenkinsGavin Design and Development [previously sworn] read a letter into the record from Mark Trimmer, which says, "I encourage those in the position to make a difference to promote this project as a means to balance the demands of those who wish to cling to the past and those who wish to take the best of yesterday and transform it into a powerful resource for the future. Please see Exhibit "20," for the complete text of this letter.

Wrap-up by Applicant

Chair Spray gave Ms. Jenkins 5 minutes to wrap-up and make any final comments regarding the application.

Jennifer Jenkins [previously sworn] said, "I'm going to be brief. I want to reiterate a couple of points. Again we don't want to let things to get lost in the shuffle. There are some key things that came out of all of our discussions with the neighborhood. And we said yes. We [they?] said 4,600 sq. ft. of non-residential only. We said yes. They said the casitas, only residential. We said yes. Single story structures. We said yes. Make sure you park your outdoor seating, we want to make sure you have plenty of parking on site. We said yes. We said yes. We said yes. It comes down to how do we say yes. How does that happen. There's certain restrictions tonight that are being attached to the special use permit. Okay, you want to hear this. We volunteered to do a master plan that would be recorded and run with the land. We volunteered to do that. We said the master plan, that's a great mechanism. We can document all of this on the master plan, what a fabulous idea. Can't do a master plan. Staff had concerns about if it is in effect a conditional zoning, that we can't do. For me to volunteer to an additional entitlement and an additional thing, that's [inaudible] as you can imagine. So that option was not available to us any longer, unfortunately."

Ms. Jenkins continued, "As Kurt said, originally when the cultural property preservation easement idea was presented, we were really encouraged, really, that is a really good idea. Can't do the master plan, maybe this is the way to go. Restoring that building is a huge financial investment. The tax credits that are available through the state and federal governments are essential to making that work. Nobody in the world is going to restore that building without being able to utilize those tax credits. The tax credits are there for a reason, to make preservation of historic buildings possible. To make it possible."

Ms. Jenkins continued, "We learned, through Kurt, we can't do it. But here's what we can do. I've already said we have restrictive covenants on the property, but we can also have restrictive covenants that cannot be amended, ever. There is case law that's come down about this, that I'm sure Mr. Sommer would be happy to speak to. You can put covenants on some things that can't be amended, ever, regarding the quantity of non-residential that could be there. We said yes."

Ms. Jenkins continued, "We were supposed to be before you last month. We postponed, ourselves, in order to continue the dialogue. And so we're here before you this month. We said yes. So tonight, we have an opportunity and we agree that the non-residential needs to be limited. We're not arguing with any of it. Thank you for your time."

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

Chair Spray thanked everyone who testified, saying we greatly appreciate your input and thoughts on this process.

The Commission commented and asked questions as follows:

- Commissioner Harris said, "I'll say, to kind of get to the point, that I'm in favor of the project. I think a lot of the issues that have been raised by the various associations, or people unaffiliated with the associations, are legitimate. I simply accept the representation of the applicant that limits can be place, whether they are covenants that can't be amended, I think there are other mechanisms I can't speak to right now. I heard Mr. Abeyta, you were the most eloquent of everyone, I'm serious,

you were. And you had a great response that you never heard the word casitas. The word I don't want to hear on Manderfield is decay. It is similar to what's happened to St. Catherine's School. School hasn't been in session there since the early 1970's. Head start was there at Manderfield. I have to believe the problem Presbyterian had was just non-compliance of the facility. It just isn't suitable for teaching children there, and I don't think it's suitable for a lot of things. I do think it's suitable for this project."

Commissioner Harris continued, "I have to say too that I'm sure this probably will upset some people. I've lived here in Santa Fe for 37 years, not nearly as long as yourself certainly, but I have a good sense of this town. And I've lived in the south central part of town. When I view Canyon Road and all the areas that we're talking about, I see a mix of activities. I don't see it segregated. I don't see a dividing line necessarily at the last gallery on the right or even Mr. Layden's. To my way of thinking, it continues on. I think this type of mixed use is appropriate. Again, that's my point of view as a Santa Fean who lives several miles away. I probably wouldn't go to the coffee shop, but 1/4 mile from my house is Java Joe's on Rodeo Road and it's a great place. It's a tremendous success where people congregate and touch base. I think this type of facility could be a real addition to the neighborhood."

Commissioner Harris continued, "I'm going to defer a little bit. It is my role, it seems, to get the dialogue started and I do have some other technical comments, but I'd like to defer to my fellow Commissioners to speak."

- Commissioner Schackel-Bordegary said it is her role to come after Commissioner Harris in this case tonight, and she appreciates his brevity and cutting to the chase, and she is going to do the same in saying she supports this project. She said she is generally in the same neighborhood as Commissioner Harris, saying they could meet at Java Joe's without getting in their cars, which is an important community principle. She appreciates all the views expressed here, certainly those who are generational residents of Canyon Road. She said it changed a long time ago, it's always been changing. It's changed since the mid-80's. It's not only residential anywhere any more.

Commissioner Schackel-Bordegary said, "I want to go to Suby Bowden's comments about our role up here to think of the common good. And that's where I'm coming from, and that is just knowing that the school is owned by the School District and it has been an asset that has set there for as long as I can... I grew up here too. I went to school in a different part of town, but it wasn't an active school when I was in elementary school. And here we are 30 some years later. This is an opportunity. And Santa Fe being Santa Fe for better and worse, but economic opportunities don't knock on our door. We're not Detroit. Think of all the buildings. We're not Detroit, we'll never be Detroit, but we have to a vibrant, living, breathing community too, and this is a change we can live with. I've heard enough of that tonight to support this."

- Commissioner Bemis said, "I feel very strongly, from what I heard tonight, that there are enough questions by the people who live there and will be affected by what's going to happen. I don't know what you are going to do with the school, but I really am not in favor of what is being asked tonight. I think it's not a thing that should be rushed into. I think there's so many people that there that feel so strongly that this is not what they want, or they don't trust it. Maybe those things will be worked out, but for now I am not voting for it."

- Commissioner Pava thanked everyone for staying and participating, and said he appreciates the comments he has heard this evening. He said Santa Fe is about getting along. He said, "I would have to say, that in listening to all I've heard, at first I though this is a slam-dunk, but it's definitely more complicated. It seems that most of our cases tonight were complicated. And yet, if you look outside of Santa Fe, we see examples of adaptive reuse of old school buildings." He spoke about what was done in Portland by a company that has taken old school buildings in the middle of neighborhoods and re-used them successfully, and the City hasn't come apart, commenting there are many similarities between Portland and Santa Fe.

  Commissioner Pava said, "I like the idea of adaptive reuse. I don't like seeing buildings become decrepit, or in the case of some historic structures in Santa Fe, falling apart because of lack of investment. There may be better ways to do this. But here's somebody willing to put out capital and work a deal, and it may not be perfect, but most things aren't. I think this isn't a bad approach, but there risks with the RAC zoning, and there are risks leaving it the way it is. I think we're not looking at a horrendous precedent, we're looking more at the natural and incremental growth and change that happens in the City and that things will change. I think this may be the difference between classical zoning *per se* and the broader view of planning – what's happening with the City. I don't think the building can be torn down in any circumstances. And we've heard of a way to keep it to improve and renovate it."

  Commissioner Pava continued, saying he is somewhat familiar with the building, because his daughter attended to the Oz School not far from this one. He believes in the RAC and appreciates having that used there. He is a resident of Barrio la Canada which is a very mixed neighborhood, and they can walk to their own local coffee houses there. He thinks the choice here is difficult, but from what he is heard this evening, he would be willing to wager on the zone change, because we're only making a recommendation to the Council on the general plan amendment and zone change, and this may be appealed one way or another. However, as a Planning Commissioner he feels it is his job to listen to everyone, and he is in favor of recommending this to the Council at this point.

- Commissioner Padilla thanked everybody for attending and testifying this evening, and hopes we can work together in the spirit of cooperation and collaboration to get this resolved.

- Commissioner Padilla asked how many living units there will be, saying he understood her to say first 18 and then 10.

Ms. Jenkins said they are proposing 10 dwelling units at this time, 6 in the Manderfield Building and 4 casitas. She said, "Looking at the possibility if the arts and craft spaces or the coffee house maybe, at some point in the future, converted to residential. So basically that 18 is kind of a maximum that could allow the entire property at some point to be all residential. That's all that is. There is no intent to do that, but it is all about converting the rest of the school, potentially to residential space."

- Commissioner Padilla said that is a moving target. He said, "What was mentioned tonight by a number of those presenting testimony was a concern that it can change, that it's an open issue, and if we really are getting what we were promised. And to see 10 and then you quickly, in a presentation mention 18 units, it kind of perked my ear up." He asked, if we start going through and looking at reviews and approvals, are those things, the art studio space, coffee house, etc., is the developer willing to commit to those to not expand to other types of uses, such as additional residential units.

- Commissioner Padilla said the casita development is basically a little gated community, and asked where visitors to owners of the casitas will park.

  Ms. Jenkins said there are quite a few guest parking spaces in the rear. The guest would go through the gate through a key pad or be buzzed in, or whatever is typical, and each casita has two designated parking space. Ms. Jenkins said there is one assigned parking space for each residence in the Manderfield building, and we are over-parked as far as the City Code requirements for residential to make sure there is plenty of guest parking in the rear."

- Commissioner Padilla asked Ms. Jenkins to identify where the guest parking is located.

  Ms. Jenkins indicated the location of the parking spaces on one of the drawings in Exhibit "10."

- Commissioner Padilla said he visited the site today, and the site itself has been referred to as deteriorating, an eyesore, and such. He asked if there is deferred maintenance on the building, noting those characterizations, eyesore, deterioration, are because it hasn't been occupied. He asked, "When you develop the sidewalk and so forth, the sidewalk won't be replaced, it will be repaired as need it will connect from one end of the property to the other – wrap around the entire front of the property.".

  Ms. Jenkins said this is correct. Using one of the drawings in Exhibit "10," Ms. Jenkins said, "There is existing sidewalk along Canyon Road, and where we are proposing the new driveway cut onto Canyon Road 'here,' there's a little gap 'there' that we will fill in. The existing sidewalk is in really good shape, and there is a gap 'here' we will be constructing. And we will fix any ADA deficiencies, any significant cracks, any elevation changes that create problems, so it will be repaired as necessary."

- Commissioner Padilla said she spoke about planting in the small landscape area to provide a buffer between the retaining wall and the street. He asked if there would be pedestrian access

through the retaining walls. He said he if was walking up Canyon Road to the coffee shop, he would have to walk all the way around, up toward Cristo Rey and then into the property.

Ms. Jenkins said one of the neighbors presented the idea, and they are actually looking it, of a possible penetration in the retaining wall with stairs. She said the ADA access would still come 'this' way, but there would be stairs that would "dump" you into the center or the heart of the project, and they like that idea a lot. They will be looking at that structurally and with the elevation change.

- Commissioner Padilla asked if these kind of changes to the proposed plan will come back to this Commission for review.

  Ms. Lamboy said if it is simply putting in a stair, that would not require additional review by this body.

- Commissioner Padilla said you have identified the primary façade as the east façade and a portion of the north façade. He asked how the portion of the north façade identified.

  Ms. Jenkins said, "You see the blue right here. Just that portion 'there,' and that has been designated by the H-Board as primary. She said it went before the H-Board last year for designating primary elevations. It wasn't for design, it was strictly for them to designate primary elevations.

- Commissioner Padilla said, "In reference to the primary façade , on the east side, what you've designated as entry, just to the south of the coffee house, is there an existing entry there.

  Ms. Jenkins said that is the existing entry.

- Commissioner Padilla said, "It is an offset. There's a little portal."

  Ms. Jenkins said it is not original and was added later, so that is the reason it isn't primary there, because that element, as well as where the coffee house is, aren't original elements. They are old, but they're not original.

- Commissioner Parilla said, "Going to the west façade, if you're coming from north going south, as I walked it today, it looks like where you have your first two extensions onto this historic building there's a gap in the building. I couldn't walk around to the back of it. But it seems to be an indent. Are you adding square footage."

  Ms. Jenkins said, "We are adding no habitable square footage. What you see 'here' these are just outdoor courtyards, with low courtyard walls. We're not adding any heated or habitable square footage."

- Commissioner Padilla said the parapet line does come from the northeast corner, goes south and then actually turns back into the building. Your plans show that as covered completely.

  Ms. Jenkins said, "We have not done full as-builts on the building yet, so the footprint we have here is pulled directly from the boundary survey, so it's possible there may be some of those little details..."

- Commissioner Padilla asked if the square footage could change in reference to that.

  Ms. Jenkins said, "No, I think we're right at about 11,400 sq. ft., so I don't expect that to change significantly."

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Chair Spray said we are nearing midnight and he would like to continue and make a decision tonight, so we will need a motion to suspend the rules and continue the meeting after midnight.

MOTION: Commissioner Harris moved, seconded by Commissioner Schackel-Bordegary, to suspend the rules and continue the meeting past midnight.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Harris, Ortiz, Padilla, Pava, Schackel-Bordegary and Villarreal voting in favor of the motion and no one voting against [7-0].

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- Commissioner Padilla asked Ms. Jenkins to show him the location of the additional parking in the guest area.

  Ms. Jenkins said, "Each of the residences have covered parking, so where you see the carports that are for either the casitas that are in the Manderfield Building. All the uncovered parking, there are 8 guest parking spaces, and there is one 'here,' there's two 'here,' there's four 'here' and there is one over 'here'."

- Commissioner Padilla said, "You said that the casitas each have 2 spaces, and I see those 4 carports, so that would be 6, and you're saying the residential units inside the Manderfield School."

  Ms. Jenkins said, "They have one assigned space, and so there are two carports, right 'here.' So there's 2 carports 'here', and then there are 4 carports 'here,' so that's the 6 covered, assigned spaces for the residences in the building. The uncovered spaces are the 8 guest parking spaces."

- Commissioner Padilla said, "8 guest parking spaces for 10 units.'

  Ms. Jenkins said, "Exactly, in addition to the 12, there's a total of 17 for the 10 units, yes."

- Commissioner Padilla said, "I thought the 17 on the east side was for the commercial use."

  Ms. Jenkins said, "Yes. The commercial parking spaces in the front are intended to be designated for the art studios and the coffee houses. There's 17 spaces there."

- Commissioner Padilla said, "And they will be designated for that use only, the parking for the commercial use. If somebody overflows into that, they'll get booted out."

  Ms. Jenkins said, "I don't think we've gotten to that level of detail yet. I think that in the evening, obviously the non-residential space is going to be quiet. So if someone was having a gathering and residential guests park there, I think that would actually be a really good use of that space in the evening."

- Commissioner Padilla said, "I guess one of the comments is, you know, knowing the concern of parking, I think your guest parking may be a little short, but that's just me."

- Commissioner Villarreal said, "I was curious if staff had, without getting into all the history of this property, have there been other proposals put forward to use this property, because it sounds like the School District hasn't been creative enough to use it for educational purposes. So in your recollection what hasn't made this property work in terms of a redevelopment."

  Ms. Baer said in the 5 years she's been here, she doesn't recall any discussions with anyone regarding this property.

  Ms. Lamboy said the property was proposed for a non-profit organization. There was a contract previously that I read about, but it did not get any 'feet' as it were, and so that deal did fall through. The last consistent use there was Presbyterian head start, which left in 2006."

- Commissioner Villarreal said, "So I guess when I think about this property, I commend the developer for trying to be creative about what can work here. I think it's challenging to be creative and be sensitive, but also consider the historical issues that have faced Santa Fe in general, especially Canyon Road. It's difficult for me because on one hand, I see the value of supporting and maintaining the historic value of a building and trying to make it into something else, but I'm also in the mind set that we should be keeping the historic value of the community and how they feel about in an area and what they think is right and authentic. But if you think about Canyon Road, that's long been past. Those of you that have just moved there or are new, which I think 20-30 years is still pretty new. This has gone way beyond the point where people have had an opportunity to have a public forum like this to express their views about what they think is right in their community. Back in the days, that didn't exist. So you're lucky, and I think we're all fortunate to have a public process where people are able to express their opinions."

- Commissioner Villarreal continued, "There are aspects of this development that I think are interesting. I think they could work. I wish there were more people in support of something that makes sense for the community, even if it is a coffee shop or a restaurant. But what I don't like

about this development is the fact that it is a gated community. It's exclusive. Again, that's something we've been struggling with historically in Santa Fe. And being facetious, I guess is the way I think, most of the casitas won't even be used by people that live here full time, so maybe some of you wouldn't actually have to deal with long term, regular residents, because they won't live here full time. But that's another issue. I guess the way it's coming down in my mind set, based on comments, and I want to just let everyone know, there's always two sides to a story. As this is planned, the way the casitas are set up, I'm not in support of this particular development. And I challenge the community, and I'm not just speaking to the neighborhood association, or people that are active in it. I'm talking about challenging the local people who live there to think of something that does work. It's a great property. I would hate for some property like this to go to waste that continually deteriorates. And I challenge you, and I'm looking at so many out here in front, what if there's another way, and how come we haven't thought about it yet. And that's why I asked about why something hasn't worked there. There is a fear of change, but maybe this particular zoning scheme doesn't work in this area now, and I would like to see something different."

- Commissioner Ortiz thanked everyone for their time, comments and opinions. He said this isn't an easy decision. He said he has concerns about a gated community, although he lives in a gated community at Airport Road and 599, which is a little bit different. He said, "I know, listening to the Abeytas, they really had some great issues and it's a family that's been there for a long time. My father was raised on Cerro Gordo. I'm a Santa Fe native. I went to school at Wood Gormley. I was the Street Director for the City, and I went all over this City looking at all kinds of things and communities and issues. But, for some odd reason, something is telling me on this that I just don't feel good about this particular development. I don't like seeing that building deteriorate, it's really said. But he doesn't feel like he can support this. He hopes we can make a decision on this.

- Commissioner Harris asked Mr. Sommer and Mr. Egolf, and what kind of binding language can be put in place.

  Mr. Sommer said his thought was to make the covenants non-amendable for a period of 99 years, which would institute the restrictions for limited commercial development on the property. He said, "In terms of the height restriction, I don't have any problem with putting a height restriction in the covenants, but the zoning really limits the height restriction by itself, so that you wouldn't have additional development on the property by virtue of increasing the height of the building, but I wouldn't have a problem instituting that, or telling my client, let's put that provision in there as well. I don't think it was a matter of disagreement about what they were asking us to do. It's a question about the mechanism he wanted us to do it with."

  Mr. Sommer continued, "If you look at the Cultural Preservation Act and how it would be implemented, there are provisions in it, that if we put them on today, I'm afraid it would limit the ability to impose conservation façade easements on this property and obtain any tax objective or tax benefit from that, and I don't want to do it on the front end. Not only that, the cultural preservation easement would have to be imposed by, at this time, by the current owner which is the public school system. I haven't heard anybody ask the Public School system are you willing to

put a cultural preservation easement on this property before you sell it. So, I don't know the answer to that. I'm telling you that the developers wanted to do it by covenant, and I think we can do it for a period of 99 years, which would make it a non amendable provision of the covenant with respect to commercial development on the property and height limitations which seem to be the biggest problem, but I'll let Mr. Egolf address that."

Mr. Egolf said with two lawyers, you're going to get two different opinions. He said the issue is the mechanism and putting covenants in place. He said you're not voting on anything tonight, you're not approving the project that we are seeing here. You are approving a rezoning of the whole thing, the general plan change, and then a variance and special use permit. He said, "There's nothing that you're voting on tonight that has anything to do with this. The sidewalks and everything, that all comes later, so I think that bears mentioning. And I mention it, because the covenants as described here, are going to come into effect at the end of the project. So you've got the casitas and the residential units. I don't know if they're all part of the same Homeowners Associations or if there are two separate ones, or what the plan would be for that, how they're drafted, how many of them have to be sold before the owners take over. And then, what do they say, how do they get implemented. It's all up to the developer in terms of what they say, how they get implemented and who enforces them."

Mr. Egolf continued, "That is the problem as we see it from the Association perspective, is that's there's a lot of if's between tonight and covenants that would come into place. And so we're not sure all those if's are going to fall in line to give us the comfort that the Association needs. Now, as to the façade easement, and the applicability of the cultural preservation easement, we believe, and again, this is just a tiny issue, because we haven't had the chance to look into this, Mr. Sommer and myself, and discuss it, I believe very very strongly that there is absolutely a way to do a cultural preservation easement that explicitly exempts the façade of this building, even exempts the interior of the building. It exempts the Manderfield Building entirely so there would be no risk to the tax credits, if all you're talking about is the unoccupied land. And to me, and the Association that is the real meat of what you're deciding right now. It's not what happens to the building, or what it's going to look like, or whether there's a coffee shop or a tacorillo, or whatever goes in there. That's not this. That's not the vote tonight. The vote is what about happens to all the other land, that's why we're so concerned about making sure we're not putting the cart before the horse with the zoning decision that may result in 6 months, a year, two years, whenever the buildings are completed, and covenants, and we have no idea what they're going to look like. So it's kind of a cart before the horse issue, it's an enforceability issue. I think if we have some time, we can work it out, but again, but because of the timing issue, that's why we've asked you to say no. Not because of the building nearly as much as because of the unoccupied land and the tremendous uncertainty with what could happen to that if this development doesn't happen, if it is owned by a different owner.

Mr. Egolf continued, "Oh, and by the way, I should mention. I did speak to the Superintendent of Public Education Santa Fe, and he told me twice that if the School Board needs to adopt a cultural preservation easement, they're happy to do it. They're concerned about the sales price. They don't care. So we've had that conversation with the Association, and myself personally, we

discussed this with the Superintendent. They're happy to do it if it facilitates the sale and moving forward with the support of the neighborhood. I realize School Board member Carrillo is not here any more, but we did discuss it. Oh, hi, there you are, sorry you're right behind us."

Mr. Carrillo's remarks were inaudible because he was speaking from the audience.

Chair Spray said, "Thank you sir. You can't speak unless you've been sworn in, we've closed the public meeting. Continue sir."

Mr. Egolf said, "That it's. That's the impression I have as of now."

Kurt Sommer said, "One quick response and that is cultural preservation easements and conservation easements impose restrictions on property which diminish value. So to take a speculative decision that the School Board is going to do it and not have a diminution in value is a speculation. I'm telling you that nobody has talked to them, nobody's approved it from the School Board's perspective to put this on. And this idea that Mr. Egolf has come up is simply inappropriate, because the current owner is the one who has to impose that restriction on the property. And it will have a diminution in value. That's why people get tax credits for that."

- Commissioner Harris said, "My experience as a Commissioner, the process that is in place, I've yet to see an example of "bait and switch," so I'm probably less concerned, as you expressed some concerns Mr. Egolf about what might happen. I think that we have a pretty comprehensive process here in the City, that I think the various steps along the way can provide the assurance that the people you represent, that the covenants can be put in place that would work, that would limit those uses to the ones that were listed by Ms. Jenkins. Now I haven't heard anybody say yea or nay about those usages, I can't remember all of them, but they were fairly innocuous in my mind. There wasn't anything that was really that offensive. So, again, I'm relying on the process that is in place, and that includes certainly the review of the Governing Body. And if it's approved, move on to development plans. I just want to make it clear that if this project moves forward, whether or not there is an appeal, if the Governing Body agrees with the rezoning, the next step would be a development plan, is that correct."

  Ms. Baer said, "Not a development plan that would come before this body. The development would be administratively approved, because it's required, because it's more than 3 units of new construction, but less than 10,000 sq. ft. That does trigger development plan, but by staff review."

- Commissioner Harris said, "I'm still comfortable with that, frankly. I don't have anything else to add."

- Commissioner Padilla said staff commented about home occupation so the proposed casitas could have a home occupation designation to them by an owner, and asked if this is correct.

  Ms. Lamboy said, "That is correct as long as they receive the proper permits through the City process.

- Commissioner Padilla said, "An individual comes in and buys a unit, what is to limit that individual from turning that into a short term rental."

  Ms. Lamboy said, "The short term is a lengthy process, that actually gets involved. I guess, theoretically it could occur, but would be difficult to get on the list. I guess there's a long waiting list."

- Commissioner Padilla said then it's not impossible. He said, "In reference to Condition #4 from the Fire Department, 'Access road at site shall be a minimum of 20 feet wide.' I see in the proposed plan, a 16 foot wide road. Has that been diminished."

  Ms. Lamboy said, "Rey Gonzales visited the site and determined 16 feet would be sufficient, because it's a one-way roadway, and so a site visit was conducted after that."

- Commissioner Padilla asked if the road would be provided with sidewalks and such, or would people be walking in the street. Because I see overall what I would call a right of way of 16 feet, so does it get diminished by sidewalks."

  Ms. Lamboy said there are no sidewalks proposed on that roadway because it truly is a lot access roadway and it would not require sidewalks.

- Commissioner Padilla said, "So that can change from a 20 foot requirement to 16 feet, because he has reviewed that."

  Ms. Lamboy said that is correct.

- Commissioner Bemis said she understands that a special use permit and variance approval is only through showing hardship, and she doesn't see any hardship here. I would also like to add that in any residential area where you are asking for a special use permit, what I hear from the people that live there, I think it's not a good thing."

  Ms. Baer said, "There are certain uses that are allowed outright in a particular zoning district and others that are allowed through special use. The special use requires a public hearing and approval either by the Planning Commission or by the Board of Adjustment. So those uses are pre-designated in a way that calls to your attention that they need some special attention and they may require special conditions which the Land Use Review Board has the authority to place upon the use. And those conditions can be very broad. And if I may add, if it is the Planning Commission's desire, you can ask for a development plan to be brought back to this body."

  Ms. Lamboy said, "A point of clarification and correction, with regard to the question of a short term rental, and the possibility of being there, the current waiting period is approximately one to years, so it's not as difficult as I represented."

- Commissioner Schackel Bordegary asked "Why gated."

Ms. Jenkins said, "This is a mixed use compound that we are creating. We have a small amount of non-residential uses mixed together with residential uses. In laying this out, we felt it was important to create a little bit of on the ground separation. We see this as a public side to the project, which is the east side 'here,' and there's a little more of a private side to the project. And so, it is not gated at Canyon Road. The beauty of this plan, is this is open to the community and to the neighborhood, to visit a coffee house, an art studio. The gates are set back here so somebody visiting the coffee doesn't try to park in my carport. That's the intent. It's really, simply about creating a sense more of the private side and the public side. That was really all. But, like I said, this is about creating porosity with the neighborhood and access for the community into this building."

Chair Spray asked if we would be looking for a motion on the first case, the Manderfield School General Plan Amendment, if that would be the appropriate order, and Ms. Brennan said yes.

Chair Spray said we are looking for recommendations on the General Plan Amendment and the Rezoning, and asked Ms. Brennan if that is correct and Ms. Brennan said yes.

Chair Spray said, whatever we decide here tonight is not the end of the road for this process. This process would continue if we recommend modifying the general plan and rezoning to RAC, we do not walk out of here with a general plan amendment and a rezone to RAC. It is only a recommendation to the Council. He thanked Ms. Jenkins for clarifying the gated aspect, noting we aren't voting on gates tonight.

Ms. Jenkins said we aren't voting on gates. She said, "Another point. It was also about limiting the amount of traffic that would come out onto Canyon Road just to those residences, so it is about traffic control as well as the public/private idea."

Ms. Brennan said the General Plan Amendment and Rezoning are recommendations to the Governing Body, and both the Special Use Permit and the Variance, if approved, should be conditioned on the approval of the Governing Body.

Commissioner Harris asked if the conditions of approval from staff would be attached to the Special Use Permit.

Ms. Baer said, "That's correct."

MOTION: Commissioner Harris moved, seconded by Commissioner Pava, to recommend approval of Case #2013-37, Manderfield School General Plan Amendment, to the Governing Body.

VOTE: The motion was defeated on the following roll call vote [4-3]:

For: Commissioner Harris, Commissioner Pava and Commissioner Schackel-Bordegary

Against: Commissioner Bemis, Commissioner Ortiz, Commissioner Padilla and Commissioner Villarreal.

Chair Spray asked if this vote renders Cases #2013-38 and #2013-39 moot, or should we take those votes as well.

Ms. Baer said, "Mr. Chair, if you would, just vote on the matter in any case."

5. CASE #2013-38. MANDERFIELD SCHOOL REZONING TO RAC. JENKINSGAVIN DESIGN AND DEVELOPMENT, AGENTS FOR MANDERFIELD LLC, REQUEST REZONING OF 1.48± ACRES FROM R-5 (RESIDENTIAL, 5 DWELLING UNITS PER ACRE) TO RAC (RESIDENTIAL ARTS AND CRAFTS). THE PROPERTY IS LOCATED AT 1150 CANYON ROAD. (HEATHER LAMBOY, CASE MANAGER) (Postponed from July 11, 2013)

MOTION: Commissioner Harris moved, seconded by Commissioner Pava, to recommend approval of Case #2013-38, Manderfield School Rezoning to RAC, to the Governing Body.

VOTE: The motion was defeated on the following roll call vote [4-3]:

For: Commissioner Harris, Commissioner Pava and Commissioner Schackel-Bordegary

Against: Commissioner Bemis, Commissioner Ortiz, Commissioner Padilla and Commissioner Villarreal.

6. CASE # ~~2012~~ 2013-39. MANDERFIELD SCHOOL SPECIAL USE PERMIT AND VARIANCE. JENKINSGAVIN DESIGN AND DEVELOPMENT, AGENTS FOR MANDERFIELD LLC, REQUEST A SPECIAL USE PERMIT TO ALLOW A FULL SERVICE RESTAURANT FOR A PROPOSED COFFEE HOUSE. THE APPLICATION ALSO INCLUDES A VARIANCE to 14-7.2(H) TO ALLOW FOR 4,600 SQUARE FEET OF NON-RESIDENTIAL USE WHERE A MAXIMUM OF 3,000 SQUARE FEET IS ALLOWED. THE PROPERTY IS LOCATED AT 1150 CANYON ROAD. (HEATHER LAMBOY, CASE MANAGER) (Postponed from July 11, 2013)

Commissioner Harris noted an error in the caption, which should be 2013-39.

Ms. Lamboy said, "Commissioner Spray, that is correct. It should be 2013-39. But, we would like to request that you act... send an action to the City Council, because this will be going to the Governing Body. And so, because the motion failed to be approved, there needs to be some kind of positive motion to send to the Council."

Chair Spray said he doesn't understand, and asked Ms. Brennan for language.

Ms. Brennan said it should be that you do not recommend approval to the Governing Body. She said, "In other words, the motion failed to recommend approval, now you need to say you recommend that they not approve. A separate motion."

Chair Spray said, "Is the maker of the motion understanding that. Isn't that what we just voted on, I'm sorry."

Ms. Brennan said, "You voted on whether to recommend approval."

Chair Spray said, "So we're recommending not to approve. That's what you're saying."

Ms. Brennan said, "Correct."

Chair Spray said, "I don't know if you want to make that motion Commission Harris. That seems somewhat different. I think that's a different motion than you intended, not to put words in your mouth."

[Commissioner Harris's remarks here were inaudible because his microphone was turned off."

Chair Spray said, "I think they might, and let's see what they can do if they want to. The Chair is still looking for a motion."

MOTION: Commissioner Villarreal moved, seconded by Commissioner Ortiz, to recommend that the Governing Body do not approve the Special Use Permit in Case #2013-39, Manderfield School Special Use Permit and Variance.

VOTE: The motion was approved on the following roll call vote [4-3]:

For: Commissioner Bemis, Commissioner Ortiz, Commissioner Padilla and Commissioner Villarreal.

Against: Commissioner Harris, Commissioner Pava and Commissioner Schackel-Bordegary.

Ms. Brennan said, "What I should have said, that would have it much easier, is that you move to recommend denial."

Chair Spray said, "I believe we rejected that. We already did that. I think we did that one already. We did that when we did the Special Use Permit. We're on the variance now, it's the last one."

Commissioner Pava said the motion mentioned the Special Use Permit and the Variance.

Chair Spray said, "Whether it did or not, we need a separate one. We need another motion for that. Say it again please."

Ms. Brennan said, "To recommend denial."

Chair Spray said, "To recommend denial. Is there a motion."

MOTION: Commissioner Villarreal moved, seconded by Commissioner Padilla, to recommend denial of the Variance in Case #2013-39, Manderfield School Special Use Permit and Variance, to the Governing Body.

VOTE: The motion was approved on the following roll call vote [4-3]:

For: Commissioner Bemis, Commissioner Ortiz, Commissioner Padilla and Commissioner Villarreal.

Against: Commissioner Harris, Commissioner Pava and Commissioner Schackel-Bordegary

H. STAFF COMMUNICATIONS

Ms. Baer said, with regard to the Rancho Siringo project, the Council denied approval of the general plan amendment and the rezoning.

I. MATTERS FROM THE COMMISSION

Commissioner Harris reported on the Summary Committee meeting this morning. Two cases were fairly straightforward and were approved. He said the third case, which also was approved, involved a lot split involving land which had been rezoned off Rufina for a bid on a VA clinic, assisted living and medical offices, which may now change. He said in yesterday's paper it announced that the VA clinic was awarded to the developers of Las Soleras. He said they are in negotiations with another medical clinic. He said if they remain substantially in line with what we saw previously, another medical facility, then the project will move forward. The Committee imposed a condition that If there is a substantive change then it will come back to the full Commission.

J. ADJOURNMENT

There was no further business to come before the Commission.

MOTION: Commissioner Pava moved, seconded by Commissioner Ortiz, to adjourn the meeting.

VOTE: The motion was approved unanimously on a voice vote, and the meeting was adjourned at approximately 12:30 a.m.

Tom Spray, Chair

Melessia Helberg, Stenographer

City of Santa Fe, New Mexico

memo

DATE: July 17, 2013 for the August 1, 2013 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: Donna Wynant, AICP, Senior Planner, Current Planning Division DW

Case #2013-64. High Summit III Master Plan, Final Development Plan and Subdivision Plat Time Extension. Report of Land Use Director's approval of a second one-year administrative time extension for the High Summit Development and Master Plans and Final Development Plat originally approved by the Extraterritorial Zoning Commission in 2003, to extend the current approvals through December 31, 2014. James Houghton, agent for the "Grevy-Liberman Family Group." (Donna Wynant, Case Manager)

I. RECOMMENDATION

The Land Use Director has **APPROVED** the applicant's request for a second and final 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 Master Plan approval for Phases 2-5 of High Summit III had a total project area of 496 acres (of which 342 were dedicated as a Conservation Easement for the Santa Fe watershed, and 82.9 acres are 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.

Exhibit "1"

The High Summit development is part of the original Phase 3 of the City-Initiated 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 which were granted by Santa Fe County.

The applicant is requesting a second and final one-year administrative extension for the Master Plan, Final Development Plan and Final Subdivision Plat approvals, which are set to expire December 31, 2013. 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 establish 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.

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, or change to the conditions of approval were requested, those requests would need to be considered by the Planning Commission through the full public hearing process, including the requirement of an Early Neighborhood Notification (ENN) meeting.

III. APPROVAL CRITERIA

Section 14-3.19(C) SFCC 1987 **Time Extensions**

(2) Administrative Extensions

(a) The land use director may approve two consecutive extensions to the time limits for an approved development, each not to exceed one year. Approval shall be based on review of the findings and conditions of approval of the original final action and a finding by the land use director that no substantive changes have occurred to the regulations or policies that apply to the development or to the circumstances affecting the site and its vicinity. The administrative extension shall not approve revisions to the development or amendments to the conditions of approval, and no early neighborhood notification is required.

(b) 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: Maps

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

EXHIBIT C: Applicant Submittals

1. Letter of Application
2. Approved Master Plan, High Summit III

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
Peter N. Ives, Dist. 2
Carmichael A. Dominguez, Dist. 3
Christopher M. Rivera, Dist. 3
Bill Dimas, Dist. 4
Ronald S. Trujillo, Dist. 4

July 17, 2013

James Houghton
Bank of America Centre
500 Fourth Street N, Suite 1000
Albuquerque, NM 87102

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

Dear Mr. Houghton,

I have reviewed the request you submitted on June 28, 2013 for an additional 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 with SFCC 1987 Section 14-3.19, a second and final one-year administrative time extension is approved for the High Summit III development approvals, subject to the original conditions of approval 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 prior to December 31, 2014.

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 accept, reject or modify this approval.

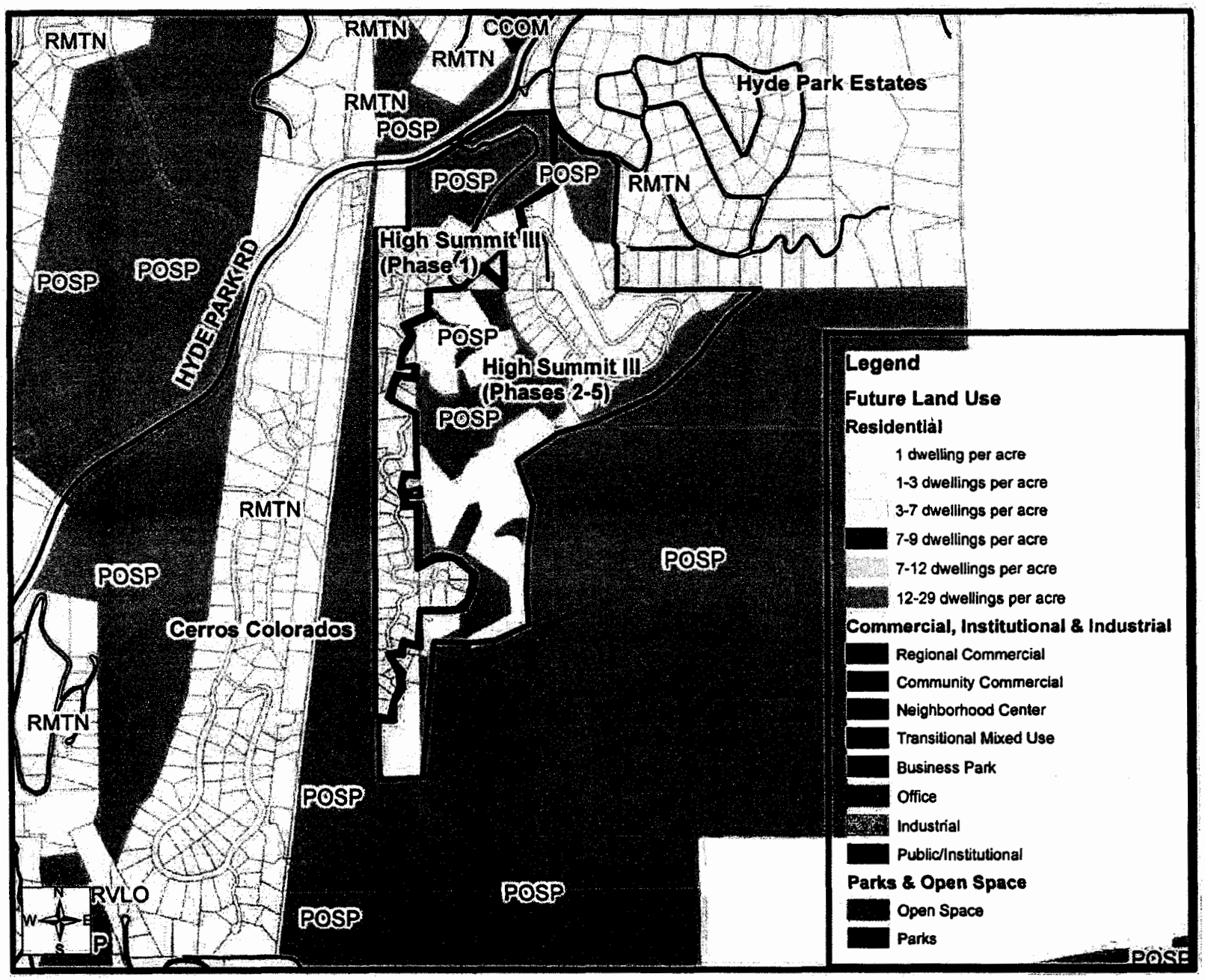
Sincerely,

Mathew O'Reilly, Director
Land Use Department

encl: SFCC Section 14-3.19
December 6, 2012

EXHIBIT A-1

HIGH SUMMIT FUTURE LAND USE



RMTN= Mountain Special Review District
(holdover from County)

EXHIBIT P-1

HIGH SUMMIT ZONING

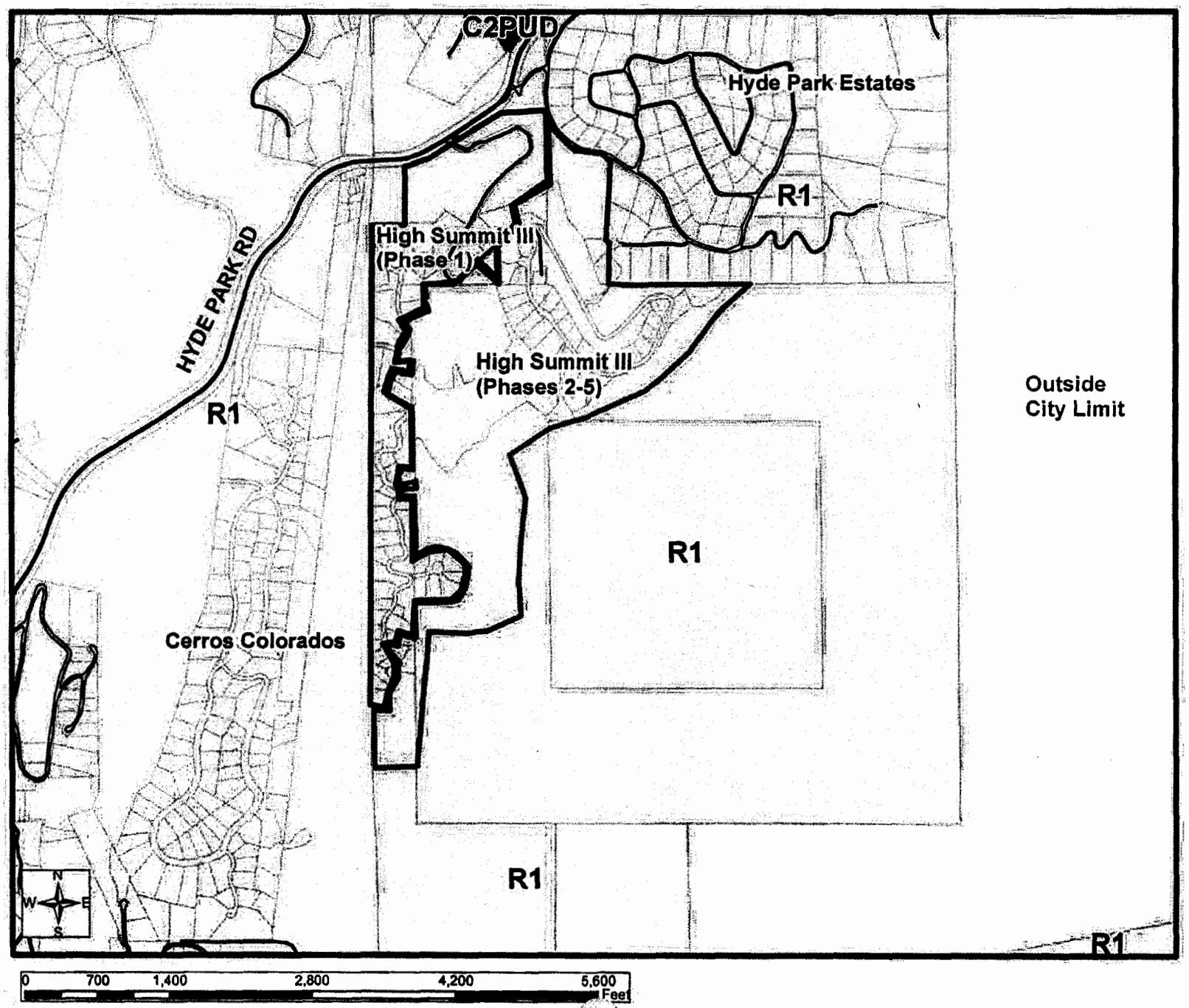


EXHIBIT B-2

HIGH SUMMIT AERIAL

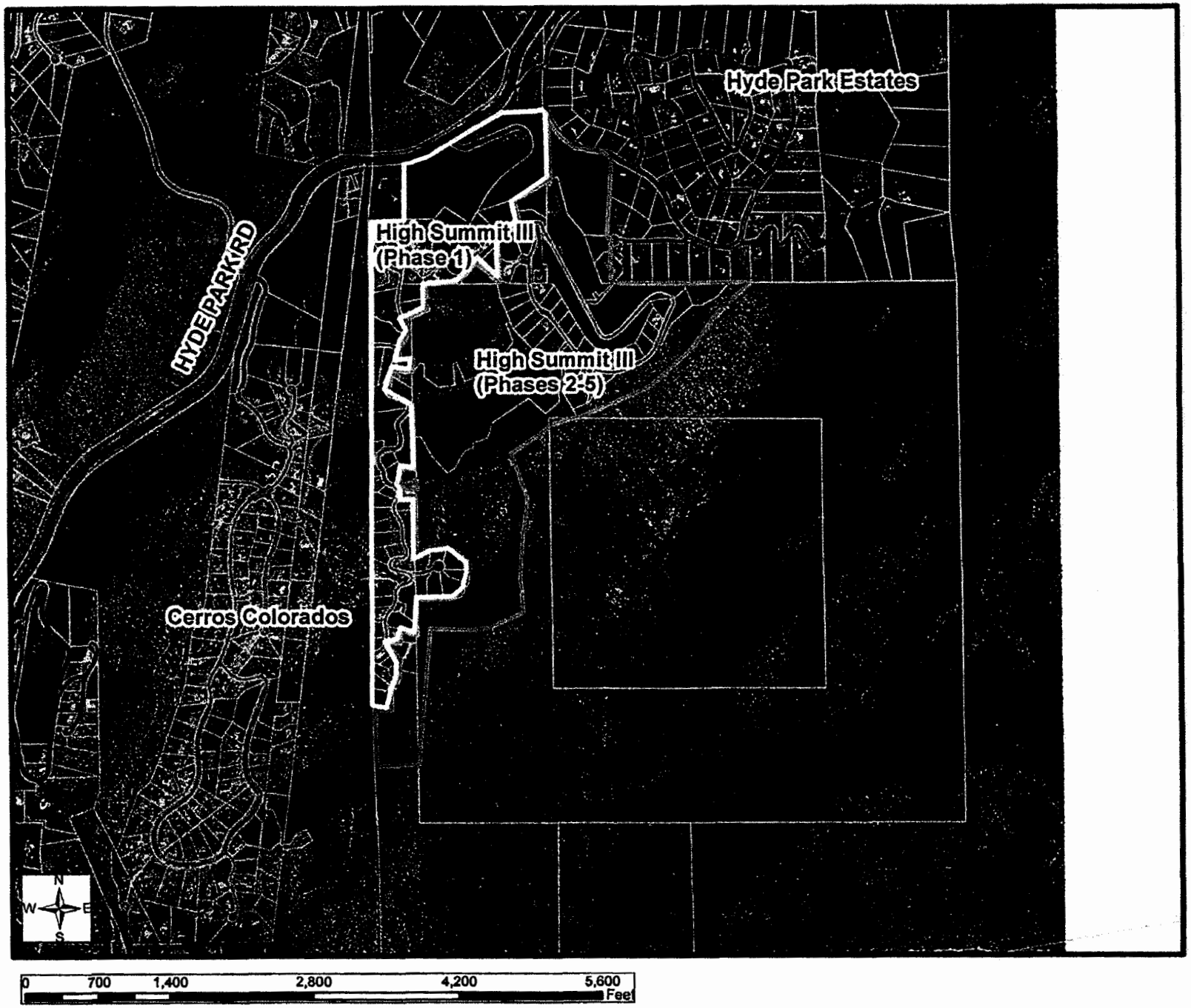


EXHIBIT B-3

MODRALL SPERLING

LAWYERS

James P. Houghton
505.848.1856
Fax: 505.848.1891
jhoughton@modrall.com

Via Regular Mail and Fax (505/955-6829)

June 28, 2013

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

Re: Pending High Summit III Subdivision Plat, Phases 2-5
Our File No.: 36717-133

Dear Mr. O'Reilly:

Last year a one-year administrative extension for this pending subdivision plat was granted at the request of the then-owner of the property, Yvette Gonzales, Chapter 7 Trustee. Such one-year extension expires December 31, 2013.

Foreclosure proceedings continued through the balance of 2012 and the first half of 2013. The District Court approved and ordered the sale of the property to the highest bidder at a foreclosure sale, who turned out to be the original owners. They are referred to herein as the "Grevey-Liberman Family Group." Unfortunately, the former owner of the property (Ralph Brutsche) has filed a motion in the District Court seeking to set aside the sale. Such has added some uncertainty to the situation which will remain until the motion is disposed of.

In addition, we have been advised by the City of Santa Fe Land Use Department that pending annexation ordinances between the City of Santa Fe and the County of Santa Fe will result in the situation where the City of Santa Fe will retain jurisdiction over this subdivision through the end of this year but will then cede jurisdiction to the County of Santa Fe effective in early January 2014. Due to the uncertainty of the situation in the litigation plus fact that the Grevey-Liberman Family Group are just starting to get a handle on the requirements that will be necessary to achieve further plat approval, we are requesting on behalf of the Grevey-Liberman Family Group administrative approval for an additional extension of one-year through December 31, 2014 concerning the above subdivision plat. To our knowledge, no changes have occurred either within the City regulations or the development of the property that is inconsistent with prior approvals with respect to these Phases.

Modrall Sperling
Roehl Harris & Sisk P.A.

Bank of America Centre
500 Fourth Street NW
Suite 1000
Albuquerque,
New Mexico 87102

PO Box 2168
Albuquerque,
New Mexico 87103-2168

Tel: 505.848.1800
www.modrall.com

EXHIBIT C-1

Under the provisions of applicable City code, regulations, and rules we request this one additional year extension be approved. Thank you for your attention to this matter.

Cordially yours,

James P. Houghton

James P. Houghton

JPH/cdj

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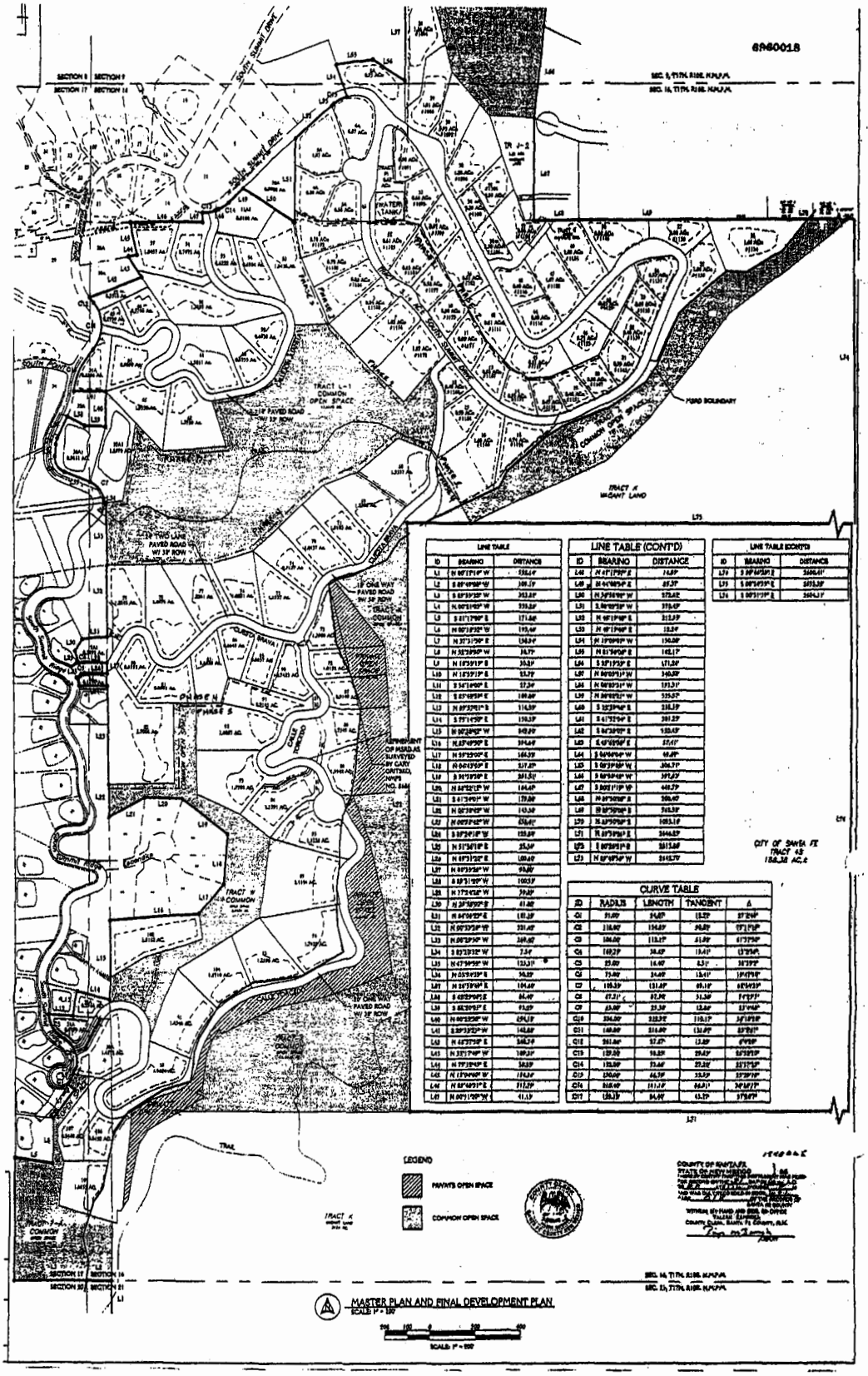

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L2	S 88°49'00" W	309.37'
L3	S 87°33'32" W	353.23'
L4	N 00°31'02" W	335.23'
L5	S 41°17'00" E	171.66'
L6	N 00°13'32" W	195.40'
L7	N 37°31'00" E	136.34'
L8	N 32°39'00" W	16.77'
L9	N 18°39'12" E	30.31'
L10	N 18°39'12" E	53.72'
L11	S 54°14'00" E	37.34'
L12	S 85°48'54" E	189.00'
L13	N 89°37'01" E	114.30'
L14	S 75°14'00" E	159.37'
L15	N 00°38'02" W	343.00'
L16	N 85°49'00" E	394.64'
L17	N 59°53'00" E	166.37'
L18	N 04°13'00" E	317.27'
L19	S 74°13'00" E	351.51'
L20	N 84°52'12" W	194.49'
L21	S 61°34'00" W	179.00'
L22	N 00°39'02" W	143.38'
L23	N 00°39'02" W	256.41'
L24	S 88°39'12" W	155.00'
L25	N 51°58'12" E	25.34'
L26	N 88°31'02" E	180.49'
L27	N 88°39'38" W	90.00'
L28	S 87°51'00" W	100.37'
L29	N 172°41'02" W	39.00'
L30	N 38°39'02" E	61.00'
L31	N 84°04'02" E	180.38'
L32	N 00°33'38" W	331.49'
L33	N 00°33'38" W	369.02'
L34	S 02°33'32" W	7.34'
L35	N 47°54'00" W	133.31'
L36	N 88°49'12" E	34.32'
L37	N 16°39'00" E	194.49'
L38	S 00°33'02" E	84.49'
L39	S 88°39'12" E	93.00'
L40	N 00°33'38" W	274.13'
L41	S 88°33'02" W	140.00'
L42	N 42°37'12" E	340.34'
L43	N 37°17'00" W	189.31'
L44	N 77°39'00" E	38.00'
L45	N 17°04'00" W	174.34'
L46	N 88°49'12" E	317.27'
L47	N 00°13'00" W	41.13'

LINE TABLE (CONT'D)		
ID	BEARING	DISTANCE
L48	N 41°17'00" E	74.00'
L49	N 44°00'00" E	85.37'
L50	N 39°00'00" W	372.62'
L51	S 00°00'32" W	370.00'
L52	N 00°13'00" E	212.37'
L53	N 00°13'00" E	18.34'
L54	N 17°00'00" W	136.00'
L55	N 61°34'00" E	102.17'
L56	S 37°17'32" E	171.34'
L57	N 00°00'32" W	140.00'
L58	N 00°00'32" W	191.31'
L59	N 00°00'32" W	335.37'
L60	S 32°39'00" E	238.37'
L61	S 41°32'00" E	301.37'
L62	S 84°39'00" E	130.00'
L63	S 47°00'00" E	57.41'
L64	S 84°00'00" W	40.00'
L65	S 00°39'00" W	304.77'
L66	S 00°00'00" W	397.00'
L67	S 00°11'12" W	440.37'
L68	N 00°00'00" E	500.00'
L69	N 00°39'00" E	340.37'
L70	N 00°00'00" E	1083.10'
L71	N 00°39'00" E	3444.37'
L72	S 00°00'12" E	1011.00'
L73	N 00°00'00" W	3440.70'

LINE TABLE (CONT'D)		
ID	BEARING	DISTANCE
L74	S 00°00'00" E	360.41'
L75	S 00°00'00" E	1011.37'
L76	S 00°11'00" E	360.41'

CURVE TABLE				
ID	RADIUS	LENGTH	TANGENT	Δ
C1	31.00'	34.00'	18.22'	37°34'00"
C2	110.00'	154.00'	94.00'	80°12'12"
C3	106.00'	113.17'	61.00'	61°37'00"
C4	140.37'	30.00'	15.01'	12°30'00"
C5	25.00'	16.00'	8.31'	36°39'00"
C6	75.00'	34.00'	15.41'	19°17'12"
C7	105.37'	131.00'	69.11'	71°34'32"
C8	47.31'	82.00'	51.30'	99°37'37"
C9	63.00'	37.30'	19.00'	33°39'00"
C10	334.00'	322.37'	110.17'	54°18'12"
C11	140.00'	214.00'	131.00'	87°31'00"
C12	261.00'	37.37'	13.00'	8°00'00"
C13	137.00'	96.00'	50.00'	40°39'12"
C14	130.00'	73.00'	37.00'	32°17'12"
C15	190.00'	46.37'	23.37'	13°39'12"
C16	310.00'	111.37'	56.31'	20°37'17"
C17	130.37'	94.00'	49.37'	37°00'00"

City of Santa Fe, New Mexico

memo

DATE: July 18, 2013 for the August 1, 2013 Meeting

TO: Planning Commission

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

FROM: William Lamboy, AICP, Land Use Senior Planner, Current Planning Division

Case #2013-60. Violet Crown Cinema Development Plan. William S. Banowsky, Jr., Principal, Violet Crown Cinema Santa Fe LLC, requests Development Plan approval to develop an approximately 25,802 square foot motion picture theater and a 4,447 square foot restaurant on Lease Lot "G" of the Santa Fe Railyard Master Plan property. Lease Lot "G" covers approximately 18, 418 square feet and is located within the In-Between area of the North Railyard at 1606 Alcaldesa Street. The property is zoned BCD-RED (Business Capitol District - Redevelopment Townscape Subdistrict). (William Lamboy, Case Manager)

RECOMMENDATION
The Land Use Department recommends **approval** with all staff Conditions of Approval as outlined in this report.

I. SUMMARY

Proposal: The applicant proposes to develop a 25,802 square-foot motion picture theater and a 4,447 square foot restaurant and bar – with kitchen - on Lease Lot "G" of the North Railyard. The total heated area will cover 29,323 square feet spanning two floor levels and a mezzanine. Violet Crown intends to develop ten 50-seat theaters and one theater with capacity to accommodate 120 movie goers.

A. History:

The Governing Body adopted the Railyard Master Plan by Resolution No. 2002-10. Section III of the Santa Fe Railyard Master Plan governs land use and design in the Railyard. The Master Plan has been amended ten times since its adoption.

Exhibit "2"

The Railyard is divided into 3 "architectural standards" areas respectively known as Neighborhood Edge, In-Between, and Guadalupe Street Edge. The project is located in the In-Between Area of the North Railyard where a variety of types of uses is encouraged. The Master Plan envisions Lease Lot "G" as mixed-use with commercial focus. A movie theater was identified early on as an anchor of the redevelopment project and grading that began in 2006 to accommodate a theater was never completed leaving a large depression on the site. In April, 2013, the Board of Directors of the Santa Fe Railyard Community Corporation (SFRCC) chose Violet Crown's proposal from a field of four candidates.

B. Zoning:

The property is zoned Business Capitol District Redevelopment Subdistrict, BCDRED, and is located in the Historic Downtown Archaeological Review District. Land uses permitted in the Railyard are the same as those allowed under the BCD zoning district with the exception of drive up facilities and filling stations. In addition, uses not allowed in the BCD and uses requiring special review in any BCD zone are not permitted in the Railyard.

Development in the Railyard is guided by the "Railyard Master Plan and Design Guidelines" (Master Plan) which further defines and imposes specific development standards across the various Railyard subdistricts. The Master Plan allows the proposed use and permits 100% maximum parcel coverage without front or side setbacks in the "In-Between Design Standards Subdistrict" of the North Railyard. The proposed lot coverage is 84%. Allowed building height in the Railyard varies between 26-feet for flat roofed buildings and 34-feet for pitched roofed buildings. The project's maximum height reaches 34 feet at the ridge of the sloped roof.

C. ENN: An Early Neighborhood Notification Meeting was held on May 16, 2013. Approximately 59 individuals attended the meeting. The majority of those present supported development of the Cinema at this location. Issues raised pertained to parking capacity and noise. In addition, the original proposal introduce at the ENN Meeting did not appear to meet the Master Plan's minimum "Solid / Open" standards along the west elevation – "The design of any new structure must not present a blank wall to the neighborhood or to the Railyard, but rather provide active spaces with windows and doors along the perimeter."

Since the ENN Meeting the design has been modified to break-up the overall massing of the wall, highlighting the rhythm of the stucco sections; utilizing a diversity of finishes and materials including stucco, and corrugated metal siding; and providing lighted poster cases that replicate the appearance of windows. In addition, the design specifies planters with built-in architectural wire mesh planted with climbing Virginia Creeper. The vines will provide much needed greenery, soften, and help cool the façade.

ENN Meeting notes and sign-in sheets are attached as **Exhibit D**.

II. Review Based on the Railyard Master Plan and Design Guidelines

In 2002 the "Railyard Master Plan and Design Guidelines" were adopted by the Governing Body by Resolution No. 2002-10. The Architectural Design Standards Matrix and Architectural Guidelines *(Master Plan p.86)* set the design standards for new infill buildings. Master Plan standards are italicized below.

A. Massing:

The Master Plan requires simple massing.

Staff analysis: The proposed building consists of a rectangle approximately 118 feet long by 135 feet wide. Simple massing as required is achieved. To add architectural interest, the architect has emphasized the northeast corner's mass and scale, dominating the corner and providing a sense of presence. Along the train tracks, a wall of glass helps activate the space and enrich the pedestrian experience.

B. Height:

Maximum allowed height is 26 feet to flat roof and 34 feet to ridge of pitched roof.

Staff analysis: The building is capped by two roof systems. The flat roof reaches 26 feet above mean grade, and an additional 2 feet to the top of the parapet. The ridge of the pitched roof housing the large theater reaches 34 feet above finish floor. Roof heights are in compliance with Master Plan standards. Height limits exclude parapets, chimneys, elevator towers, mechanical equipment and unoccupied towers or spires (Master Plan Matrix p.86).

C. Solid / Open:

Wall dominated – limited openings 80% on ground floor; limited openings 40% on upper floors.

Staff analysis: Proposed openings do not exceed 66% of any facade. "The Railyard architectural design standards encourage large areas of doors and windows on the ground floors where exterior pedestrian traffic and interior building activity are face to face" (Master Plan p.90). "The design of any new structure must not present a blank wall to the neighborhood or to the Railyard, but rather provide active spaces with windows and doors along the perimeter." (Master Plan p.90)

While a wall-dominated design is achieved, except for public areas and the restaurant, the use of the proposed building precludes large expanses of doors and windows. As a result, some façades – particularly the west elevation – have utilized additional elements - such as a diversity of materials and colors, trellises with planters, and illuminated poster cases - to provide architectural interest and break down the mass.

The Land Development Code defines façade as: "One whole exterior face or elevation of a structure, from grade up to and including the top of the parapet. An individual façade is defined as including at least an eight-foot width that is offset from an adjacent plane by at least four feet." (Article 14-12 SFCC 2001)

D. Wall Materials:

The Master Plan Matrix specifies wall materials permissible in the In-Between Subdistrict of the Railyard as stucco, metal siding, and brick.

Staff analysis: The proposal complies with the materials standards specifying stucco, galvanized metal, weathering-steel, and painted steel siding.

E. Windows:
The Master Plan encourages windows of industrial steel sash and disallows the use of reflective glass. No glass size limit is specified.

Staff analysis: Along the eastern and northern facades the applicant proposes clear glass windows with colored glass panels randomly dispersed. No reflective glass will be specified.

F. Roof Types:
The Master Plan Matrix specifies flat, small scale pitch (4/12) or large scale low pitch (1.5/12) roofs.

The proposal consists of two systems: a flat, built-up roof section with 2-foot high parapets and a standing-seam metal roof over the large theater categorized as a large scale low pitch roof. The roof slope is listed as 1.5" per 12" run. Both flat and large scale low pitched roofs are allowed by the Master Plan.

G. Roof Materials:
The Matrix requires roof surfaces visible from the ground to be galvanized, gray-painted, Cor-ten standing seam, corrugated metal, or shingle.

Staff analysis: In compliance with the standards, the visible portions of the roof are proposed to consist of standing seam paint-grip metal.

H. Skylights:
Skylights are encouraged by the Railyard Master Plan as a function of sustainable design. Skylights must be flat and a maximum 12 inches above the roof plane.

Staff analysis: The conceptual roof plan does not call for skylights.

I. Yard Walls / Fences:
Chain link fence is not allowed. Permitted are brick, adobe, block, stone, metal and wrought iron.

Staff analysis: Walls or fences are not proposed.

J. Portals:
Hanging canopies are encouraged in lieu of portals.

Staff analysis: A large painted steel awning wrapping around portions of the north and east elevations and leading to the building's main entrance, is proposed.

K. Build to Line:

On Lease Lot "G", the build-to-lines are the maximum build lines in that the structures may not extend beyond the build-to-line.

Staff analysis: The design complies with this standard.

L. Screening:
Screening of roof-top mechanical equipment is not required in the Railyard Master Plan.

Staff analysis: Mechanical equipment is not screened.

M. Porches Canopies and Overhangs:
Hanging canopies, projected overhangs and small porches are allowed and encouraged along public gathering spaces, and for shade and rain cover at doorways of new infill structures. Metal, wood, and fabric are allowed materials.

Staff analysis: The plan proposes a painted steel awning over the building's main entrance (north) that wraps around to the east facade.

N. Building Lights:
The Master Plan encourages that all lighting placed on a building's façade be down-lights. Up-lighting and unshielded lights are not permitted.

Staff analysis: The proposed exterior lighting fixtures consist of wall mounted and soffit mounted down lights; recessed can fixtures in the entry, lighted poster boxes along the western façade, and colored LED wall washer along the train tracks and a portion of Alcaldesa Street.

O. Signage:
Signs are to be painted on the building skin or be thin panels closely mounted. Projecting signs are not permitted.

Staff analysis: The proposal contains three signs, one mounted on the east façade reading "Violet" and a second one on the north façade reading "Crown;" a smaller sign is located above the main entrance along the north façade. The signs are wall mounted and back lit. Section 14-8.10, SFCC 2001, allows up to 3 signs per property where no individual sign may exceed 80 square feet in area; and where all three signs combined shall not exceed 150 square feet. The proposed signage meets Code standards.

P. Temporary Art:
The Master Plan encourages the idea of temporary art as architectural embellishment.

Staff analysis: No temporary art pieces or murals are identified in the plans.

III. Review in Accordance with City Code, Chapter 14-4.3(E)(3)(a)
The purpose of redevelopment subdistricts within the BCD is to provide for:

a. *Infill and a limitation of sprawl through the efficient utilization of land*

The project is a commercial infill project proposing 11 movie theaters, a restaurant with bar and associated kitchen.

b. *Optimum utilization of infrastructure*

Plans for the Railyard infrastructure were developed in 2003 and construction began in 2005. The project will utilize infrastructure already in place, which is cost effective for the City.

c. *A mix of land uses including residential uses*

The proposal complements the existing mix of uses in the Railyard, strengthening the local economy with employment opportunities and maintaining diversity and balance of uses.

d. *Comprehensive site planning*

The Railyard Master Plan provides standards for development of all parcels on the property and this project complies with the Master Plan

e. *Public benefit uses*

During off-hours Violet Crown will be available for community meetings, lectures, and gatherings. Violet Crown also plans to make space available to local schools for educational screenings.

f. *Urban design innovation*

The proposed building architecture provides variety within the strict guidelines of the Master Plan, adding architectural interest while maintaining a harmonious relationship with the existing non-residential context.

g. *An enhancement of the economic vitality of the district*

Violet Crown anticipates generating between $621,000 and $641,000 in local payroll each year. In addition, to supply the proposed restaurant and bar, the applicant intends to purchase food, produce, beer, and wine from local producers and vendors. Violet Crown expects to increase foot traffic in the area therefore providing a customer base that would serve to enhance the vitality and assure the survival of smaller businesses in the Railyard.

h. *The preservation and enhancement of the character and quality of the area in which the sub-district is located, through elimination of any potentially irreversible adverse impacts upon the community, surrounding neighborhoods or other approved project plans.*

The Railyard Community Plan and Master Plan advocate for preserving the vibrant nature of the community where all Santa Feans are welcome and can support the local economy. The proposal will enhance the vitality of the Railyard by helping to further diversify the economy, and supporting local existing businesses and services in the community.

IV. Review in Accordance with City Code, Chapter 14-3.8

1. *Provision of open space;*

Open space for the entire Railyard is in accordance with the Master Plan; immediately next to the proposed cinema is a plaza with 10 London Plane trees that match those specified for the Railyard Plaza across the train tracks. A gathering space leads to the main entrance along Alcaldesa Street.

2. *Plant material and landscape design;*

Plantings along the Railyard Plaza will be installed by the SFRCC or the City in accordance with the Landscape Master Plan.

3. *Pedestrian circulation;*

The North Railyard is envisioned as a pedestrian realm, where gatherings and community activities take place. The building is sited between Camino de la Familia and the Railyard Plaza, immediately south of Alcaldesa Street. Most of the access to the building is from Alcaldesa Street where a wide sidewalk with outdoor dining is proposed. A 5-foot heated concrete sidewalk connects Camino de la Familia and Railyard Plaza along the southern edge of the building. The site has safe pedestrian connections to other Railyard properties, Railyard Plaza, and city sidewalks.

4. *Vehicular circulation;*

Vehicular access from and to Guadalupe Street is provided via Alcaldesa and Market Streets. Camino de la Familia provides direct access to Paseo de Peralta and the City's Parking Garage.

5. *Parking and loading facilities;*

In accordance with Table 14-8.6-1 Parking and Loading Requirements, SFCC 2001, for "recreation and entertainment theater" uses: 1 parking space is required for each 3 seats. The number of parking spaces required by City Code for the cinemas is 202. Restaurant uses require 1 space per each 200 square feet of net leasable area. (Net leasable space is defined as present or potentially habitable space designed for owner or tenant occupancy and exclusive use). The number of required parking spaces for the restaurant use is 21.

The Master Plan's Chapter IV, "Circulation," addresses the question of parking in the North Railyard. Shared parking is discussed on page 55 where "fundamental to the transportation strategy recommended in the Master Plan is the concept of shared parking. Shared parking refers to the ability of two or more land uses to utilize the same set of parking spaces to accommodate the non-concurrent parking needs of their visitors, patrons, employees or residents." All tenants in the North Railyard utilize the existing 900 common, shared parking spaces (500 surface and 400 garage spaces). In addition, the Master Plan recommends "developing a widely diverse set of complimentary [sic] land uses with numerous opportunities for shared parking."

Section 6.11 of the Lease and Management Agreement between the City and the SFRCC states: "The City, at its expense, has caused to be constructed all improvements for public parking within the Leasehold Premises, including but not limited to any surfacing, barriers, striping, lighting and meters. The City shall be solely responsible for management of parking and enforcement of public parking rules within the Railyard."

On June 26, 2013, the Governing Body approved an amendment to the Leasing and Management Agreement with the SFRCC to provide no cost parking to patrons of the cinema in the underground Railyard parking garage for up to 4 hours when their parking ticket is validated by the cinema cashier. Any time exceeding 4 hours will be paid by the customer.

Available parking is in excess of the Master Plan requirements.

6. *Infrastructure*

All required infrastructure is already in place. Any modifications to the infrastructure serving the site, including variations to the design of public and private streets fall under the purview of the SFRCC or the City.

7. *Phasing*

The project will be completed in one phase.

V. CONCLUSION:

The proposed Development Plan would allow construction of an 11- theater motion picture facility with seating capacity for 620; and a 4,447 square foot restaurant and bar with ancillary kitchen. The subject property is located in the North Railyard where a variety of uses is encouraged. Development on the Railyard property is governed by the Railyard Master Plan. A motion picture theater has been envisioned for this site since the early days of the Railyard planning process. Previous proposals did not materialize leaving a vacancy in the North Railyard that this project would rectify. The proposed theater complex helps fulfill several Master Plan objectives including developing a mixed-use area to attract

pedestrian activity; and creating a "diverse, people oriented, community place." The theater-restaurant complex will create full and part-time jobs; generate additional revenue; purchase local produce, goods and services; as well as provide a customer base for other businesses in the Railyard. The Land Use Department recommends approval of the application.

VI. ATTACHMENTS:

EXHIBIT A: Development Review Team Memoranda
1. Fire Marshal Memorandum, Reynaldo Gonzales
2. Wastewater Management Division Memorandum, Stan Holland

EXHIBIT B: Maps
1. Current Zoning
2. Future Land Use Map
3. Map of North Railyard

EXHIBIT C: Applicant Materials
1. Letter of Application & Letter of Intent
2. Plans

EXHIBIT D: Early Neighborhood Notification
1. ENN Meeting Notes
2. ENN Sign-In Sheets

City of Santa Fe, New Mexico

Exhibit A

Development Review Team Memoranda

City of Santa Fe, New Mexico

memo

DATE: **July 1, 2013**

TO: **William Lamboy , Case Manager**

FROM: **Reynaldo Gonzales, Fire Marshal** RDG

SUBJECT: **Case #2013-60** Violet Crown Cinema Development Plan.

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

1. Fire Department shall access to three side of the building.

2. Fire Department Access shall not be less than 20 feet width and any portion of the building above 30 feet requires a 26 foot fire lane .

3. Fire Department shall have 150 feet distance to any portion of the building on any new construction.

4. Shall have water supply that meets fire flow requirements as per IFC.

Exhibit A-1

City of Santa Fe
New Mexico

MEMO

Wastewater Management Division
DEVELOPMENT REVIEW COMMENTS

E-MAIL DELIVERY

Date: July 1, 2013

To: William Lamboy, Case Manager

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

Subject: Case 2013-60 Violet Crown Cinema Development Plan

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

The Applicant shall address the following comments:

1. No additional comments to address

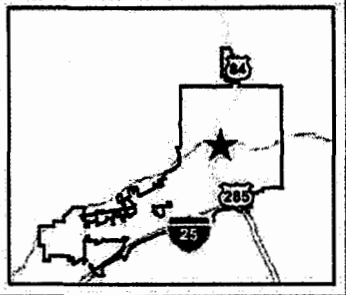
Exhibit A-2

City of Santa Fe, New Mexico

Exhibit B

Maps

1606 Alcaldesa Street - Zoning Map



Legend

- City Limits
- Parcels
- Airport Clear Zones
- Santa Fe River

Zoning

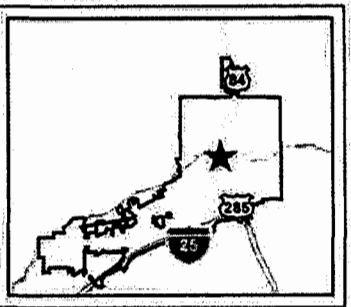
- RR Rural Residential
- R1, (PUD) Single- Family 1du/ac.
- R2, (DT), (PUD), (AC) Single - Family 2du/ac
- R3, (PUD) Single - Family 3du/ac
- R4 Single - Family 4du/ac
- R5, (DT), (PUD), (AC), R6 Single - Family 5-6du/ac
- R7, (I), (PUD), R8 Single - Family 7-8du/ac
- RC5, RC5AC Compound 5du/ac
- RC8, 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: 1:1,050

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

1606 Alcaldesa Street - Aerial View



Legend

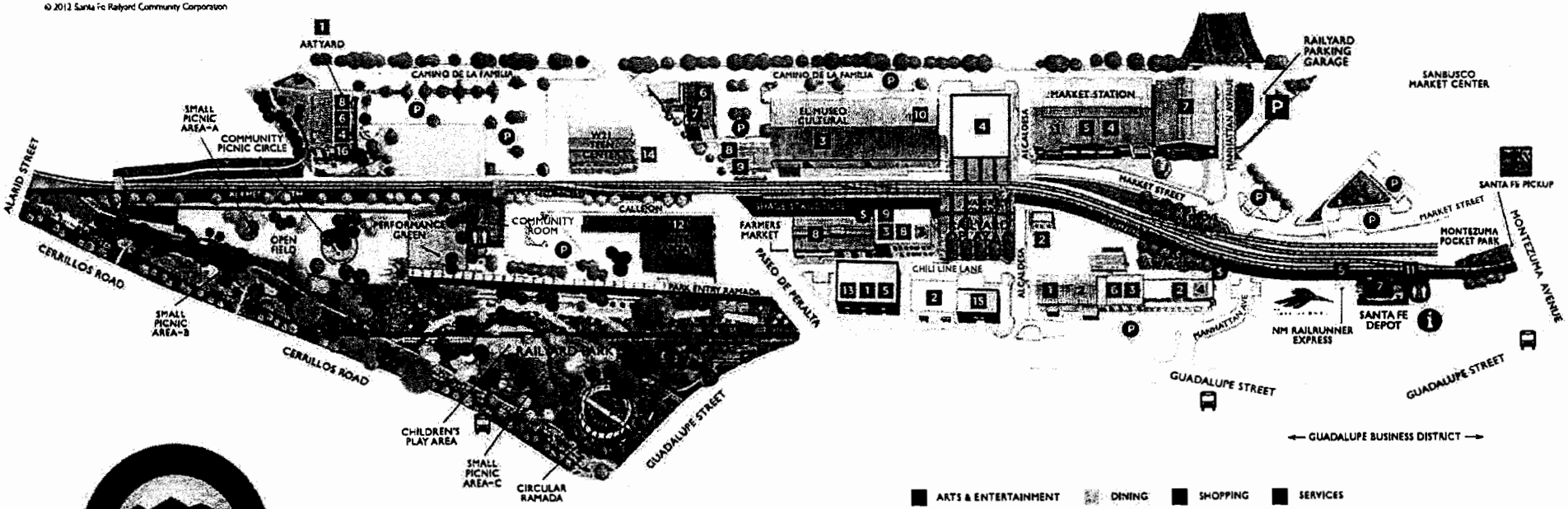
- City Limits
- Parcels
- Airport Clear Zones
- Santa Fe River
- Major Roads and Highways
- Other Roads and Streets
- 2011 Aerial Photography - 1 foot resolution

Scale: 1:1,050

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

Map and Illustration by Daniel Reh
© 2012 Santa Fe Railyard Community Corporation



THE RAILYARD

RESTROOMS
ATM
PARKING
BUS STOPS
FUTURE DEVELOPMENT
+ Coming Soon

1 **CHARLOTTE JACKSON FINE ART**
American & European
Minimalist & Modern Art
554 South Guadalupe Street

2 **DAVID RICHARD GALLERY**
Post-War Abstract Art
554 South Guadalupe Street

3 **EL MUSEO CULTURAL**
Hispanic Cultural Center
555 Camino de la Familia

4 **FUTURE CINEMA+**
1606 Alameda

5 **JAMES KELLY CONTEMPORARY**
Post-War European & American Art
550 South Guadalupe Street

6 **JAY ETKIN GALLERY**
Contemporary & Ethnographic Art
Artyard #3103

7 **LEWALLEN GALLERIES**
Contemporary & Modern Art
1613 Paseo de Peralta

8 **MARK WHITE FINE ART**
Fine Paintings & Sculpture
1611A Paseo de Peralta

9 **RAILYARD PERFORMANCE CENTER**
Yoga Aerial & Contemporary Dance/Events
1611B Paseo de Peralta

10 **SANTA FE CLAY**
Ceramic Art Center & Gallery
545 Camino de la Familia

11 **SANTA FE SOUTHERN RAILWAY**
Train Excursions
Santa Fe Depot

12 **SITE SANTA FE**
International Art Exhibitions
1606 Paseo de Peralta

13 **TAI GALLERY**
Contemporary Japanese Art & Traditional Textiles
1601B Paseo de Peralta

14 **WAREHOUSE 21 (W21) TEEN CENTER**
Youth Center for Arts
Events & Workshops
1614 Paseo de Peralta

15 **WILLIAM SIEGAL GALLERIES**
Ancient & Contemporary Art/Textiles
540 South Guadalupe Street

16 **WORL STUDIO EDUCATIONAL ART GALLERY**
Art & Music
ArtYard #3107

FLYING STAR CAFE
American Family Fare
Market Station

JUNCTION
Kitchen Cocktails Sports
530 South Guadalupe Street

SECOND STREET BREWERY AT THE RAILYARD
Fresh Brewed Beer & Pub Fare
Farmers Market North

STATION COFFEE
European Coffee House
530A South Guadalupe Street

1 **ANTIQUE WAREHOUSE**
Mexican Ranch Furniture
530 South Guadalupe Street

2 **BON MARCHÉ**
Artisan Crafted Linens & Accessories
1609 A Alcalde Street

3 **CASA NOVA**
Living with Art
530 South Guadalupe Street

4 **DANIELLA**
Clothing Jewelry & Accessories
Market Station

5 **GO WIRELESS**
Wireless Phones
Market Station

6 **MOSS**
Luxury Outdoor Furniture
530 South Guadalupe Street

7 **REI**
Recreational Equipment
Market Station

8 **SANTA FE FARMERS MARKET**
Market & Community Center
1607 Paseo de Peralta

9 **SANTA FE FARMERS MARKET SHOPS+**
Wine Cafe Garden Shop & More
1607 Paseo de Peralta

1 **ARTYARD**
Arts Education & Commercial Community
A13 Camino de la Familia

2 **BARKER REALTY**
Residential Sales
530 South Guadalupe Street

3 **BIONEERS**
Environmental & Social Justice
1607 Paseo de Peralta Suite #3

4 **BUDDHA FITNESS CLUB**
A Personalized Fitness Club
Artyard #1105

5 **NM RAILRUNNER EXPRESS**
Commuter Train Service
Santa Fe Depot
www.railrunnerexpress.com

6 **QFORMA**
Software Consulting for the Health Care Industry
1613 Paseo de Peralta Suite #200

7 **RAILYARD VISITOR'S CENTER**
Santa Fe Depot

8 **SANTA FE FARMERS MARKET INSTITUTE**
Promoting Local Food & Agriculture
1607 Paseo de Peralta Suite #1

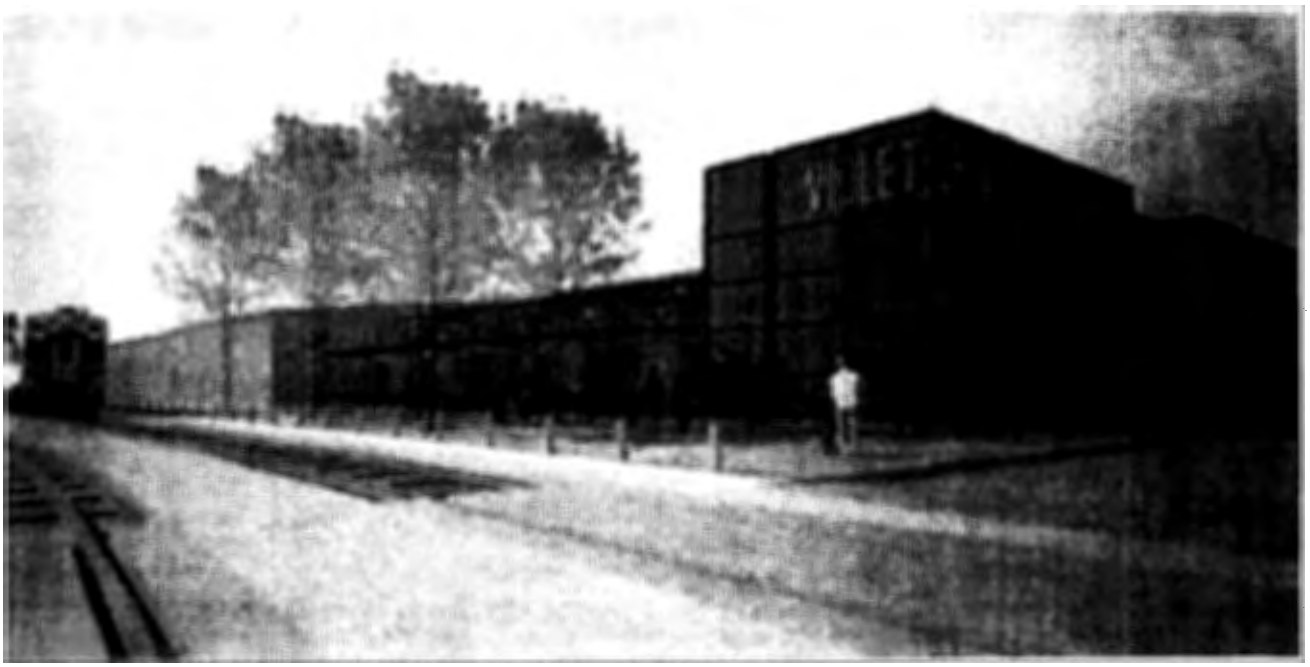
+ Coming Soon

Exhibit B-3

City of Santa Fe, New Mexico

Exhibit C

Applicant Materials



VIOLET CROWN | SANTA FE RAILYARD SANTA FE, NEW MEXICO

DEVELOPMENT PLANS
JUNE 24, 2013

Violet Crown Cinema Santa Fe LLC
1614 West 5th Street
Austin, TX 78703
512.474.0302

Exhibit C-1

VIOLET CROWN

Santa Fe

June 24, 2013

City of Santa Fe
Planning Commission

Re: Violet Crown Cinema Development Proposal

Dear Commissioners:

Thank you for the opportunity to submit our Development Plan before the Commission.

Proposed Concept

Violet Crown is an innovative cinema concept designed to substantially elevate the cinema experience through distinctive programming and enhanced amenities. The Railyard site gives us an opportunity to take the concepts we developed at Violet Crown Austin and apply them to a larger scale. Instead of four screens, as we have in Austin, we will have 11 screens at Violet Crown Santa Fe. Eleven screens will give us the ability to offer a wide range of film choices appealing to the broadest audience possible.

The programming strategy for our first location was art and independent films, as well as major studio films that appeal to sophisticated audiences, so-called "crossover films." For Violet Crown Santa Fe our programming strategy will be more expansive. We intend to create a great art cinema, playing the best art, independent, and foreign language films from around the world, together with crossover studio films. We will also play a substantial number of big budget Hollywood releases that go beyond "crossover" films, films that appeal to a much broader audience. We will also showcase films made by local directors, locally produced films, and films unique to New Mexico and its culture. With 11 screens and digital projection we will have the flexibility to play smaller films on a limited schedule (e.g., one or two shows a week, or one show a day on weekdays only, etc.). We intend to experiment with a wide range of programming offerings and play a large number of films.

Our concept is distinctive in several ways from the traditional cinema. First and foremost, the scale is much smaller than the industry norm. Ten of our 11 auditoriums are 50 seats each, and one is approximately 120 seats. With the success of our first location in Austin, we have shown that this scale works well. Traditionally, cinemas have been built to a very large scale to accommodate weekend business. Seldom does a cinema sell more than 50 tickets to a show during the weekdays, day or night. A 50-seat auditorium provides plenty of capacity for the vast majority of screenings. While the more popular movies are often seat constrained during weekend prime times, digital cinema allows us to address this by adding additional shows in other auditoriums. A film doing little business can lose shows during the weekend prime time, while a popular film can gain shows. Digital projection and smaller auditoriums create remarkable programming flexibility, allowing us to achieve higher space utilization.

The Site

From inception of the project we immersed our pre-design efforts in understanding the fundamental aesthetic and historic characteristics of the Santa Fe Railyard. What we have come to understand is the unique importance that the Railyard plays on a daily basis not just to Santa Fe, but to a larger community and region.

On weekends the Railyard is a vibrant destination. For the visitors, it is a place of historic importance, a point to venture out to historic communities, and an opportunity to experience the regional bounty of food, art, and culture. On weekdays, a more subdued atmosphere exists as regional commuters rhythmically pour in and out and add to the daily commerce of the shops, cafes, and artistic venues operating in this historic setting. We do not intend to intrude on this living rhythm, but rather embrace and augment the pulse of daily life.

The design intention is an expression of both the past and the present. We believe our architects' work expresses a timeless and enigmatic form, an expression of industrial brute and intricate structural articulation that mediates between the grand scale and the human experience. It addresses the rails' linear intentions, opens itself to the public forum of the plaza, and in its fundamental form creates a respectful spatial response to the plaza's iconic water tower presence. Our hope is this building represents a positive addition to the Santa Fe Railyard's sense of place.

The proposed site for Violet Crown Cinema is situated at the corner of Alcaldesa and Market Streets. The structure will be constructed on Parcel G, containing 30,249 square feet of usable area. The primary areas will be 11 auditoriums, cinema lobby, restaurant, bar and kitchen strategically spanning two floor levels (sub-ground and ground) and a mezzanine level.

Community Opportunities and Enhancements

Film. Violet Crown Santa Fe will seek to become a primary venue for the major Santa Fe area film festivals. As an example, the largest film festival in Austin is South By Southwest. Violet Crown Austin is an official venue for SXSW, dedicating all 4 screens to the festival during its entire week. With our enhanced food and bar service, Violet Crown makes for an exceptional venue for hosting film festivals. Additionally, film festivals serve to further our mission of supporting independent film and the appreciation of film by the community.

We will offer space within Violet Crown Santa Fe to local schools for educational screenings. This is one of the reasons we are designing our cinema to have an auditorium that will seat more than 100 people. During the Austin run of engagement of the 3D dance documentary film PINA, as an example, we provided "free" morning screenings for students in the dance program at McCallum High School, the Fine Arts Academy for Austin Independent School District. The screenings occurred before the first public screening of the day. We also created a special lunch for the students that complied with the lunch requirements of AISD. We would seek to do similar screenings and events for Santa Fe Public Schools.

We would also make our space available during "off hours" for community meetings, lectures, and the like. We believe the success of any of our cinemas is dependent in large measure on Violet Crown

becoming a valued, contributing member of the community, and that's what we will strive to become in Santa Fe.

Food. Violet Crown intends to reach out to local produce and food product vendors to supply the cinema's restaurant, as well as serve beer and wine from New Mexico craft breweries and wineries. We believe in putting money back into the local economy, as well as providing our customers with the freshest and regionally unique ingredients local food and beverage suppliers have to offer.

Jobs. Violet Crown anticipates generating $621,000-$641,000 annually in local payroll. Our uniquely blended food, beverage and film business model will provide a variety of job opportunities in such areas as management, hospitality, marketing, food and beverage services, and film industry services.

We believe our Violet Crown Cinema concept is an ideal match for the Railyard, and that an 11-screen, approximately 600-seat cinema is the perfect scale for this iconic location. We will create a substantial amount of foot traffic for the Railyard (250,000 or more guests per year), but not an overwhelming amount. We will blend into and co-exist with the Railyard development and its tenants and patrons in a seamless and synergistic way. We are excited about the prospects of creating a distinctive and unique cinema and community focal point for the Railyard and the Santa Fe community

Sincerely,

Bill Banowsky

Approval Criteria Checklist for Planning Commission Review
Violet Crown | Santa Fe
June 24, 2013

(a) existing conditions on the site and within two hundred (200) feet of the site;

Included on Page A0.1 Site Plan

(b) proposed modifications to the site, including the locations of existing and new structures, grading, landscaping, lighting, pedestrian and vehicular circulation, parking and loading facilities;

Included on Page A0.1, A0.2, C407

(c) the types, extent and intensity of land uses that are proposed;

Included on Page A0.1 Site Plan

(d) proposed modifications to the infrastructure serving the site, including public and private streets, driveways and traffic control measures and utilities;

Included on Page C407 Grading and Drainage Plan

(e) documentation of compliance with development standards such as required yards, lot coverage, height of structures and open space;

Included in Code Analysis section of Page A0.0 Cover

(f) the phases of development, if applicable;

Not Applicable

(g) for residential development, a proposal for provision of affordable housing as required by Section 14-8.11 (Santa Fe Homes Program);

Not Applicable

(h) a development water budget as required by Section 14-8.13;

Provided

(i) for a development plan or final development plan, sufficient detail to clearly show how each applicable development standard is to be met and identify any variance or waiver required;

Provided, No variance or waiver required

(j) for a preliminary development plan, sufficient detail to demonstrate the feasibility of meeting all applicable development standards, including an analysis of the type and extent of variances or waivers required, specific requests for which may be included.

Provided, No variance or waiver required

City of Santa Fe, New Mexico

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

Larry A. Delgado, *Mayor*
Mike P. Lujan, *City Manager*

Councilors:
Carol Robertson-Lopez, Mayor Pro Tem, Dist. 4
Patti J. Bushee, Dist. 1
David Pfeffer, Dist. 1
Karen Heldmeyer, Dist. 2
Rebecca Wurzburger, Dist. 2
Miguel M. Chavez, Dist. 3
David Coss, Dist. 3
Matthew E. Ortiz, Dist. 4

FL 3/6/06 D

Case number: AR-01(a-h)-05

Project type: ARCHAEOLOGICAL

PROJECT LOCATION (S): Santa Fe Railyard

Applicant: Office of Archaeological Studies for the Santa Fe Railyard Community Corporation.

COMMITTEE ACTION

The decision of the Archaeological Review Committee was to approve the following reports:

JANUARY 20, 2005: Testing Results for the North Guadalupe, South Guadalupe, and Baca Street areas.

FEBURARY 17, 2005: Treatment Plan for the North Guadalupe, South Guadalupe, and Baca Street areas.

APRIL 21, 2005: Preliminary Data Recovery Results for Four Historic Sites in the North Railyard.

JUNE 2, 2005: Preliminary Data Recovery Results for Two Historical Sites near Baca Street.

AUGUST 4, 2005: Preliminary Data Recovery Results for a Historical Site in the North Railyard.

SEPTEMBER 1, 2005: Preliminary Data Recovery Results for Three Historic Acequia Sites located in the North Railyard.

OCTOBER 20, 2005: Preliminary Testing Results in the Santa Fe Railyard Park.

NOVEMBER 17, 2005: Data Recovery Plan for Five Sites in the Railyard Park.

Construction activities are permitted in the completed archaeological excavated areas of the Santa Fe Railyard project area. Please attach this form to all sets of the building plans when submitting for permit. Final archaeological clearance will be issued once the final data recovery report is approved for the entire project area.

For further information please call 955-6660.

Sincerely,

Marissa C. Barrett
Historic Preservation Planner;
Archaeological Liaison

Violet Crown | Santa Fe
Water Budget

CINEMA	Seats	Shows/day	Days/yr	Occupancy	% Men/ Women	Times Used per person	Gal/Times used	Gallons	Acre Ft of Water	Cost per Acre Ft of Water	Gallons / cubic ft	sf/acre	Gallons/ acre ft	Estimated Use Gal/Seat
Toilets	600	5	365	18%	50%	1.1	1.28	138,758	0.425833304	$16,600	7.48052	43560	325,851	
Urinals	600	5	365	18%	50%	1.25	0.33	40,652	0.124755851					
Lavatory	600	5	365	18%	100%	1.1	0.5	108,405	0.332682269					
Soft Drinks	600	5	365	18%	100%	0.25	0.15	7,391	0.022682882					
Water Fountain	600	5	365	18%	100%	0.25	0.15	7,391	0.022682882					
Mopping			365				10	3,650	0.011201423					
Total Cinema								306,248	0.94	$15,601.32				610

RESTAURANT	Seats	Acre Feet/ Seat	Acre Feet of Water	
Full Service	100	0.02	2.00	$33,200

Total Proposed Water Fee	$48,801

Santa Fe - Historical Water Use Data			
Month/Year	Regal 14 Santa Fe		
	Gallons Used	Total Seats	Gal/Seat
		2155	
Mar-13	71,100		
Feb-13	120,800		
Jan-13	89,300		
Dec-12	117,300		
Nov-12	61,700		
Oct-12	56,300		
Sep-12	82,300		
Aug-12	106,700		
Jul-12	100,800		
Jun-12	81,700		
May-12	74,300		
Apr-12	98,800		
Total Past 12 Mos	1,061,100		492

City of Santa Fe, New Mexico

Exhibit D

ENN Meeting Notes & Sign In Sheets

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

Project Name	Violet Crown Santa Fe
Project Location	1606 Alcaldesa St.
Project Description	Development Plan for an approximately 30,000 square-foot, 11-screen, 600-seat, motion picture theater with attached 4,500 square-foot restaurant and bar. Property located on Lease Lot G, North Railyard, between Flying Star and Santa Fe Clay.
Applicant / Owner	William S. Banowsky, Jr.
Agent	Domiteaux Baggett Architects
Pre-App Meeting Date	04/26/13
ENN Meeting Date	May 16, 2013
ENN Meeting Location	Warehouse 21 1614 Paseo De Peralta
Application Type	ENN
Land Use Staff	Dan Esquibel
Other Staff	None
Attendance	59

Notes/Comments:

The applicant introduced the project to the attendants after which there was a question and answer segment. There were three areas of concern raised at the meeting:

1. Is there enough parking to support the theater:

Exhibit D-1

2. Will there be noise to the neighborhood from the late night movies and speakers from the restaurant?
3. Will a Master Plan amendment be required to allow a blank wall facing the neighborhood?

The applicant addressed the first item stating that noise attenuation was designed into the theater to prevent adjacent theaters from hearing adjoining movies. Item two was addressed by the Santa Fe Railyard Community Corporation. Richard Czoski, Executive Director, Santa Fe Railyard Community Corporation stated that the Santa Fe Railyard had 900 parking spaces with 400 parking spaces in the garage.

The final concern identified that the plans proposed a blank wall facing the neighborhood. The Railyard Master Plan states that you cannot have a blank wall facing the neighborhood or a master plan amendment to the Railyard Master Plan would be required. The applicants stated that they did not wish to submit for a master plan amendment and the attendees proposed ideas. The ideas stated included a mural or landscaping and or both. Additionally, the attendees stated that if the City did not agree that the mural/landscaping idea did not satisfy the requirement, they would support the applicant if a Master Plan Amendment was required. The applicant thanked everyone and stated that they would study the issue.

Exhibit D-1

5/16/13

Violet Crown Cinema, Santa Fe, LLC
Early Neighborhood Notification (ENN) Sign in Sheet

Location: Warehouse 21, 1614 Paseo de Peralta, Santa Fe, NM

Date: Thursday, May 16, 2013, 6:00pm

Name	Organization	Address	Telephone	Email
Scott Harrison	SFRCC		982-3373	Scott@SFrailcc.org
Elaine Wing			982-4263	
Steve Brown	SFRCC		982 3373	
Richard Crosier	SFRCC		982.3373	
Frank Ragano	Parallel Studios		670-6473	parallel-contact@earthlink.net
RICHARD BRANDT	MOVIE THEATERS		988-7060	
Thomas Romero	El Museo		660-5882	sophozen@ix.netcom.com
Myra Gerrard	el museo		474-7705	myrajane+@gmail.com
LISA LAU	EL MUSEO MAYA		988-6[illegible]	
Katharine Kagel	Business owner & SFCAP		983-9340	pasquals@ncts.com

Exhibit D-2

Name	Organization	Address	Telephone	Email
HILLARY VERMONT	Hillary Vermont	127 Romero		hillaryvermont@hotmail.com
Peter Brill	n/a	1021 Camino Pelado	—	—
Rose Utter	Railyard Gallerie	673 Alto St. 87501		
Jason Silverman	CCA	1050 Old Pecos Trail		
Lyle York	SFClay	817 East Zia Rd		
Thalia Rozen	SF Clay	901 West San Mateo Road Studio 1		tpseagreen@gmail.com
Ellen Bry	CFFNM	Not important		
Laura Carpenter	Creative Santa Fe			lcarpenter@creativesantafe.com
Bob Gaylor	SUBY BOWDEN + ASSOCIATES			
Nancy + Bill Ritz		743 W. Manhattan		
Loreta Cargo	El Museo			

Exhibit D-2

Name	Organization	Address	Telephone	Email
Ruth Greenburger	SF Clay			ruthpg44 @gmail.com
PETER GRENDLE	S CREEN			
Enrique Limon	SFTR			culture sfparks.com
MARY MINER PORTER	NEIGHBOR	714 W MANHATTAN SF NM 87501		mineport @ comcast.net
AVRA LEODAS	SANTA FE CLAY	545 CAMINO DE LA FAMILIA	505- 984-1122	ceramics@ santafeclay.com
Bonnie Lynch	Santa Fe Clay	661 Galisteo #1 87505	505. 614. 4342	bon @ bonnielynch vessels.com
CARLA COOPER	neighbor	504A Adolfo ST 87501	505-231-3485	blaupug @ hotmail.com
Chuck Higgins	Local Business Rail yARD Owner	847 N. Nita	505-670-3200	Chuck higgins@ live.com
Toni Pende	SF Clay	P.O. Box 808 Tesuque NM 87574		tonilynn@ gmail.com
Axel Reinhardt	W21	1614 Paseo de Peralta 87501		axel@ warehouse21.org
Carol Leach		PO Box 23600		carolleach @ hocksmith.net

Exhibit D-2

NO EATING IN A 50 SEAT THEATRE!

Name	Organization	Address	Telephone	Email
Norma Vogel				nglausi36 at gmail.com
Tim Robonts	homeowner	614 A Alameda St	603-7606	timothyQ tdrobonts.com
Rick Martinez	Neighborhood Network	725 Mesilla		moogmartinez@yahoo
Lleta Scoggins	SFRCC			
John Sapienza	SFC	613 Avenida Calaya SF 87506	505-820-0575	
ROBERT EDWARDS	Santa Fe Clay	157 Calle Don Juan 87501	505-986-6045	
JOHN WEBBER	SF Opera Guilds, Inc.	Box ~~[illegible]~~ 2658 87504	629-1410 X106	johnwebber@santafeoperaguild.org
Lynda & Bailey Kashiwa	neighbor	751 W Manhattan SF		kashiwa@qwest.net
Susan Mercer	Neighbor	749 W Manhattan St		somercer@aol.com
Larry J. Wilson		132 Romero St. #16 S.F.	571-544-4425	Twystof8@hotmail.com

Exhibit D-2

Name	Organization	Address	Telephone	Email
Siby Barden		333 Montezuma Sfe, NM		Siby@SB-Associates.net
G Goldberg		W. Manhattan		goold113@gmail.com
Rachel Samuels		737 W Manhattan		SHAKTIHANDS@GMA
Meredith Madri & Dylan Madri-Renfro		718 W. Manhattan		madrifilmart@gmail.com
Ed Reid		510 ALTO		ED@EDREID.COM
Ellen Bradley		510 Alto		
Onda McGregor	SFCRR	2319 Calle Camarico		
DANIEL P. BENAVIDEZ	TIERRA ENCANTADA CHARTER SCHOOL AT ALVORD	551 ALARID ST	(505) 983-3337	dbenavidez@tecsalvord.org
ERIC GENT		624 ALARID ST	603-2330	
Spencer Rolston	CCA	62 MADDOG	231-1528	sdrsdmafs@gmail.com
Jean Bernstein	Flying Star Cafe	2701 Broadway NE ABQ 87107		

Exhibit D-2

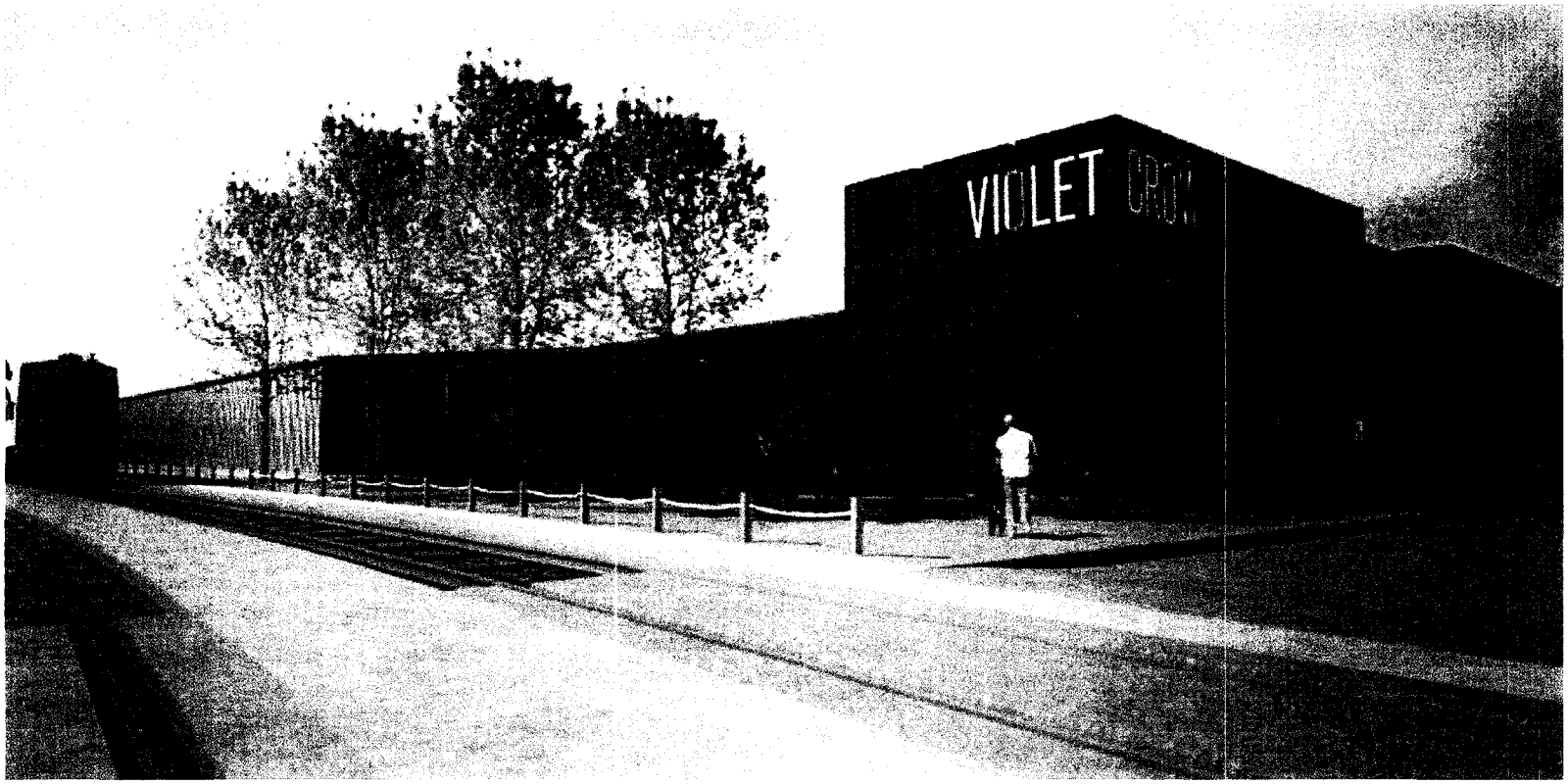
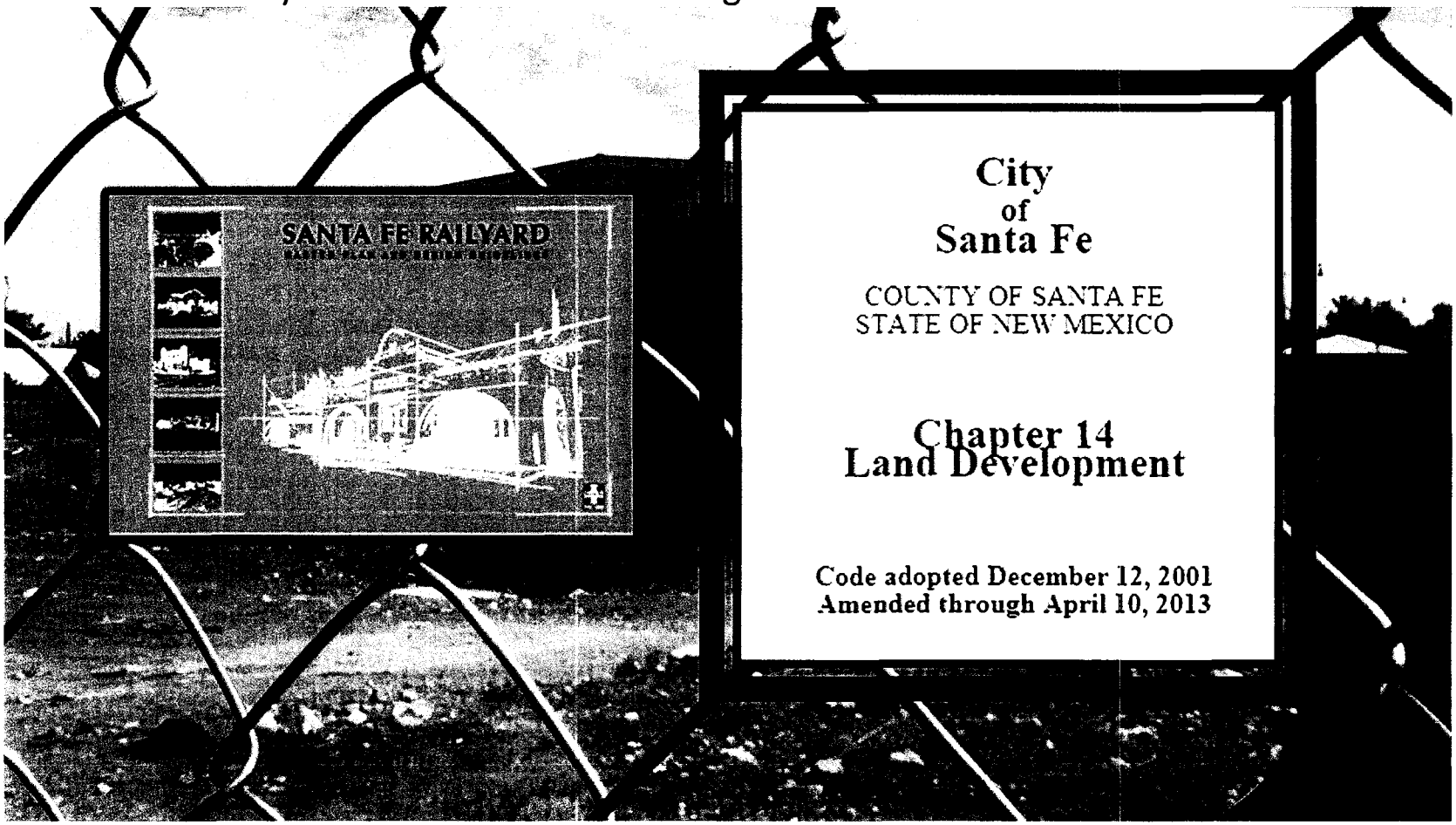


Exhibit "3"

2013-60 – Violet Crown Cinema Development Plan

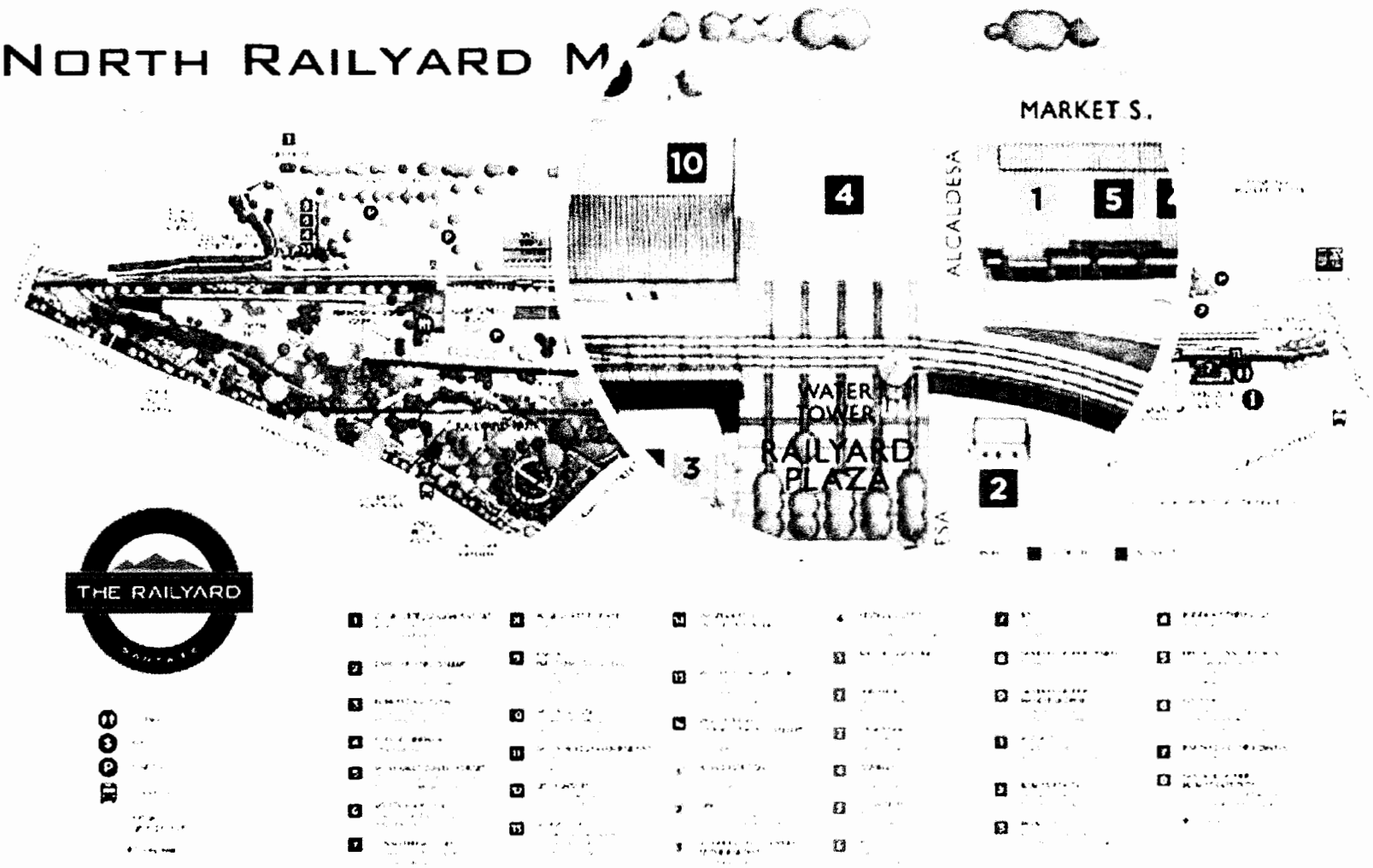
Development on the Railyard is reviewed in accordance with:

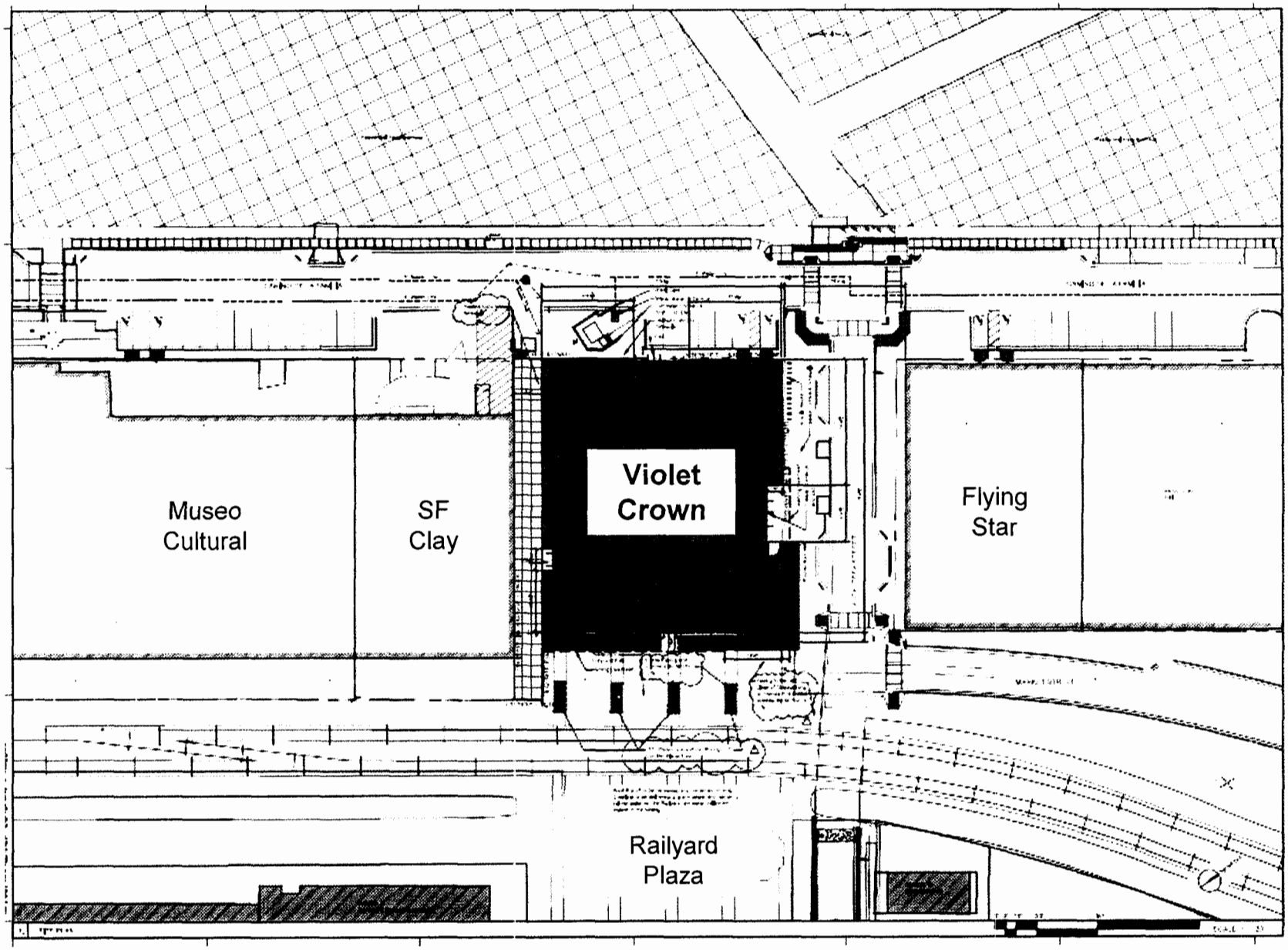
- City Code, Chapter 14-4.3(E)(3)(a) – BCD – Business Capitol District
- The Railyard Master Plan and Design Guidelines



MAPS

NORTH RAILYARD M



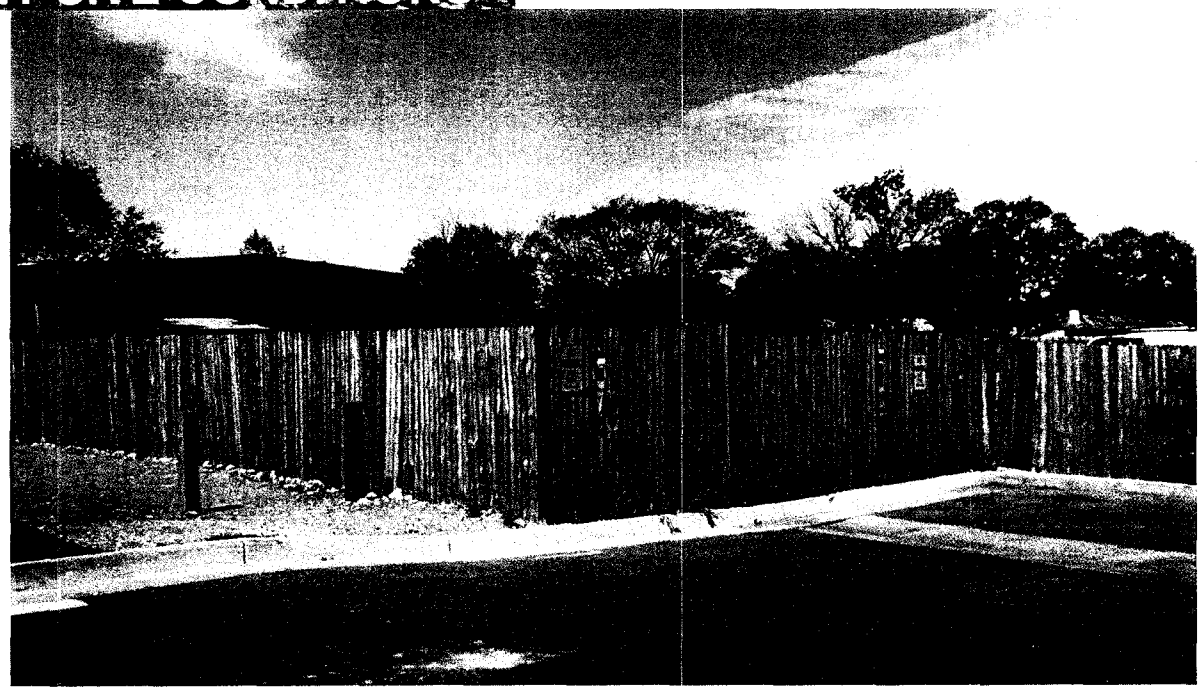


Site & Vicinity

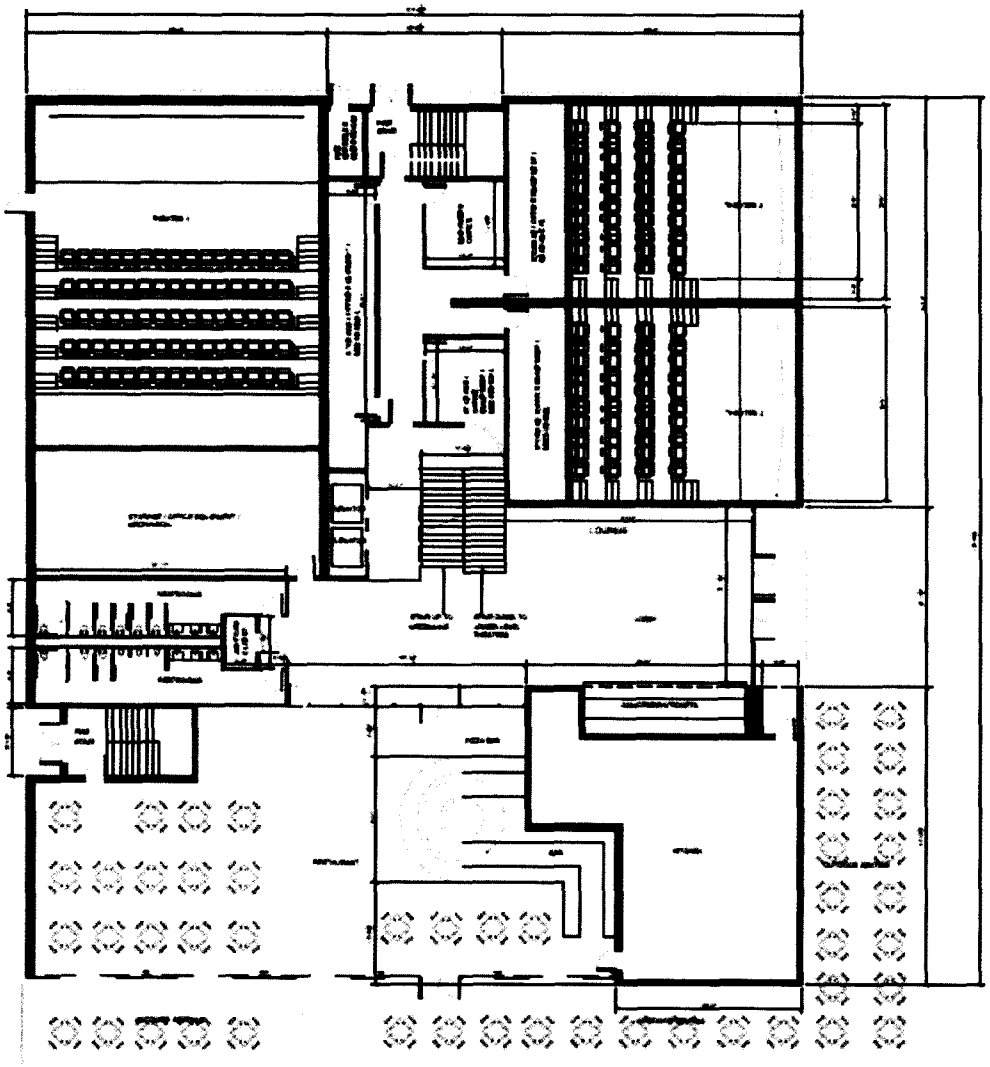
View from Camino de la Familia

CURRENT SITE CONDITIONS

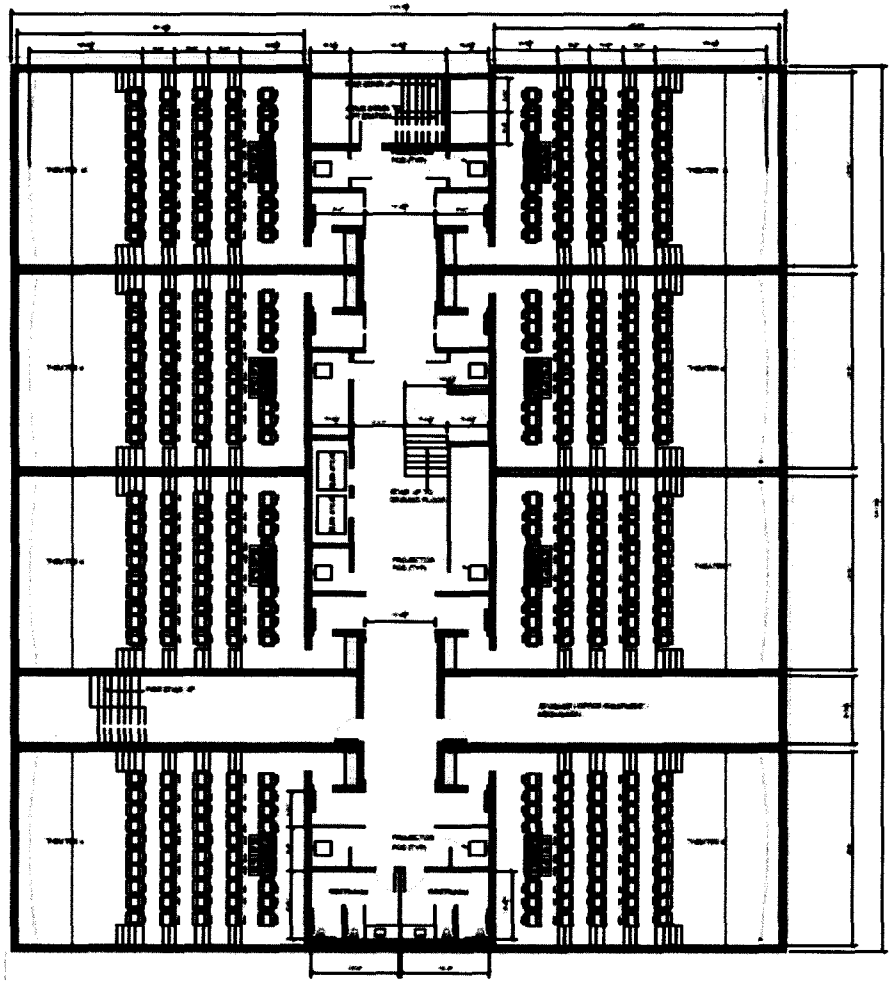
View from Alcaldesa Street



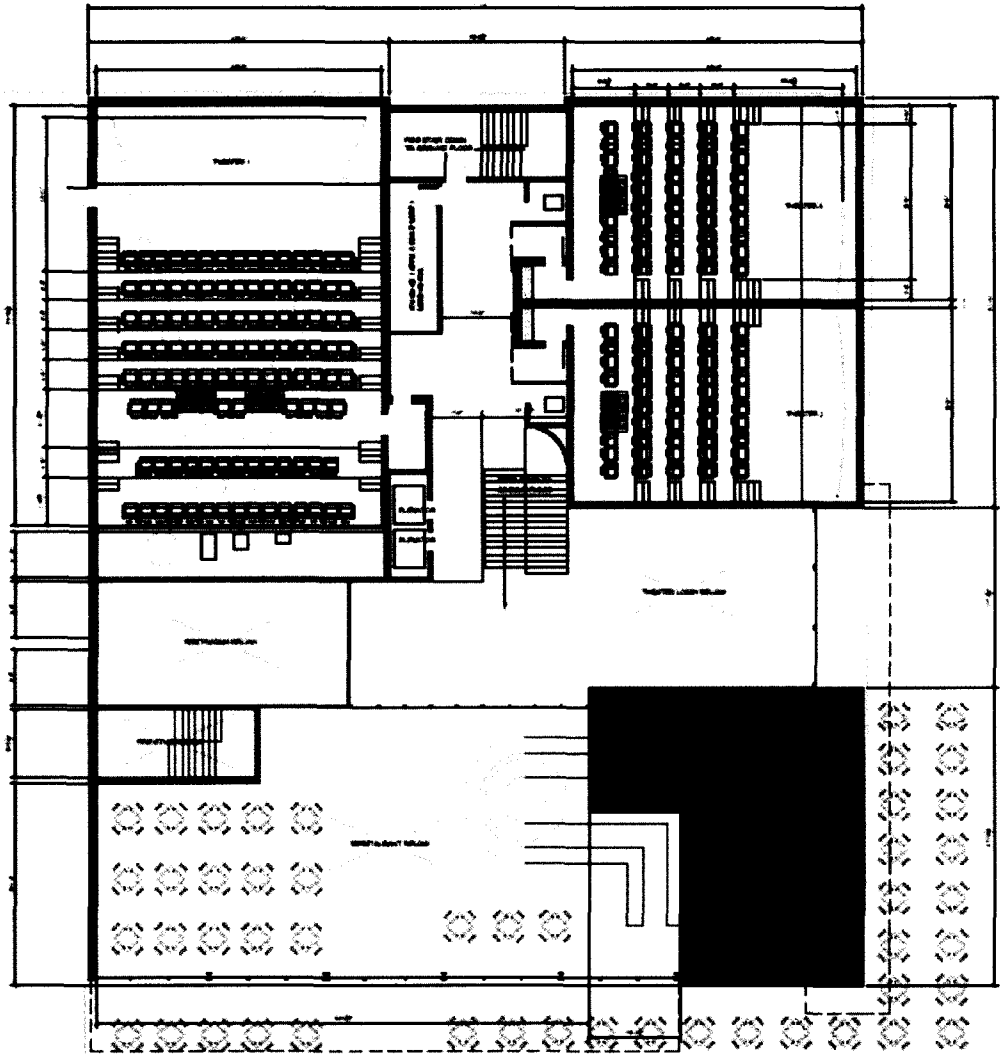
VIOLET



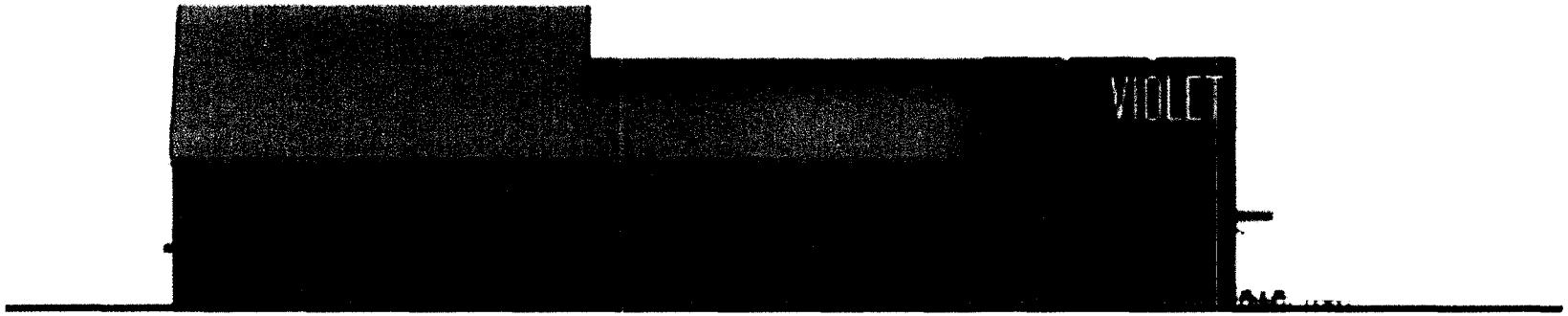
Ground Level



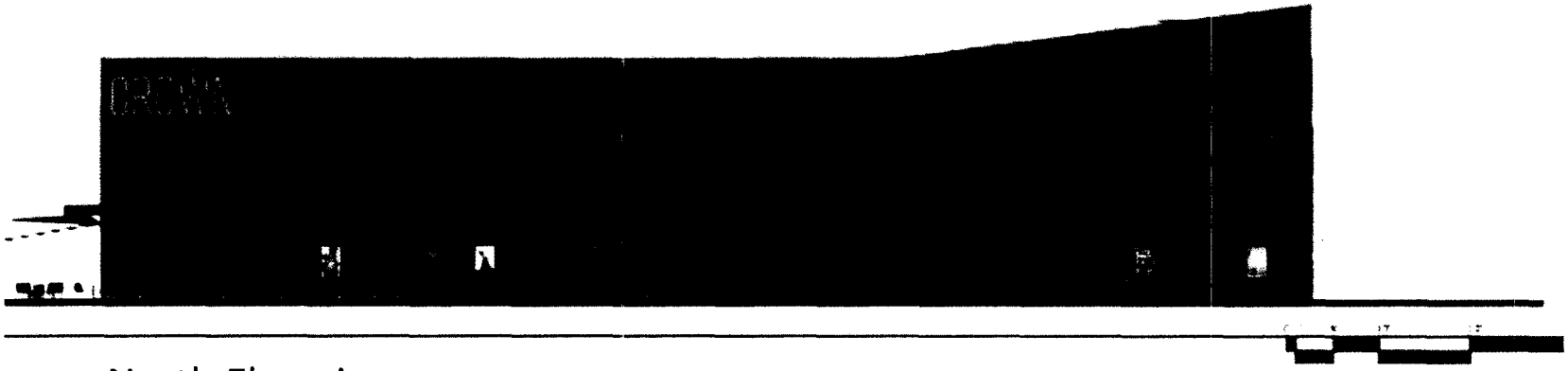
Subgrade Level



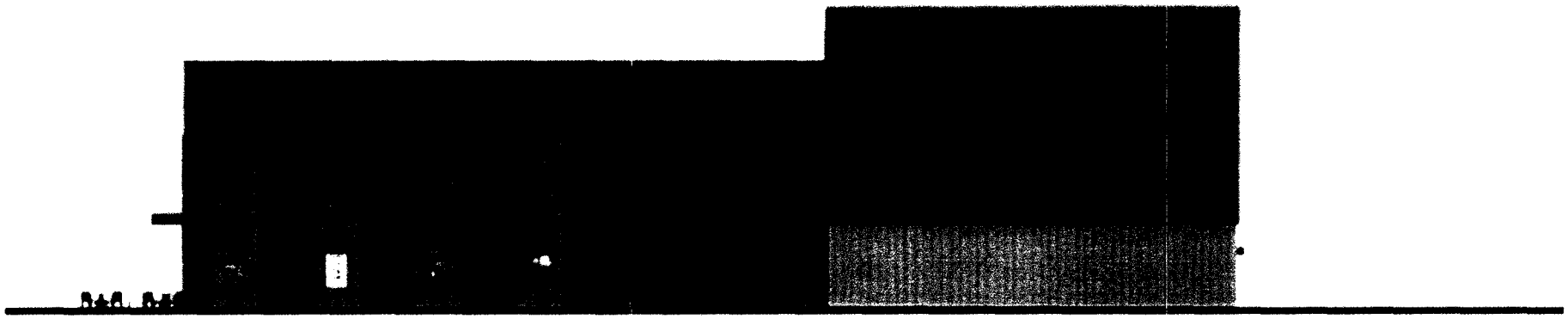
Mezzanine Level



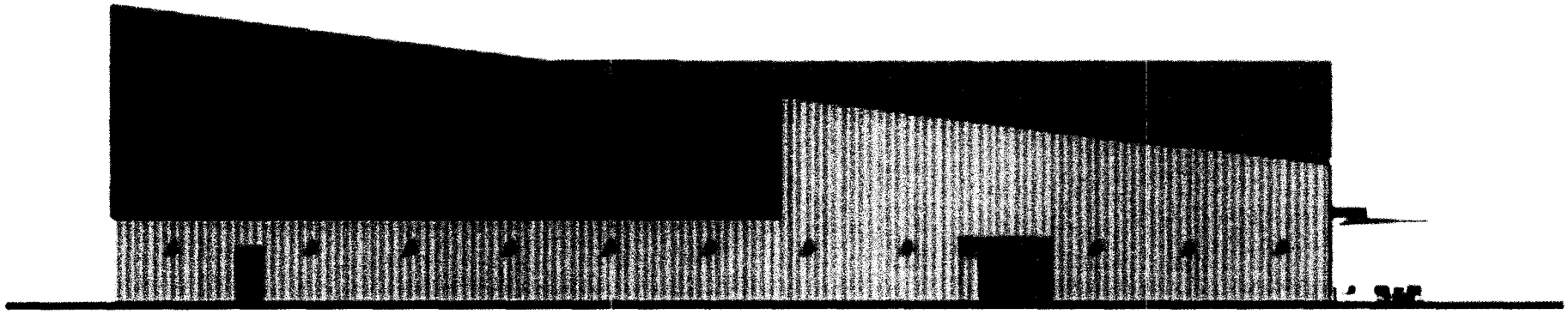
East Elevation



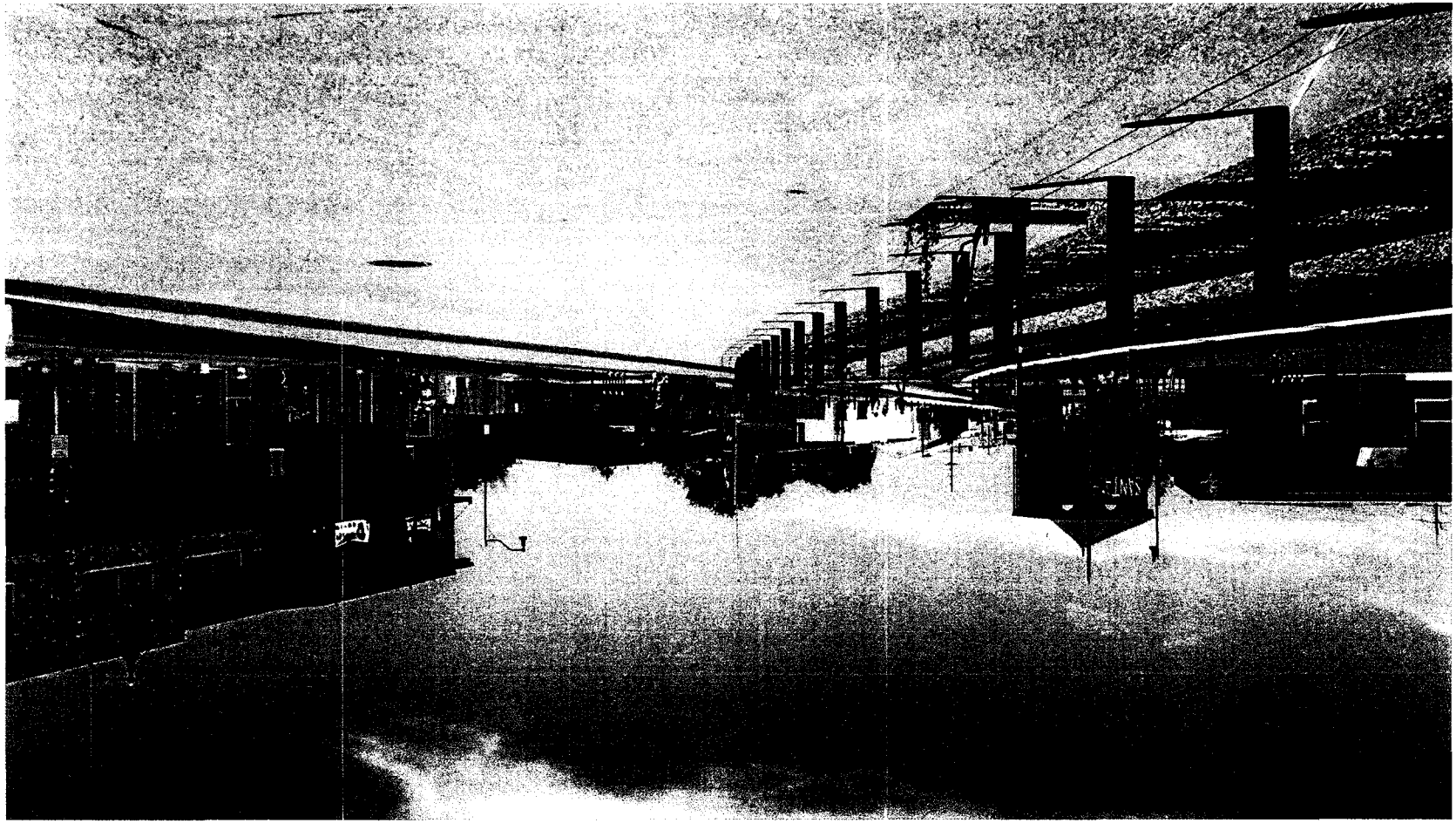
North Elevation

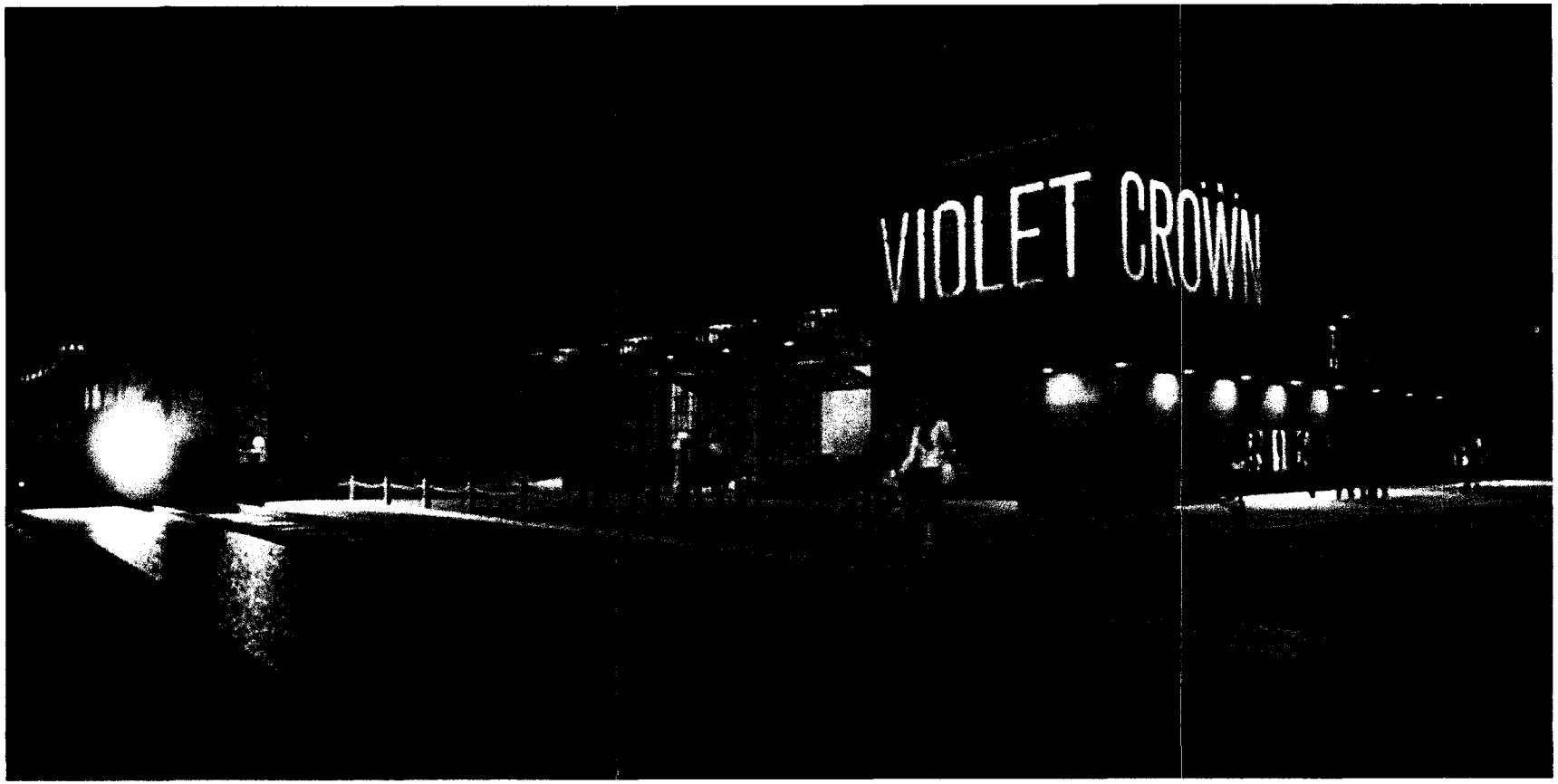


West Elevation

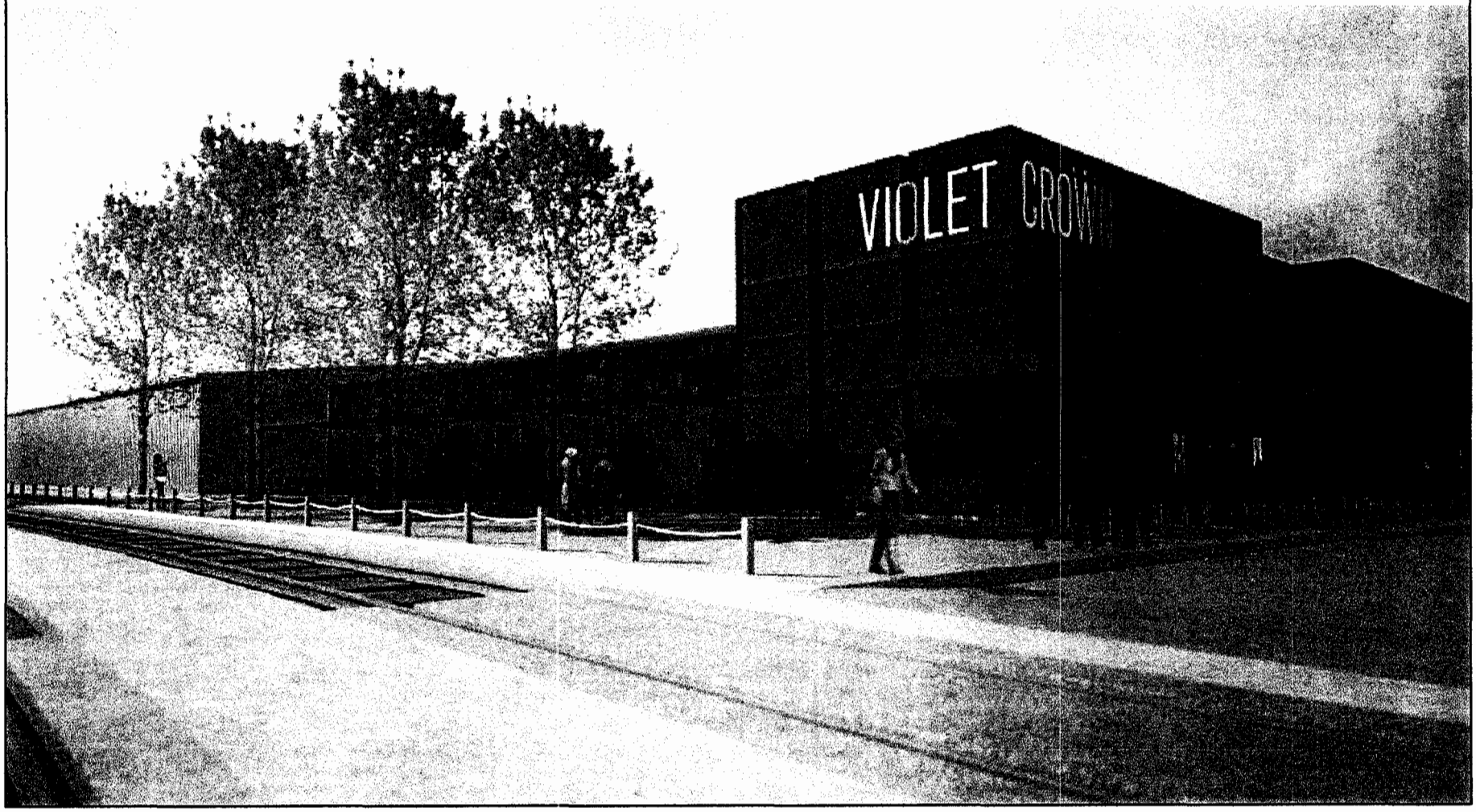


South Elevation




VIOLET CROWN

VIOLET CROWN



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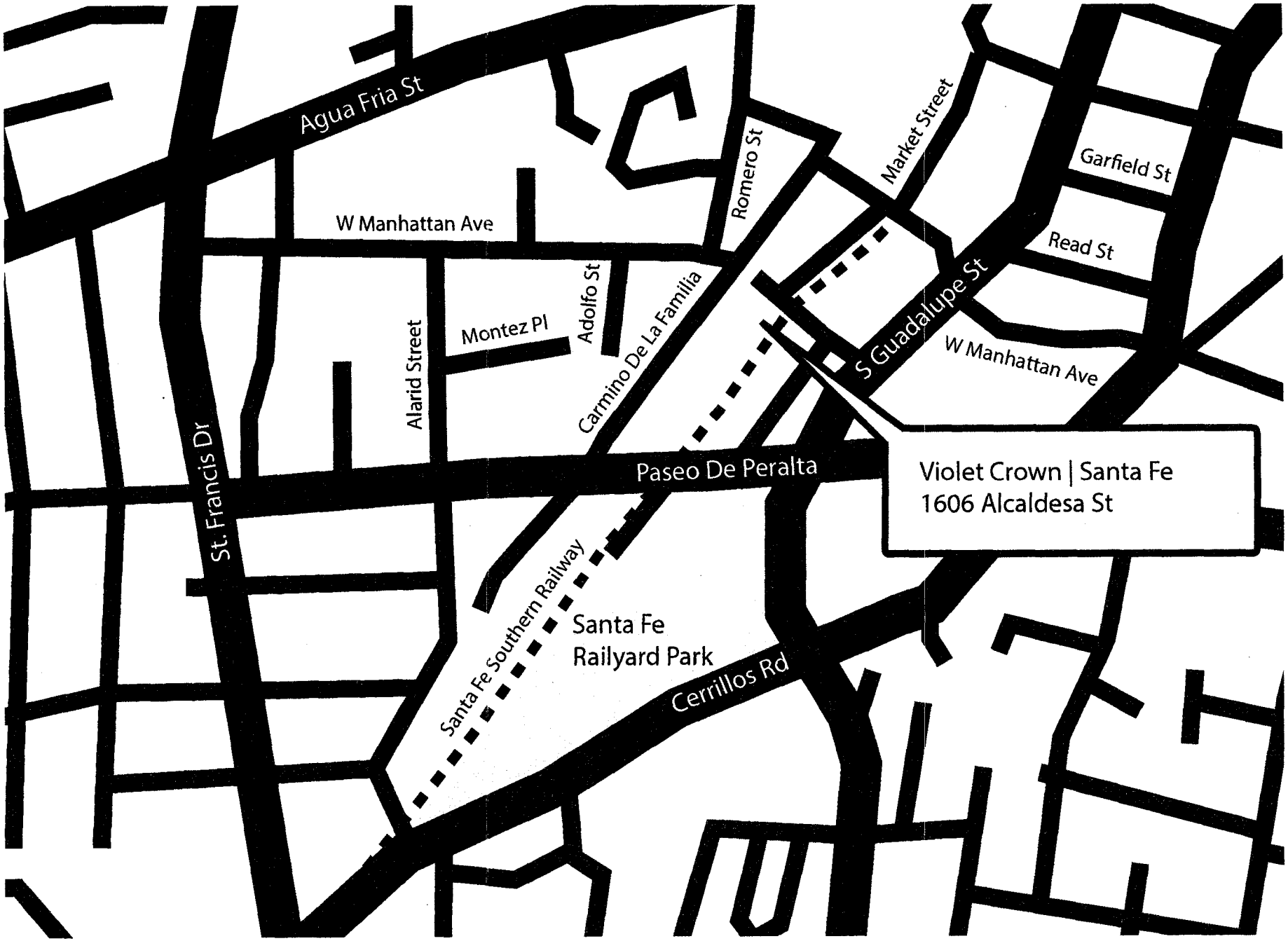
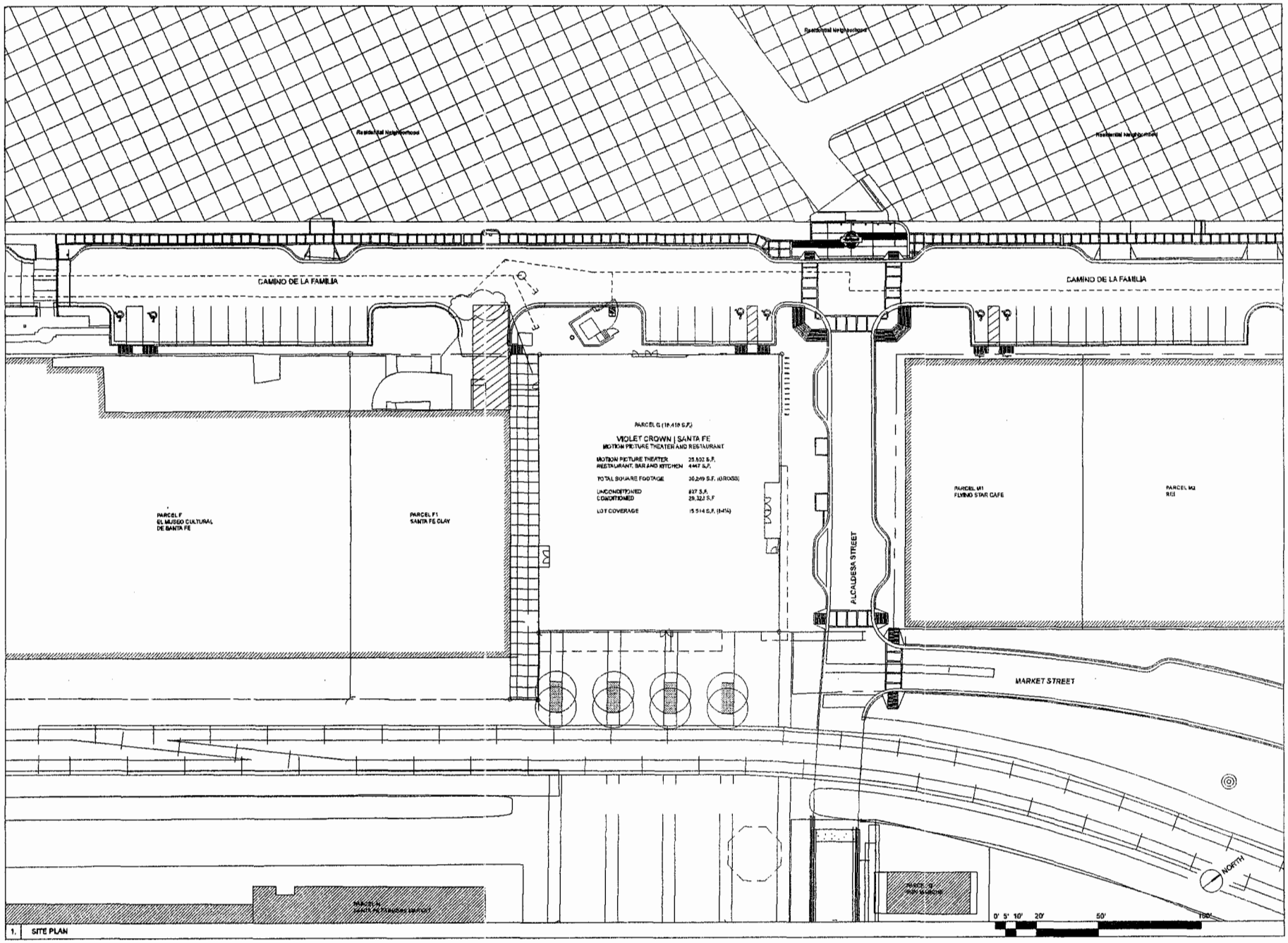
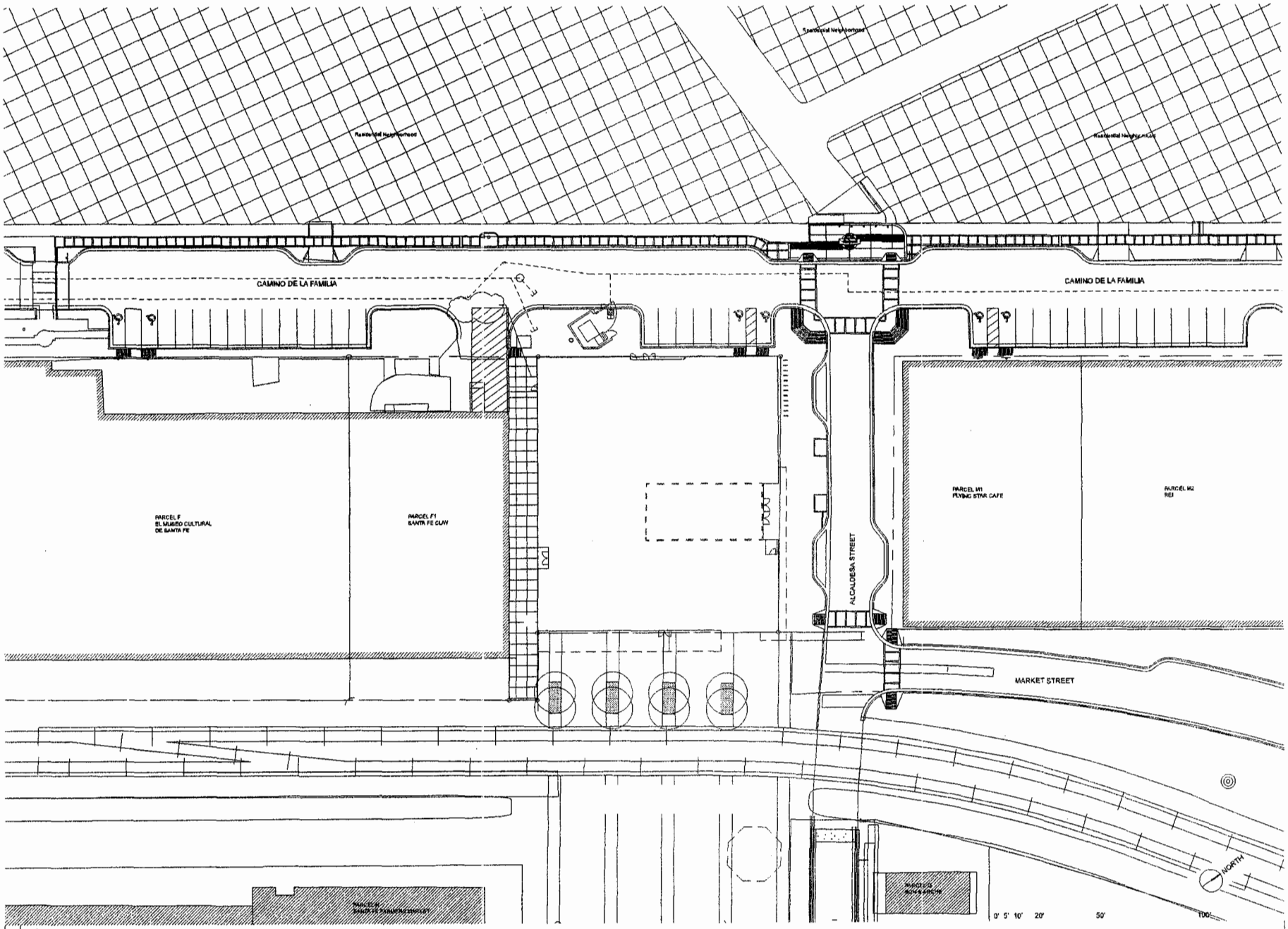
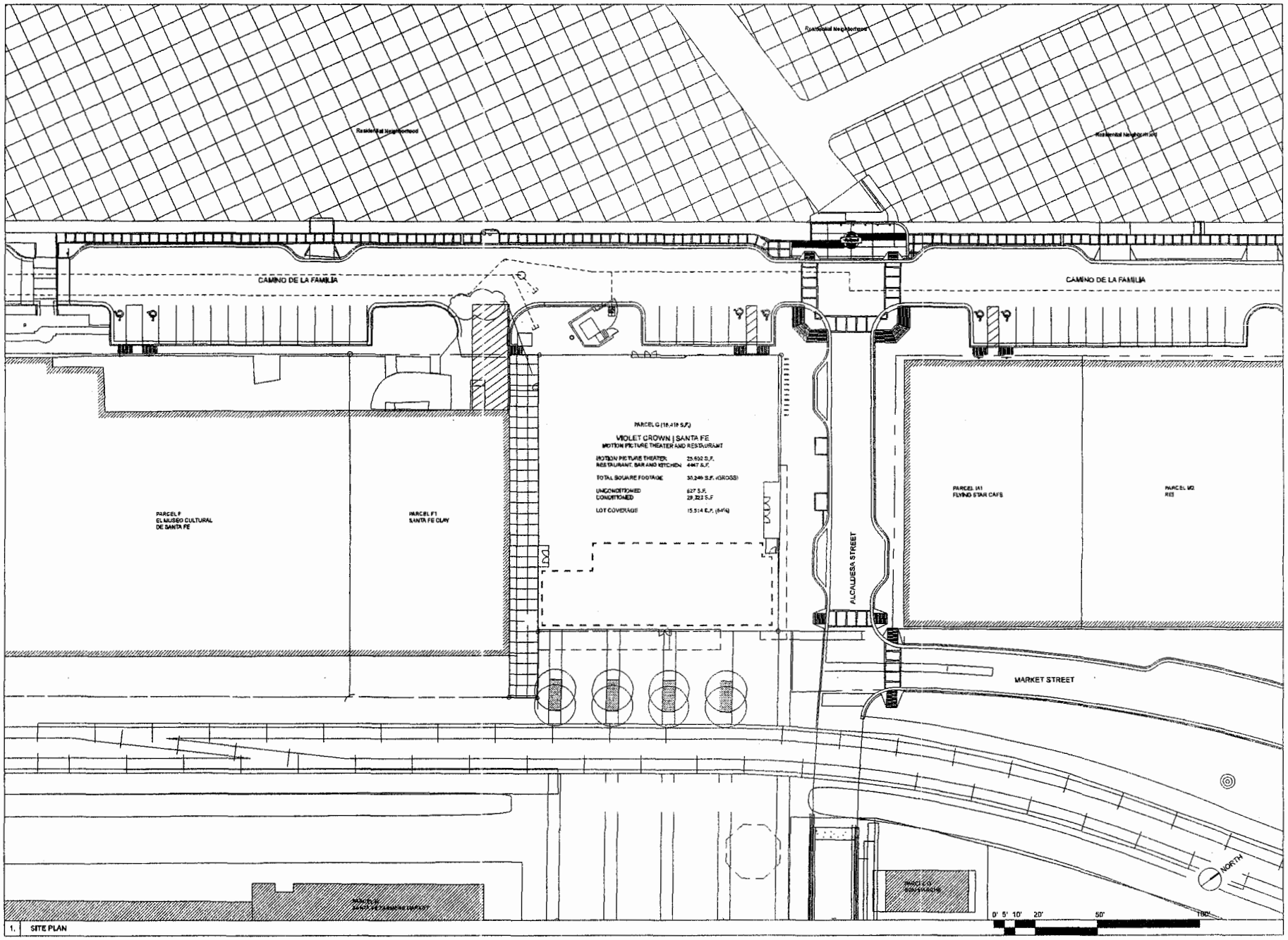

Agua Fria St
W Manhattan Ave
Romero St
Market Street
Garfield St
Read St
S Guadalupe St
W Manhattan Ave
Adolfo St
Carmino De La Familia
Montez Pl
Alarid Street
St. Francis Dr
Paseo De Peralta
Violet Crown | Santa Fe
1606 Alcaldesa St
Santa Fe Southern Railway
Santa Fe
Railyard Park
Cerrillos Rd


Residential Neighborhood
Residential Neighborhood
Residential Neighborhood
CAMINO DE LA FAMILIA
CAMINO DE LA FAMILIA
PARCEL G (18,418 S.F.)
VIOLET CROWN | SANTA FE
MOTION PICTURE THEATER AND RESTAURANT
MOTION PICTURE THEATER 25,932 S.F.
RESTAURANT, BAR AND KITCHEN 4447 S.F.
TOTAL SQUARE FOOTAGE 30,249 S.F. (GROSS)
UNCONDITIONED 927 S.F.
CONDITIONED 29,322 S.F.
LOT COVERAGE 15,514 S.F. (84%)
PARCEL F
EL MUSEO CULTURAL
DE SANTA FE
PARCEL F1
SANTA FE CLAY
PARCEL M1
FLYING STAR CAFE
PARCEL M2
REI
ALCALDESA STREET
MARKET STREET
NORTH
0' 5' 10' 20' 50' 100'

1. SITE PLAN


Residential Neighborhood
Residential Neighborhood
Residential Neighborhood
CAMINO DE LA FAMILIA
CAMINO DE LA FAMILIA
PARCEL F
EL MUSEO CULTURAL
DE SANTA FE
PARCEL F1
SANTA FE CLAY
PARCEL M1
FLYING STAR CAFE
PARCEL M2
REI
ALCALDESA STREET
MARKET STREET
NORTH
0' 5' 10' 20' 50' 100'

1. SITE PLAN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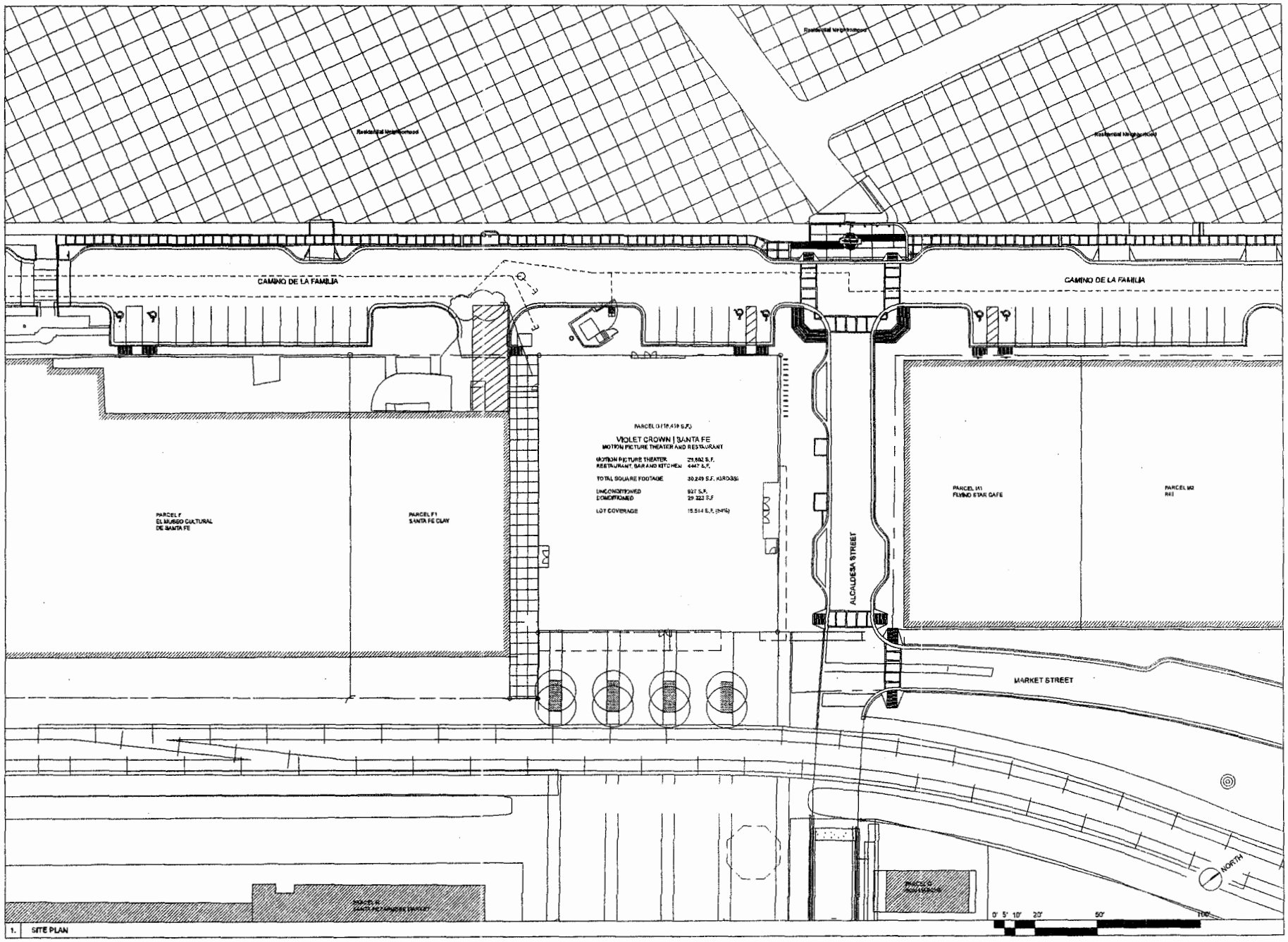
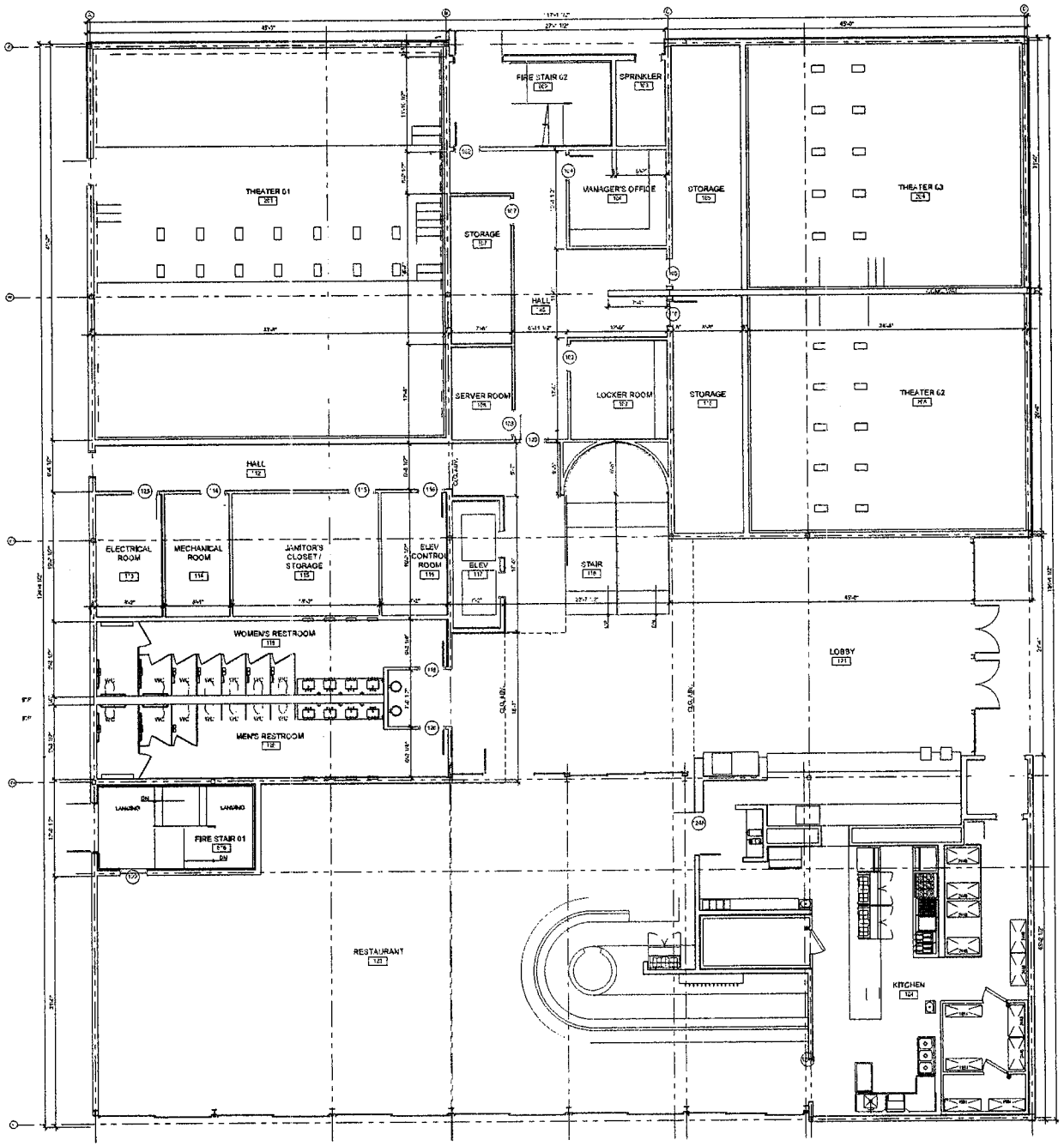
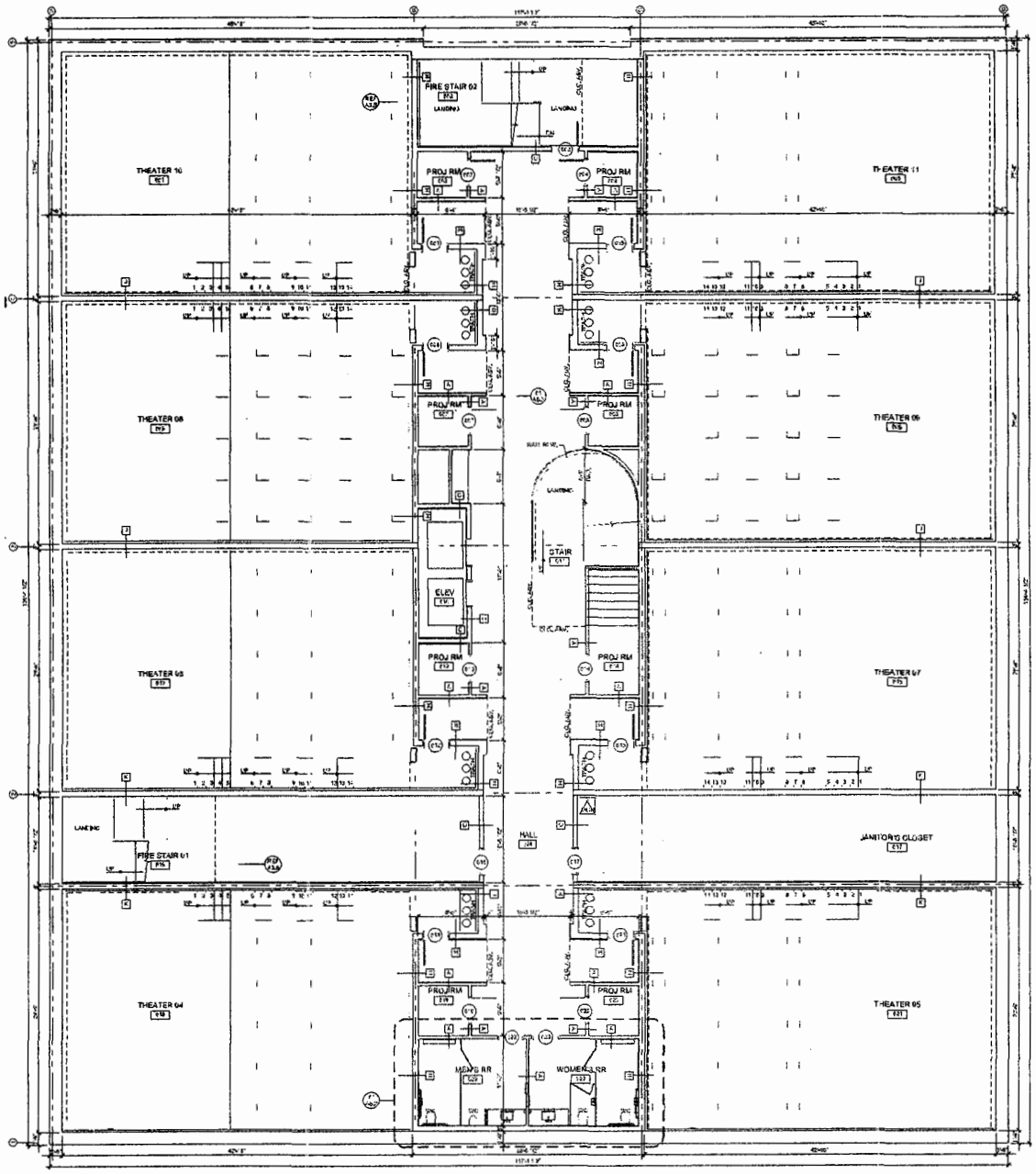
Residential Neighborhood
Residential Neighborhood
CAMINO DE LA FAMILIA
CAMINO DE LA FAMILIA
PARCEL G (18,419 S.F.)
VIOLET CROWN | SANTA FE
MOTION PICTURE THEATER AND RESTAURANT
MOTION PICTURE THEATER 25,602 S.F.
RESTAURANT, BAR AND KITCHEN 4467 S.F.
TOTAL SQUARE FOOTAGE 30,249 S.F. (GROSS)
UNCONDITIONED 827 S.F.
CONDITIONED 29,323 S.F
LOT COVERAGE 15,514 S.F. (84%)
PARCEL F
EL MUSEO CULTURAL
DE SANTA FE
PARCEL F1
SANTA FE CLAY
PARCEL I-1
FLYING STAR CAFE
PARCEL I-2
REI
ALCALDESA STREET
MARKET STREET
NORTH
0' 5' 10' 20' 50' 100'

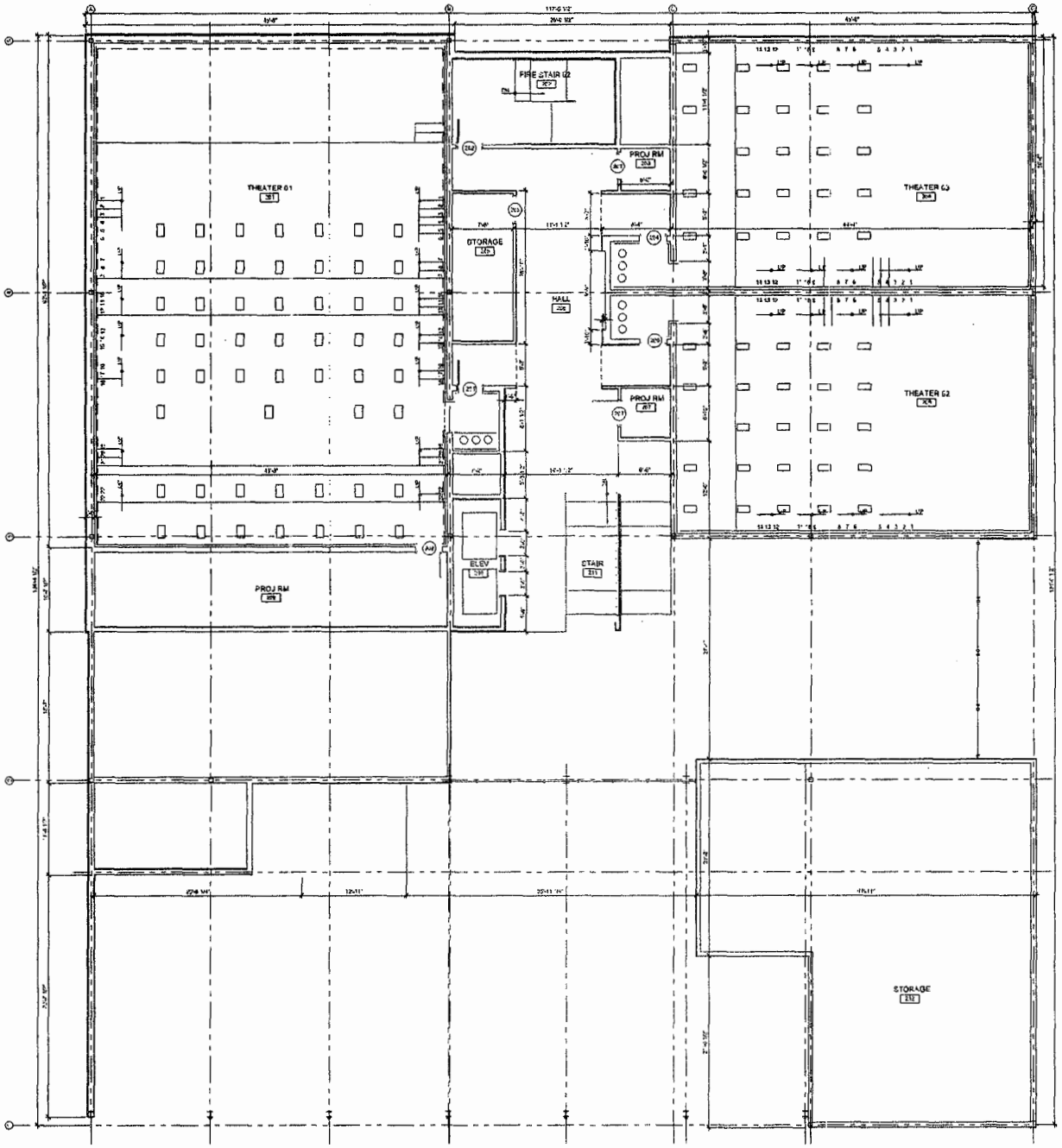
1. SITE PLAN

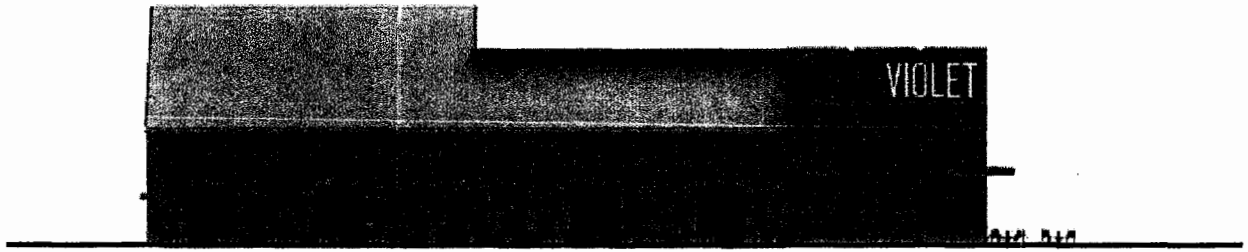

Residential Neighborhood
Residential Neighborhood
Residential Neighborhood
CAMINO DE LA FAMILIA
CAMINO DE LA FAMILIA
PARCEL G (18,418 S.F.)
VIOLET CROWN | SANTA FE
MOTION PICTURE THEATER AND RESTAURANT
MOTION PICTURE THEATER 29,882 S.F.
RESTAURANT, BAR AND KITCHEN 4447 S.F.
TOTAL SQUARE FOOTAGE 30,249 S.F. (GROSS)
UNCONDITIONED 927 S.F.
CONDITIONED 29,322 S.F.
LOT COVERAGE 15,514 S.F. (84%)
PARCEL F
EL MUSEO CULTURAL
DE SANTA FE
PARCEL F1
SANTA FE CLAY
PARCEL H1
FLYING STAR CAFE
PARCEL H2
REI
ALCALDESA STREET
MARKET STREET
NORTH
0' 5' 10' 20' 50' 100'

1. SITE PLAN


THEATER 01
FIRE STAIR 02
SPRINKLER
MANAGER'S OFFICE
STORAGE
THEATER 03
STORAGE
HALL
SERVER ROOM
LOCKER ROOM
STORAGE
THEATER 02
HALL
ELECTRICAL ROOM
MECHANICAL ROOM
JANITOR'S CLOSET / STORAGE
ELEV CONTROL ROOM
ELEV
STAIR
WOMEN'S RESTROOM
MEN'S RESTROOM
LOBBY
FIRE STAIR 01
LANDING
LANDING
RESTAURANT
KITCHEN


FIRE STAIR 02
LANDING
THEATER 10
THEATER 11
PROJ RM
THEATER 08
THEATER 09
STAIR
ELEV
THEATER 03
THEATER 07
LANDING
FIRE STAIR 01
HALL
JANITOR'S CLOSET
THEATER 04
THEATER 05
MEN'S RR
WOMEN'S RR

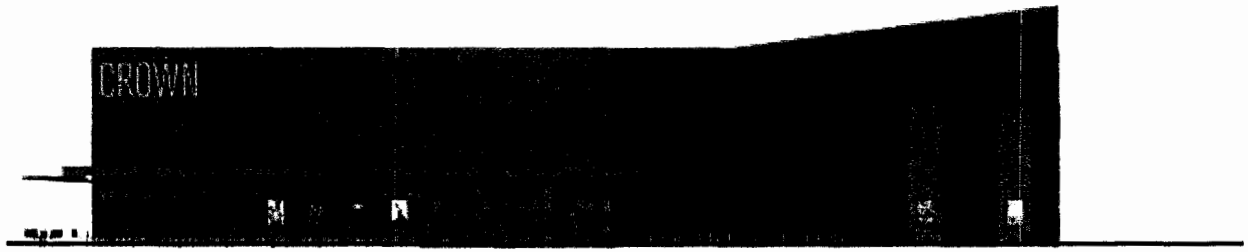

FIRE STAIR 02
PROJ RM
THEATER 01
THEATER 03
STORAGE
HALL
PROJ RM
THEATER 02
ELEV
STAIR
PROJ RM
STORAGE



1. EAST ELEVATION RENDERING

0' 1' 5' 10' 20' 50'

SCALE: 1/8" = 1'-0"



2. NORTH ELEVATION RENDERING

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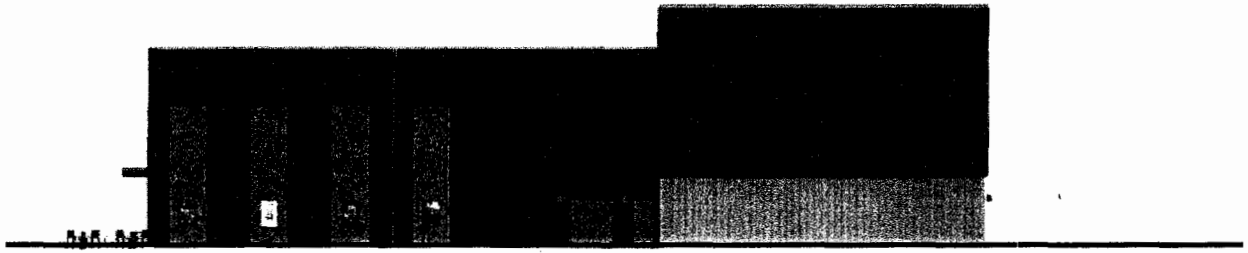
SCALE: 1/8" = 1'-0"



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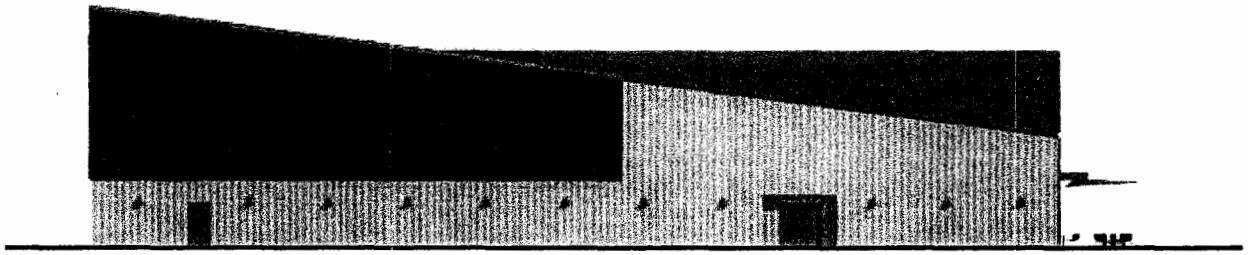
SCALE: 1/8" = 1'-0"



4. SOUTH ELEVATION RENDERING

0' 1' 5' 10' 20' 50'

SCALE: 1/8" = 1'-0"

VIOLET CROWN

City of Santa Fe, New Mexico

memo

DATE: July 17, 2013 for the August 1, 2013 Planning Commission Meeting

TO: Planning Commission

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

FROM: Donna Wynant, AICP, Senior Planner, Current Planning Division D.W.

Case #2013-57. Villa Esperanza Development Plan. Montoya Land Use Consulting, Inc., agent for Santa Fe Civic Housing Authority, requests Development Plan approval for the construction of 14 new two-story dwelling units, additions to 8 dwelling units, the remodel of 32 existing dwelling units, and other site improvements on a 5.84± acre site. The property is zoned R-21 (Residential, 21 dwelling units per acre) and is located at 1750-1807 Hopewell and Mann Streets. (Donna Wynant, Case Manager)

RECOMMENDATION

For Case #2011-66, Villa Esperanza Development Plan, the Land Use Department recommends **APPROVAL WITH CONDITIONS** as outlined in this report.

If the Planning Commission approves the development plan, the applicant will apply for construction permits from State of New Mexico Construction Industries Division.

I. EXECUTIVE SUMMARY

This application is a Development Plan request for a 5.84± acre property, zoned R-21, located at 1750-1807 Hopewell and Mann Streets. The site currently has 40 affordable "family" two, three and four bedroom units originally constructed in the early 1970s at which time no development plan was required. The Santa Fe Civic Housing Authority (SFCHA) now proposes 14 additional affordable housing units and extensive remodeling to bring existing units into compliance with Green Construction Codes. The proposal is well within the General Plan's High Density (12-29 du/ac) future land use designation for the property, at 9.8 dwelling units per acre. The area to the north is zoned R-5, and to the west R-5, R-21 and R-12. The R-21 PUD zoning is to the east and C-2 to the south.

Exhibit "5"

Espinicitas Street is located along the east side of the property; Hopewell Street and the Arroyo De Los Piños cross through the north part of the site and Mann Street crosses through the south part of the site and is fenced off along Espinicitas. The existing 40 units are evenly distributed throughout the site in 9 buildings. Four new residential buildings are proposed for the 14 new units. Though 28 out of 40 units were remodeled approximately 10 years ago, the SFCHA now proposes to renovate the buildings due to the age of the development, which is over 40 years old, to address maintenance, resource efficiency, livability, safety, and accessibility. (See Exhibit A: Plan highlighting proposed changes.)

All existing units will be renovated, with improved insulation, new windows, new bathrooms and kitchens, solar panels on the rooftop, and all drywall and flooring will be replaced. Fourteen new units will be added. The northern parking lot will be reconfigured, and additional parking will be added. The project will result in a total of 54 units, including a new laundry facility and the existing 14,000 square-foot community building, built in 2010. Currently, all the units are single story apartment-style, but as redesigned, the units will be 2 story townhouses. Each unit will have the living spaces on the ground floor and bedrooms on the second level, eliminating the potential for noise generated by other families upstairs. All units will have front porches and a private portal and yard at the rear. Some one-story pitched roof units will remain the same with the exception of an interior renovation and the addition of solar panels.

A children's tot lot and grass play area is centrally located on the site, adjacent to the community building. A basketball court located on the west side of the property was removed due to problems in recent years with crime. However, the new community center features an indoor basketball court, along with a small classroom, computer and activity rooms, kitchen and administrative offices. Additional open space in the northwest corner of the property is proposed as a tot lot to be accessed across the acequia via a new bridge. The applicant will need to discuss this further with the City Engineer and possibly the Army Corps of Engineers for the appropriate approvals.

The proposal is in compliance with height, setback, lot coverage and open space requirements for the R-21 district. Sufficient parking is provided within two centrally located parking lots, and one lot on the far north side of the site, as well as parking along Mann and Hopewell Streets. Parking will be increased by 43 spaces for a total of 79 spaces, two spaces over the required 77 spaces. All access to the development will remain the same, via Hopewell and Mann Street to the east or west, Espinicitas to the east, and Fifth Street to the west. Mann Street was closed off from Espinicitas many years ago and will continue to be closed to vehicle and pedestrian traffic. An emergency gate will be added for use by emergency vehicles.

The Santa Fe Civic Housing Authority will be working with tenants on relocation during construction, giving a 90-day notice. Additionally, the Authority will examine the scope of renovation for every unit and determine whether the relocation will be long term or short term. According to the applicant, the SFCHA wants to keep as many people in the neighborhood as possible once the project is completed, with construction possibly being done in phases to lessen the impact on the community. Construction is anticipated to begin in June 2014.

An Early Neighborhood Notification meeting was held on May 30, 2013 where questions were asked, but no major objections were raised. (See Exhibit F-1) Thirteen people were in attendance, including 2 representing the applicant and one City planner.

II. CONCLUSION

The staff has reviewed the application and determined that the proposal complies with R-21 District standards, subject to the Conditions of Approval as stated in this report and summarized in the Conditions of Approval Table, Exhibit B.

III. ATTACHMENTS:

EXHIBIT A: Plan highlighting Development Plan

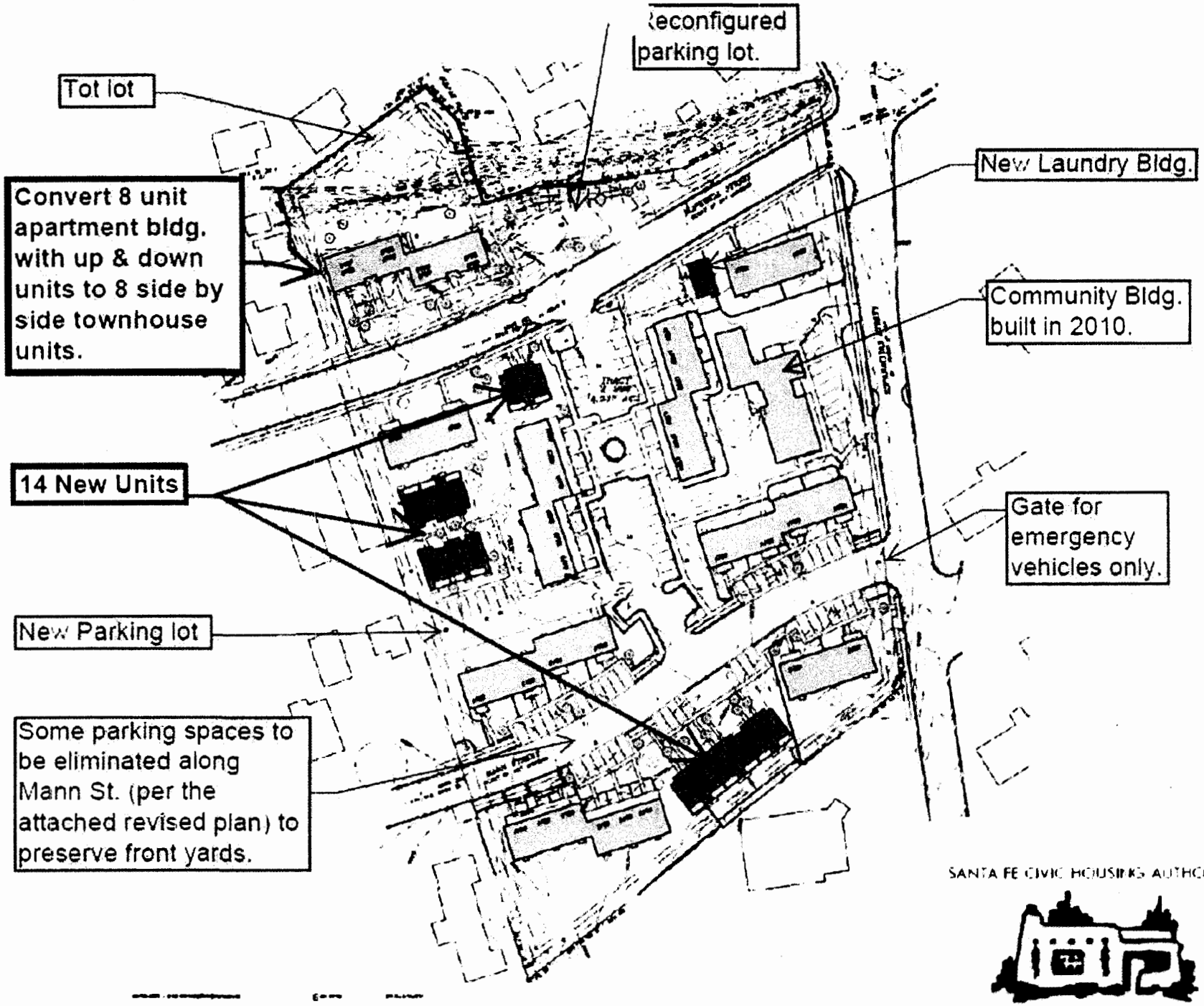
EXHIBIT B: Conditions of Approval

EXHIBIT C: Development Review Team Memorandum
1. Technical Review Division, City Engineer, Risana Zaxus
2. Fire Marshal Review, Reynaldo Gonzales
3. Technical Review Division, Landscape Review, Noah Berke
4. Wastewater Management Division, Stan Holland
5. Traffic Engineering, Sandra Kassens
6. Solid Waste, Randall Marco
7. Water Division, Antonio Trujillo

EXHIBIT D: Maps
1. Aerial Photo/Vicinity Map
2. Current Zoning
3. Future Land Use Map
4. Photographs of Site

EXHIBIT E: Applicant Materials
1. Letter of Application
2. Development Plan
3. Landscape Plan

EXHIBIT F: ENN Meeting Summary
1. ENN Meeting Notes 5-30-13
2. ENN Guidelines
3. ENN Sign-In List



SANTA FE CIVIC HOUSING AUTHORITY

EXHIBIT A

Villa Esperanza
Development Plan (Case #2013-57)

DRT Conditions of Approval	Department	Staff
1. Floodplain limits are shown on Development Plan and on Boundary Survey and identified as "Flood Zone AE." Add a reference to the FIRM, and identify the recurrence interval as the 1% flood. 2. Photometrics meeting the requirements of Article 14-8.9 must be submitted at time of permit submittal.	Tech Review Div/Land Use	Risana Zaxus
1. Shall comply with IFC requirements. 2. Fire Department Access shall not be less than 20 feet width. 3. Fire Department shall have 150 feet distance to any portion of the building on any new construction. 4. Any driveway/ roadway that exceeding 150 feet requires a Fire Department Turn around as per IFC. 5. Fire Department may require emergency access from Mann Street to Espinacitas Street. 6. Shall have water supply that meets IFC requirements. 7. All Fire Department turn around shall meet IFC requirements and have proper signage. 8. An Automatic Sprinkler system may be required for any new construction and/or remodeled portion of a building.	Fire Marshal	Rey Gonzales
All applicable sections of Article 14-8.4 "Landscape and Site Design have been complied with, as presented in the plan set submitted on July 24, 2013. The applicant has proposed street tree improvements along Hopewell Street, Espinacitas Street and Mann Street. Staff recommends approval of the plans with the condition that City staff conducts a final landscape inspection.	Tech Review Div/Land Use	Noah Berke
1. A Utility Service Application shall be submitted to the Wastewater Division for this project. 2. Wastewater Division records indicate there is no public sewer line in Mann Street for the portion of it within the Development. Please indicate the location and type of sewer line the new buildings along the west and south sides of the site will be connecting to. 3. The sewer line in Hopewell Street is a trunk sewer line. Review the designs submitted and modify to show the sewer service line connecting to an existing or new sewer manhole. 4. Sewer backwater valves are now required on sewer service lines.	Wastewater Management/Pubic Works	Stan Holland

EXHIBIT B

DATE: July 8, 2013

TO: Donna Wynant, Case Manager

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

RE: Case # 2013-57
Villa Esperanza Development Plan

I reviewed a 9-sheet set of plans and have the following comments to be regarded as conditions of approval:

Floodplain limits are shown on Development Plan and on Boundary Survey and identified as "Flood Zone AE." Add a reference to the FIRM, and identify the recurrence interval as the 1% flood.

Photometrics meeting the requirements of Article 14-8.9 must be submitted at time of permit submittal.

EXHIBIT G-1

City of Santa Fe, New Mexico

memo

DATE: **July 1, 2013**

TO: **Donna Wynant , Case Manager**

FROM: **Reynaldo Gonzales, Fire Marshal** RDG

SUBJECT: **Case #2013-57** Villa Esperanza Development Plan.

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

1. Shall comply with IFC requirements.

2. Fire Department Access shall not be less than 20 feet width.

3. Fire Department shall have 150 feet distance to any portion of the building on any new construction.

4. Any driveway/ roadway that exceeding 150 feet requires a Fire Department Turn around as per IFC.

5. Fire Department may require emergency access from Mann Street to Espanacitas Street.

6. Shall have water supply that meets IFC requirements.

7. All Fire Department turn around shall meet IFC requirements and have proper signage.

8. An Automatic Sprinkler system may be required for any new construction and/or remolded portion of a building.

EXHIBIT C-2

City of Santa Fe, New Mexico

memo

DATE: July 23, 2013

TO: Donna Wynant, AICP, Land Use Planner Senior

FROM: Noah Berke, CFM, Planner Technician Senior

SUBJECT: Final Comments for Case #2013-57, Villa Esperanza Development Plan

---

Below are comments for the Villa Esperanza Development Plan request. These comments are based on documentation and plans dated July 23, 2013:

All applicable sections of Article 14-8.4 "Landscape and Site Design" have been complied with, as presented in the plan set submitted on July 24, 2013. The applicant has proposed street tree improvements along Hopewell Street, Espinacitas Street and Mann Street. Staff recommends approval of the plans with the condition that City staff conducts a final landscape inspection.

EXHIBIT C-3

City of Santa Fe
New Mexico

MEMO

Wastewater Management Division
DEVELOPMENT REVIEW COMMENTS

E-MAIL DELIVERY

Date: July 1, 2013

To: Donna Wynant, Case Manager

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

Subject: Case 2013-57 Villa Esperanza Development Plan

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

The Applicant shall address the following comments:

1. A Utility Service Application shall be submitted to the Wastewater Division for this project.
2. Wastewater Division records indicate there is no public sewer line in Mann Street for the portion of it within the Development. Please indicate the location and type of sewer line the new buildings along the west and south sides of the site will be connecting to.
3. The sewer line in Hopewell Street is a trunk sewer line. Review the designs submitted and modify to show the sewer service line connecting to an existing or new sewer manhole.
4. Sewer backwater valves are now required on sewer service lines.

EXHIBIT C-4

City of Santa Fe, New Mexico

memo

DATE: July 22, 2013

TO: Donna Wynant, Case Manager

FROM: Sandra Kassens

SUBJECT: Villa Esperanza

The Traffic Engineering Division has no comments on the Villa Esperanza Development Plan, case # 2013-57.

EXHIBIT C-5

City of Santa Fe, New Mexico

memo

DATE: July 22, 2013

TO: Donna Wynant, Case Manager

FROM: Randall Marco

SUBJECT: Villa Esperanza Dev Plan

At Hopewell/ Mann, they are using 96 gallon containers for refuse and small blue bins for recycling. Hopefully this will not change.

EXHIBIT C-6

City of Santa Fe

memo

DATE: July 23, 2013

TO: Donna Wynant, Land Use Planner, Land Use Department

FROM: Antonio Trujillo, Water Division Engineer

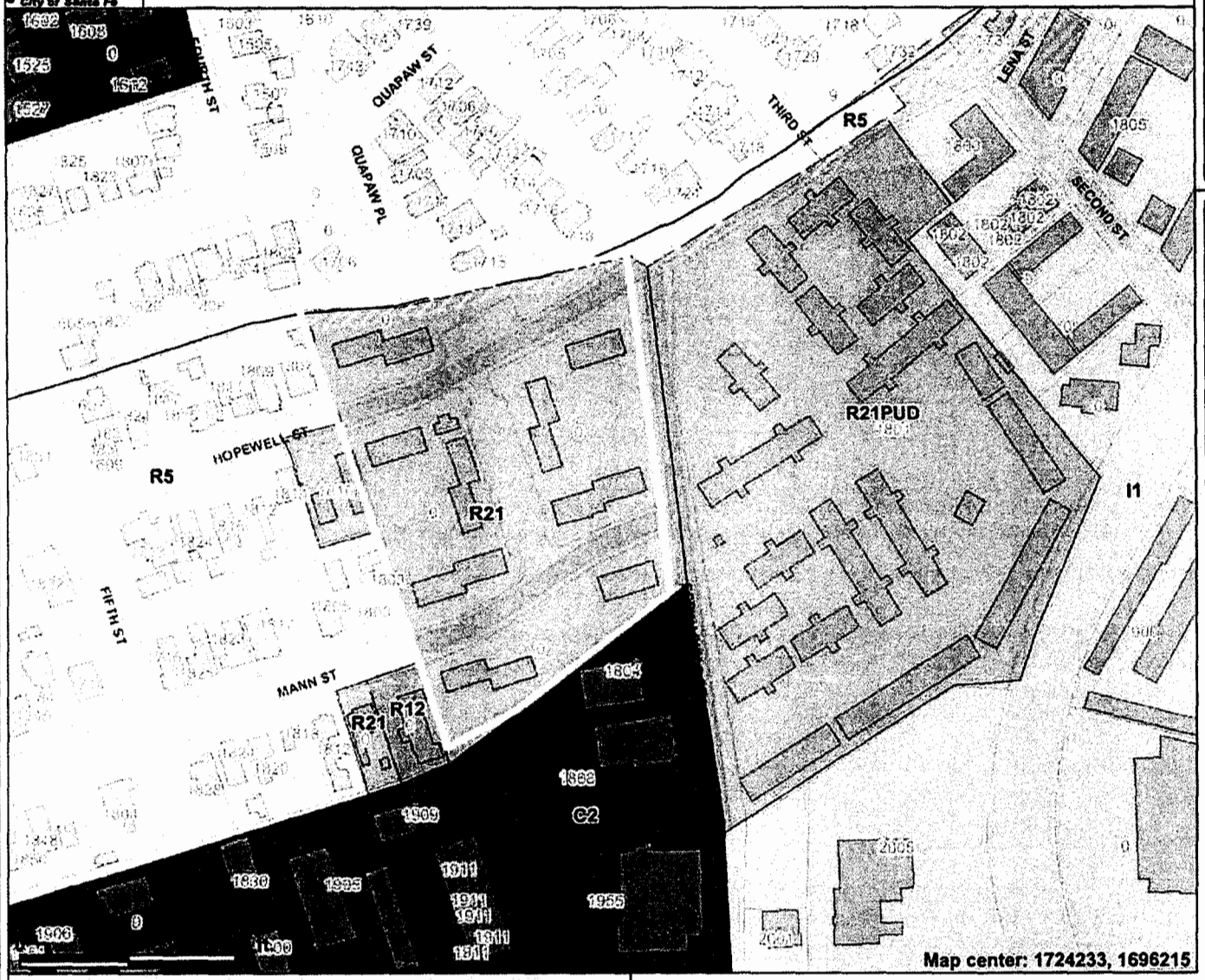
SUBJECT: Case #, 2013-57, Villa Esperanza Development Plan

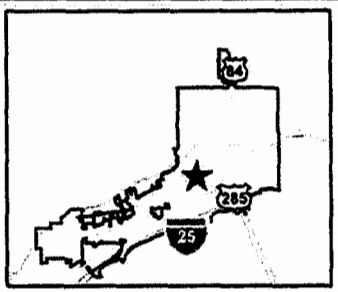
There are no issues with water service for the subject case. Fire protection requirements are addressed by the Fire Department.

EXHIBIT C-7

Santa Fe Civic Housing Authority
1752 Hopewell & Espinacitas

SFCHA Hopewell/Zoning





Legend

- City Limits
- Arroyos
- Parcels
- Building Footprint
- Airport Clear Zones
- Santa Fe River
- FEMA Preliminary Floodplain February 18, 2011 (100 yr)

Zoning

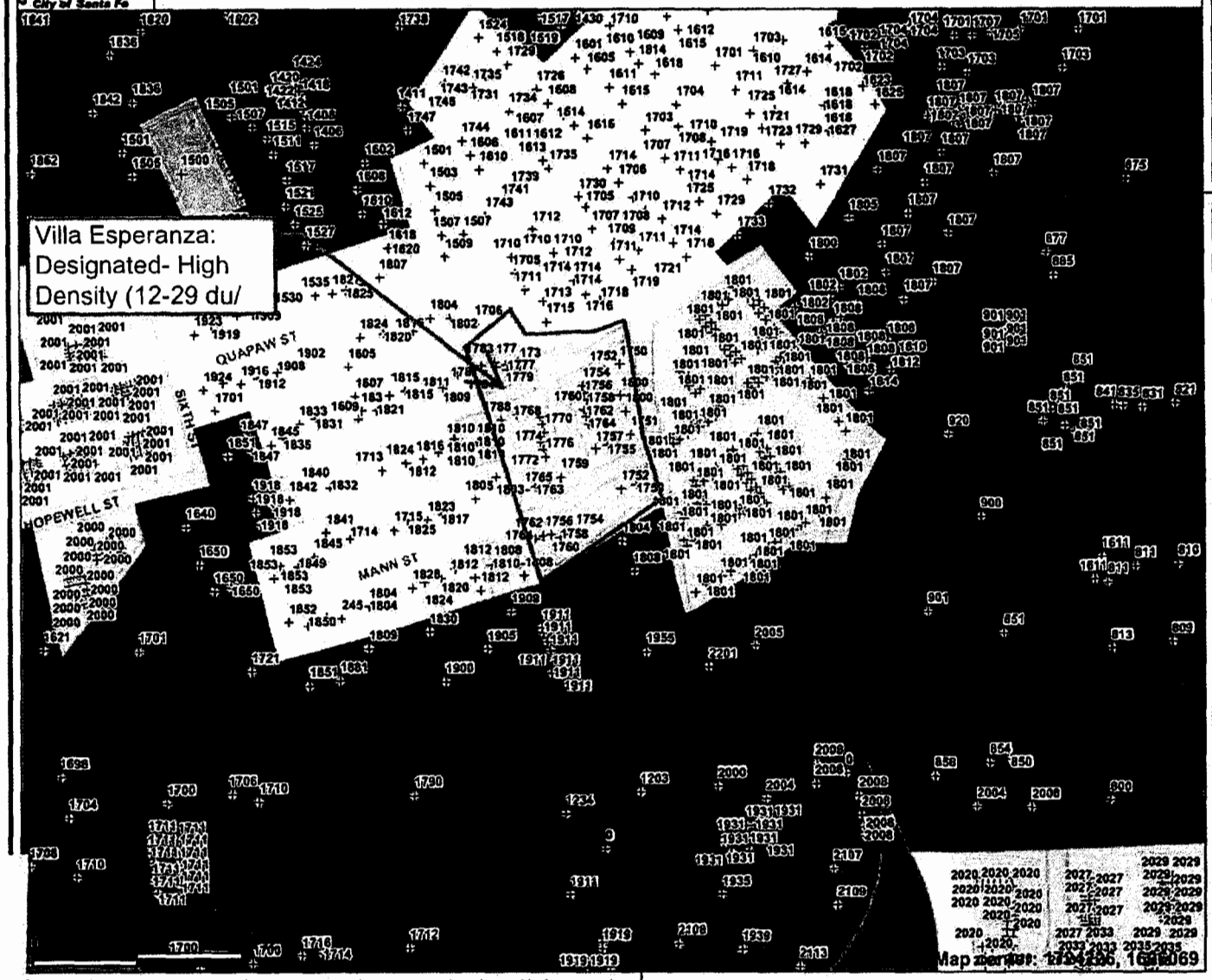
- RR Rural Residential
- R1, (PUD) Single- Family 1du/ac.
- R2, (DT), (PUD), (AC) Single - Family 2du/ac
- R3, (PUD) Single - Family 3du/ac
- R4 Single - Family 4du/ac
- R5, (DT), (PUD), (AC), R6 Single - Family 5-6du/ac
- R7, (I), (PUD), R8 Single - Family 7-8du/ac
- RC5, RC5AC Compound 5du/ac
- RC8, RC8AC Compound 8du/ac
- R10, (PUD) Multiple - Family 10du/ac
- R12, (PUD) Multiple - Family 12du/ac

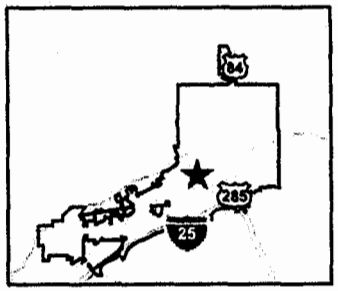
Scale: 1:2,712

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 22

Future Land Use Map





Legend

- City Limits
- Address Points
- Parcels
- Airport Clear Zones
- 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 Commericial
- Neighborhood Center
- Transitional Mixed Use
- Business Park
- Office
- Industrial
- Public/Institutioanl

Scale: 1:5,228

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 D-3

Villa Esperanza Photographs

Figure 1: Looking east down Hopewell from north parking lot.

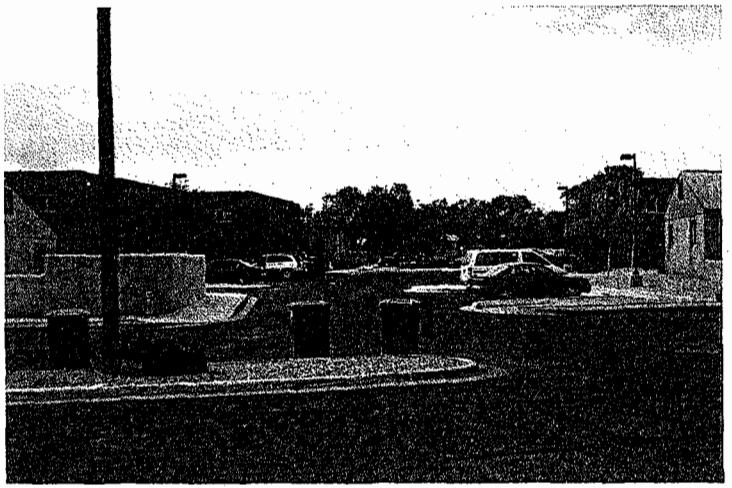


Figure 2: Looking north towards central parking lot from Mann Street.

Figure 3: Looking east, down Mann Street.

Figure 4: Tot Lot, between community bldg. and Units 1760-1764.

EXHIBIT D-4

TGA

21 June 2013

Planning Commission
City of Santa Fe Planning Division
Planning and Land Use Department
200 Lincoln Avenue
Santa Fe, New Mexico 87504

Members of the Planning Commission,

Please accept our submission for your review and consideration. Our project is located at 1750-1807 Hopewell and Mann Streets. The site currently has 40 affordable "family" two, three, and four bedroom apartments. We propose to add 14 new two story townhouse apartments; a major renovation/ addition to 8 existing apartments; and a renovation of the 32 existing units. Our proposed improvements would also include the additional parking, new open space, a children's play area and a new laundry building. Our goal is for the newly constructed affordable family apartments to be LEED Platinum and the renovated apartments to be LEED Silver.

Site Description
This is a 5.84 site with R-21 zoning. Existing 40 two and three bedroom apartments are arranged into apartment buildings with parking lots in front of the buildings. The existing apartments range in size from 996-1257 heated square feet.

Rationale
Project age, required maintenance, resource inefficiency, life safety, livability and accessibility are the main reasons for our proposed renovation. Even though the Santa Fe Civic Housing Authority has worked diligently to keep with maintenance issues with limited HUD resources the apartments are 40 plus years old and the cost of maintaining them grows every year. Considering the limited funding SFCHA receives for maintenance they have done a good job. There is a site natural gas system which doesn't allow the individual metering of units which allows the inefficient use of natural gas. The building exterior envelope (stucco, windows and doors) are also old and in need of extensive maintenance. The buildings are 8" thick cmu block with drywall applied over ¾" wood furring strips. There is no insulation. The interiors are in need of updating including new kitchens and bathrooms as well as new electrical work in order to get the buildings up to current building and life safety codes. The mechanical systems are outdated and inefficient and not up to current IECC code standards. Due to recent HUD policy, SFCHA is able to apply for funds to renovate this site and to make it sustainable financially while conserving natural resources.

Proposed Project
We will rework one existing parking area to maximize the number of parking spaces and add landscaping to soften the scale. We propose adding 40 head-in parking spaces along Mann Street . Six more spaces will be added off the central core parking area. Currently, the site doesn't meet life safety standards for fire safety access due to the closure of Mann Street at Espanacitas Street. We will remove the fence and barriers then add a Fire Department emergency egress gate on Mann at Espanacitas. This will provide the required Fire Department access but keep the road close for safety reasons and previous agreements. We will add 14 new two story townhouse apartments; conduct a major renovation/ addition to 8 existing apartments; and renovate 31 existing units. We will remove all interior chain-link fencing and replace some with 4'6 tall stuccoed cmu yard walls. We will eliminate the need for natural gas (except at the laundry) by making exceptionally energy efficient new units with solar panels. We will add a children's play area on the north side of the property. Finally, we will enhance the existing site landscape with new xeric landscaping (native plantings, trees, bushes, and annuals) served with an automatic drip irrigation system.

We look forward to discussing our project with you and our neighbors. Thanks you in advance for your consideration.

Sincerely,

Thomas Gifford, AIA

Encl.

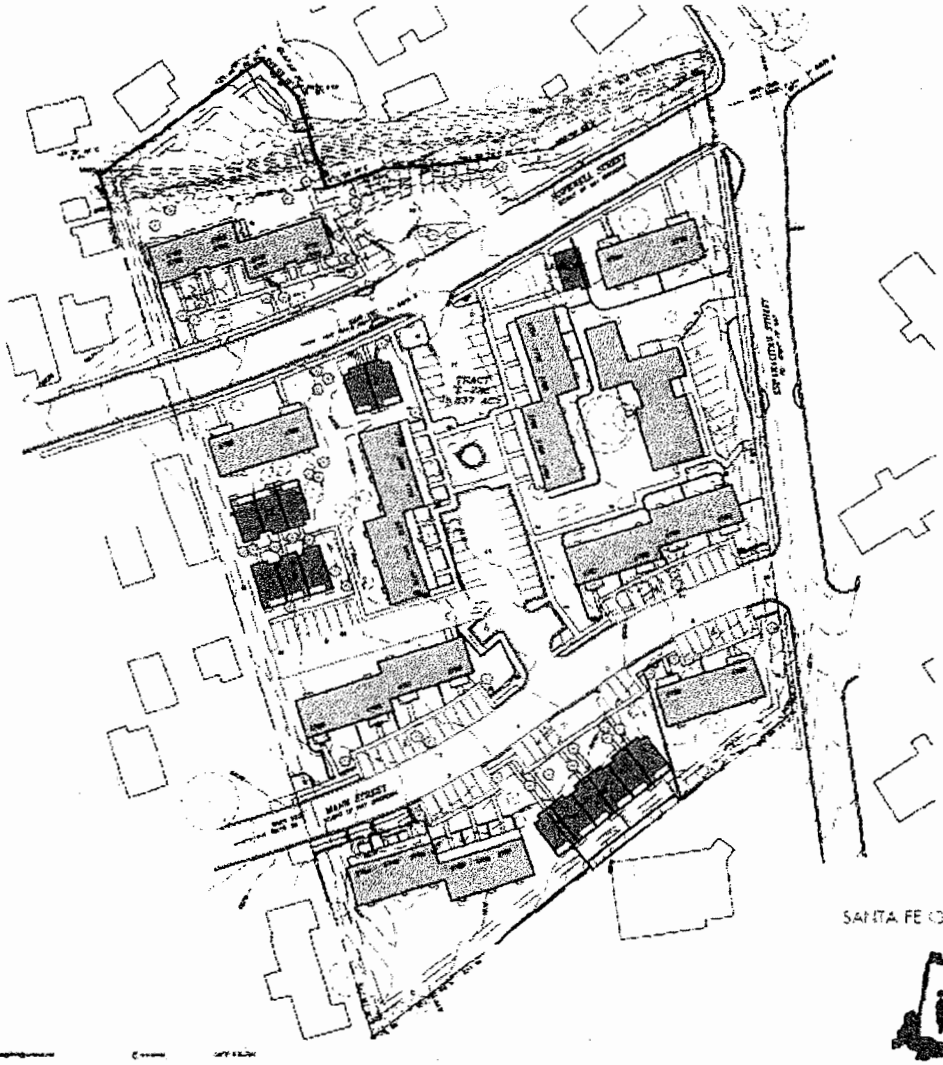
THOMAS GIFFORD ARCHITECT
ARCHITECTURE I URBAN DESIGN

PO BOX 31934 SANTA FE NEW MEXICO 87594 tel 505 690 5898
WWW.THOMASGIFFORD.COM

EXHIBIT E-1

SANTA FE CIVIC HOUSING AUTHORITY (SFCHA)
VILLA ESPERANZA
PLANNING COMMISSION APPLICATION ADDENDUM

June 24, 2013



SANTA FE CIVIC HOUSING AUTHORITY

THOMAS GIFFORD ARCHITECT / MONTOYA LAND USE CONSULTANT, INC.

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Acreage	
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Height	
Parking	
Bicycle Parking	
Landscaping and Open Space	
Minimum Setbacks	
Lot Coverage	
ADA	
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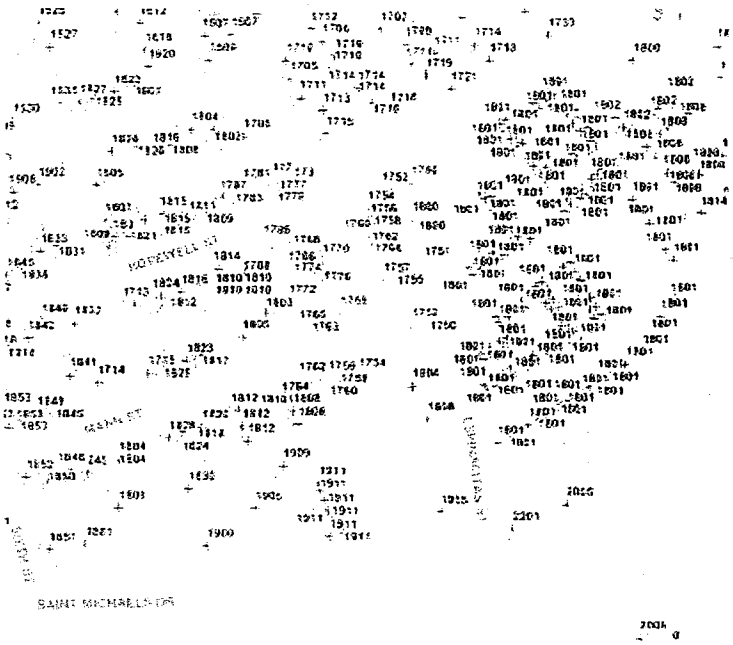
Technical Review	
Building	
Water	
Wastewater	
Solid Waste	
Traffic	
Fire Service	
Public Transportation	
Parks and Recreation	
Economic Impact	
Community Integration	
Architectural Design Review	
Colored Renderings	
Lot of Record	

Exhibits:

A Early Neighborhood Notification Docs
B Water/Sewer Technical Review

PROJECT LOCATION

Villa Esperanza is located on the north side of St. Michaels Drive. Espicinitas Street borders its east side. Access to the development is via Hopewell Street and Mann Street from the west.



APPLICATION

This application is made for **DEVELOPMENT PLAN** approval to permit 14 new residential units and 1 new laundry facility in an existing 40 unit residential community pursuant to Section 14-3.8(B)(3)(b) SFCC.

PROJECT OVERVIEW

The SFCHA provides affordable housing to qualified families in the Villa Esperanza development. The development was constructed many years ago and while they have been maintained, they are in need of extensive interior and exterior improvements to advance architectural style and living standards. In addition to these improvements, there is an opportunity to add 14 new residences and a laundry facility.

Villa Esperanza has existed in the neighborhood for many years. Forthcoming renovations will improve the entire site with building upgrades using green building techniques as well as improve the site through the use of intense landscaping, lighting and well-designed resident outdoor spaces. Improvements to access will also be made.

The renovation intends to create a positive change to the character of the development, its resident living experience and neighborhood. Existing residential units will be partially and fully renovated to meet current building and development laws. A revamped architectural style will bring a modern flavor to the character of the property. Residential units will be modified to make better use of the interior living spaces.

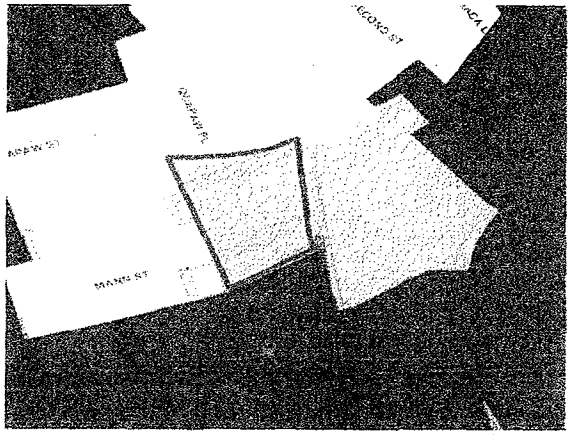
It is intended that renovations will also enhance the character of the surrounding neighborhood which is primarily residential immediately adjacent to the development on the west, north and east. Commercial development exists to the south.

EARLY NEIGHBORHOOD NOTIFICATION EXHIBIT A

An Early Neighborhood Notification Meeting was held on May 30th at 5:30 at the Genoveva Chavez Community Center. Property owners and residents within 300' of Villa Esperanza were invited to the meeting to review plans, ask questions and provide input into the design. After the official meeting, several neighbors phoned with questions and comments. No major objections were noted; only positive feedback with a few recommended design changes.

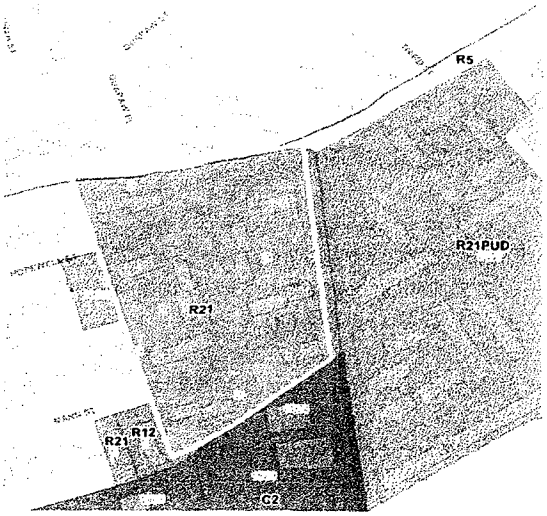
PLANNING AND SITE DESIGN STANDARDS

Consistency with General Plan:



The General Plan designates Villa Esperanza as High Density (12-29du) The proposed density is well below that allowed.

ZONING DISTRICT:



The zoning district for Villa Esperanza is R21. Surrounding districts include R5 to the north, R5, R21 and R12 to the west, R21PUD to the east and C2 to the south.

SITE DESIGN STANDARDS

Use:	Exist/Proposed Use: Multi Family Residential
Square Footage:	46,725 residential and 14,938 community building
Acreage:	5.837
Gross Density:	Allowed: 122du (5.8 X 21) Existing: 40du Proposed New: 14du plus a laundry facility Total: 54
Height:	Less than 25 ft in height
Parking:	95 spaces
Bicycle Parking:	51-100 automobile spaces = 15 required
Open Space:	New units 14 x 250 square feet = 3,500 s.f. required Extensive remodel units 8 x 250= 2,000 s.f. required See landscape plan for breakdown

Minimum Setback Requirements:

Front: 7' or more
Sides: 10' or more
Rear: 15' or more

Lot Coverage:	27%
ADA	Any non-compliant accesses will be reconstructed to be compliant.

DEVELOPMENT REVIEW TEAM

Technical Review: Surface run-off has been improved where possible. New drainage systems are provided for new units. See plans.

Building: LEED certification is being pursued; LEED Platinum for all new units and LEED Silver for all existing/renovated units possible.

Water: The water division has determined that existing infrastructure can accommodate the development. Some waterlines may need to be replaced as they are aged. See plans for details.

According to Resolution 2009-83, the water demand for 14 additional units is .16 afy/du. This translates into 2.08 afy. We are interested in working with the Water Division to arrive at a reasonable water budget.

Wastewater: There were no capacity issues identified.

Solid Waste: No issues were identified. There are currently 90 gallon containers and recycling.

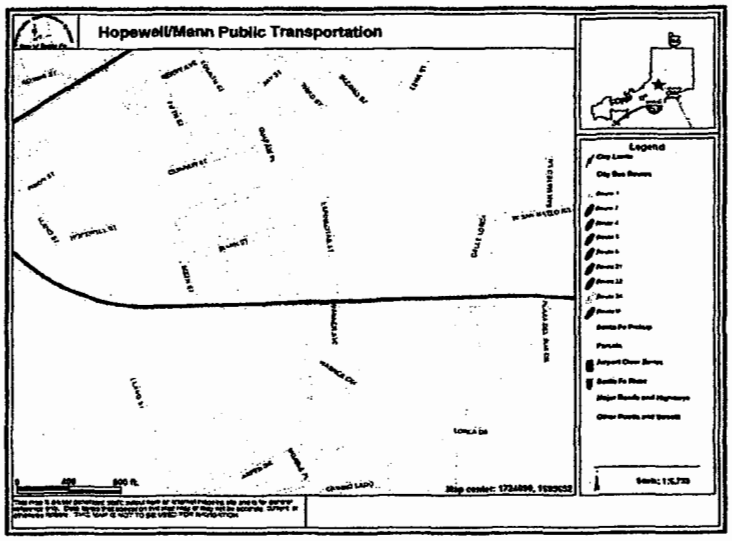
Traffic: A meeting was held with City staff to review potential additional traffic from additional 14 dwelling units to the project. It was determined that anticipated levels were within allowable limits. Additional traffic would use same street system in place. That is, exit via Hopewell Street and Mann Street towards the east or west, Espinicitas on the east, and Fifth Street on the West. From those streets, traffic could travel north towards Cerrillos Road, or south towards St. Michaels Drive.

A traffic study was not required at the pre-application level.

Fire Service: An emergency gate is added at the intersection of Mann Street and Espinicitas St. for use by emergency vehicles.

Public Transportation:

Santa Fe Trails, bus route 2 runs along Cerrillos Road north of Villa Esperanza. Route 5 runs along St. Michaels. Both routes are within walking distance which makes public transportation convenient to residents.



Parks and Recreation: A children's play area is be provided on the site for the enjoyment of residents and their families.

Economic Impact: The SFCHA has already had a positive impact on the local economy. Local architects, planners, and surveyors, have been employed to process entitlement and due diligence proceedings. The construction effort will provide jobs as well in the areas of contractors, carpenters, electricians, managers, plumbers, and other construction industries. Because the Hopewell Mann project is close to commercial businesses on St. Michaels, the construction process will provide an opportunity for local businesses to be patronized by employees which in turn provides a positive economic impact on the city. New residents will also patronize local businesses.

Community Integration: Residents have an opportunity to live in an area of Santa Fe which is close to many important amenities including employment and recreational facilities which in turn fosters community integration. An opportunity to walk to many of these amenities exists. And for those which are not close, the Santa Fe Trails bus system provides a means to access these. Businesses along St. Michaels Drive provide an opportunity for residents to be employed within close proximity to their homes.

Architectural Design Review:

TABLE 14-8.7-1: Point Requirements by Zoning District (Ord. No. 2013-16 § 51)

TABLE 14-8.7-1: Point Requirements by Zoning District	
Zoning District	**Points Required**
RR, R-1 - R-6, R-7, R-8, R-9, R-10 — R-29, RC-5, RC-8, PRC, RAC, AC	180

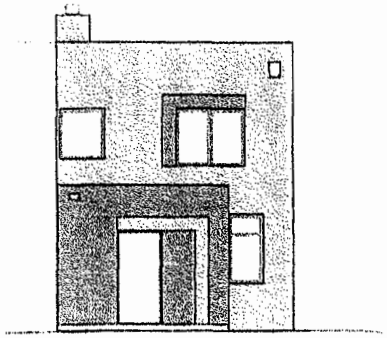
Table 14-8.7-2: Architectural Design Standards and Point Allocations

TABLE 14-8.7-2: Architectural Design Standards and Point Allocations		
Architectural Design Standards		**Points**
WALLS		
Predominant Exterior Surface Material	Stucco, adobe	30
	Brick, natural stone, and integrally colored unit masonry	
	Concrete and non-integrally colored unit masonry	
	Metal siding, glass curtainwall systems, glass block, wood siding, and simulated materials	
	Mirrored glass curtainwall systems	
Color of Predominant Exterior Surface Material	Earthtones, creams, and pastels of earthtone hues including but not necessarily limited to rose, peach, and terra cotta colors	30
	Pastel colors of non-earthtone hues, whites, grays, and grayish greens	
	High-intensity colors, metallic colors, glass and black	
Exterior Surface Treatment	(A) Wall surfaces appear monolithic with at least 75 percent of the total wall area one material and one color. Differing shades of the same general hue shall not be considered different colors. Non-solar fenestration, window and door awnings, applied trim, and accent materials, colors, and decorative bands, with the exception of stucco, masonry or concrete control joints, are used in such a way that they do not give a panelized or prefabricated appearance, produce striped or checkerboard patterns, or exceed 25 percent of the surface area of any façade. Fenestration and/or accent colors on wall surfaces under portals or canopies having a horizontal depth of at least six feet shall be exempt from area calculations	10
	(B) Wall surfaces do not meet the criteria set forth in paragraph (A) above	

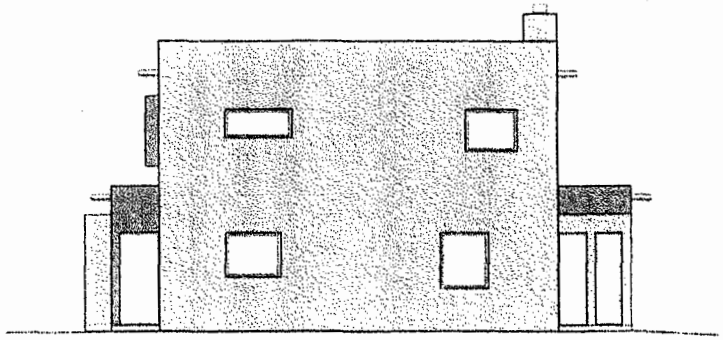
TABLE 14-8.7-2: Architectural Design Standards and Point Allocations		
Architectural Design Standards		**Points**
ROOFS		
Form	(A) Flat roof surfaces entirely concealed from public view by parapets	20
	(B) Flat roof surfaces not entirely concealed from public view by parapets, uniformly sloping roofs, or any combination of flat and uniformly sloping roofs, having a height, from springline to peak, that does not exceed the average height of the supporting walls and having a slope with greater than or equal to four feet of vertical rise for every 12 feet of horizontal run and less than or equal to 12 feet of vertical rise for every 12 feet of horizontal run	
	(C) Uniformly sloping roofs or any combination of flat and uniformly sloping roofs, having a height, from springline to peak, that does not exceed the average height of the supporting walls and having a slope with less than four feet of vertical rise for every 12 feet of horizontal run or having a slope with greater than 12 feet of vertical rise for every 12 feet of horizontal run	
	(D) Any type of sloping roof having a height, from springline to peak, that exceeds the average height of the supporting walls; non-uniformly sloping roofs; or any combination of flat and non-uniformly sloping roofs	
Predominant Material	(A) All surfaces are concealed from public view	20
	(B) Standing, flat, or batten seam metal roofing, or membrane, asphalt or gravel surfaces exposed to public view	
	(C) Flat tiles of clay, concrete or slate	
	(D) Barrel tiles of clay, concrete, or slate; and asphalt shingles	
	(E) Wood shingles or shakes and other materials including but not necessarily limited to plastic, fiberglass or metal roof tiles	
Predominant Color	(A) All surfaces are concealed from public view	15
	(B) Dark reds, browns, and earthtones, and natural metals including aluminum, zinc, tin, and lead	
	(C) Low-intensity colors other than those stated above	
	(D) White	
	(E) Bright, non-fading, high-intensity colors and any use of multiple colors	
BUILDING FORM		
Massing	(A) One-story buildings with over 10,000 square feet of gross floor area and multi-story buildings with over 20,000 square feet of gross floor area which are designed with wall plane projections or setbacks on each publicly visible façade having a depth of at least three percent of the length of the façade and extending at least 20 percent of the length of the façade	30
	(B) One-story buildings with less than or equal to 10,000 square feet of gross floor area and multi-story buildings with less than or equal to 20,000 square feet of gross floor area which are designed with either offsetting wall planes or upper story stepbacks of at least four horizontal feet, or a recessed entry space or projecting canopy or portal having a depth of at least six horizontal feet, on at least one publicly visible façade	
	(C) Buildings not utilizing the massing techniques described in paragraphs (A) or (B) above	

TABLE 14-8.7-2: Architectural Design Standards and Point Allocations		
Architectural Design Standards		**Points**
DOORS AND WINDOWS		
Treatment	(A) More than 50 percent of doors, windows and glazed surfaces, which are not located under portales or canopies having a horizontal depth of at least six feet, have either frames recessed a minimum of two inches, are cased with trim, have divided lites, or have exposed or otherwise articulated lintels	20
	(B) More than 50 percent of doors, windows and glazed surfaces do not meet the requirements set forth in paragraph (A) above	
Area	(A) All wall surfaces which are not located under portales or canopies having a horizontal depth of at least six feet, and which do not include solar fenestration, have less than or equal to 50 percent openings consisting of doors, windows, glazing and other penetrations	20
	(B) Wall surfaces do not meet the requirements as set forth in paragraph (A) above	0
Location	(A) All doors, windows and glazed surfaces, on structures having a gross floor area greater than 150 square feet, are located at least two feet from outside building corners	20
	(B) All doors, windows and glazed surfaces, on structures having a gross floor area less than or equal to 150 square feet, have at least a two inch mullion at inside and outside building corners	
Glazing	(A) All glazing is clear or tinted neutral gray	10
	(B) Any use of colored glazing	
	(C) Any use of mirrored glazing	
EQUIPMENT		
Screening	(A) All roof and wall mounted mechanical, electrical, communications, and service equipment, including satellite dishes and vent pipes, are screened from public view by parapets, walls, fences, dense evergreen foliage, or by other means	
	(B) All building mounted equipment set forth in paragraph (A) above is either screened; and/or painted to match visually adjacent surfaces	5
	(C) All building mounted equipment set forth in paragraph (A) above is not screened and/or painted to match visually adjacent surfaces	

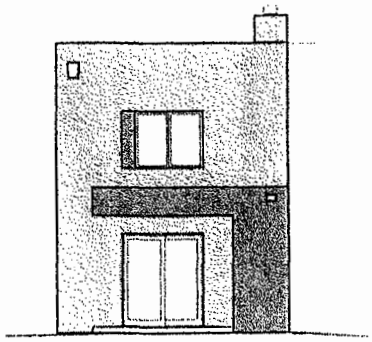
santa fe civic housing authority: HOPEWELL/MANN SITE



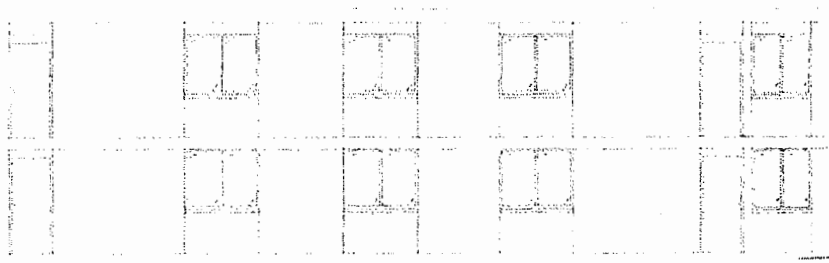
remodel front elevation



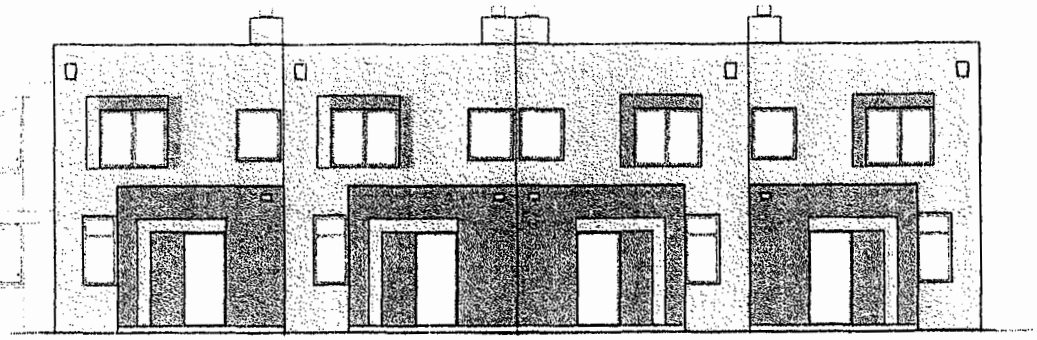
remodel side elevation



remodel rear elevation



existing front building elevation



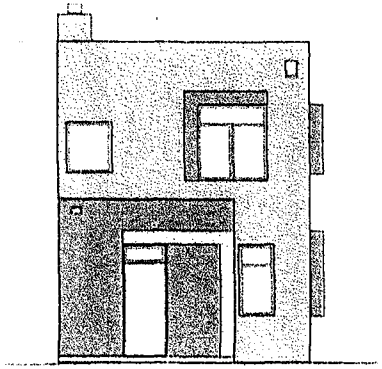
remodel front building elevation

SCALE: 1/4" = 1'0

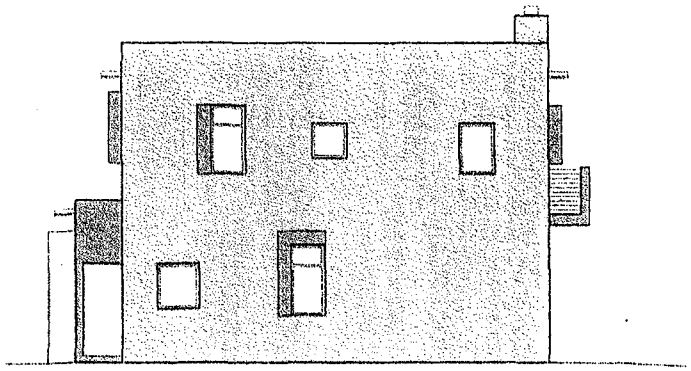
OWNER: SANTA FE CIVIC HOUSING AUTHORITY

TGA

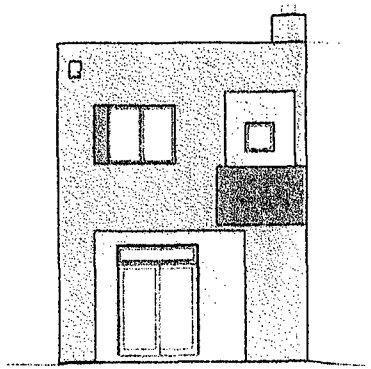
santa fe civic housing authority: HOPEWELL/MANN SITE



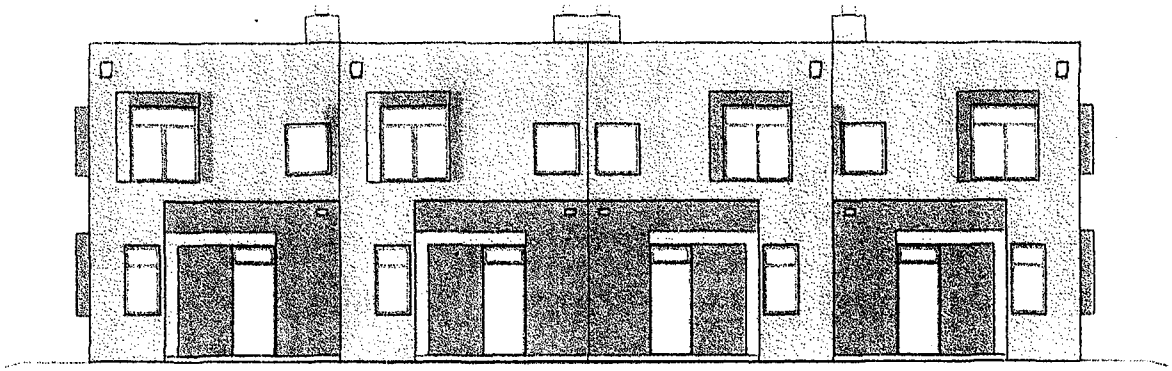
new front elevation



new side elevation



new rear elevation



new front building elevation

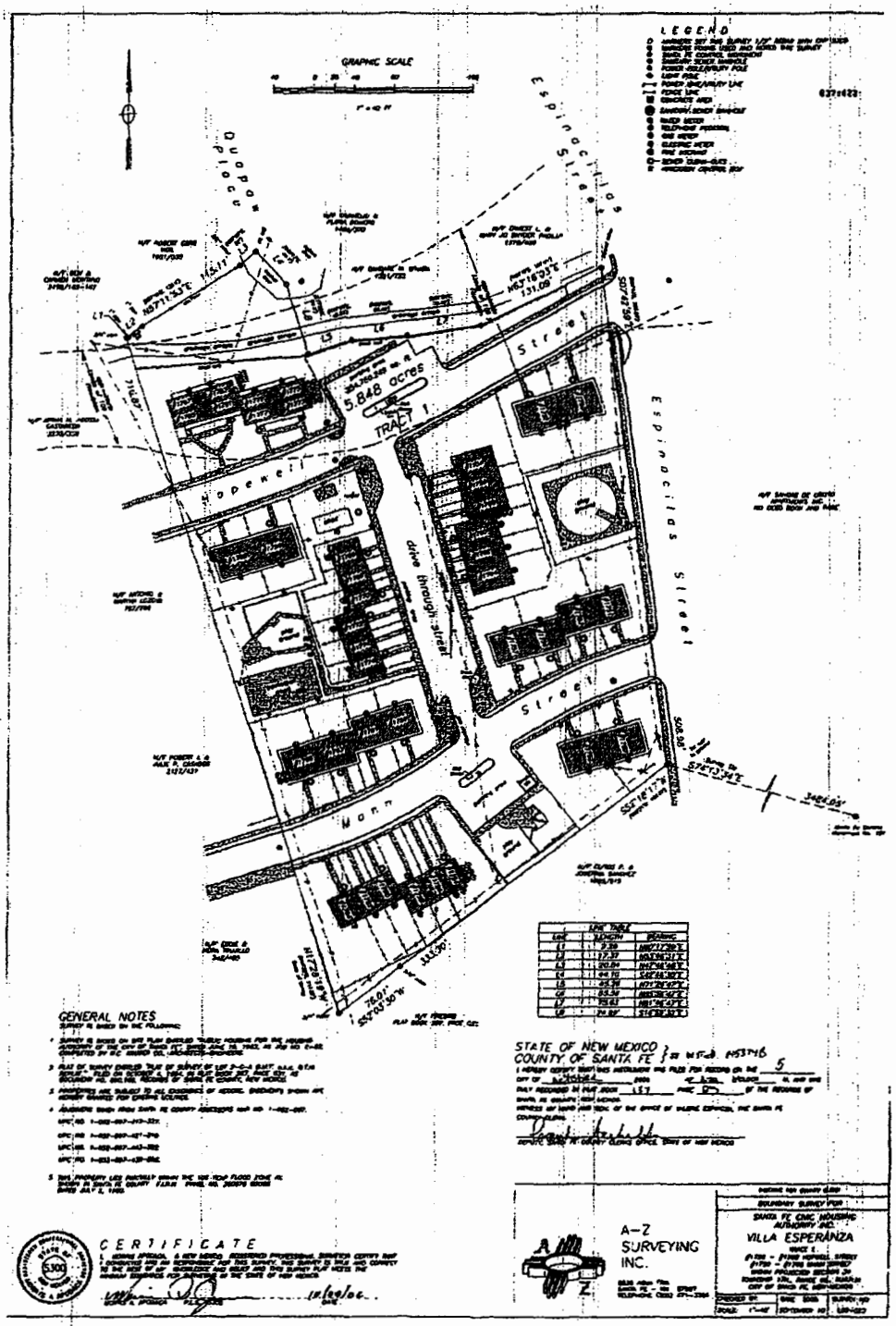
SCALE: 1/4" = 1'0

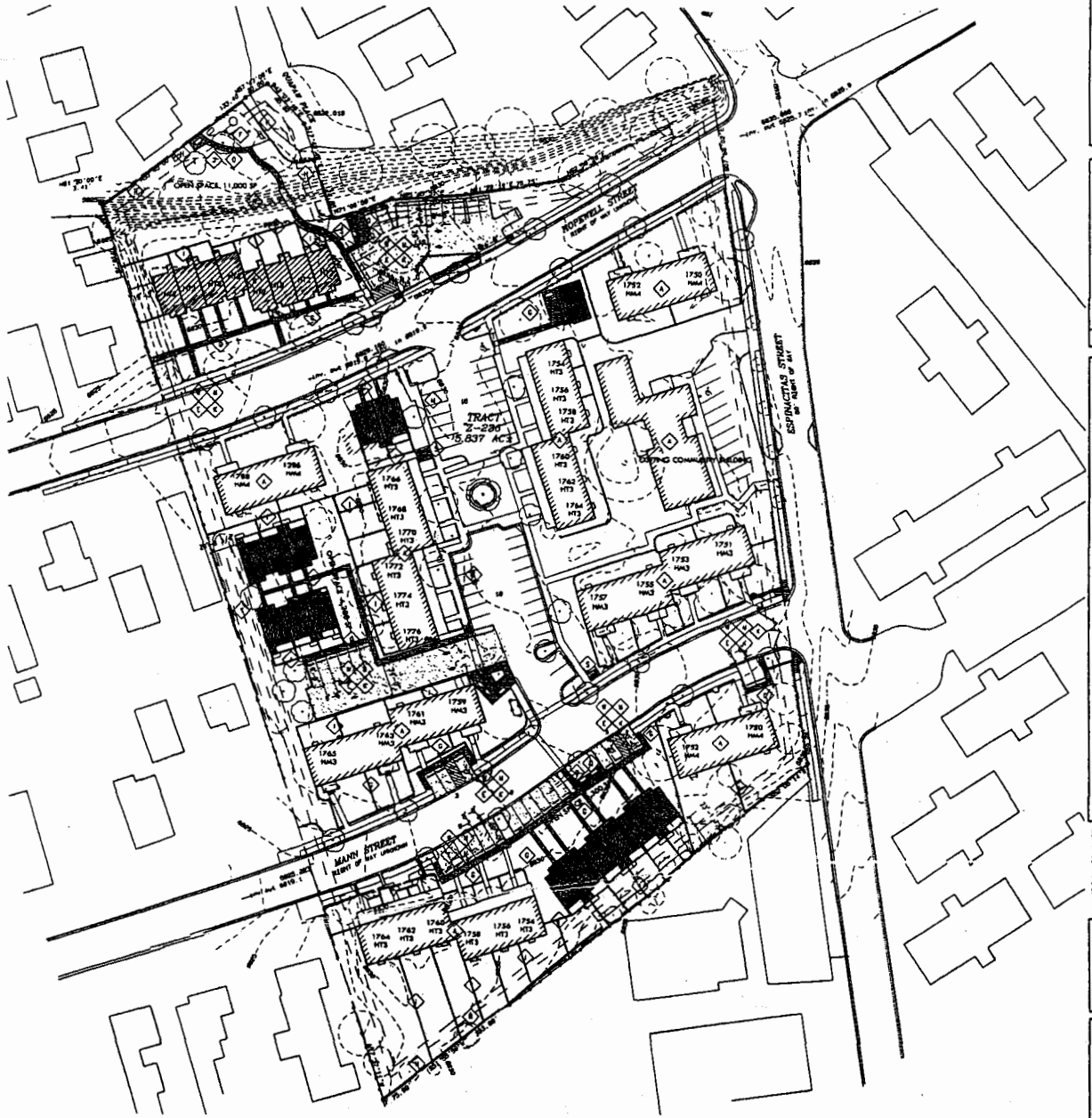
TGA

OWNER: SANTA FE CIVIC HOUSING AUTHORITY

Pg 12

LOT OF RECORD This document provided by City Plat Room





DEVELOPMENT SHEET INDEX

DP.101	SITE DEVELOPMENT PLAN
V.101	BOUNDARY AND TOPOGRAPHIC SURVEY
C.101	TERRAIN MANAGEMENT (G & D) PLAN
C.102	SITE UTILITY PLAN
C.103	LIGHTING PLAN
L.101	LANDSCAPE PLAN
A.201	EXTERIOR ELEVATIONS
A.202	EXTERIOR ELEVATIONS
A.203	EXTERIOR ELEVATIONS

VICINITY MAP

SITE PLAN KEY NOTES

- A EXISTING UNIT(S) REMAIN
- B NEW UNIT(S)
- C NEW ACCESSIBLE UNIT
- D UNITS TO BE ACCESSIBLE TO THE HEARING & VISION IMPAIRED UNITS TO HAVE VISUAL DOOR BELLS AND ALARMS IN ADDITION TO AUDIBLE DOOR BELLS & ALARMS FOR DFAE 4.28 REQ.
- E NEW CONC CURB AND GUTTER
- F NEW CHILDREN'S PLAY AREA
- G NEW CONCRETE SIDEWALK, SLOPE
- H NEW 6'ft CMU FENCE, STUCCO, SEE DETAILS
- I NEW 4'ft CMU WALL, STUCCO, SEE DETAILS
- J NEW 7'ft STEEL FENCE, SEE DETAILS
- K NEW PARKING, ASPHALT, SEE CIVIL
- L NEW PARKING, ASPHALT, SEE CIVIL
- M PAINT PARKING LINES AND PARKING SPACES
- N NEW PEDESTRIAN BRIDGE, 14'ft SPAN, METAL, 42" GUARDRAILS
- O NEW BENCH AND TRASH CAN
- P NEW SIDEWALK, COLOR CONCRETE, SEE CIVIL
- Q NEW MAILBOX LOCATION
- R LANDSCAPE AREA, BROWN CRUSHER FINES, w/ WEED BARRIER
- S NEW BICYCLE RACK
- T NEW SITE SIGNAGE
- U LIGHT POLE, 15'ft ht.
- V LIGHT BOLLARD, 42" T.
- W CAR BUMPER, SPACE TO ASPHALT
- X 24"x8" WIDE EMERGENCY AND TRASH ACCESS GATE, ONLY UTILIZING AN "OPEN" GUARDRAIL GATE EXPANSION
- Y DETENTION POND, SEE CIVIL DRAWINGS FOR DETAILS

SITE NOTES

1. SEE ALL PLANS FOR FOR ALL REQUIREMENTS
2. SLOPE FINISH GRADE AWAY FROM BUILDING, SEE CIVIL FOR FIN. GRADES
3. SLOPE ALL CONCRETE AWAY FROM BUILDING.
4. ALL GRADES SHOWN ARE EXISTING, SEE CIVIL.
5. CONTRACTOR TO IMPLEMENT SWPPP PLAN AND MONITORING DURING BUILDING CONSTRUCTION

SITE SYMBOLS

SYMBOL	DESCRIPTION
	EXISTING GRADES
	EXISTING TREES

SITE LEGEND

- 1933 HT2 — EXISTING BUILDING -TO-REMAIN (ADDRESS AND UNIT TYPE)
- 1900 HT2 — EXISTING BUILDING- EXTENSIVE REMODEL AND ADDITION (ADDRESS AND UNIT TYPE)
- NEW UNIT (NUMBER AND UNIT TYPE)

DEVELOPMENT P ES

1. PROPERTY DEVELOPMENT IS REGULA LY WITH APPLICABLE PROVISIONS OF CHAPTER 14 ... DEVELOPMENT CODE, BFDD 1987 AND SUBSEQUENT AMENDMENTS.
2. THIS IS A DEVELOPMENT PLAN FOR APPROVAL BY PLANNING COMMISSION AS REQUIRED FOR ALL MULTI-FAMILY DEVELOPMENTS.
3. ALL PROPOSED CHANGES TO THE APPROVED TO THE APPROVED IMPROVEMENT PLANS SHALL RECEIVE PRIOR APPROVAL BY THE CITY OF SANTA FE 'S PLANNING AND LAND USE DEPARTMENT PRIOR TO CONSTRUCTION
4. METES AND BOUND DESCRIPTIONS OF LOTS, ROADWAYS, DRAINAGE UTILITIES AND ACCESS RIGHT-OF-WAY AND OR EASEMENTS ARE DESCRIBED ON THE PLAT ARE ALL INCLUDED HEREIN.
5. ALL BUILDING UNITS SHALL CONFORM TO THE INTENT OF THE DEVELOPMENT PLAN WITH ACTUAL SIZE AND SHAPE OF EACH STRUCTURE CONTAINED WITHIN AND HEREIN, INCLUDING ALL WALLS AND FENCES, SUBJECT TO APPLICABLE BUILDING PERMIT REQUIREMENTS.
6. THIS BUILDING IS NOT WITHIN AN HISTORIC DISTRICT.

DEVELOPMENT PLAN INFO

TOTAL SITE	254,739 sf	5.84 AC
ZONING		R21
10 du/AC allowable	5.84 x 10 = 58.4	
EXISTING RESIDENTIAL		48 d.u.
NEW RESIDENTIAL		14 d.u.
TOTAL		54 d.u.
BUILDING SQUARE FOOTAGES		
EXISTING		48,725 s.f.
EXISTING COMMUNITY BLDG		14,038 s.f.
NEW		16,918 s.f.
TOTAL		79,623 s.f.
FAR	79,623 s.f./254,739 = .29	
LOT COVERAGE		29%
PARKING CALCULATION		
EXISTING (18) UNITS X 1.5=		13 SPACES
EXISTING (22) UNITS X 2.0=		44 SPACES
NEW (14) UNITS X 1.5 =		21 SPACES
TOTAL REQUIRED INCL (4) ACCESSIBLE SPACES		77 SPACES
PARKING PROVIDED		
EXISTING		38 SPACES
NEW		43 SPACES
TOTAL INCLUDING (4) ACCESSIBLE SPACES		79 SPACES
w/ ON-STREET PARALLEL		14 SPACES
BICYCLE PARKING REQUIRED (10)		
BICYCLE PARKING PROVIDED (24) = 6 BIKE RACKS		
OPEN SPACE CALCULATION		
EXISTING (40) UNITS X 250 sf/u/d =		10,000 s.f.
NEW (14) UNITS X 250 sf/u/d =		3,500 s.f.
TOTAL REQUIRED		13,500 s.f.
TOTAL PROVIDED		21,500 s.f.

SANTA FE CIVIC HOUSING AUTHORITY

OWNER'S PRINTED NAME

OWNER'S SIGNATURE DATE

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME
ON THIS ____ DAY OF _____, 20 ____

NOTARY PUBLIC MY COMMISSION EXPIRES

DEVELOPMENT PLAN SIGNATURE

APPROVED BY THE SANTA FE PLANNING COMMISSION AT THEIR MEETING OF _____ ON _____

AS P & ZR CASE NO. _____

PLANNING COMMISSION CHAIRPERSON DATE

PLANNING COMMISSION SECRETARY DATE

REVIEWED BY THE SANTA FE PERMIT AND DEVELOPMENT DEPT. AS P & ZR CASE NO.

CITY PLANNER DATE

PERMIT AND DEVELOPMENT REVIEW DATE

CITY REVIEW

DEPARTMENT	SIGN-OFF	DATE
WASTEWATER MGMT DIV		
WATER SERVICES		
STREETS DIV		
TRAFFIC DIV		
FIRE DEPT		
LANDSCAPE		
SUBDIVISION ENGINEER		

STATE OF NEW MEXICO
THOMAS GIFFORD
NO. 004807
6.21.13

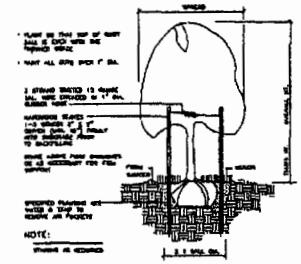
DATE: 17 JUN 2013
REVISION:
PROJECT NO: 1303

SANTA FE CIVIC HOUSING AUTHORITY : HOPEWELL / MANN HOUSING

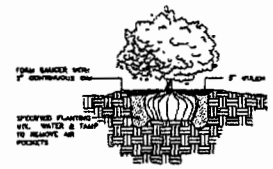
1750-1807 HOPEWELL STREET
SANTA FE, NEW MEXICO

TGA ARCHITECTS/URBAN DESIGN
THOMAS GIFFORD ARCHITECT
800 SANTA FE STREET, SUITE C100 SANTA FE, NEW MEXICO 87501
phone: 505.690.8888 email: THOMAS@GIFFORD@COMCAST.NET

EXHIBIT E-2
11"x17" in applicant's file



TREE PLANTING – VERTICAL STAKES



SHRUB PLANTING

Irrigation Specifications

Provide an automatic irrigation system with all piping, fittings, and accessories to include:

1. Tie-in to water main or dedicated irrigation main.
2. Irritrol Digital Multi-programmable Controller.
3. Rainbird 1" Electric Solenoid Valves (to be approved by landscape architect) in subterranean valve box (to be approved).
4. Backflow Preventor to meet Code.
5. Pressure regulators and "Y" filters for all drip zones.
6. Drip Irrigation piping to be EHS 01048 Polyethylene (Blue Stripe) .394" Tubing.
7. Drip Emitters to be Hardie S-2 Emitters 1 GPH or Rainbird Equivalent.
8. All PVC piping to be Schedule 40.

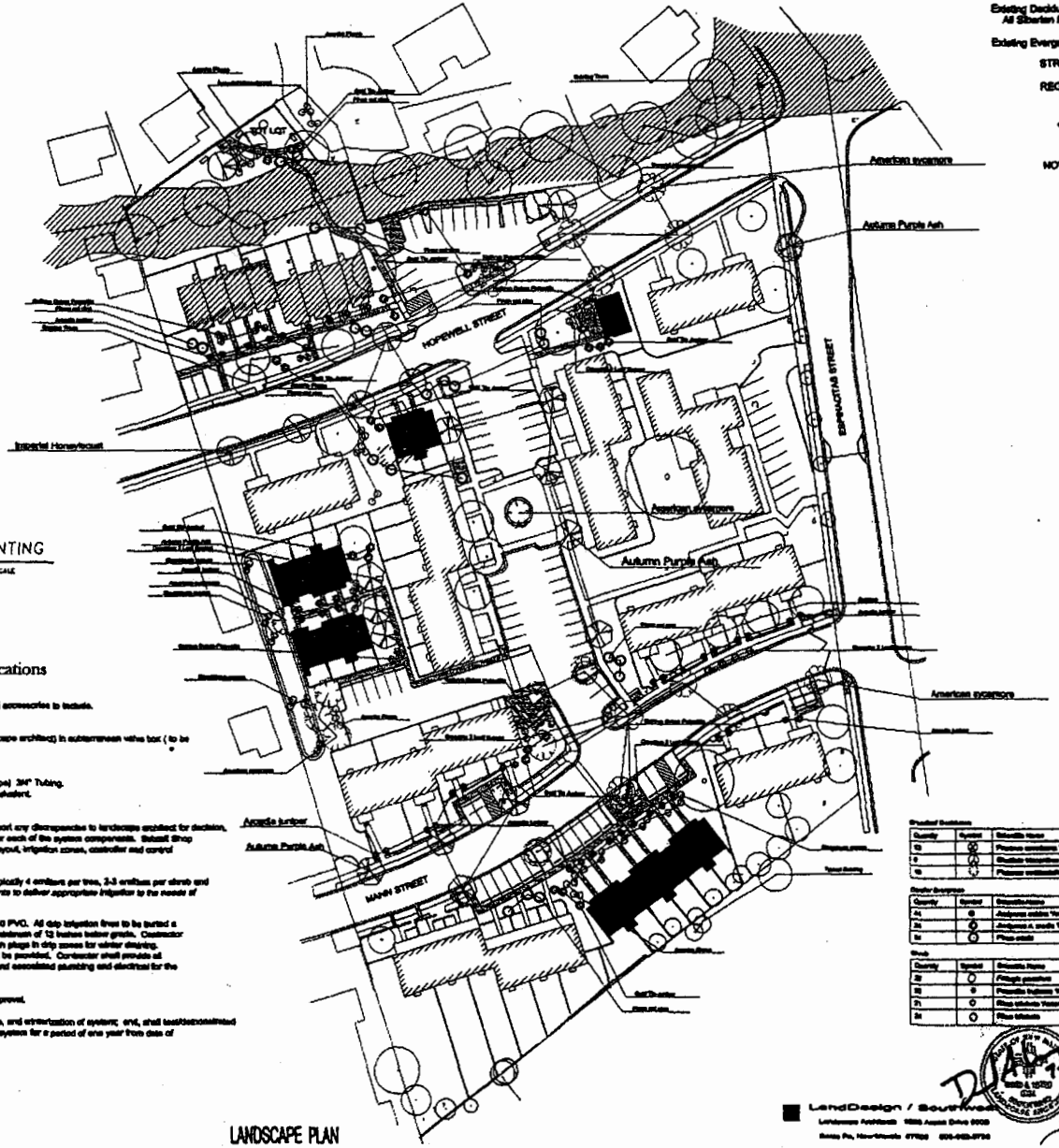
Contractor shall verify site conditions prior to construction and report any discrepancies to landscape architect for decision. Submit manufacturer's product data and installation instruction for each of the system components. Submit Shop Drawings and as built for the irrigation system including piping layout, irrigation zones, controller and control valves, valve boxes, and winterization shutoff assembly.

Drip emitter spacing shall be per Manufacturer's specification: typically 4 emitters per tree, 2-3 emitters per shrub and 1 emitter per perennial. Contractor shall adjust system components to deliver appropriate irrigation to the needs of each plant. See Plant List for plant types.

All road crossings shall be in a 2" sleeve and shall be Schedule 40 PVC. All drip irrigation lines to be buried a minimum of 6 inches below grade. All PVC lines to be buried a minimum of 12 inches below grade. Contractor shall install auto drains in low points of PVC pipes lines, and flush plugs in drip zones for winter draining. Provisions for winter compressed air evacuation of all lines must be provided. Contractor shall provide all excavation, backfilling, compacting operations, parts and labor, and associated plumbing and electrical for the irrigation system.

Product samples shall be submitted to landscape architect for approval.

Contractor shall instruct Owner regarding operation, maintenance, and winterization of system; and, shall test/demonstrated satisfactory operation of the system. Contractor shall guarantee system for a period of one year from date of completion.



LANDSCAPE PLAN

ASSESSMENT OF EXISTING TREES

Existing Deciduous Trees (8" diam. and greater) to be preserved or replaced: 4
All Siberian Elm (noxious trees) are to be removed from the Site.

Existing Evergreen Trees 8' and taller to be saved or replaced w/ 8' tall Evergreen Trees: 3

STREET TREE REQUIREMENT: 2" caliper trees spaced 30'-40' (23 THIS PLAN)

REQUIRED LANDSCAPING

1 Tree and 3 Shrubs per 300 square feet common open space
30% of plants to be evergreen

OPEN SPACE THIS PROJECT: 15,000 square feet
Required Trees – 38 Actual this Plan – 42
Required Shrubs – 75 Actual this Plan – 140 (50 Evergreen)

NOTE: Mini-Park Area to hydroseeded with Native Grass mix

Ground Cover Mulch in Open Space Areas to be
2" of 3/8" Crushed Brown Gravel over Weed Barrier

Planting Specifications

1. All plant material and plant substitutions are subject to approval by Owner and Landscape Architect. Location and orientation of all trees and shrubs shall be approved by Owner or Landscape Architect prior to installation or excavation of planting pits.

2. All plant material shall conform to sizes given on the Plant List and shall meet with approval of Landscape Architect or shall be nursery grown in accordance with the 'American Standard for Nursery Stock', latest edition. All planting shall be in accordance with standard American Nurserymen procedures and specifications.

3. Contractor shall verify the correct location of all underground utilities in the field prior to installation of an plant material or irrigation system.

4. Backfill Mix for shrubs and trees shall consist by volume of: 1 part Back-to-Earth soil amendment (or equal) to 2 parts native soil. Native soil to be cleared of all stones larger that 1 inch, debris, or other deleterious material. Plantone 5 and Yum Yum Mix to be added per manufacturers recommendation. Add hydrated Broadleaf P-4 Water Storing Granules to soil mix in amount recommended by manufacturer. Mulch area as specified.

5. Fertilizer shall be Gro-Power Liquid mixed per Manufacture's specification for each plant. Continue fertilization as recommended by manufacturer.

6. Contractor shall guarantee Plant Material for a period of one year from date of completion of installation.

PLANT LIST

Quantity	Symbol	Scientific Name	Common Name	Code Name	Planting Size
10		Fraxinus americana 'Autumn Purple'	Autumn Purple Ash	Fraxiu	2"-Cal
4		Gleditsia triacanthos inermis 'Imperial'	Imperial Honeylocust	Gleditsi	2"-Cal
10		Platanus occidentalis	American sycamore	Plat	2"-Cal

Shade Evergreen

Quantity	Symbol	Scientific Name	Common Name	Code Name	Planting Size
14		Juniperus arizica 'Verde'	Arizona juniper	Juniri	5-Gal
24		Juniperus c. scopulorum 'Wichita Blue'	Gold Tip Juniper	JuniWbl	5-Gal
34		Pinus edulis	Pinon nut pine	Pinl	6'-8'

Shrub

Quantity	Symbol	Scientific Name	Common Name	Code Name	Planting Size
32		Fallugia paradoxa	Apache Plume	Fallpara	5-Gal
32		Prunus fruticosa 'Globe Glow'	Globe Glow Prunella	Prufrt	5-Gal
21		Rosa Moyesii 'Nearly Wild'	Creeping 3 Leaf Rose	Rosmoy	5-Gal
34		Rhus trilobata	Skunkbush sumac	Rtr	5-Gal

LandDesign / Southwest

0 40 80 120

SANTA FE CIVIC HOUSING AUTHORITY • HOPEWELL / MANN HOUSING
1200 - 1207 HOPEWELL STREET
SANTA FE, NEW MEXICO

TGA THOMAS GUFFORD ARCHITECT
ARCHITECTURE URBAN DESIGN

DATE 23 July 2013
REVISION
PROJECT NO. 1206

L101

EXHIBIT E-3
11" x 17" in applicant's packet

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

Project Name	Santa Fe Civic Housing Authority – Villa Esperanza
Project Location	1752-1788 Hopewell & 1750-1760 Mann Street
Project Description	Remodel of 40 existing dwelling units, addition of 14 new dwelling units
Applicant / Owner	Santa Fe Civic Housing Authority
Agent	Monica Montoya/Tom Gifford
Pre-App Meeting Date	March 21, 2013
ENN Meeting Date	May 30, 2013
ENN Meeting Location	Genoveva Chavez Community Center, Room 1
Application Type	Development Plan
Land Use Staff	Heather Lamboy
Other Staff	
Attendance	12

Notes/Comments:

Ms. Monica Montoya explained the Early Neighborhood Notification (ENN) process and how this was an opportunity to provide input prior to formal application for the Development Plan. Ms. Montoya provided a vicinity map and oriented the group to the location of Villa Esperanza.

Ms. Montoya stated that the purpose of the project was to provide additional affordable housing and to bring existing units into compliance with Green Construction Codes and to improve the overall quality of the development. Ms. Montoya stated that, once all of the review for the Development Plan as well as

EXHIBIT F-1

the permitting is done, she anticipates a start date for construction for about June 1, 2014.

Mr. Tom Gifford presented a PowerPoint presentation that illustrated the proposed changes to the buildings on the site. He stated that there are 40 units on the site right now, with a long parking lot at the center and on-street parking on Mann Street. He stated that every unit will be renovated on site, with improved insulation, new windows, new bathrooms and kitchens, solar panels on the rooftop, and all drywall and flooring will be replaced.

Mr. Gifford then stated that 14 new units will be added, and the northern parking lot would be reconfigured, parking would be added internal to the site, and back-out parking will be provided along Mann Street. He commented that once the project is complete, there will be 54 units plus a new laundry facility and a 14,000 square-foot community building.

A neighbor asked what the developer was taking in order to build the new units. Mr. Gifford responded that the basketball court would be removed and some parking reconfigured. Mr. Gifford commented that the basketball court had become a problem in recent years with crime.

Mr. Gifford then showed the proposed elevations. Currently, the units are apartment-style, but as redesigned, the units would be townhouse style. Each unit would have the living spaces on the ground floor and bedrooms on the second level – therefore, residents would not have to contend with potentially loud neighbors upstairs. All units will have front porches and a private portal and yard at the rear.

There are some units on the site that are one-story pitched roof which would remain the same with the exception of an interior renovation and the addition of solar panels.

A neighbor asked whether there would be spaces for the kids to play. Mr. Gifford replied that there would be a tot lot and grass play area central to the site, and a common open grass area north of the acequia on the northern portion of the site. Mr. Gifford commented that the front yards would be common open space, and back yards would be the responsibility of the tenant to maintain.

Ms. Montoya, in response to a question, stated that when tenants are relocated for the construction project, the Santa Fe Civic Housing Authority will give the tenants 90 days' notice. Additionally, the Authority will examine the scope of renovation for every unit and determine whether the relocation will be long term or short term. Ms.Montoya stated that the Authority wants to keep as many people in the neighborhood as possible once the project is completed.

Ms. Montoya told the neighbors that the next communication regarding this project will be a letter announcing the Planning Commission hearing. She commented that, at any time, she can be contacted with any questions regarding the renovation process for the Villa Esperanza.

In response to a neighbor's question, Ms. Montoya stated that construction would commence in about a year provided that all approvals are obtained (Planning Commission and building permit). She stated that construction may be done in phases to lessen the impact on the community. Ms. Montoya stated that the applicant hopes to present this to the Planning Commission at the August 1, 2013 hearing.

The meeting concluded at approximately 6:00pm.

ENN
GUIDELINES

Applicant Information

Project Name: SANTA FE CIVIC HOUSING AUTHORITY-HOPEWELL/MANN

Name: MONTOYA (*Last*) MONICA (*First*) MONTOYA LAND USE CONSULTING, INC. (*M.I.*)

Address: PO BOX 5603 (*Street Address*) (*Suite/Unit #*)

SANTA FE (*City*) NM (*State*) 87505 (*ZIP Code*)

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

Please address each of the criteria below. Each criterion is based on the Early Neighborhood Notification (ENN) guidelines for meetings, and can be found in Section 14-3.1(F)(5) SFCC 2001, as amended, of the Santa Fe City Code. A short narrative should address each criterion (if applicable) in order to facilitate discussion of the project at the ENN meeting. These guidelines should be submitted with the application for an ENN meeting to enable staff enough time to distribute to the interested parties. For additional detail about the criteria, consult the Land Development Code.

(a) EFFECT ON CHARACTER AND APPEARANCE OF THE SURROUNDING NEIGHBORHOODS *For example: number of stories, average setbacks, mass and scale, landscaping, lighting, access to public places, open spaces and trails.*

The Santa Fe Civic Housing Authority provides affordable housing to qualified families residing in the City. Their housing stock was built between 1964 and 1991 and while they have been maintained, they are in need of extensive interior and exterior improvements to advance architectural style and living standards.

The Santa Fe Civic Housing Authority Hopewell/Mann development has existed in the neighborhood for many years. Forthcoming renovations will improve the entire site with building upgrades using green building techniques as well as improve the site through the use of intense landscaping, lighting and well designed resident outdoor spaces. Improvements to access will also be made.

The renovation intends to create a positive change to the character of the development, its resident living experience and neighborhood. Existing residential units will be partially and fully renovated to meet current building and development laws. A revamped architectural style will bring a modern flavor to the character of the property. Residential units will be modified to make better use of the interior living spaces.

It is intended that renovations will also enhance the character of the surrounding neighborhood which is primarily residential immediately adjacent to the development on the west, north and east. Commercial development exists to the south.

In addition to existing units being remodeled, an additional 16 dwellings units will be added throughout the site. These will be placed in an open area at the west end of the site south of Hopewell and north of Mann. Others will be placed in an open area south of Mann Street between 2 existing buildings. A police officers residence is planned at some point on the north side of Hopewell Street with access from Quapaw Street.

EXHIBIT F-2

From Mann Street looking north, the view will be that of entirely remodeled buildings with new landscaping. Looking south, the view will include remodeled buildings with the addition of several new dwellings in the existing once open area. From the private drive into the core of the development between Mann and Hopewell, the view will be that of remodeled buildings with well designed landscaping. From Hopewell to the north and south, the view will include new buildings and landscaping.

(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 improved site layout will be designed within the limits of the City's terrain management, landscape, open space and trails ordinances. Much effort will be directed into providing better drainage systems and use of historical water flow to irrigate new vegetation. New landscaping throughout the site will be a focal point to improve the visual character of the development. New trees and vegetation will be planted throughout. An existing arroyo on the north end of the site will be cleaned up and landscaped as well. A new drainage system will direct rain water to new landscaping.

(c) IMPACTS ON ANY PREHISTORIC, HISTORIC, ARCHAEOLOGICAL OR CULTURAL SITES OR STRUCTURES, INCLUDING ACEQUIAS AND THE HISTORIC DOWNTOWN ***For example: the project's compatibility with historic or cultural sites located on the property where the project is proposed.***

The Hopewell/Mann development does not fall within any of the City's designated historic districts. Buildings are very old and are in need of alterations. Federal funding will allow for major improvements to the overall site including the introduction of green building techniques to make better use of resources and improve the living experience for residents.

There is an existing arroyo on the north end of the site which has long been ignored. It is intended that by cleaning and improving its appearance, it will become an integral part of the overall development.

(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.***

Proposed density is well within that allowed by the designated zone district of R21 and City General Plan designation of High Density. The land use remains identical to that which exists which is Multi-family residential.

The Hopewell/Mann development is surrounded by a variety of uses including single family, multi family and general commercial uses:

North and West: R5 single family residential 5 du/ac
South: C2, (general commercial)
East: R21Planned Unit Development (21 du/ac)

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

The overall traffic and pedestrian flow of the site will be greatly improved. For example, additional parking along Mann Street is planned to provide residents with better driving and pedestrian access experience. Minimum parking requirements will be met. Existing parking will be revamped and

where necessary, upgraded to meet ADA requirements. Existing vehicular access points from Hopewell Street, Espinicitas and Mann Street will remain with full range of driving use. A children's play area will be provided on the site for the enjoyment of residents.

(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.***

From the inception of the SFCHA reconstruction project, local architects, planners, surveyors, and engineers have been employed to process entitlement and due diligence proceedings. The construction effort will provide jobs as well in the areas of contractors, carpenters, electricians, managers, plumbers, and other construction industries. Because the Hopewell Mann project is close to commercial businesses on St. Michaels, the construction process will provide an opportunity for local businesses to be patronized by employees which in turn provides a positive economic impact on the city.

(g) EFFECT ON THE AVAILABILITY OF AFFORDABLE HOUSING AND AVAILABILITY OF HOUSING CHOICES FOR ALL SANTA FE RESIDENTS ***For example: creation, retention, or improvement of affordable housing; how the project contributes to serving different ages, incomes, and family sizes; the creation or retention of affordable business space.***

The mission of the Santa Fe Civic Housing Authority is to provide affordable housing for low income families residing in the city. Residency is based on several criteria including family income. Affordability and an opportunity for decent living standards are the number one goal. The reconstruction project will provide updated accommodations and better living circumstances for families.

(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 development currently has full access to City services such as police and fire protection, water and sewer and waste management. Infrastructure for utilities is outdated and will be upgraded to current codes.

It is anticipated that the project will have little impact on overall City utility infrastructure.

The project exists within the City schools district and little impact is anticipated.

The Santa Fe Trails public transportation exists on St. Michaels Drive within walking distance of the site. Pick up points exist at Fifth Street which is approximately 1000 feet walking distance.

(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.***

Development will comply with all ordinances pertaining to water conservation including the retrofit program which demonstrates that water usage is offset against existing water closet facilities. The water division has determined that existing infrastructure can accommodate the development. Some waterlines may be in need of replacement.

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.***

Residents have an opportunity to live in an area of Santa Fe which is close to many important amenities including employment and recreational facilities which in turn fosters community integration. An opportunity to walk to many of these amenities exists. And for those which are not close, the Santa Fe Trails bus system provides a means to access these. Businesses along St. Michaels Drive provide an opportunity for residents to be employed within close proximity to their homes.

(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?***

The proposed overall density is allowed by the General Plan which is designated as high density. Even with additional units, the density is well within the limits of the General Plan.

(l) ADDITIONAL COMMENTS (optional)

The proposed renovation is an opportunity improve the overall function of public housing in Santa Fe. The Santa Fe Civic Housing Authority renovation and expansion projects under the RAD (Resident Assistance Demonstration) are part of the **OBAMA ADMINISTRATION COMPREHENSIVE STRATEGY TO PRESERVE PUBLIC AND HUD-ASSISTED HOUSING** .

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

Project Name: Villa Esperanza Housing **Meeting Date:** May 30, 2013

Meeting Place: Genoveva Chavez Community Center Room 1 **Meeting Time:** 5:30pm

Applicant or Representative Check Box below

↓		Name	Address	Email
☐	1	Rosa Maganto	1801 Espinacitas ST H62	
☐	2	Amy Martinez	6164 Alta Vista	AmyM@SFCHA.COM
☐	3	Ed Romero		
☐	4	Ramona Roybal	1752 Mann St.	
☐	5	Jesusita Romero	1765 Mann St	
☐	6	Jo Snyder	P.O. Box 23090/87502	
☐	7	TOM GIFFORD	805 EARLY STREET, C204	THOMASGIFFORD@COMCAST.NET.
☐	8	Sara Petry	1777 hopewell	—
☐	9	DAVE MARTINEZ	6164 ALTA VISTA	davidm@sfcha.com
☐	10	Rudy Gallegos	6164 Alta Vista	RudyG@SFCHA.COM
☐	11	Jeanette Olivas	1713 Quapaw Pl	jeanetteolivas@yahoo.com
☐	12	Juana Juarez	1762 Hopewell ST.	

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

Heather L. Lamboy, AICP
Printed Name of City Staff in Attendance

Signature of City Staff in Attendance

5/30/13
Date

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

EXHIBIT F-3

Case # 2013-57:

Villa Esperanza Development Plan

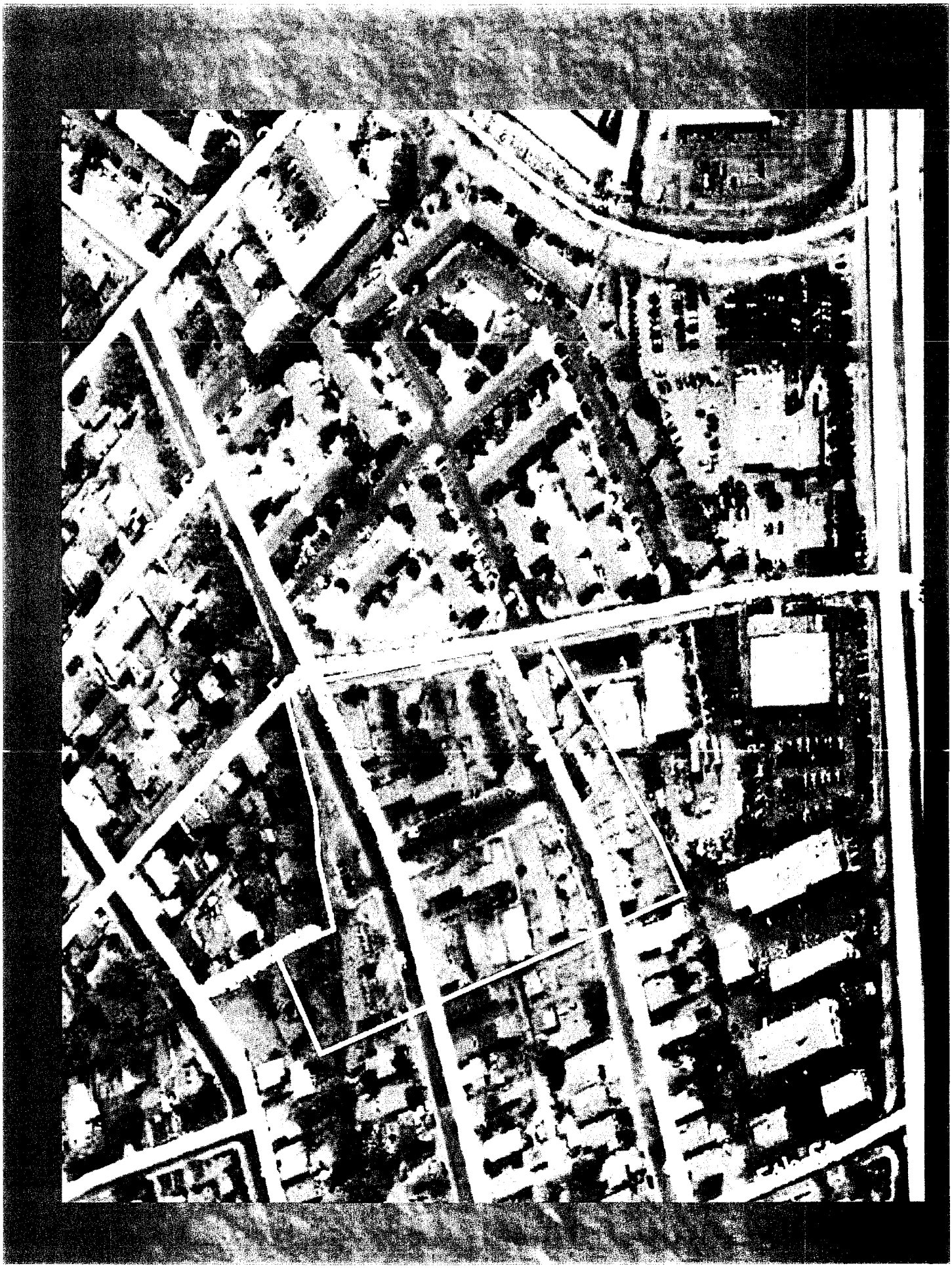
Planning Commission

August 1, 2013

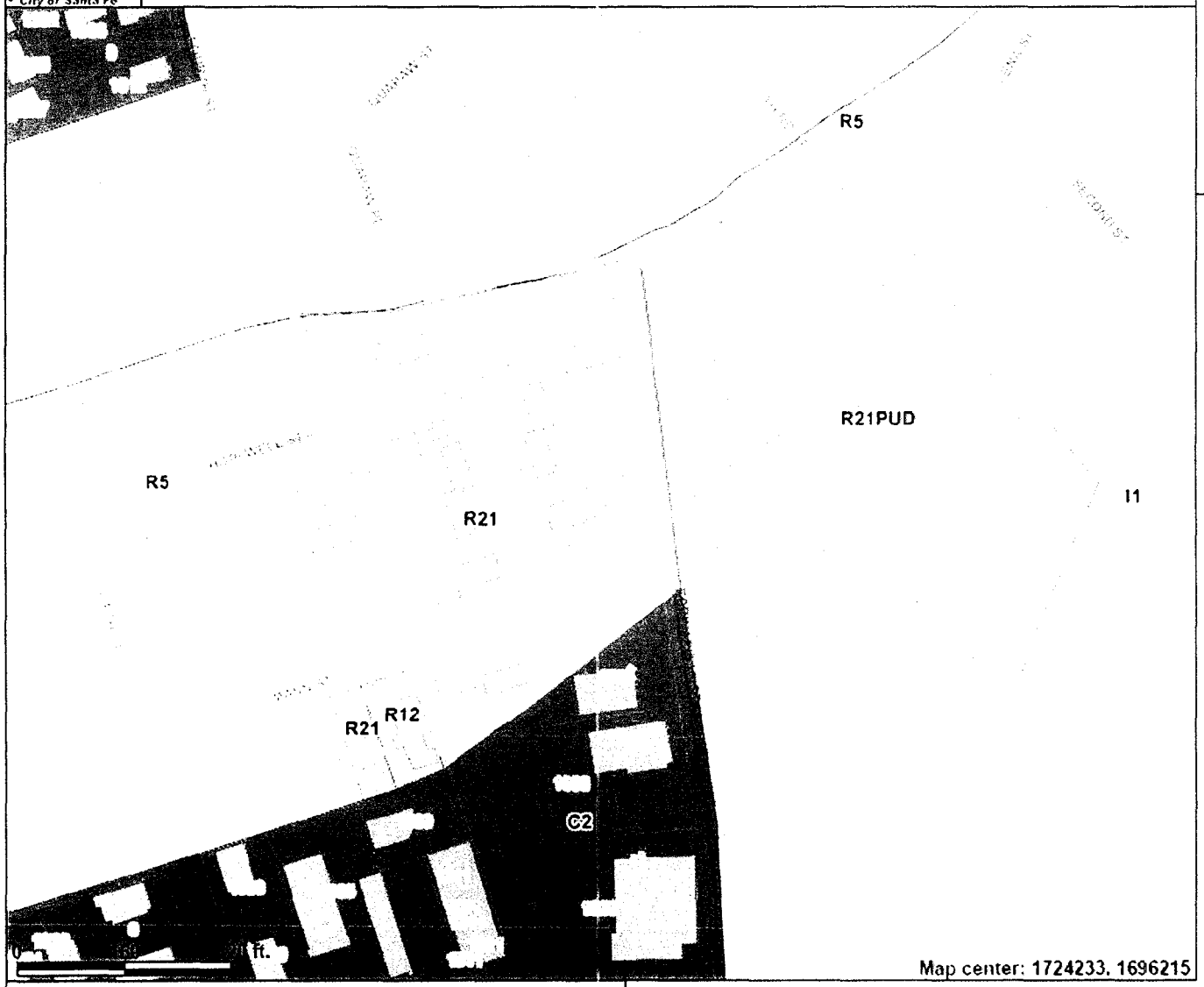
Exhibit "6"

Villa Esperanza Development Plan

- 14 new two-story dwelling units;
- Additions to 8 dwelling units;
- Remodel of 32 existing dwelling units; and
- Other site improvements:
  - Additional parking;
  - New open space;
  - A children's play area;
  - New laundry building



SFCHA Hopewell/Zoning



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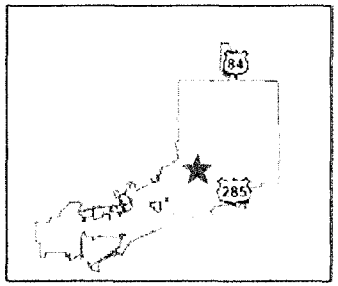
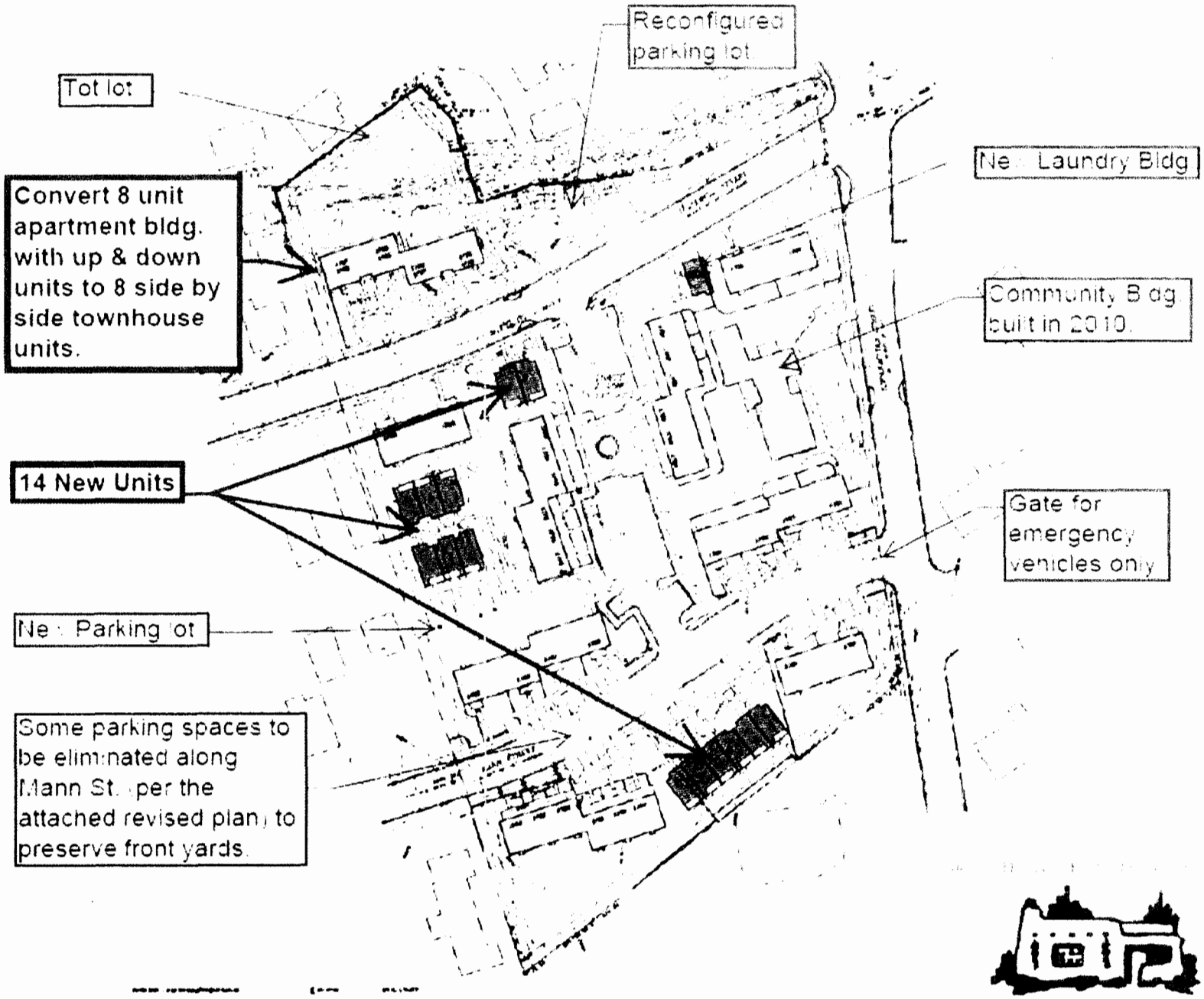


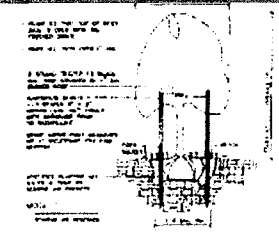
Legend

- City Limits
- Arroyos
- Parcels
- Building Footprint
- Airport Clear Zones
- Santa Fe River
- FEMA Preliminary Floodplain February 18, 2011 (100 yr)
- 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

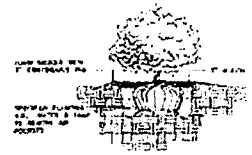
Scale: 1:2,712

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.


Reconfigured parking lot
Tot lot
Ne Laundry Bldg
Convert 8 unit apartment bldg. with up & down units to 8 side by side townhouse units.
Community Bldg built in 2010.
14 New Units
Gate for emergency vehicles only
Ne Parking lot
Some parking spaces to be eliminated along Mann St. (per the attached revised plan) to preserve front yards.



TREE PLANTING – VERTICAL STAKES



SHRUB PLANTING

Irrigation Specifications

Provide an automatic irrigation system with all piping, fittings, and accessories to include:

1. Tie-in to water main or dedicated irrigation main
2. Hunter Digital Multi-programmable Controller
3. Rainbird 1" Flexible Solenoid Valves (to be approved by landscape architect) in valve manifold valve box (to be approved)
4. Backflow Preventer to meet Code
5. Pressure regulators and "Y" filters for all drip zones.
6. Drip irrigation piping to be Drill (NHM) Polyethylene (Blue Stripe) 3/4" Tubing.
7. Drip Emitters to be Hardie 0.5 Gallon 1 GPH or Raindrip Equivalent
8. All PVC piping to be Schedule 40.

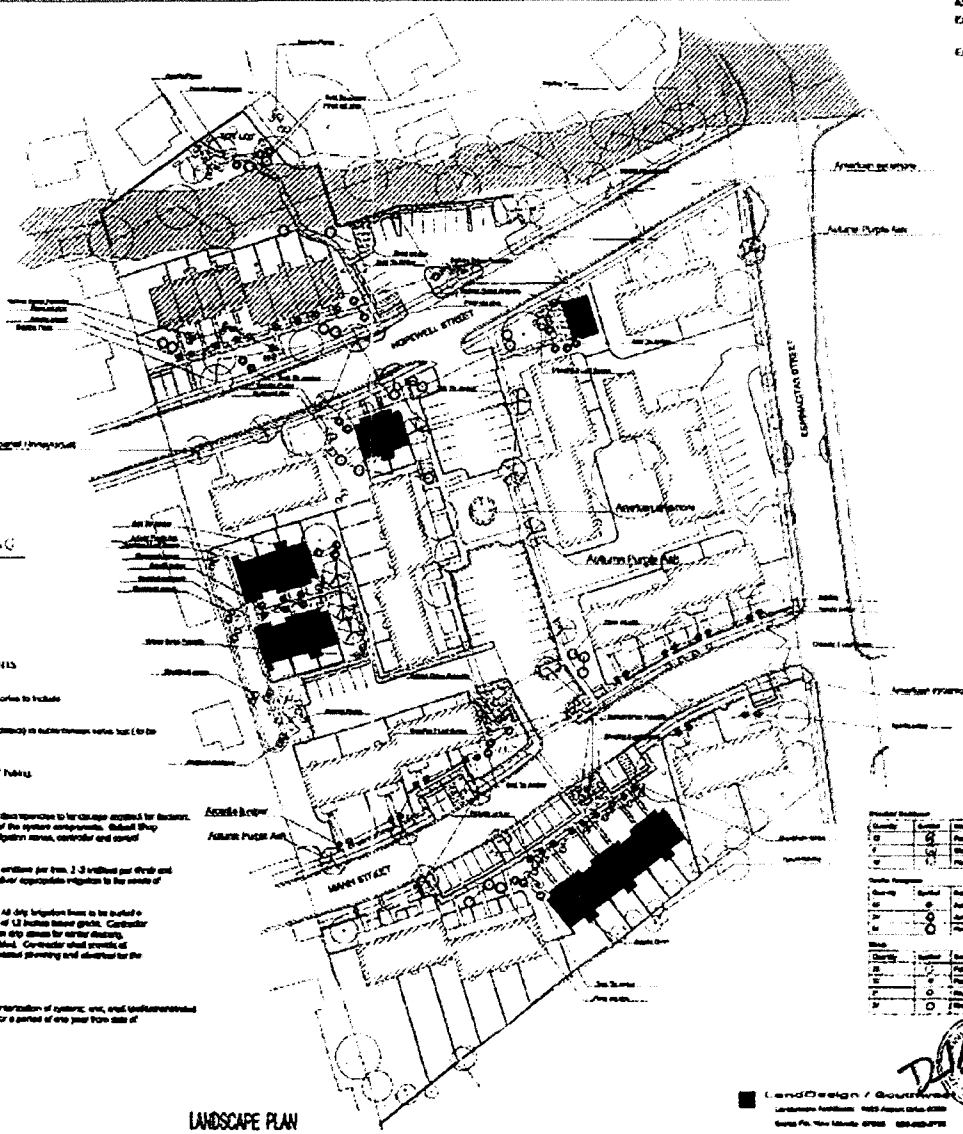
Contractor shall verify site conditions prior to construction and report any discrepancies to landscape architect for decision. Submit manufacturer's product data and installation instruction for each of the system components. Submit Shop Drawings and as built for the irrigation system including piping layout, irrigation zones, controller and control valves, valve boxes, and winterization shutoff assembly.

Utilize emitter spacing shall be per Manufacturer's specification, typically 4 emitters per tree, 2-3 emitters per shrub and 1 emitter per perennial. Contractor shall adjust system components to deliver appropriate irrigation to the needs of each plant. See Plant List for plant types.

All sand piping shall be in a 2" sleeve and shall be Schedule 40 PVC. All drip irrigation lines to be buried a minimum of 6 inches below grade. All PVC lines to be buried a minimum of 12 inches below grade. Contractor shall install auto drains in low points of PVC pipe lines, and flush plugs in drip zones for winter draining. Procedures for winter compressed air evacuation of all lines must be provided. Contractor shall provide all excavation, backfilling, corresponding equipment, parts and labor, and associated planning and direction for the irrigation system.

Product samples shall be submitted to landscape architect for approval.

Contractor shall instruct Owner regarding operation, maintenance, and winterization of systems, and shall demonstrate satisfactory operation of the system. Contractor shall guarantee system for a period of one year from date of completion.



LANDSCAPE PLAN

SCALE 1" = 40'

ASSESSMENT OF EXISTING TREES

Existing Deciduous Trees (6" diam. and greater) to be preserved or replaced: 4
All Siberian Elm (ulmus trees) are to be removed from the Site

Existing Evergreen Trees 6' and taller to be saved or replaced w/ 6' tall Evergreen Trees: 3

STREET TREE REQUIREMENT: 2" caliper trees spaced 30'-40' (23 THIS PLAN)

REQUIRED LANDSCAPING

[illegible]

NOTE: Mini Park Area to hydroseeded with Native Grass mix

Ground Cover Mulch in Open Space Areas to be
2" of 3/8" Crushed Brown Gravel over Weed barrier

Planting Specifications

1. All plant material and plant substitutions are subject to approval by Owner and Landscape Architect. Location and orientation of all trees and shrubs shall be approved by Owner or Landscape Architect prior to installation or excavation of planting pits.

2. All plant material of all contains to sizes given on the Plant List and shall meet with approval of Landscape Architect or shall be nursery grown in accordance with the "American Standard for Nursery Stock", latest edition. All planting shall be in accordance with standard American Nurseryman procedures and specifications.

3. Contractor shall verify the correct location of all underground utilities in the field prior to installation of any plant material or irrigation system.

4. Backfill Mix for shrubs and trees shall consist by volume of: 1 part Rock-to-Earth soil amendment (or equal) to 2 parts native soil. Native soil is to cleared of all stones larger that 1 inch, debris, or other deleterious material. Plantone II and Yum Yum Mix to be added per manufacturers recommendation. Add hydrated Breakleaf P-4 Water Storing Granules to soil mix in amount recommended by manufacturer. Mulch trees as specified.

5. Fertilizer shall be Gro-Power Liquid mixed per Manufacturer's specification for each plant. Construct fertilization as recommended by manufacturer.

6. Contractor shall guarantee Plant Material for a period of one year from date of completion of installation.

PLANT LIST

Quantity	Symbol	Scientific Name	Common Name	Code Name	Planting Size
10	[illegible]	[illegible]	Autumn Purple Ash	Fraxinus	2"Cal
4	[illegible]	[illegible]	[illegible]	[illegible]	2"Cal
4	[illegible]	[illegible]	American Hornbeam	Carpinus	2"Cal

[illegible]

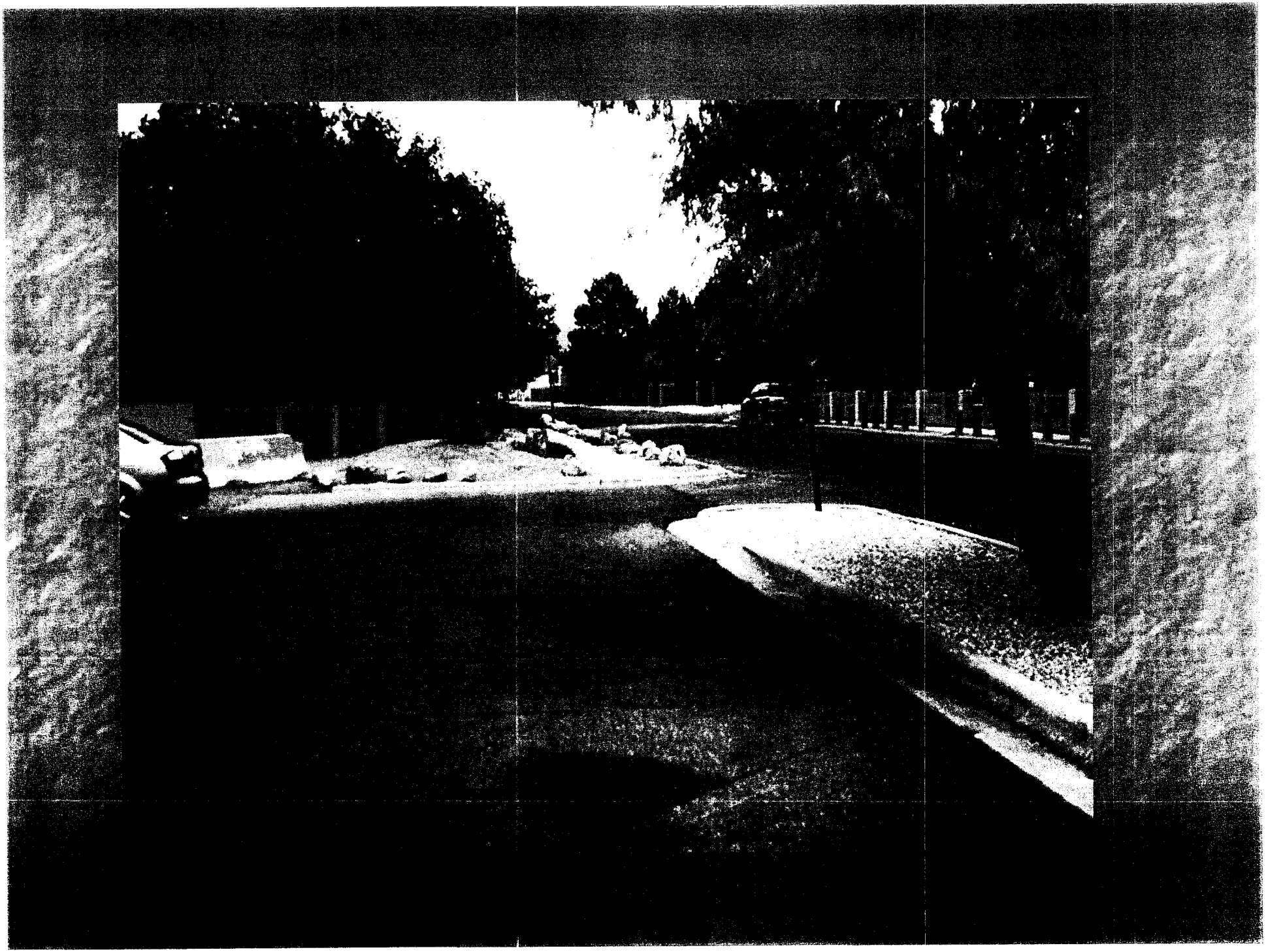
[illegible]

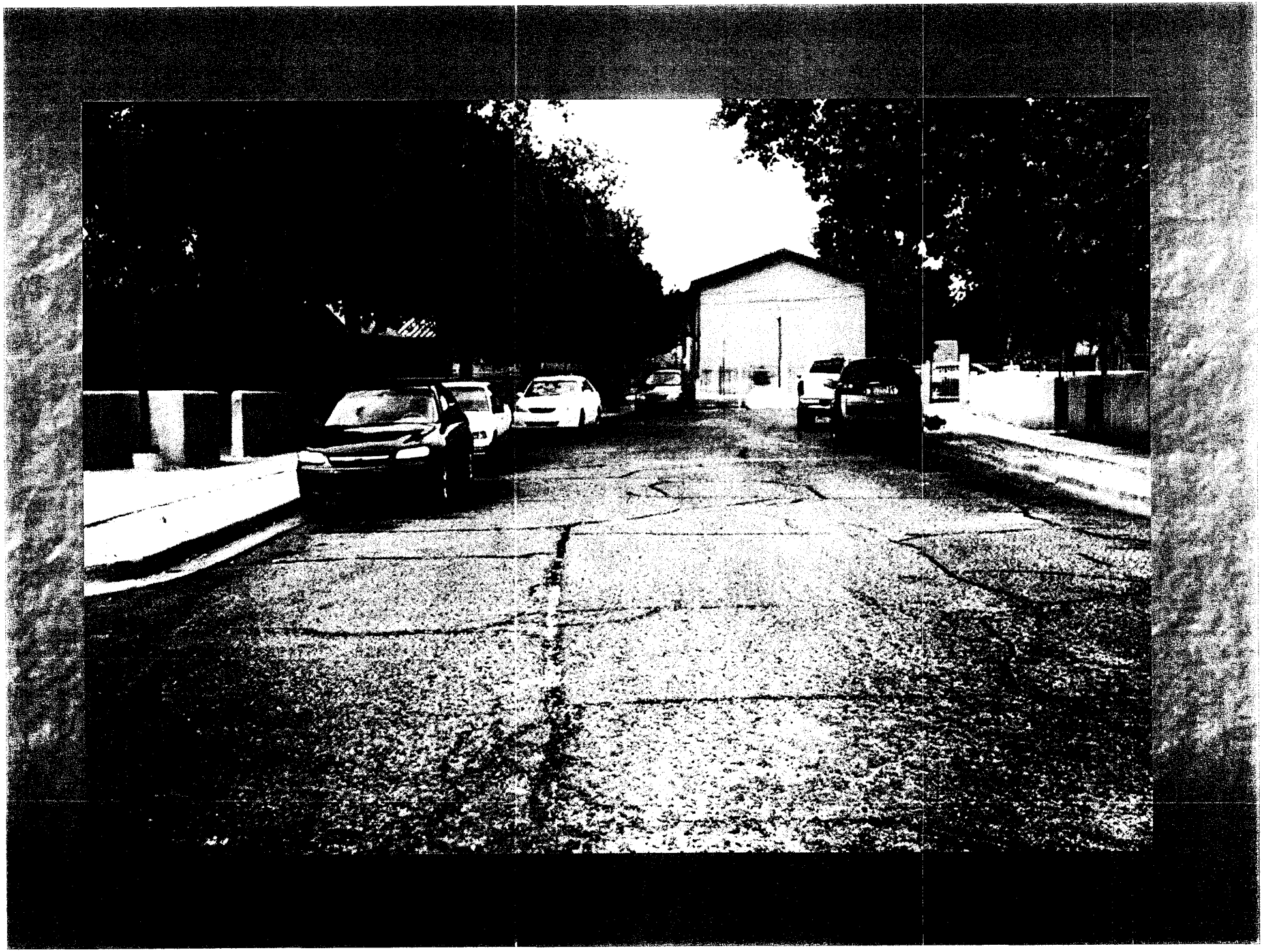
DJA 9-24-13

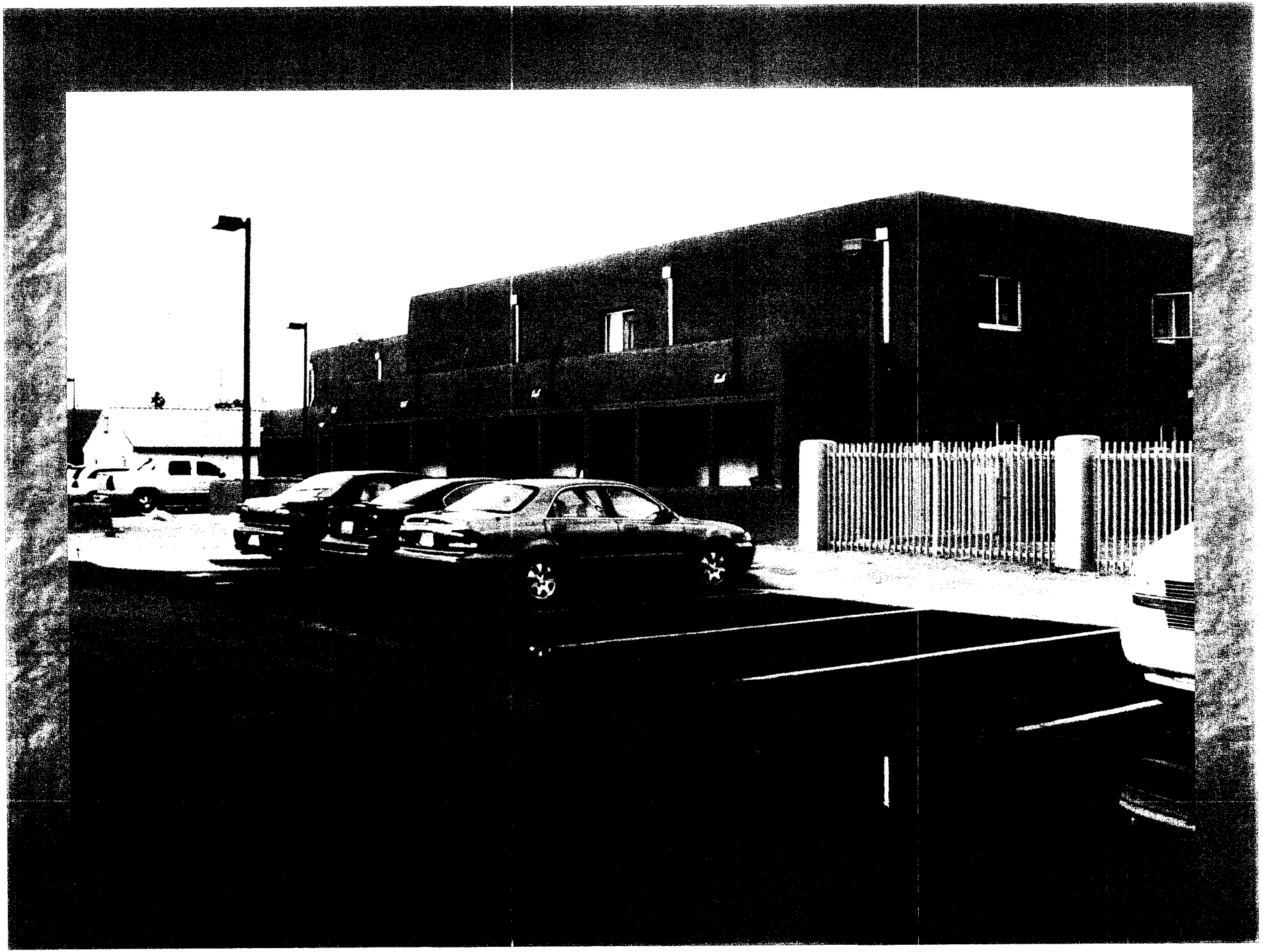
LandDesign / Southwest

N

0 40 80 120

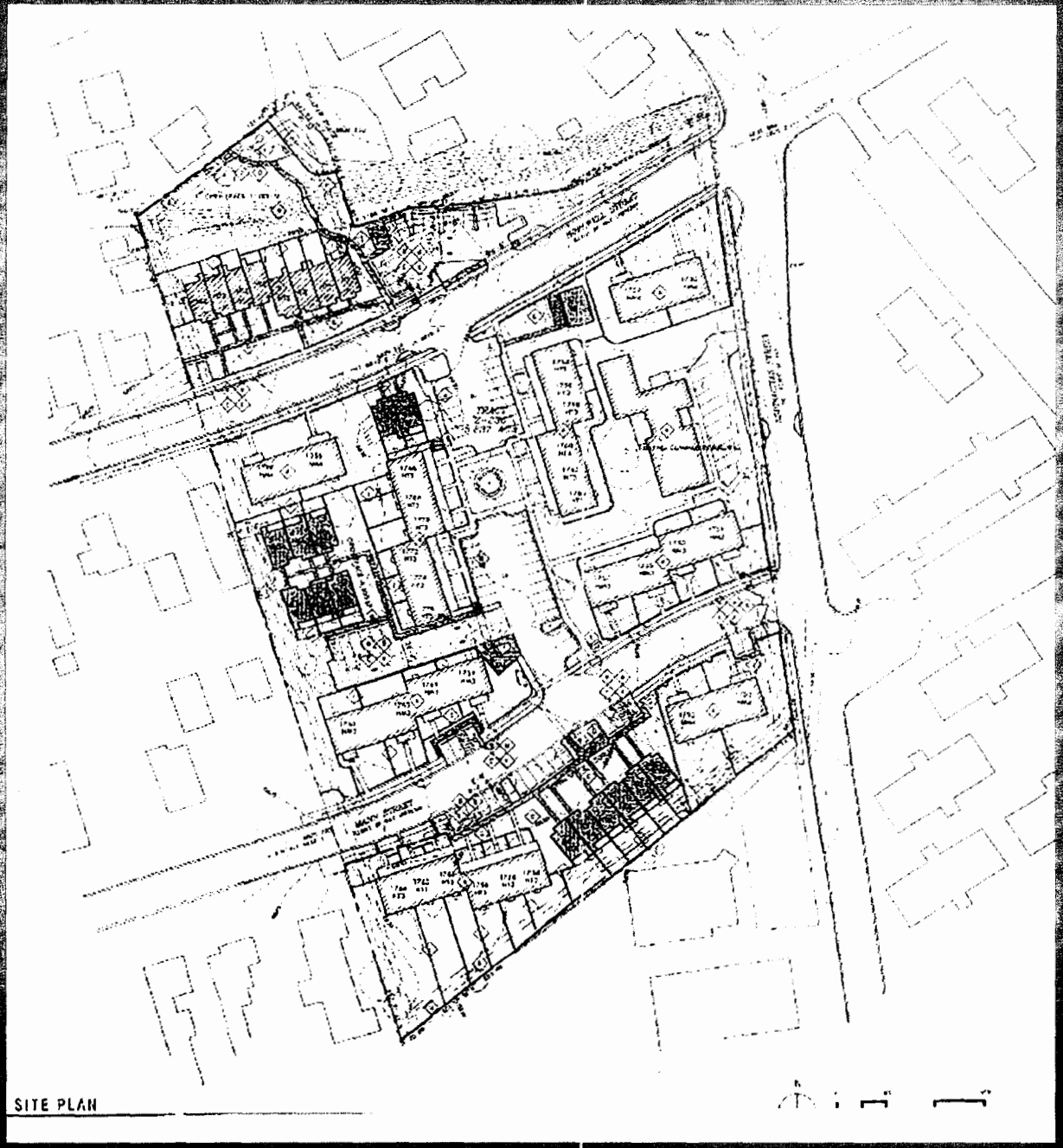






Recommendation

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



SITE PLAN

City of Santa Fe, New Mexico

memo

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

TO: Planning Commission

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

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

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

I. RECOMMENDATION

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

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

II. APPLICATION OVERVIEW

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

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

Exhibit "7"

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

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

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

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

III. SUBDIVISION APPROVAL CRITERIA

Section 14-3.7(C) Approval Criteria

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

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

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

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

(2) The planning commission shall give due regard to the opinions of public agencies and shall not approve the *plat* if it determines that in the best interest of the public health, safety or welfare the land is not suitable for *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: *The land's gently sloping topography is eminently suitable for development. The property is not located within the 100-year flood plain.*

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

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

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

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

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

Applicant Response: *A Variance has been requested from Land Development Code §14-9.2 (D)(8):* Cul-de-sacs and other dead-end streets, both public and private, may be constructed only if topography, lot configuration, previous development patterns or other natural or built features prevent continuation of the street. *No other nonconformities are proposed.*

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

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

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

Staff Response: *There is no existing nonconformity.*

IV. VARIANCE REQUEST

Section 14-3.16(C) SFCC 1987 Approval Criteria

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

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

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

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

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

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

Applicant Response: *Not applicable.*

Staff Response: *Not applicable.*

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

Applicant Response: *Not applicable.*

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

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

Applicant Response: *Not applicable.*

Staff Response: *Not applicable.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5.1.6 Residential Neighborhood Design Guidelines

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

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

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

Street Connectivity

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

6-3-I-9 — *Require pedestrian access and bikeway connections to the citywide system every 500 feet, where feasible, as part of subdivision review.* [No sidewalks have been provided in this subdivision.]

6-3-I-18 — *…permit cul-de-sac streets in urban residential areas only where bicycle and pedestrian access between cul-de-sacs, adjacent streets, and/or open space areas is integrated with an areawide pedestrian/bicycle system.* [Bicycle/pedestrian access is provided on the Powerline Road easement, but is not provided from Agua Fria Street to Rufina Street.]

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

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

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

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

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

Applicant Response: *No response.*

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

V. CONDITIONS OF APPROVAL

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

VI. ATTACHMENTS:

EXHIBIT A: Conditions of Approval, Findings of Fact

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

EXHIBIT B: Development Review Team Memoranda

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

EXHIBIT C: ENN Meeting Materials

1. ENN Public Notice Materials
2. ENN Meeting Notes

EXHIBIT D: Maps

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

EXHIBIT E: Applicant Submittals

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

Aguafina Preliminary Subdivision Plat–Conditions of Approval

Planning Commission

Case #2013-58 – Aguafina Preliminary Subdivision Plat

Conditions	Department	Staff
Review comments are based on submittals received on June 24, 2013. The comments below should be considered as Conditions of Approval to be addressed prior to subsequent submittal unless otherwise noted: 1. The roadway on Tract B shall be constructed to a Lane standard and dedicated to the City of Santa Fe. There is vacant property to the south of Tract B that will ultimately access this roadway, causing more than 8 lots to utilize this roadway. Per §14-9.2(E), this requires a Lane to be built; 2. The roadway on Tracts C-1 and C-2 shall be constructed to a minimum of a subcollector standard and dedicated to the City of Santa Fe. The Traffic Engineering Division feels that this road shall be constructed through the entirety of both tracts from Rufina to Agua Fria, with public access being granted on to Rufina and emergency acess granted onto Agua Fria. Although this portion of Agua Fria is within the County's jurisdiction, the Traffic Engineering Division does not feel that it will provide good access to what will be City residences. This area of Agua Fria has multiple access points and no medians to provide refuge for left-turners. 3. **The following rezoning condition has not been addressed**: The Developer shall plan this development so that it allows future access to the west that corresponds with proposed access to the east from the approved Cielo Azul Subdivision. We required the Cielo Azul developers to provide stub-outs so that their roadway network can connect to the east. The Developer shall indicate on the subdivision plat and development plan, the locations of these future Right-of-Way accesses and stub-outs (ghost lines) to the west; 4. **The following rezoning condition has not been addressed**: We have reviewed a conceptual design of a subdivision that indicates a proposed access and utility easement. At such time as a submittal is made for a subdivision plat and/or a development plan, the proposed roads shall be built to City of Santa Fe standards and dedicated as public right-of-way.	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. Shall comply with IFC requirements. 1. Fire Department Access shall not be less than 20 feet width. 2. Fire Department shall have 150 feet maximum distance to any portion of the building on any new construction. 3. The subdivision shall have water supply that meets IFC requirements. 4. All Fire Department turn arounds shall meet IFC requirements and have proper signage. 5. May require thru access for emergency vehicles depending on delay of response or water availability.	Fire	Rey Gonzales

Aguafina Preliminary Subdivision Plat–Conditions of Approval
Planning Commission
Case #2013-58 – Aguafina Preliminary Subdivision Plat

Conditions	Department	Staff
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: 1. The property shall connect to the existing public sewer mains through a public sewer line extension(s). 2. Wastewater Utility Expansion Charges (UEC) shall be paid at the time of building permit application.	Wastewater	Stan Holland
Based on the latest SFHP requirements, 20% of the proposed subdivision must be designated affordable, 10% within Income Ranges 2 and 3. Any fractional portion of a lot can be satisfied by providing another lot or paying a fractional fee. The affordable lots must be spread out and not clustered. CALCULATION for the SFHP requirement: = Total number of units multiplied by (0.2) = Number of Units Required = **23** total units x 0.2 = **4.6 SFHP units are required** = **4 units constructed and a fractional fee paid for 0.6 units** CALCULATION for the fractional unit fee: = Half the Price for a Tier 2,3 BR Home X Unit Fraction X .30 (70% Reduction) = $69,000 X 0.6 percent X 0.3 = **$12,420 fractional fee**	Affordable Housing	Alexandra Ladd
Add a note to the Plat that on-lot stormwater ponding is required at the time of house construction for all lots except affordable lots. *Cover sheet vicinity map is outdated. Replace with more usable version, such as that provided on the Plat.	Technical Review	Risana "R.B." Zaxus
The following rezoning condition has not been addressed: Section 14-8.15(C)(2) SFCC 1987 requires land to be dedicated for neighborhood parks. The conceptual site plan that has been provided does not address any park dedication. The applicant shall provide park area for the development as part of the subdivision plat process, or commit to payment of park impact fees, in order to comply with this Land Development Code requirement. [The applicant proposes open space around the drainage on the northern portion of the site, but no amenity has been provided]	Current Planning	Heather Lamboy

City of Santa Fe, New Mexico

Exhibit A

Conditions of Approval
Findings of Fact
City Council Minutes

ITEM # 13-0191

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

Case #2012-104
Aguafina Rezoning to R-3
Owner's Name – Aguafina Development, LLC
Applicant's Name – JenkinsGavin Design and Development, Inc.

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

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

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

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

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

FINDINGS OF FACT

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

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

CONCLUSIONS OF LAW

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

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

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

David Coss
Mayor

3-29-13
Date:

FILED WITH THE CITY CLERK:

Yolanda Y. Vigil
Yolanda Y. Vigil (c contd 3-27-13)
City Clerk

4-2-13
Date:

APPROVED AS TO FORM:

Kelly A. Brennan
Geno Zamora
City Attorney

3/27/13
Date:

ITEM # 13-0023

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

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

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

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

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

FINDINGS OF FACT

General

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

EXHIBIT
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8. An ENN meeting was held on the Application at 5:30 p.m. on July 30, 2012 at the Southside Library at 6599 Jaguar Road.
9. Notice of the ENN meeting was properly given.
10. The ENN meeting was attended by the Applicant, City staff and other interested parties and the discussion followed the guidelines set out in SFCC §14-3.1(F)(6).
11. Commission staff provided the Commission with a report (the Staff Report) evaluating the factors relevant to the Application and recommending approval by the Commission of the Rezoning, subject to those conditions contained in the Staff Report (the Conditions).
12. The Commission has considered the Rezoning Criteria and finds, subject to the Conditions, the following facts:
    (a) *One or more of the following conditions exist: (i) there was a mistake in the original zoning; (ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning; or (iii) a different use category is more advantageous to the community, as articulated in the Plan or other adopted City plans [SFCC §14-3.5(C)(1)(a)].*
    There has been a change in the surrounding area, with an increase in density as the City has expanded southward, altering the character of the Rufina Street corridor. Rezoning will bring the Property into compliance with the General Plan future land use designation for the Property of Low Density Residential (3-7 dwelling units/acre) and with the Plan policy supporting residential development within the future growth areas is built at a minimum gross density of 3 dwelling units/acre, and an average of 5 dwelling units/acre where topography allows.
    (b) *All the rezoning requirements of SFCC Chapter 14 have been met [SFCC §14-3.5(C)(1)(b)].*
    All the rezoning requirements of SFCC Chapter 14 have been met.
    (c) *The proposed rezoning is consistent with the applicable policies of the General Plan [Section 14-3.5(A)(c)].*
    The proposed rezoning is consistent with the General Plan's Low Density future land use designation for the Property.
    (d) *The amount of land proposed for rezoning and the proposed use for the land is consistent with City policies regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the growth of the City [SFCC §14-3.5(C)(1)(d)].*
    The proposed rezoning is consistent with the Plan's Low Density future land use designation for the Property and with the General Plan policy supporting the preservation of the scale and character of established neighborhoods while promoting appropriate infill development in an area already served by public water and wastewater facilities.
    (e) *The existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development [Section 14-3.5(C)(e)];*
    Existing infrastructure, including water and sewer is sufficient to serve the increased density resulting from the rezoning. However, impacts on traffic and on other public facilities, especially parks, which are inadequate to serve the area at existing densities, mitigate against R-5 zoning for the Property.

CONCLUSIONS OF LAW

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

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

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

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

Thomas Spray
Chair

Date: 1/10/13

FILED:

Yolanda Y. Vigil
City Clerk

Date: 1.14.13

APPROVED AS TO FORM:

Kelley Brennan
Assistant City Attorney

Date: 1/10/13

City Council Minutes: March 13, 2013

The Public Hearing was closed

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

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

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

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

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

Against: None.

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

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

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

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

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

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

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

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

Overview for Aquafina

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

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

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

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

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

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

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

Public Hearing

Presentation by the Applicant

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

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

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

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

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

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

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

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

Questions from the Governing Body

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

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

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

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

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

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

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

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

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

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

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

Mr. Zamora said yes.

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

Speaking to the request

All those speaking were sworn en masse.

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

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

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

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

Response by Applicant

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

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

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

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

Remarks from the Las Acequias Neighborhood Association

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

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

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

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

Mr. Mee said, "Yes."

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

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

Mayor Coss said, "Yes."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ms. Jenkins said yes.

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

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

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

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

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

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

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

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

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

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

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

The Public Hearing was closed

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

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

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

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

Ms. Brennan said it is clear.

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

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

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

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

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

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

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

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

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

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

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

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

Councilor Rivera said he believes she is right.

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

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

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

Ms. Lamboy said that is correct.

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

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

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

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

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

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

Against: None.

18. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

19. COMMUNICATIONS FROM THE GOVERNING BODY

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

Councilor Dimas

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

Councilor Calvert

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

City Council Minutes: January 30, 2013

The Public Hearing was closed

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

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

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

Against: None.

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

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

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

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

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

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

Public Hearing

Presentation by the Applicant

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Speaking to the request

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

All those speaking were sworn en masse

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

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

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

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

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

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

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

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

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

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

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

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

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

Response/Clarification by Applicant

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

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

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

The Public Hearing was closed

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ms. Jenkins continued, "And if we could turn on the screen real quick, I can just give you a sense of, because Councilor Bushee asked about the vision out here. And so this Plan here, this is Rufina. The subject of the rezone is here. We have 7 lots that are about 1/3 acre each on the south side of Rufina. We have about, on the north side of Rufina in this area, 12 lots that are about 1/4 acre each. So we talk about a variety of housing types, in a variety of density. Our client had a vision, and his desire here, is to not mirror the Las Acequias neighborhood, which one could argue that would not be inappropriate, but to do larger lots. And up here, we have lots that reach up to ½ acre in size on the north side, and we are closer to Agua Fria Village. We see this as a transitional neighborhood between the more rural character of Agua Fria Village and R-7 frankly, and R-6."

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

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

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

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

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

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

Councilor Dominguez asked if it is north from Power Line.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The response was from the audience and inaudible.

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

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

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

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

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

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

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

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

Councilor Trujillo asked if that is with rounding up.

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

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

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

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

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

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

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

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

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

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

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

RESTATED MOTION: Councilor Bushee moved to deny this request.

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

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

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

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

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

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

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

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

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

Ms. Lamboy said that is correct.

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

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

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

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

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

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

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

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

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

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

Ms. Lamboy said that is correct.

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

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

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

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

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

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

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

Ms. Lamboy said, "You are correct."

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

Ms. Lamboy said this is correct.

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

Ms. Lamboy said that is correct.

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

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

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

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

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

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

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

Ms. Lamboy said that is correct.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Against: Councilor Ives.

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

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

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

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

Against: None.

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

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

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

Against: Councilor Trujillo and Councilor Dominguez.

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I. ADJOURN

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

City Council Minutes: February 13, 2013

f) CONSIDERATION OF RESOLUTION NO. 2013-18 (COUNCILOR BUSHEE). A RESOLUTION SUPPORTING PROPOSED STATE LEGISLATION, SENATE BILL 42 ("SB 42"), RELATING TO AN APPROPRIATION TO THE NEW MEXICO STATE ECONOMIC DEVELOPMENT DEPARTMENT FOR CERTIFIED BUSINESS INCUBATORS STATEWIDE. (MELISSA BYERS)

g) REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON MARCH 13, 2013:

BILL NO. 2013-8: AN ORDINANCE RELATED TO CAMPING ON CITY PROPERTY; AMENDING SECTION 23-4.11 SFCC 1987, AND CREATING A NEW SECTION 23-4.12 SFCC 1987 TO PROHIBIT CAMPING OR LODGING IN PARKS, UNLESS A PERMIT IS OBTAINED FROM THE CITY; AND PROHIBITING CAMPING ON ALL OTHER CITY PROPERTY (COUNCILOR BUSHEE AND COUNCILOR CALVERT). (ALFRED WALKER)

h) *[Removed for discussion by Councilor Dominguez]*

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

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

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

9. PRESENTATIONS

There were no presentations.

CONSENT CALENDAR DISCUSSION

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

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

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

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

Against: None.

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END OF CONSENT CALENDAR DISCUSSION

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

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

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

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

Against: None.

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

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

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

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

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

Comments:

Additional information will be required in this case.

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

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

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

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

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

Applicable General Plan Policies:

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

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

5.1.6 Residential Neighborhood Design Guidelines

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

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

Street Connectivity

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

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

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

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

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

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

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

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

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

City of Santa Fe, New Mexico

memo

DATE: July 10, 2013

TO: Heather Lamboy, Planning and Land Use Department

FROM: John Romero, Traffic Engineering Division Director JR

SUBJECT: **Aguafina Preliminary Subdivision Plat (Case #2013-58)**

ISSUE

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

RECOMMENDED ACTION:

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

1. The following condition of approval was placed on the rezoning approval and has not been addressed. The condition as written in the Traffic Engineering memo dated August 22, 2012 states, "The Developer shall plan this development so that it allows future access to the west that corresponds with proposed access to the east from the approved Cielo Azul Subdivision. We required the Cielo Azul developers to provide stub-outs so that their roadway network can connect to the east. The Developer shall indicate on the subdivision plat and development plan, the locations of these future Right-of-Way accesses and stub-outs (ghost lines) to the west."

2. The following condition of approval was placed on the rezoning approval and has not been addressed. The condition as written in the Traffic Engineering memo dated August 22, 2012 states, "We have reviewed a conceptual design of a subdivision that indicates a proposed access and utility easement. At such time as a submittal is made for a subdivision plat and/or a development plan, the proposed roads shall be built to City of Santa Fe standards and dedicated as public right-of-way.

3. The roadway on Tract B shall be constructed to a Lane standard and dedicated to the City of Santa Fe. There is vacant property to the south of Tract B that will ultimately access this roadway, causing more than 8 lots to utilize this roadway. Per §14-9.2(E), this requires a Lane be built.

4. The roadway on Tracts C-1 and C-2 shall be constructed to a minimum of a sub-collector standard and dedicated to the City of Santa Fe. The Traffic Engineering Division feels that this road shall be constructed through the entirety of both tracts from Rufina to Agua Fria, with public access being granted on to Rufina and

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

5. The roadway through Tracts C-1 and C-2 shall be constructed along the western property line from the Power Line Road easement to Agua Fria. This would benefit in providing future access to the relatively undeveloped property to the west.

6. The following condition of approval was placed on the rezoning approval and has not been addressed. The condition as written in the Traffic Engineering memo dated August 22, 2012 states, "The Developer shall provide a traffic analysis of the access points to Rufina Street to determine if deceleration and/or acceleration lanes are needed and if so how long they should be."

7. The following condition of approval was placed on the rezoning approval and has not been addressed. The condition as written in the Traffic Engineering memo dated August 22, 2012 states, "The Developer shall provide an access from Tract "C" to Rufina Street, aligning the intersection with the proposed access to Tract B. Both accesses shall be partial accesses providing Right-in, Right-out, and Left-In turns only." The developer is currently only showing right-in/right-out access and is not providing left-in access.

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

Daniel "Danny" Mayfield
Commissioner, District 1

Miguel Chavez
Commissioner, District 2

Robert A. Anaya
Commissioner, District 3

Liz Stefanics
Commissioner, District 4

Kathy Holian
Commissioner, District 5

Katherine Miller
County Manager

PUBLIC WORKS DIVISION MEMORANDUM

Date: July 23, 2013

To: Heather L. Lamboy, Senior Planner Land Use Department

From: Paul Kavanaugh, Engineering Associate
Johnny P. Baca, Traffic Manager

Re: CASE # 2013 - 58 Aguafina Subdivision Preliminary Subdivision Plat

---

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

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

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

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

City of Santa Fe, New Mexico

memo

DATE: **July 1, 2013**

TO: **Heather Lamboy , Case Manager**

FROM: **Reynaldo Gonzales, Fire Marshal** RDG

SUBJECT: **Case #2013-58** Aguafina Preliminary Subdivisoin.

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

1. Shall comply with IFC requirements.

2. Fire Department Access shall not be less than 20 feet width.

3. Fire Department shall have 150 feet distance to any portion of the building on any new construction.

4. Shall have water supply that meets IFC requirements.

5. All Fire Department turn around shall meet IFC requirements and have proper signage.

6. May require thru access for emergency vehicles depending on delay of response or water availability.

City of Santa Fe, New Mexico

memo

DATE: July 23, 2013

TO: Heather Lamboy, Case Manager

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

RE: Case # 2013-58
Aguafina Preliminary Subdivision Plat

I reviewed a 30 sheet plan set and find that the configuration of access roads does not meet the requirements of the Land Development Code. Specifically, the proposed Plat shows 16 lots between Aqua Fria and Rufina Street. Eight of these lots are shown to be accessed from Aqua Fria, and eight are accessed from Rufina Street. Access in both cases is via a proposed 30' access easement culminating in a turnaround.

Article 14-9.2(D)(3) requires that "at least one through street that traverses the entire developed area shall be provided for each 1,000 feet of developed area." Article 14-9.2(D)(8) indicates that "cul-de-sacs and other dead-end streets, both public and private, may be constructed only if topography, lot configuration, previous development patterns or other natural or built features prevent continuation of the street." In light of these requirements, and in the absence of topography or other considerations that prevent construction of a through street, I recommend that this project not be approved unless revisions are made such that all lots north of Rufina access from a single point with the dead end streets eliminated.

If the project is approved, the following additional review comments are to be considered conditions of approval:

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

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

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

EXHIBIT 3

SFHP FOR SALE UNIT CALCULATION WORKSHEET

The project has an area of approximately __11.47__ acres, of which 5.61 acres are zoned R-5, permitting 5 dwelling units per acres and 5.86 acres are zoned R-3, permitting three dwelling homes per acre. The required number of SFHP units is 20% of the total units, 10% each in Income Ranges 2 and 3. The project proposes ____23____homes.

CALCULATION for the SFHP requirement:

= Total number of units multiplied by (0.2) = # of Units Required
= __23__total units x 0.2 = **4.6 SFHP unit(s)** are required
= 4 units constructed and a fractional fee paid for .6 units

CALCULATION for the fractional unit fee:

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

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

= Total number of units multiplied by (0.3) = Total number of SFHP units required.
= __23__ Total Units X 0.3 = __6. 9__ SFHP units required
= 6 units constructed and fractional fee due for .9 unit.

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

EXHIBIT 2

SANTA FE HOMES PROGRAM

HOME SALES PRICING SCHEDULE

Effective January 2013*

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

Prices reflect 2013 HUD median incomes.

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

FRACTIONAL FEE SCHEDULE - 2013

20% Requirement-2013*

Based on Income Tier 2 three BR Home ($138,000)

# of units in development	2	3	4	5	6	7	8	9	10
20% unit fraction	0.4	0.6	0.8	1	1.2	1.4	1.6	1.8	2
70% Reduced Fee	$8,280	$12,420	$16,560	$20,700	$24,840	$28,980	$33,120	$37,260	$41,400

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

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

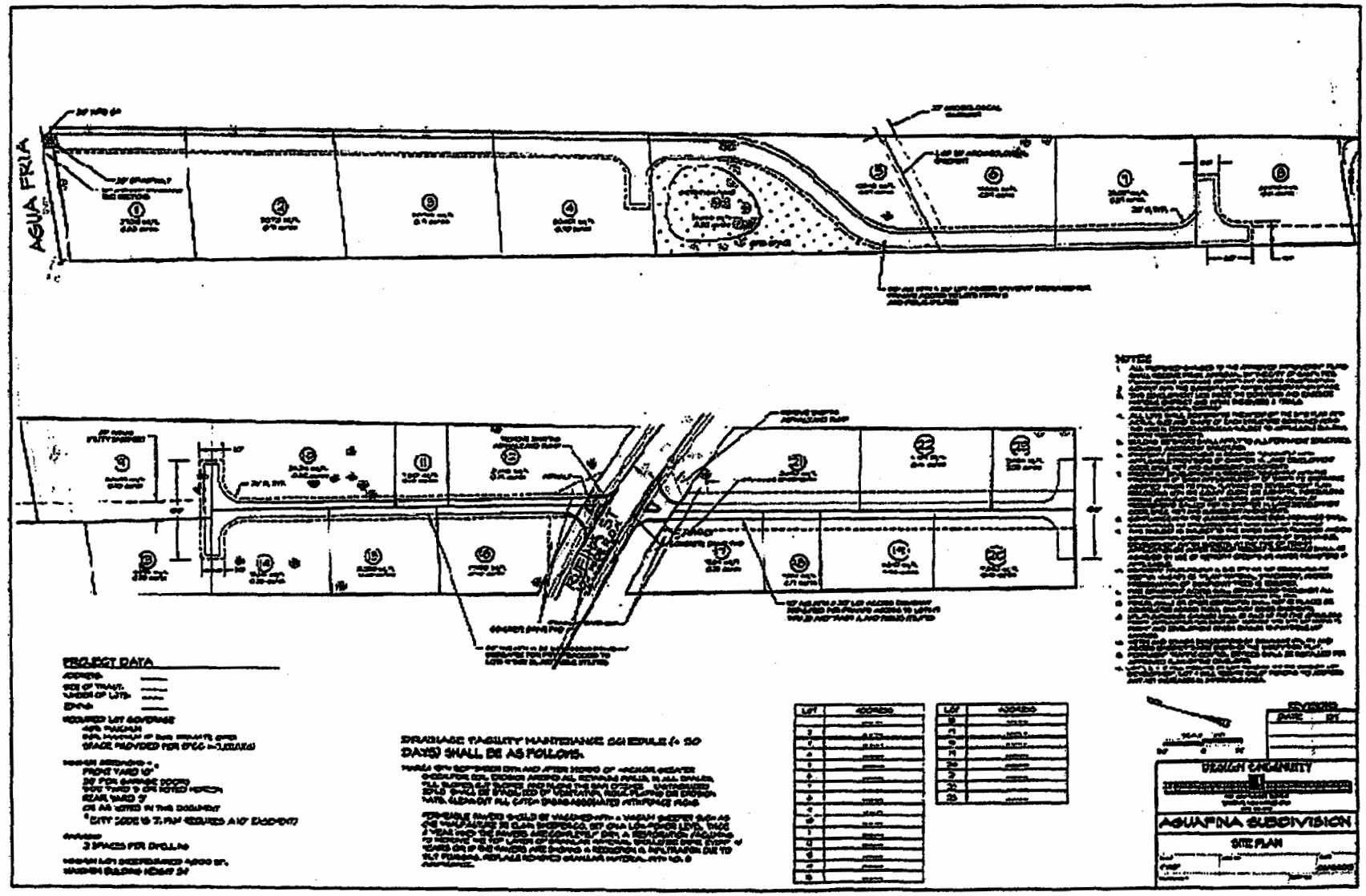

AGUA FRIA
PROJECT DATA
DRAINAGE FACILITY MAINTENANCE SCHEDULE (+ 30 DAYS) SHALL BE AS FOLLOWS.
NOTES
DESIGN ENGINEER
AGUAFINA SUBDIVISION
SITE PLAN

EXHIBIT 1

ACKNOWLEDGEMENT

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

NOTARY PUBLIC

My Commission Expires:

10/26/2015

OFFICIAL SEAL
Hillary Welles
NOTARY PUBLIC - STATE OF NEW MEXICO
My Commission Expires: 10/26/2015

REVIEWED BY:

OFFICE OF AFFORDABLE HOUSING

7/3/13
DATE

Attach:

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

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

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

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

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

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

SFHP DEVELOPER:

Reynaldo Varela

Reynaldo Varela
AGUAFINA DEVELOPMENT, LLC

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

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

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

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

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

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

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

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

CITY OF SANTA FE

SANTA FE HOMES PROGRAM

PROPOSAL

"Aguafina"

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

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

RECITALS

A. SFHP Developer is the developer of **4262 Agua Fria Street/4701-2 Rufina Street,** hereinafter referred to as the "Property".

B. SFHP Developer desires to develop the Property.

C. It is understood that all representations made herein are material to the City and that the City will rely upon these representations in permitting or approving development of the Property.

PROPOSAL

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

A. DEVELOPMENT REQUEST.

1. SFHP Developer seeks **preliminary and final plat** approval.

2. The Property is to be developed as **twenty-three (23) for-purchase homes.**

B. SFHP PLAN. SFHP Developer proposes to build **twenty-three (23) dwelling units.** SFHP Developer agrees to comply with the Santa Fe Homes Program ordinance. Twenty percent (20%) of the total number of "for sale" dwellings offered for sale in an SFHP development shall be SFHP Homes, as follows:

City of Santa Fe, New Mexico

memo

DATE: July 1, 2013

TO: Heather Lamboy, AICP, Land Use Planner Senior

FROM: Noah Berke, CFM, Planner Technician Senior

SUBJECT: Request for Additional Submittals for Case #2013-58, Aguafina Preliminary Subdivision Plat

---

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

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

LAMBOY, HEATHER L.

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

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

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

City of Santa Fe
New Mexico

MEMO

Wastewater Management Division
DEVELOPMENT REVIEW COMMENTS

E-MAIL DELIVERY

Date: July 1, 2013

To: Heather Lamboy, Case Manager

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

Subject: Case 2013-58 Aguafina Preliminary Subdivision Plat

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

The Applicant shall address the following comments:

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

LAMBOY, HEATHER L.

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

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

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

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
Peter N. Ives, Dist. 2
Carmichael A. Dominguez, Dist. 3
Christopher M. Rivera, Dist. 3
Bill Dimas, Dist. 4
Ronald S. Trujillo, Dist. 4

July 22, 2013

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

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

Dear Ms. Jenkins:

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

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

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

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

Sincerely,

Stan Holland, PE
Wastewater Management Division

cc: File
Doug Flores
\\WW-SVR-1\WasteWater1$\EngDeptDocs\Sewer Files\SAS Availability Statements (TER)\2013 TERs\Aguafina Subdivision.doc

Wastewater Management Division Sewer Service Technical Evaluation Report

Issued Date: July 22, 2013

Applicant's Name: Aguafina Development, LLC

Agent: Jenkins Gavin

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

Jurisdiction: City of Santa Fe

Use of Property: Residential

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

Number of Lots: Three (3)

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

Infrastructure Requirements for Sewer Service:
City sanitary sewer service is available to serve this property. There are existing public sewer mainlines located in Agua Fria Street, Rufina Street and the power line access road.
The property shall connect to the existing public sewer mains through a public sewer line extension(s). The design of the public sewer line extensions for this project is subject to review and approval by the City of Santa Fe Wastewater Management Division.

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

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

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

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

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

- Financial:
  The owner/developer must be financially responsible for all design and construction costs plus applicable Sewer Impact Fees and service connection charges.

- Inspection:
  The owner/developer shall be responsible for providing inspection by a professional engineer during the construction of the sanitary sewer. The owner/developer will provide the City with the following immediately upon completion of a sanitary sewer main extension:

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

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

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

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

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

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

- Easements:

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

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

Reviewed by: _____

Date: 7-22-13

City of Santa Fe, New Mexico

Exhibit C

Early Neighborhood Notification Meeting Materials

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

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

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

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

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

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

Ms. Jenkins stated that the property would not be accessed via Powerline Road. She stated that the proposed site plan calls for 8 lots to be accessed from Agua Fria Road at the north. She commented that the road curves due to the natural drainage and the engineer's desire to have as little impact as possible on that drainage as the road crosses over it. Ms. Jenkins commented that, in the design of the subdivision, they were attempting to slow down the drainage flow due to the regular problem of flood experienced by neighbors to the west. Ms. Jenkins stated that the 8 lots in this section of the subdivision would vary in size from ¾ acre to 1/3 of an acre, on a total of 5.5 acres. Ms. Jenkins stated that all lots in the subdivision would be accessed via private driveways constructed with base-course.

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

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

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

Ms. Jenkins then reviewed the other two tracts that are part of the proposed plat. Tract C-2 (north of Rufina) is proposed to have 8 lots that vary in size from ¾ acre to 0.16 acre. Tract B (south of Rufina) is proposed to have 7 lots that vary in size from ½ acre to 0.17 acre. Ms. Jenkins stated that 4 affordable homes would be constructed on the smaller lots, and that they would definitely be off wood frame construction (in other words, not manufactured housing).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The meeting concluded at about 7pm.

jenkinsgavin
DESIGN & DEVELOPMENT INC

NEIGHBORHOOD MEETING

May 24, 2013

RE: AGUAFINA SUBDIVISION

Dear Neighbor:

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

The neighborhood meeting is scheduled for:

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

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

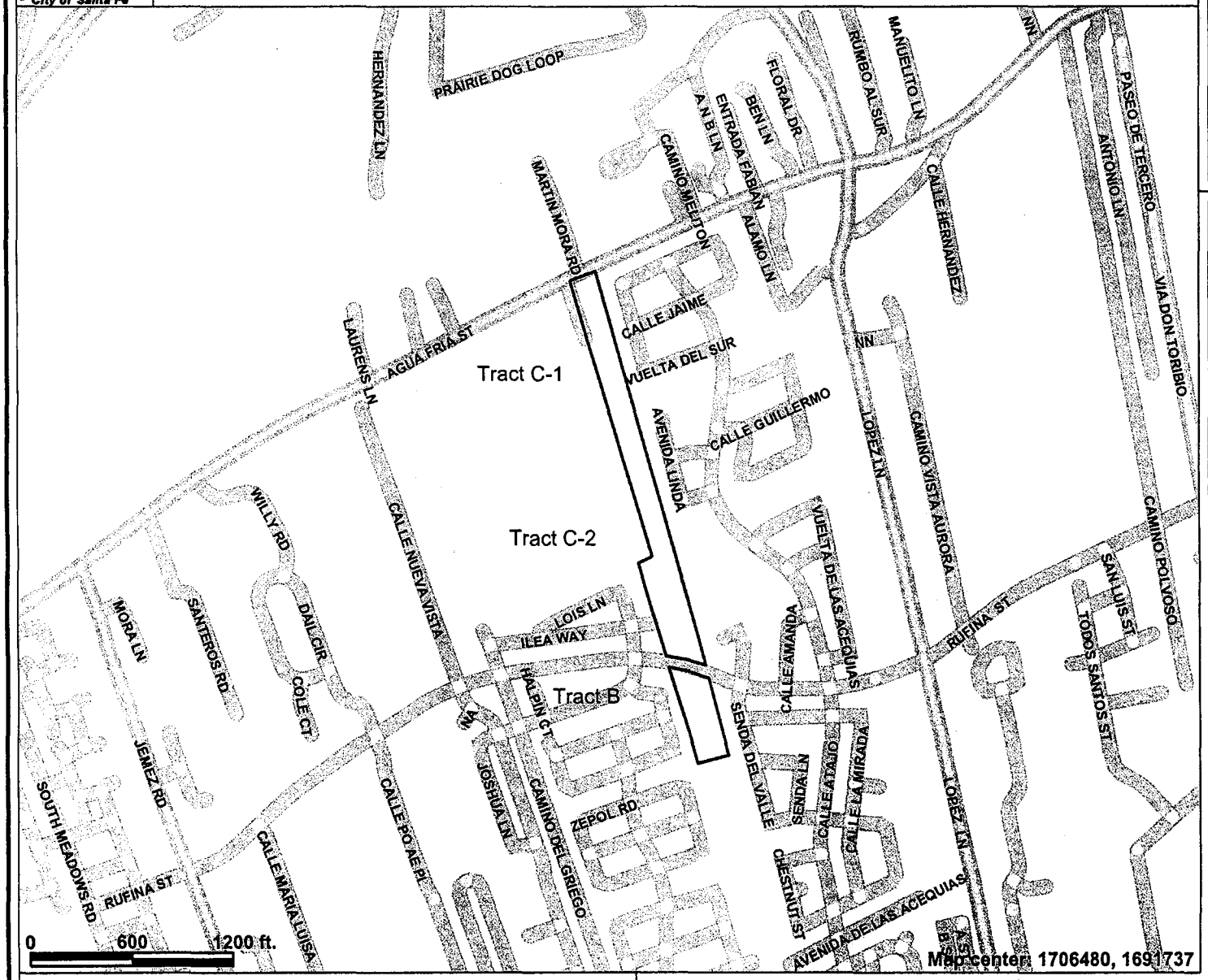
Attached please find a vicinity map and proposed site plan. If you have any questions or comments, please contact Jennifer Jenkins at 505-820-7444 or jennifer@jenkinsgavin.com.

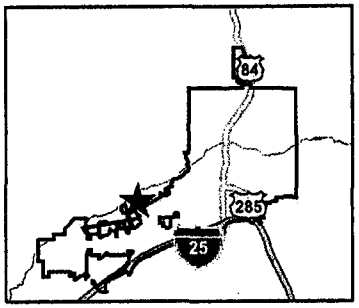
Sincerely,

Jennifer Jenkins

Encl: Vicinity Map
Site Plan

Vicinity Map





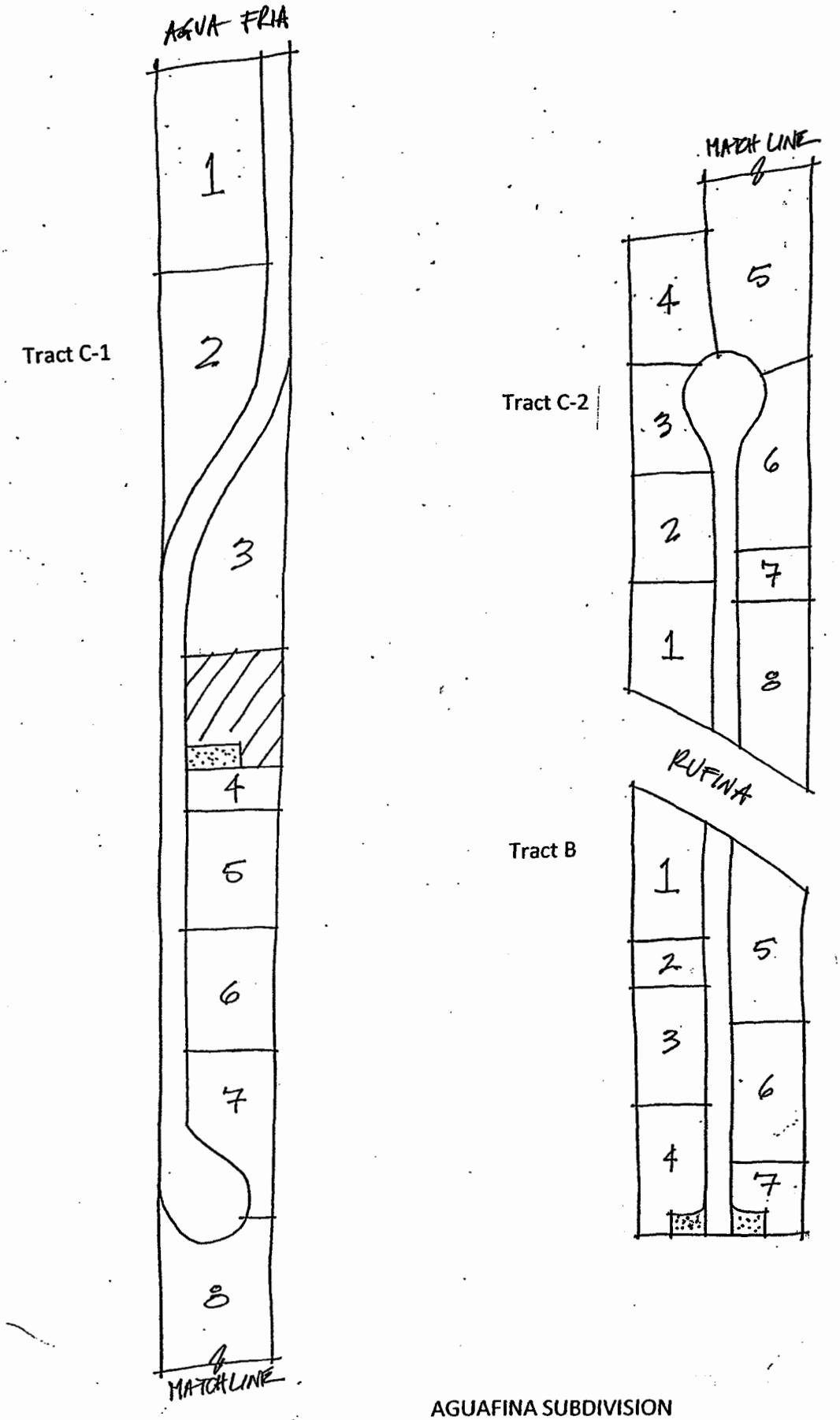
Legend

Major Roads and Highways

Other Roads and Streets

Scale: 1:10,749

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.



AGUAFINA SUBDIVISION

SITE PLAN

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)*

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

(b) EFFECT ON PROTECTION OF THE PHYSICAL ENVIRONMENT *For example: trees, open space, rivers, arroyos, floodplains, rock outcroppings, escarpments, trash generation, fire risk, hazardous materials, easements, etc.*

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

MPACTS ON ANY PREHISTORIC, HISTORIC, ARCHAEOLOGICAL OR CULTURAL SITES OR STRUCTURES, INCLUDING ACEQUIAS AND THE TORIC DOWNTOWN *For example: the project's compatibility with historic or cultural sites located on the property where the project is proposed.*

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

(d) RELATIONSHIP TO EXISTING DENSITY AND LAND USE WITHIN THE SURROUNDING AREA AND WITH LAND USES AND DENSITIES PROPOSED BY THE CITY GENERAL PLAN *For example: how are existing City Code requirements for annexation and rezoning, the Historic Districts, and the General Plan and other policies being met.*

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

(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.*

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

(f) IMPACT ON THE ECONOMIC BASE OF SANTA FE *For example: availability of jobs to Santa Fe residents; market impacts on local businesses; and how the project supports economic development efforts to improve living standards of neighborhoods and their businesses.*

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

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

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

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

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.

DITIONAL COMMENTS (Optional)

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

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

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

Applicant or Representative Check Box below

↓		Name	Address	Email
☐	1	John Michel	1444 Acequia ~~Borrada~~ W	Aic.nm.us@live.com
☐	2	Maria M. Padilla	1091 Avenida Linda	
☐	3	Alfred Flatt	950 Vuelta del Sur	
☐	4	LINDA WILDER FLATT	950 VUELTA del SUR	linda@safeguardsf.com
☐	5	Nadine Stafford	1432 Acequia Borrada	
☐	6	Susan Cresoi	1064 Avenida Linda	screspi@q.com
☐	7	William Mee	2073 Camino Samuel Montoya	WilliamHenryMee@aol.com
☐	8	Abe Topio	POB 15944	
☐	9	ARDEN COULSTON	908 Vuelta Del Sur SF	arden@deafinitely.com
☐	10	Carmen M. Delgado	1230 Chestnut St 87507	cmdelgado2@hotmail.com
☐	11	Nadia Kitcio	1299 Zapoi Rd #229	
☐	12	Roberta Carter	1123 Vuelta de las Acequias	

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

Heather Lamboy | [signature] | 6/10/13

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.

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

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

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

Applicant or Representative Check Box below

↓		Name	Address	Email
☑	1	Hillary Welles	130 Grant Ave, Ste 101	hillary@jenkinsgavin.com
☑	2	Jennifer Jenkins	"	jennifer@ "
☑	3	Colleen Gavin	"	colleen@ "
☐	4	Elfa Archuleta	923 Vuelta del Sur	elfa_archuleta@msn.com
☐	5	Sandy Beaver	935 Vuelta del Sur	
☐	6	Daniel Forrest	1443 Acequia Borrada W	
☐	7	Larry Hudgins	" " " "	
* ☐	8	Ted Carlin	1194 Senda del Valle #501	sherwood1@cyberlimesor.com
☐	9	Susan Kreiner	1051 Calle Don Roberto	
☐	10	Liddy Padilla	4304 Acequia Ln	liddypad.com
☐	11	Janet Kimberling	4313 Calle Andrew #C	
☐	12			

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

Heather Lamboy 6/10/13

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.

* Bulk mail

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

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

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

Applicant or Representative Check Box below

↓		Name	Address	Email
☐	1	[illegible]	1123 [illegible]	[illegible]@hotmail.com
☐	2	Richard Russell	12480 Gibbs Trail	Richardrussellcse@hotmail.com
☐	3	Angelo Saavedra	1085 Avenida Cristal	ajcurandero@q.com
☐	4	FABIAN TRUJILLO	1157 Vuelta De Las Acequias	fabulousfabs13@yahoo.com
☐	5	Doug Taylor	947 Vuelta del Sur	tdetailer@cs.com
☐	6	Liz Wilds	1130 Senda Del Valle	lizwilds@yahoo.com
☐	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.

Heather Lamboy — Printed Name of City Staff in Attendance

Signature of City Staff in Attendance

6/10/13 — Date

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

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

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

Applicant or Representative Check Box below

↓		Name	Address	Email
☐	1	GLENN COUCH/Sierra Vista MHP	1299 Zepol RD	glenn@uniprop.com
☐	2	RAY Olguin		
☐	3	JANE LOPEZ	1452 Aguafina Borrada W	
☐	4	Mama Padilla	1274 Senda del Valle	87507
☐	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.

Heather Lamboy — Printed Name of City Staff in Attendance

Signature of City Staff in Attendance

6/10/13 — Date

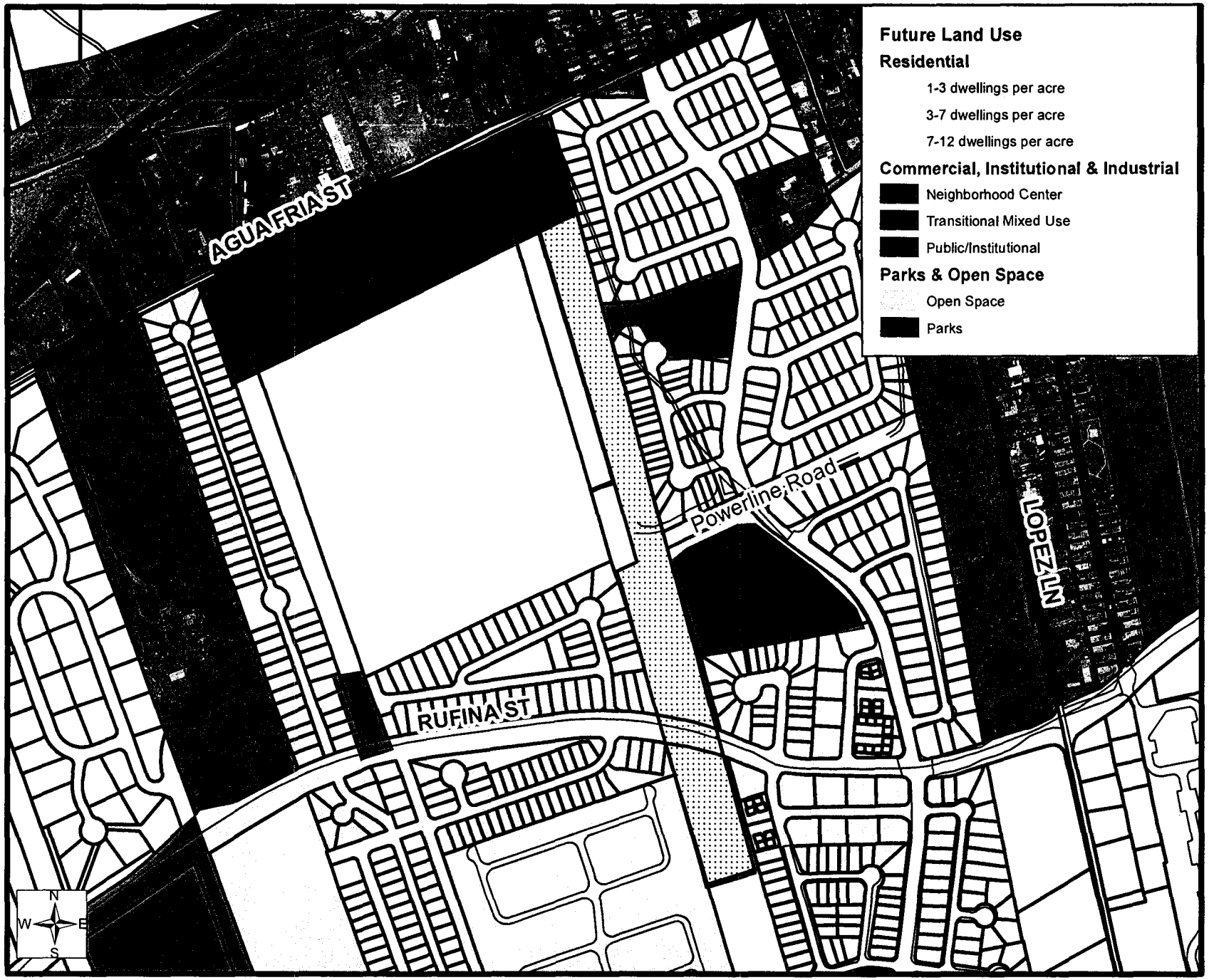
This sign-in sheet is public record and shall not be used for commercial purposes.

City of Santa Fe, New Mexico

Exhibit D

Maps

AGUAFINA PRELIMINARY SUBDIVISION PLAT



0 285 570 1,140 1,710 2,280 Feet

Tract Proposed for Subdivision Outlined in Red

AGUAFINA PRELIMINARY SUBDIVISION PLAT - ZONING

0 285 570 1,140 1,710 2,280 Feet

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

AGUAFINA PRELIMINARY SUBDIVISION PLAT - AERIAL

0 285 570 1,140 1,710 2,280 Feet

Tract Proposed for Subdivision Outlined in Red

City of Santa Fe, New Mexico

Exhibit E

Applicant Submittals

jenkinsgavin
DESIGN & DEVELOPMENT INC

June 24, 2013

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

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

Dear Heather:

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

Project Summary

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

Access

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

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

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

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

Terrain Management

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

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

Water and Wastewater

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

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

Variance Request

To accomplish the above described access plan, a Variance is requested from Land Development Code §14-9.2 (D)(8): *Cul-de-sacs and other dead-end streets, both public and private, may be constructed only if topography, lot configuration, previous development patterns or other*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Archaeology

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

Santa Fe Homes Program

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

Early Neighborhood Notification

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

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

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

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

Sincerely,

JENKINSGAVIN DESIGN & DEVELOPMENT, INC.

Jennifer Jenkins

Colleen C. Gavin, AIA

jenkinsgavin
DESIGN & DEVELOPMENT INC

July 22, 2013

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

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

Dear Heather:

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

§14-3.7 (C) Subdivision Approval Criteria

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

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

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

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

unsatisfactory living conditions. See also Section 14-5.9 (Ecological Resource Protection Overlay District) and Section 14-8.3 (Flood Regulations).

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

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

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

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

A Variance has been requested from Land Development Code §14-9.2 (D)(8): *Cul-de-sacs and other dead-end streets, both public and private, may be constructed only if topography, lot configuration, previous development patterns or other natural or built features prevent continuation of the street.* No other nonconformities are proposed.

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

Please refer to the response to (4) above.

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

Sincerely,

JENKINSGAVIN DESIGN & DEVELOPMENT, INC.

Jennifer Jenkins

Colleen C. Gavin, AIA

City of Santa Fe, New Mexico
UTILITY SERVICE APPLICATION

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

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

WORK ORDER # _____

Applicant Name: Aguafina Development, LLC

Project Address: 4262 Agua Fria St. (Tract C-1); 4701 & 4702 Rufina St. (Tract C-2) (Tract B)

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

Plat Filing Information: Year 2012 Book 743 Page 038,39 Township, Range, Section: T16N, R9E, S6+7

Tracts C-1 & C-2 2013 755 039 T16N, R9E, S6

Tract B:

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

Property Uniform Property Code: Tract C-1 1-049-096-268-440; C-2 1-049-096-299-322; B 1-049-096-313-325 Existing Well: Yes ____ No ✓

Legal Description including lot size: See plat.

Short Description of Project: Residential 23-lot subdivision.

Construction Start Date: December 2013

*RESIDENTIAL PROJECT - Complete the following

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

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

--- COMPLETED BY APPLICANT --- Number of Lots or Units		*--- COMPLETED BY STAFF ---* Water Use Factors	Annual Water Demand
____	Single Family Dwelling Unit, lot size less than 6,000 sq. ft.	.15 afy per d.u.	____
2	Single Family Dwelling Unit, lot size 6,000-10,890 sq. ft	.17 afy per d.u.	____
21	Single Family Dwelling Unit, lot size greater than 10,890 sq. ft.	.25 afy per d.u.	____
____	Mobile Home (in Mobile home park)	.17 afy per d.u.	____
____	Accessory Dwelling Unit	.09 afy per d.u.	____
____	Apartment/Condominium	.16 afy per d.u.	____
____	Senior Complex	.12 afy per d.u.	____
23	Total	**Total Residential Water Demand**	____ AFY

City of Santa Fe, New Mexico
UTILITY SERVICE APPLICATION

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

Information Provided By: Check one: Owner _____ Agent ✓

Signature: [signature] Date: 7/11/13

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

COMMENTS: _____

APPLICANTS, PLEASE NOTE:

- Ordinance 2008-53, prohibits new connections outside the presumptive city limits including the Agua Fria traditional historic community (AFTHC) unless specific conditions are met. Applications for service outside the presumptive city limits and AFTHC must include documentation showing these conditions are met or the application will be rejected. The documents required are shown below.
- A map of the proposed project in relation to the existing city limits and the presumptive city limits
- A detailed description of the proposed develop0ment including the type and size of proposed land uses
- The health, safety and welfare or other legal reason for the connection
- A site water budget
- Documentation from the County of Santa Fe that county water service is not available
- Documentation from the wastewater division regarding sewer availability
- A certified Santa Fe Homes Proposal as set forth in Section 14-8.11 SFCC 1987 if applicable

City of Santa Fe, New Mexico
UTILITY SERVICE APPLICATION

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

Check one only:

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

WORK ORDER # _____

Applicant Name: Agua Fria Development, LLC

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

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

Plat Filing Information: Year 2012 Book 743 Page 038,39 Township, Range, Section: T16N, R9E, S6+7

Tracts C-1 & C-2 2013 755 039 T16N, R9E, S6
Tract B:

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

Property Uniform Property Code: Tract C-1 1-049-096-268-440, C-2 1-049-096-299-322, B 1-049-096-317-255 Existing Well: Yes ____ No ✓

Legal Description including lot size: See plat.

Short Description of Project: Residential 23-lot subdivision.

Construction Start Date: December 2013

*RESIDENTIAL PROJECT - Complete the following

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

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

--- COMPLETED BY APPLICANT --- Number of Lots or Units		*--- COMPLETED BY STAFF ---* Water Use Factors	Annual Water Demand
____	Single Family Dwelling Unit, lot size less than 6,000 sq. ft.	.15 afy per d.u.	____
2	Single Family Dwelling Unit, lot size 6,000-10,890 sq. ft	.17 afy per d.u.	____
21	Single Family Dwelling Unit, lot size greater than 10,890 sq. ft.	.25 afy per d.u.	____
____	Mobile Home (in Mobile home park)	.17 afy per d.u.	____
____	Accessory Dwelling Unit	.09 afy per d.u.	____
____	Apartment/Condominium	.16 afy per d.u.	____
____	Senior Complex	.12 afy per d.u.	____
23	Total	**Total Residential Water Demand**	____ AFY

City of Santa Fe, New Mexico
UTILITY SERVICE APPLICATION

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

Information Provided By: Check one: Owner _____ Agent ✓

Signature: [signature] Date: 7/11/13

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

COMMENTS: _____

APPLICANTS, PLEASE NOTE:

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- A map of the proposed project in relation to the existing city limits and the presumptive city limits
- A detailed description of the proposed develop0ment including the type and size of proposed land uses
- The health, safety and welfare or other legal reason for the connection
- A site water budget
- Documentation from the County of Santa Fe that county water service is not available
- Documentation from the wastewater division regarding sewer availability
- A certified Santa Fe Homes Proposal as set forth in Section 14-8.11 SFCC 1987 if applicable

Santa Fe Engineering Consultants, LLC
S F E C
Civil and Traffic Engineering
Construction Management
Land Development
1599 St Francis Drive, Suite B
Santa Fe, N. M. 87505
(505) 982-2845 Fax (505) 982-2641

July 17, 2013

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

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

Dear Mr. Romero:

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

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

I. DESCRIPTION OF PROPOSED DEVELOPMENT

A. Land Use and Intensity

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

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

B. Phasing and Timing

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

C. Zoning

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

D. Access Points

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

II. STUDY AREA CONDITIONS

A. Study Area

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

B. Existing Land Use

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

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

C. Other Known Development Activity

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

D. Existing Roadway System Characteristics

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

1. Rufina Street

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

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

E. Programmed Transportation Improvements

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

F. Alternative Travel Modes

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

III. ANALYSIS OF EXISTING CONDITIONS

A. Daily and Peak Hour Traffic Volumes

The Santa Fe New Mexico 2011 Annual Average Daily Traffic Volumes as prepared by the Santa Fe MPO was used to obtain existing traffic volumes on Rufina Street. The MPO Map is presented in Figure 5, Appendix A. The average daily weekday traffic in the vicinity of the project is 11,482 vehicles per day. In order to estimate the peak hour traffic volume, it was assumed that 12% of the average daily traffic occurs in the peak hours.

B. Level of Service Criteria

According to the Table 15.C-1, the Minimum Acceptable Level of Service Standards of the State Access Management Manual, for an urban minor arterial, the minimum acceptable level of service is D at signalized and unsignalized intersections. A level of service F shall not be accepted for individual movements.

C. Existing Level of Service

Existing level of service calculations could not be performed for this project, since the proposed intersection does not exist.

D. Safety Analysis

This segment of Rufina Street is on a tangent with mild grades and excellent sight distance.

E. Operational and Safety Deficiencies

Long queues on eastbound and westbound Rufina Street were observed at the intersection of Rufina Street / Calle Atajo. Traffic queued back for the eastbound movement almost to the intersection of Rufina Street / Senda del Valle; and almost to the intersection of Rufina Street / Lopez Lane. The queues were of short duration and cleared through one cycle of the signal.

IV. ANALYSIS OF PROPOSED CONDITIONS

A. Trip Generation

The traffic generated by a development is dependent on the size and type of the land use and its characteristic pattern. Traffic Generation Rates were determined using utilizing the Online Traffic Impact Study Software by Transoft Inc. (OTISS), dated 2012. The OTISS software is based upon the ITE Trip Generation Handbook, 9th Edition.

The development will consist of 8 single family dwelling units on Tract C-1, 8 single family dwelling units on Tract C-2, and 7 single family dwelling units on Tract B.

There are four independent variables available for projecting trip generations, the number of dwelling units, the number of persons, the number of vehicles, and the number of acres. For this report, the number of dwelling units will be used. The projected traffic generated by this land use by tract, is presented in Tables 2 through 5. The Trip Generation Calculations are presented in Appendix B.

TABLE 2 SUMMARY OF TRIP GENERATION CALCULATIONS TRACT C-1 8 DWELLING UNITS ITE 210 – SINGLE FAMILY DETACHED HOUSING	
	Driveway Volume
7-9 A.M. Peak Hour Enter	1
7-9 A.M. Peak Hour Exit	5
7-9 A.M. Peak Hour Total	6
4-6 P.M. Peak Hour Enter	5
4-6 P.M. Peak Hour Exit	3
4-6 P.M. Peak Hour Total	8

Source: Institute of Transportation Engineers
Trip Generation, 9th Edition

TABLE 3 SUMMARY OF TRIP GENERATION CALCULATIONS TRACT C-2 8 DWELLING UNITS ITE 210 – SINGLE FAMILY DETACHED HOUSING	
	Driveway Volume
7-9 A.M. Peak Hour Enter	1
7-9 A.M. Peak Hour Exit	5
7-9 A.M. Peak Hour Total	6
4-6 P.M. Peak Hour Enter	5
4-6 P.M. Peak Hour Exit	3
4-6 P.M. Peak Hour Total	8

Source: Institute of Transportation Engineers
Trip Generation, 9th Edition

TABLE 4 SUMMARY OF TRIP GENERATION CALCULATIONS TRACT B 7 DWELLING UNITS ITE 210 – SINGLE FAMILY DETACHED HOUSING	
	Driveway Volume
7-9 A.M. Peak Hour Enter	1
7-9 A.M. Peak Hour Exit	4
7-9 A.M. Peak Hour Total	5
4-6 P.M. Peak Hour Enter	4
4-6 P.M. Peak Hour Exit	3
4-6 P.M. Peak Hour Total	7

Source: Institute of Transportation Engineers
Trip Generation, 9th Edition

Tract C-1 will not access Rufina Street. The total site generated traffic that will access Rufina Street is presented in Table 5.

TABLE 5 SUMMARY OF TRIP GENERATION CALCULATIONS TRACT C-2 AND TRACT B ITE 210 – SINGLE FAMILY DETACHED HOUSING	
	Driveway Volume
7-9 A.M. Peak Hour Enter	2
7-9 A.M. Peak Hour Exit	9
7-9 A.M. Peak Hour Total	11
4-6 P.M. Peak Hour Enter	9
4-6 P.M. Peak Hour Exit	6
4-6 P.M. Peak Hour Total	15

Source: Institute of Transportation Engineers
Trip Generation, 9th Edition

B. Trip Distribution and Assignment

The origins and destinations and the efficiency of the various streets serving the site will determine directions from which traffic approach and depart the site. The approaching and departing patterns were estimated based upon analogy using counts conducted at the intersection of Rufina Street / Calle Atajo in November, 2005 and are presented in "Traffic Impact Analysis for Final Plat Submittal for Cielo Azul Subdivision, Santa Fe, New Mexico," dated August 2006, prepared by Santa Fe Engineering Consultants, LLC.

The Directions of Approach and Return are presented in Figure 6, Appendix A. The Site Generated Traffic for the AM and PM peak hours are presented in Figure 7, Appendix A.

C. Traffic Analysis

The traffic was analyzed to determine the level of service at each intersection for each condition. All analysis for capacity calculations were performed using the 2010 Highway Capacity Software by McTrans. The results are presented in Table 6. The calculations are presented in Appendix B.

TABLE 6
SUMMARY OF LEVELS OF SERVICE
PROPOSED CONDITION
TWO WAY STOP CONTROLLED INTERSECTIONS

Movement	AM Peak Hour			PM Peak Hour		
	Delay (Sec/Veh)	LOS	95% Queue (Veh)	Delay (Sec/Veh)	LOS	95% Queue (Veh)
Eastbound Left	8.4	A	0.00	10.0	B	0.01
Westbound Left	10.0	B	0.00	8.4	A	0.01
Northbound Right	16.8	C	0.04	11.5	B	0.02
Southbound Right	11.5	B	0.03	16.8	C	0.03

N/D indicates No Data

D. Intersections and Proposed Access Points

According to Table 18.C-1, "Access Spacing Standards for Intersections and Driveways, " of the State Access Management Manual, the intersection spacing between an unsignalized intersection for an urban minor arterial with a speed limit between 35 and 40 MPH is 660 feet for a full access driveway and 275 feet for a partial access driveway. The existing spacing between the intersection of Rufina Street / Lois Lane and the proposed driveway is 320 feet. The existing spacing between the intersection of Rufina Street / Senda del Valle is 342 feet. See Figure 8, Appendix A for intersection spacing.

E. Speed Change Lanes

In accordance with Table 17.B-2, "Criteria for Deceleration Lanes on Urban Two-Lane Highways," of the State Access Management Manual, the driveways were checked to determine if they met the requirements for left-turn and right-turn deceleration lanes.

A right-turn deceleration lane is not warranted for the driveway serving Tract C-2 of the development. For the driveway serving Tract B, the driveway does not meet the warrant for a right-turn deceleration lane.

For the driveway serving Tract B, a left-turn deceleration lane is not warranted. For the driveway serving Tract C-2, a left-turn deceleration lane is not warranted.

F. Warrant Review

A traffic signal warrant analysis for the intersection was not performed due to the low volume of traffic.

V. CONCLUSIONS

Based upon the analysis conducted for this project, the proposed driveways would operate at acceptable levels of service. The following recommendations are made for the proposed driveways.

A. For the driveway serving Tract C-2:

1. The driveway should be constructed as a restricted access driveway, allowing right in, right out, and left in movements.

2. A right-turn deceleration lane is not warranted.

3. A left turn deceleration lane is not warranted.

B. For the driveway serving Tract B:

1. The driveway should be constructed as a restricted access driveway, allowing right in, right out, and left in movements.

2. The right turn deceleration lane is not warranted.

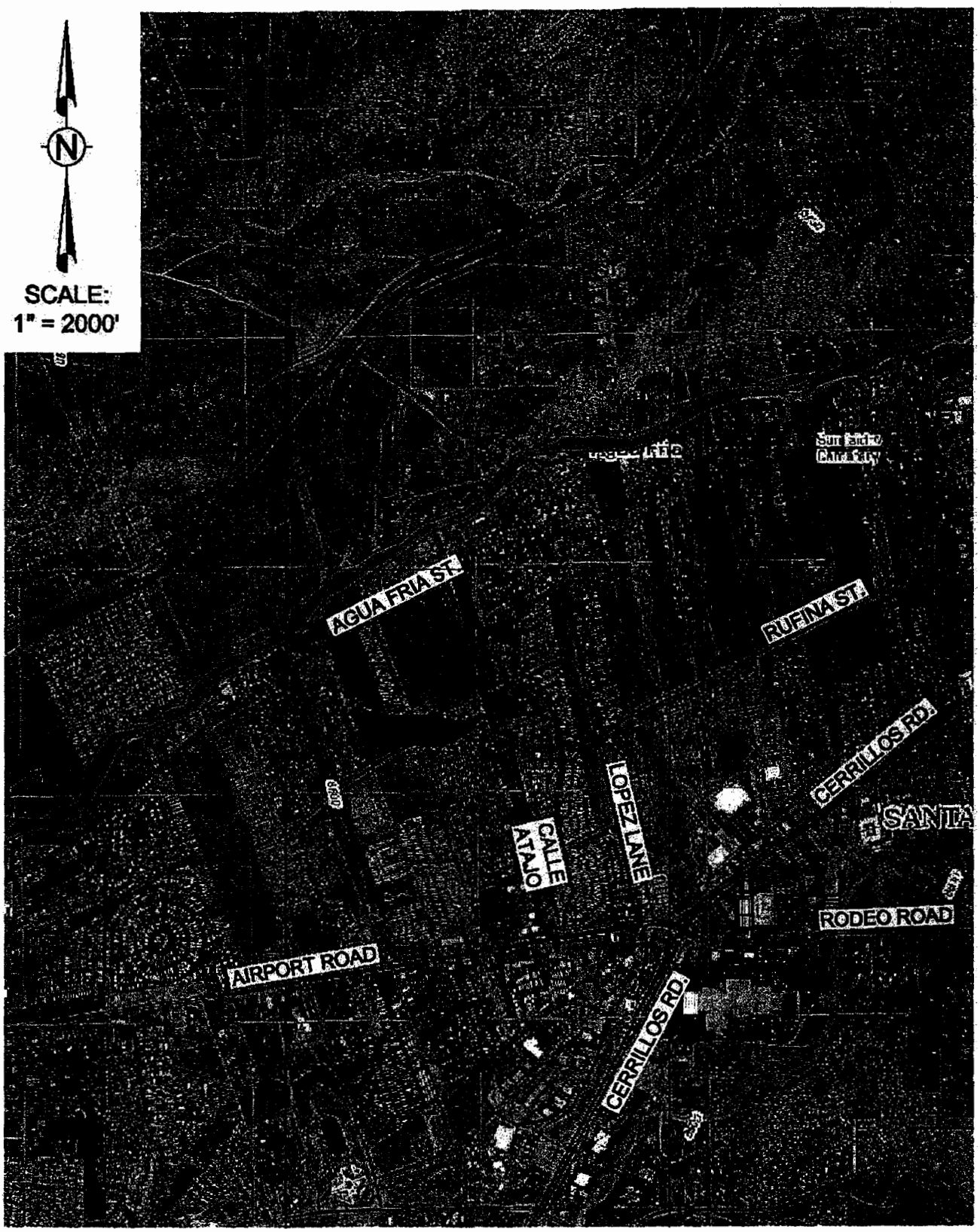
3. A left turn deceleration lane is not warranted.

If you have any questions or desire additional information, please do not hesitate to contact us.

Sincerely,

Michael D. Gomez, P.E., P.T.O.E
Santa Fe Engineering Consultants, LLC.

APPENDIX A
FIGURES

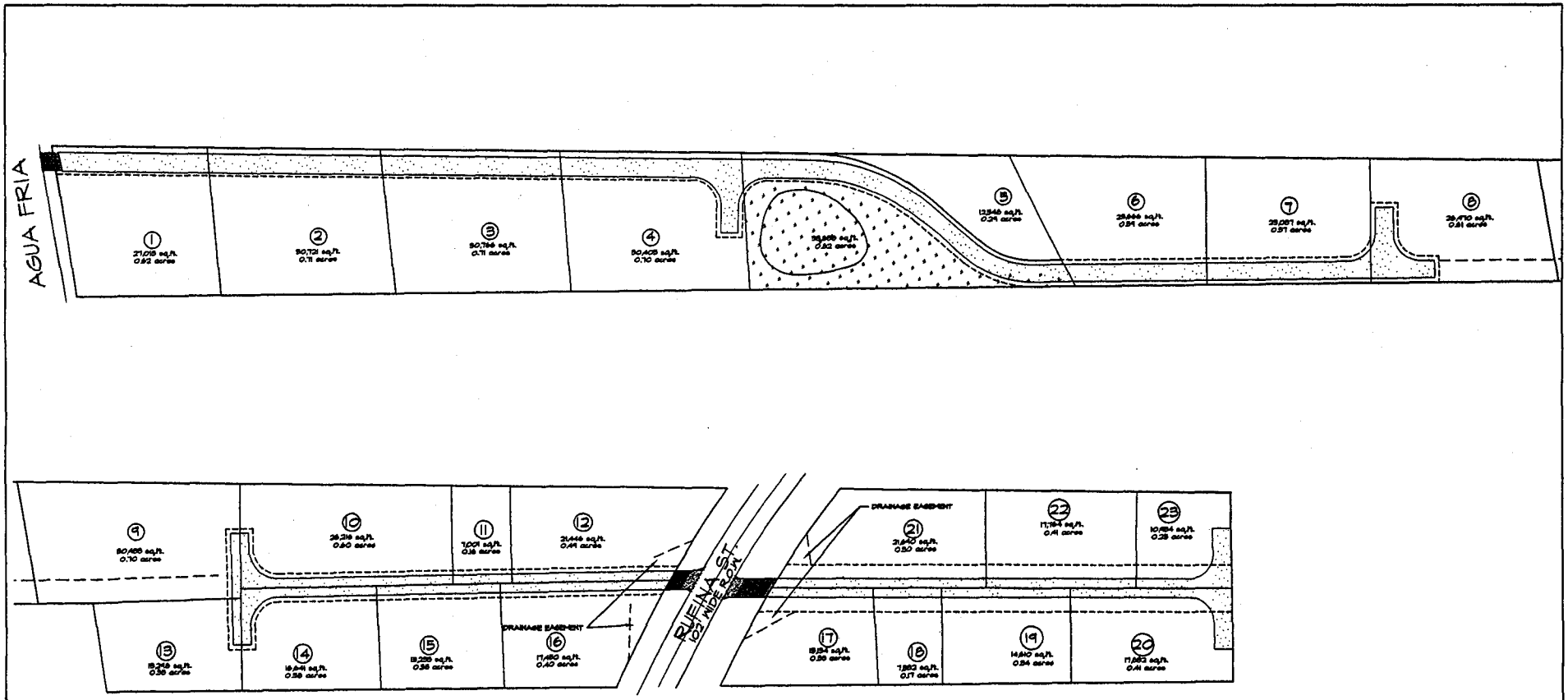


REFERENCE:
USGS Quadrangle Maps Entitled "Agua Fria, NM" Dated 2011 and "Turquoise Hill, NM" Dated 2010

LEGEND

DENOTES RECENTLY CONSTRUCTED ROAD ——

VICINITY MAP
FIGURE 1



NORTH

SCALE 1"=50'

50' 0 50'

REVISIONS	
DATE	BY

DESIGN ENGINUITY

[illegible] SUITE E
SANTA FE, NEW MEXICO 87507
(505) 501-[illegible]

AGUAFINA SUBDIVISION

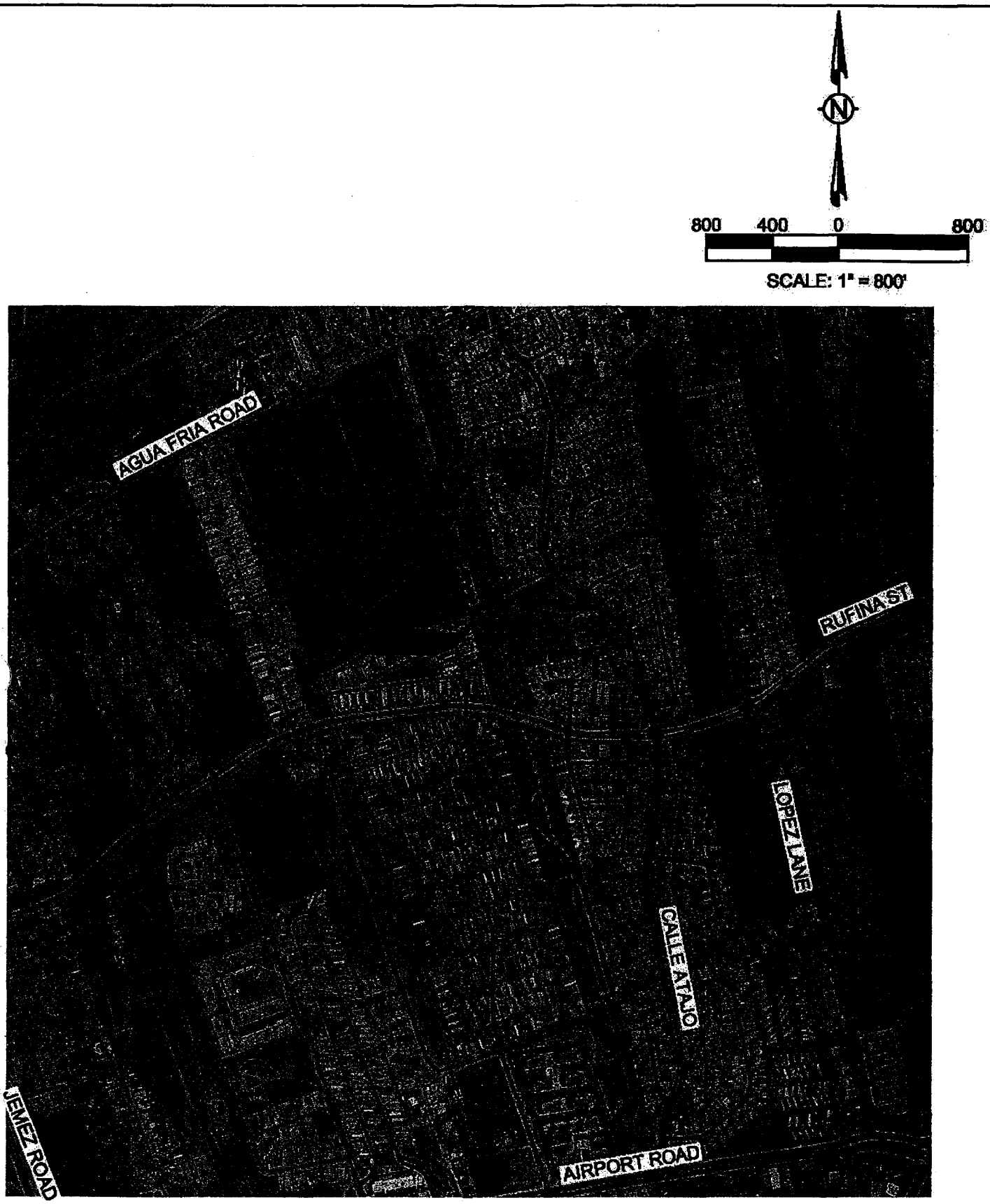
SITE PLAN

SCALE	DWG NO.	DATE
1"=50'		06/05/2018
PAPER SIZE: 8		SHEET NO.

FIGURE 2

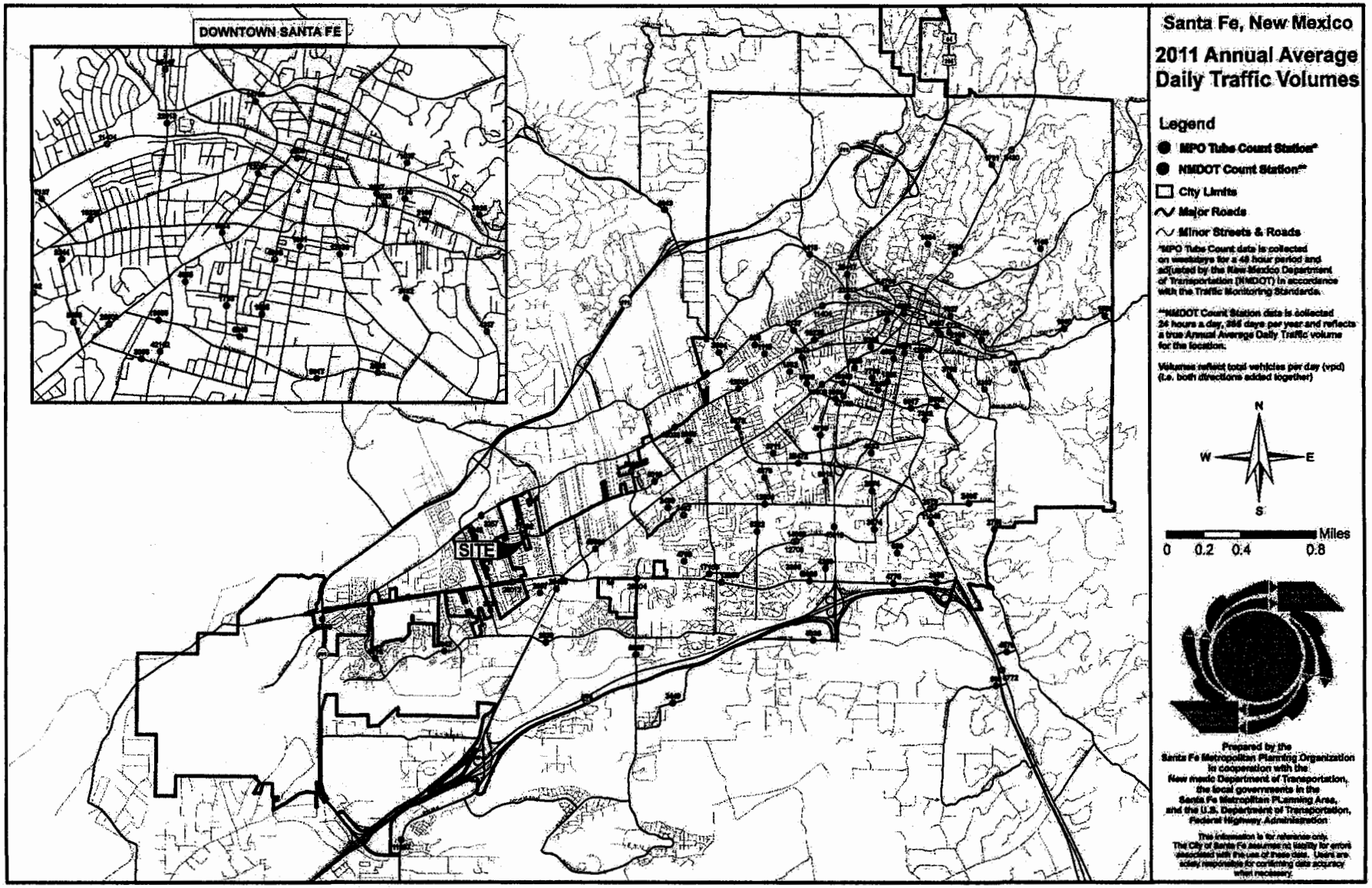
REFERENCE:
rgis.unm.edu 3.75 Minute Quarter Quadrangle Map
op160906ne, op160906nw, op160906se, and op160906sw
all within the City of Santa Fe.

EXISTING CONDITIONS MAP
FIGURE 3



REFERENCE:
rgis.unm.edu 3.75 Minute Quarter Quadrangle Map
op160906ne, op160906nw, op160906se, and op160906sw
all within the City of Santa Fe.

EXISTING ROAD NETWORK
FIGURE 4



ANNUAL AVERAGE DAILY TRAFFIC VOLUMES
FIGURE 5

DIRECTIONS OF
APPROACH AND RETURN
FIGURE 6

Aguafina

Case #2013-58 Preliminary Subdivision Plat

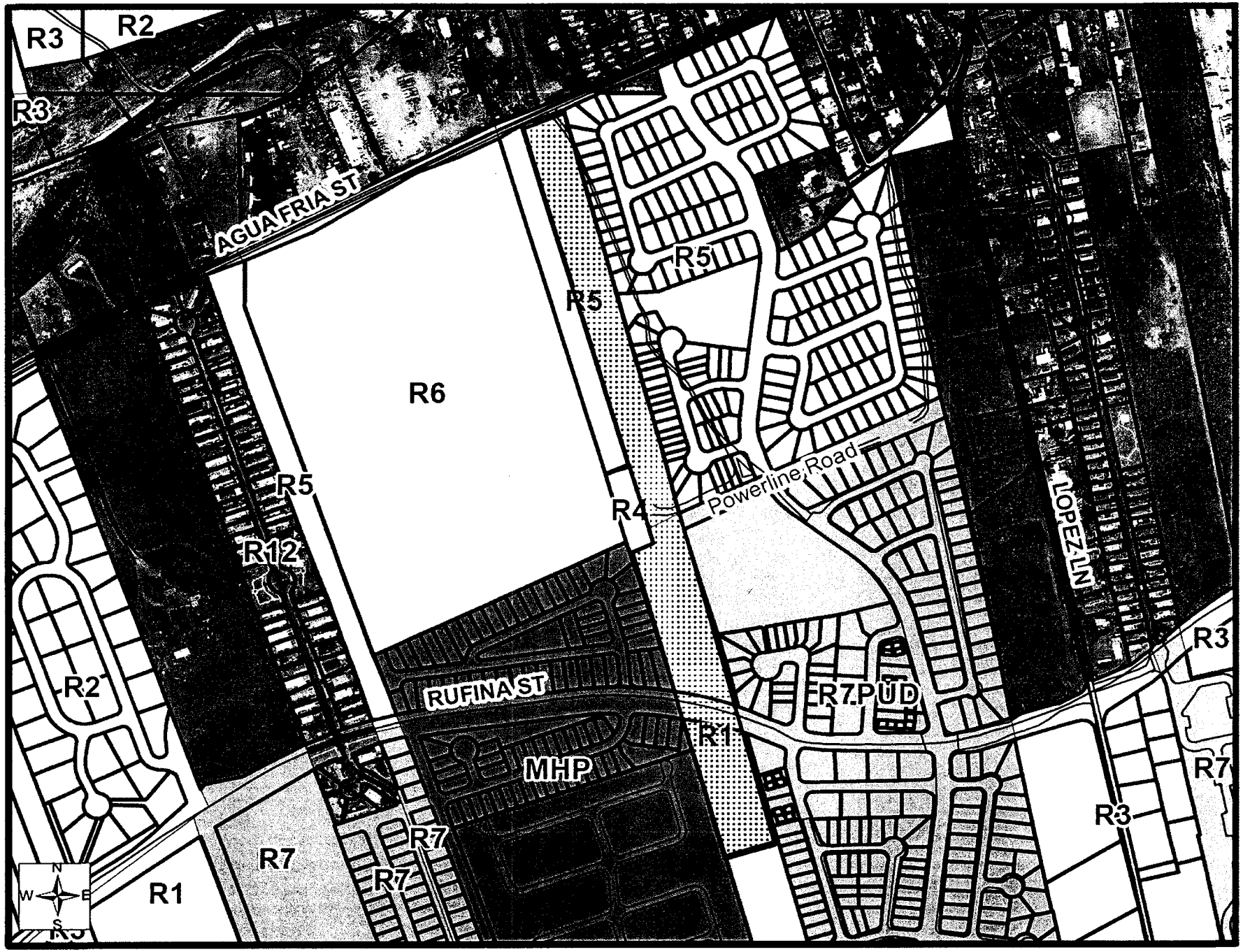
Exhibit "8"

Request:

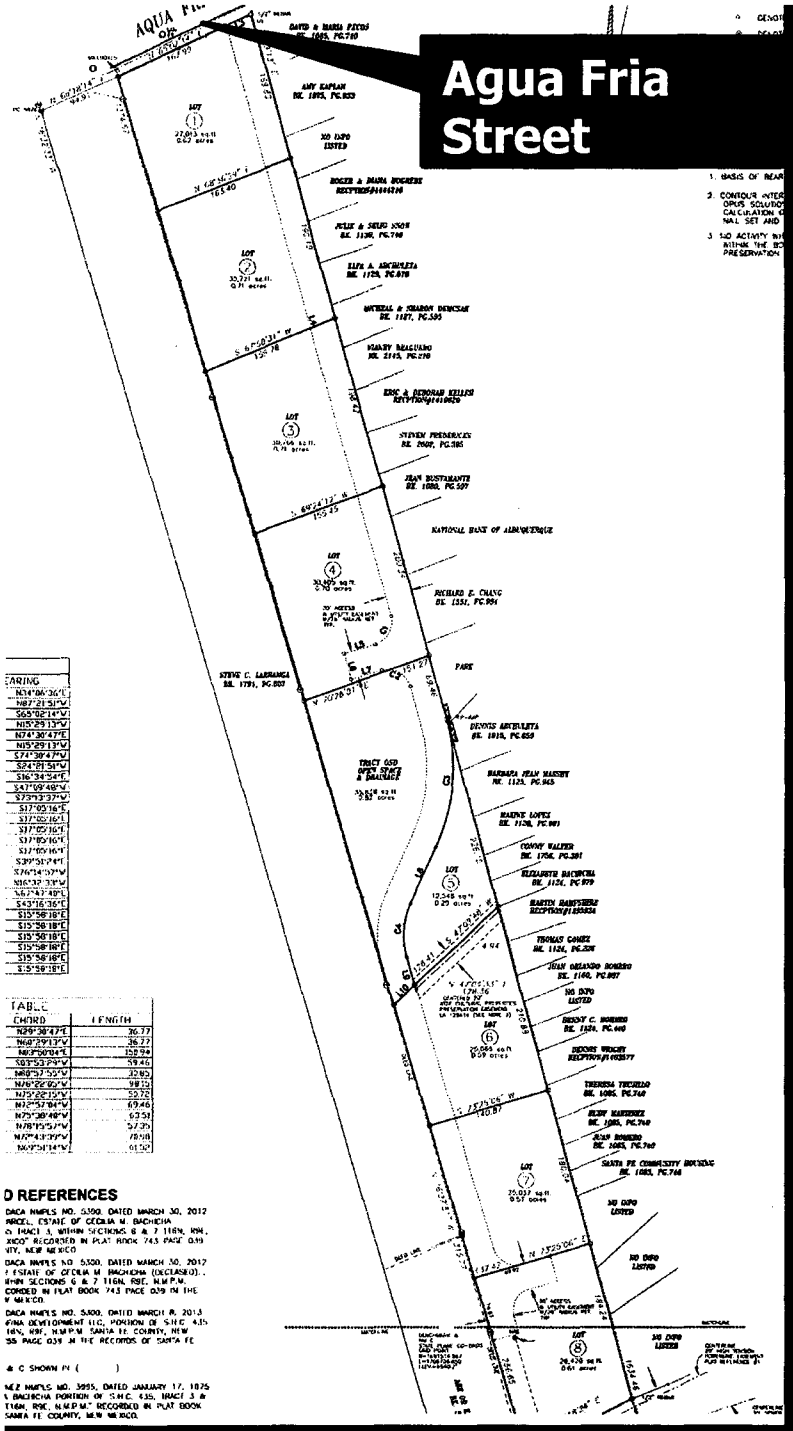
- Subdivide 11.52± acres into 23 single-family lots
- Split zoning
  - R-5 for northern 5.63± acres
  - R-3 for southern 5.89± acres
- Lot sizes vary 6,700 square feet to 0.75-acre

AGUAFINA PRELIMINARY SUBDIVISION PLAT

AGUAFINA PRELIMINARY SUBDIVISION PLAT - ZONING

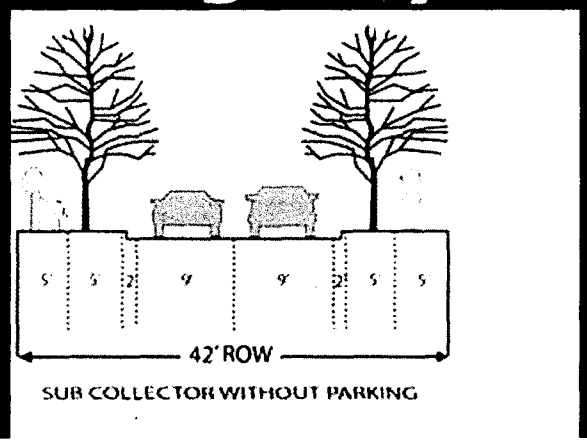


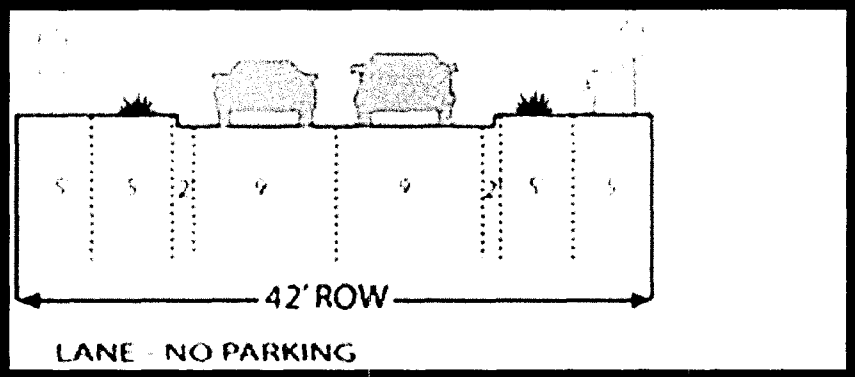
AGUAFINA PRELIMINARY SUBDIVISION PLAT - AERIAL


Agua Fria Street
Tapia Property
Rufina Street
NORTH
SCALE 1"=60'
RUFINA ST.
TRACT A
ESTATE OF CECILIA M. BACHICHA (DECEASED)

Aguafina

- Traffic Engineer & Fire state site should have two points access
- Subcollector/Lane as minimum street standard
- Agua Fria Road access point for emergency access <u>only</u>





Aguafina

Criteria for judging whether a subdivision can be approved:

- Consideration for natural features and historic resources
- Public agency review – public safety, health, and welfare
- Comply with Chapter 14, Article 9 (Infrastructure Design Standards)

Aguafina

Variance:

- Special Circumstances
- Inherent conflict in regulations
- Infeasible because of special circumstances
  - Is feasible to construct a through street to the Subcollector/Lane Standard
- Property can be used without variance

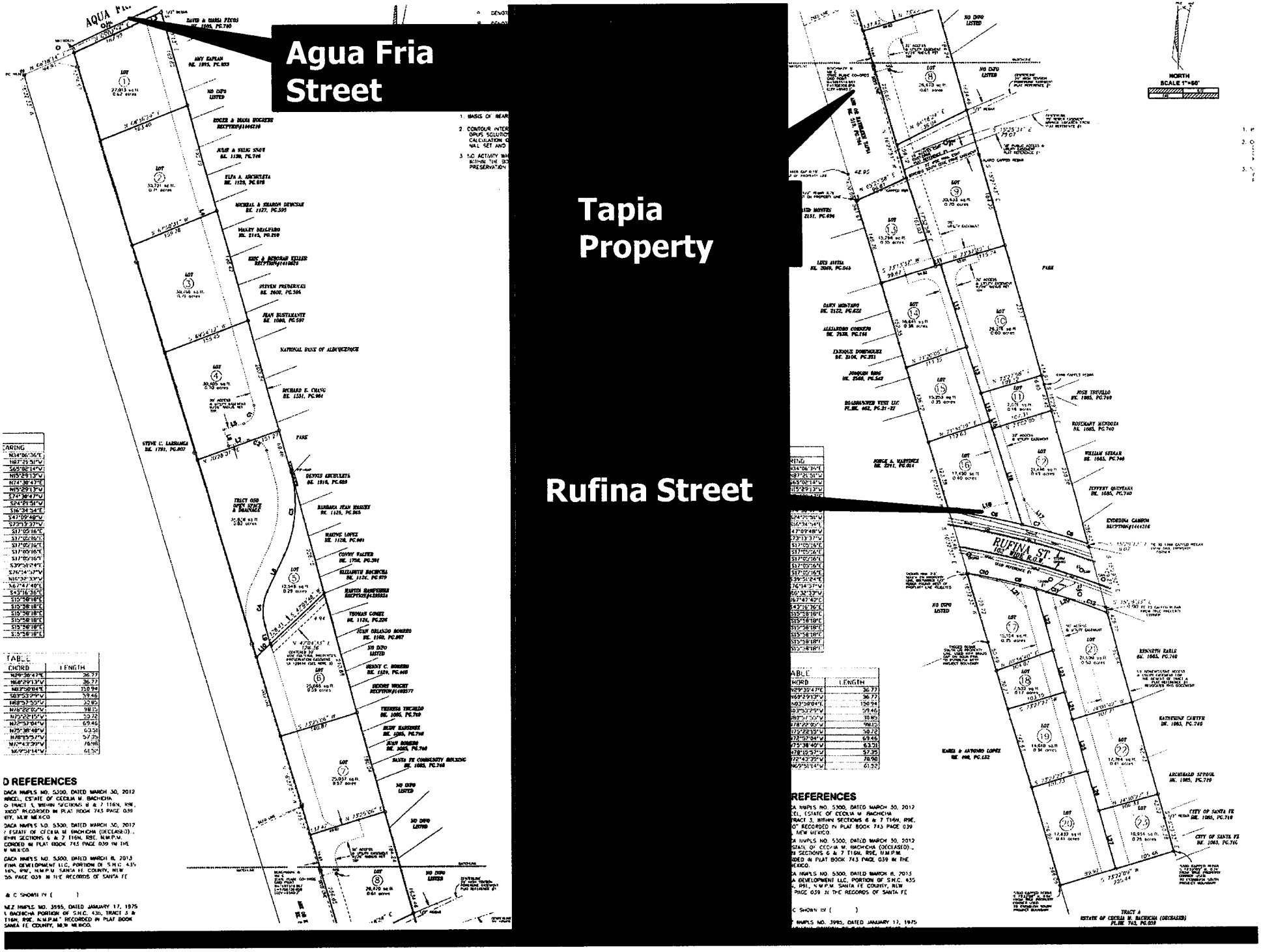
Aguafina

Rezoning Conditions of Approval:

- Future Access through Cielo Azul (stub-outs)
- Roads built to City of Santa Fe standard and dedicated as public right-of-way
- Park dedication/amenity

Aguafina

Land Use staff recommends DENIAL based on health, safety, and public welfare concerns and not meeting Chapter 14 Design Standards


Agua Fria Street
Tapia Property
Rufina Street
NORTH
SCALE 1"=60'
RUFINA ST.
TABLE
CHORD
LENGTH
D REFERENCES

jenkinsgavin
DESIGN & DEVELOPMENT INC

June 24, 2013

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

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

Dear Heather:

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

Project Summary

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

Access

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

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

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

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

Terrain Management

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

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

Water and Wastewater

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

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

Variance Request

To accomplish the above described access plan, a Variance is requested from Land Development Code §14-9.2 (D)(8): *Cul-de-sacs and other dead-end streets, both public and private, may be constructed only if topography, lot configuration, previous development patterns or other*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Archaeology

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

Santa Fe Homes Program

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

Early Neighborhood Notification

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

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

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

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

Sincerely,

JENKINSGAVIN DESIGN & DEVELOPMENT, INC.

Jennifer Jenkins

Colleen C. Gavin, AIA

jenkinsgavin
DESIGN & DEVELOPMENT INC

July 22, 2013

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

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

Dear Heather:

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

§14-3.7 (C) Subdivision Approval Criteria

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

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

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

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

unsatisfactory living conditions. See also Section 14-5.9 (Ecological Resource Protection Overlay District) and Section 14-8.3 (Flood Regulations).

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

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

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

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

A Variance has been requested from Land Development Code §14-9.2 (D)(8): *Cul-de-sacs and other dead-end streets, both public and private, may be constructed only if topography, lot configuration, previous development patterns or other natural or built features prevent continuation of the street.* No other nonconformities are proposed.

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

Please refer to the response to (4) above.

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

Sincerely,

JENKINSGAVIN DESIGN & DEVELOPMENT, INC.

Jennifer Jenkins

Colleen C. Gavin, AIA

City of Santa Fe, New Mexico
UTILITY SERVICE APPLICATION

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

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

WORK ORDER # _____

Applicant Name: Aguafina Development, LLC

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

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

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

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

Property Uniform Property Code: Tract C-1 1-049-096-268-440; C-2 1-049-096-299-322; B 1-049-096-317-355

Existing Well: Yes ____ No ✓

Legal Description including lot size: See plat

Short Description of Project: Residential 23-lot subdivision.

Construction Start Date: December 2013

*RESIDENTIAL PROJECT - Complete the following

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

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

--- COMPLETED BY APPLICANT --- Number of Lots or Units		*--- COMPLETED BY STAFF ---* Water Use Factors	Annual Water Demand
____	Single Family Dwelling Unit, lot size less than 6,000 sq. ft.	.15 afy per d.u.	____
2	Single Family Dwelling Unit, lot size 6,000-10,890 sq. ft	.17 afy per d.u.	____
21	Single Family Dwelling Unit, lot size greater than 10,890 sq. ft.	.25 afy per d.u.	____
____	Mobile Home (in Mobile home park)	.17 afy per d.u.	____
____	Accessory Dwelling Unit	.09 afy per d.u.	____
____	Apartment/Condominium	.16 afy per d.u.	____
____	Senior Complex	.12 afy per d.u.	____
23	**Total**	**Total Residential Water Demand**	____ **AFY**

City of Santa Fe, New Mexico
UTILITY SERVICE APPLICATION

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

Information Provided By: Check one: Owner _____ Agent ✓

Signature: [signature] Date: 7/11/13

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

COMMENTS: _____

APPLICANTS, PLEASE NOTE:

- Ordinance 2008-53, prohibits new connections outside the presumptive city limits including the Agua Fria traditional historic community (AFTHC) unless specific conditions are met. Applications for service outside the presumptive city limits and AFTHC must include documentation showing these conditions are met or the application will be rejected. The documents required are shown below.
- A map of the proposed project in relation to the existing city limits and the presumptive city limits
- A detailed description of the proposed develop0ment including the type and size of proposed land uses
- The health, safety and welfare or other legal reason for the connection
- A site water budget
- Documentation from the County of Santa Fe that county water service is not available
- Documentation from the wastewater division regarding sewer availability
- A certified Santa Fe Homes Proposal as set forth in Section 14-8.11 SFCC 1987 if applicable

City of Santa Fe, New Mexico
UTILITY SERVICE APPLICATION

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

Check one only:

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

WORK ORDER # _____

Applicant Name: Aguafina Development, LLC

Project Address: 4262 Agua Fria St. (Tract C-1); 4701 & 4702 Rufina St. (Tract C-2) (Tract B)

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

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

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

Property Uniform Property Code: Tract C-1 1-049-096-268-440; C-2 1-049-096-299-322; B 1-049-096-317-255 Existing Well: Yes ___ No ✓

Legal Description including lot size: See plat

Short Description of Project: Residential 23-lot subdivision.

Construction Start Date: December 2013

*RESIDENTIAL PROJECT - Complete the following

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

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

--- COMPLETED BY APPLICANT --- Number of Lots or Units		*--- COMPLETED BY STAFF ---* Water Use Factors	Annual Water Demand
___	Single Family Dwelling Unit, lot size less than 6,000 sq. ft.	.15 afy per d.u.	___
2	Single Family Dwelling Unit, lot size 6,000-10,890 sq. ft	.17 afy per d.u.	___
21	Single Family Dwelling Unit, lot size greater than 10,890 sq. ft.	.25 afy per d.u.	___
___	Mobile Home (in Mobile home park)	.17 afy per d.u.	___
___	Accessory Dwelling Unit	.09 afy per d.u.	___
___	Apartment/Condominium	.16 afy per d.u.	___
___	Senior Complex	.12 afy per d.u.	___
23	**Total**	**Total Residential Water Demand**	___ **AFY**

City of Santa Fe, New Mexico
UTILITY SERVICE APPLICATION

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

Information Provided By: Check one: Owner _____ Agent ✓

Signature: [signature] Date: 7/11/13

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

COMMENTS: _____

APPLICANTS, PLEASE NOTE:

- Ordinance 2008-53, prohibits new connections outside the presumptive city limits including the Agua Fria traditional historic community (AFTHC) unless specific conditions are met. Applications for service outside the presumptive city limits and AFTHC must include documentation showing these conditions are met or the application will be rejected. The documents required are shown below.
- A map of the proposed project in relation to the existing city limits and the presumptive city limits
- A detailed description of the proposed develop0ment including the type and size of proposed land uses
- The health, safety and welfare or other legal reason for the connection
- A site water budget
- Documentation from the County of Santa Fe that county water service is not available
- Documentation from the wastewater division regarding sewer availability
- A certified Santa Fe Homes Proposal as set forth in Section 14-8.11 SFCC 1987 if applicable

Santa Fe Engineering Consultants, LLC
SFEC
Civil and Traffic Engineering
Construction Management
Land Development
1599 St Francis Drive, Suite B
Santa Fe, N. M. 87505
(505) 982-2845 Fax (505) 982-2641

July 17, 2013

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

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

Dear Mr. Romero:

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

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

I. DESCRIPTION OF PROPOSED DEVELOPMENT

A. Land Use and Intensity

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

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

B. Phasing and Timing

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

C. Zoning

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

D. Access Points

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

II. STUDY AREA CONDITIONS

A. Study Area

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

B. Existing Land Use

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

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

C. Other Known Development Activity

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

D. Existing Roadway System Characteristics

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

1. Rufina Street

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

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

E. Programmed Transportation Improvements

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

F. Alternative Travel Modes

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

III. ANALYSIS OF EXISTING CONDITIONS

A. Daily and Peak Hour Traffic Volumes

The Santa Fe New Mexico 2011 Annual Average Daily Traffic Volumes as prepared by the Santa Fe MPO was used to obtain existing traffic volumes on Rufina Street. The MPO Map is presented in Figure 5, Appendix A. The average daily weekday traffic in the vicinity of the project is 11,482 vehicles per day. In order to estimate the peak hour traffic volume, it was assumed that 12% of the average daily traffic occurs in the peak hours.

B. Level of Service Criteria

According to the Table 15.C-1, the Minimum Acceptable Level of Service Standards of the State Access Management Manual, for an urban minor arterial, the minimum acceptable level of service is D at signalized and unsignalized intersections. A level of service F shall not be accepted for individual movements.

C. Existing Level of Service

Existing level of service calculations could not be performed for this project, since the proposed intersection does not exist.

D. Safety Analysis

This segment of Rufina Street is on a tangent with mild grades and excellent sight distance.

E. Operational and Safety Deficiencies

Long queues on eastbound and westbound Rufina Street were observed at the intersection of Rufina Street / Calle Atajo. Traffic queued back for the eastbound movement almost to the intersection of Rufina Street / Senda del Valle; and almost to the intersection of Rufina Street / Lopez Lane. The queues were of short duration and cleared through one cycle of the signal.

IV. ANALYSIS OF PROPOSED CONDITIONS

A. Trip Generation

The traffic generated by a development is dependent on the size and type of the land use and its characteristic pattern. Traffic Generation Rates were determined using utilizing the Online Traffic Impact Study Software by Transoft Inc. (OTISS), dated 2012. The OTISS software is based upon the ITE Trip Generation Handbook, 9th Edition.

The development will consist of 8 single family dwelling units on Tract C-1, 8 single family dwelling units on Tract C-2, and 7 single family dwelling units on Tract B.

There are four independent variables available for projecting trip generations, the number of dwelling units, the number of persons, the number of vehicles, and the number of acres. For this report, the number of dwelling units will be used. The projected traffic generated by this land use by tract, is presented in Tables 2 through 5. The Trip Generation Calculations are presented in Appendix B.

TABLE 2 SUMMARY OF TRIP GENERATION CALCULATIONS TRACT C-1 8 DWELLING UNITS ITE 210 – SINGLE FAMILY DETACHED HOUSING	
	Driveway Volume
7-9 A.M. Peak Hour Enter	1
7-9 A.M. Peak Hour Exit	5
7-9 A.M. Peak Hour Total	6
4-6 P.M. Peak Hour Enter	5
4-6 P.M. Peak Hour Exit	3
4-6 P.M. Peak Hour Total	8

Source: Institute of Transportation Engineers
Trip Generation, 9th Edition

TABLE 3 SUMMARY OF TRIP GENERATION CALCULATIONS TRACT C-2 8 DWELLING UNITS ITE 210 – SINGLE FAMILY DETACHED HOUSING	
	Driveway Volume
7-9 A.M. Peak Hour Enter	1
7-9 A.M. Peak Hour Exit	5
7-9 A.M. Peak Hour Total	6
4-6 P.M. Peak Hour Enter	5
4-6 P.M. Peak Hour Exit	3
4-6 P.M. Peak Hour Total	8

Source: Institute of Transportation Engineers
Trip Generation, 9th Edition

TABLE 4 SUMMARY OF TRIP GENERATION CALCULATIONS TRACT B 7 DWELLING UNITS ITE 210 – SINGLE FAMILY DETACHED HOUSING	
	Driveway Volume
7-9 A.M. Peak Hour Enter	1
7-9 A.M. Peak Hour Exit	4
7-9 A.M. Peak Hour Total	5
4-6 P.M. Peak Hour Enter	4
4-6 P.M. Peak Hour Exit	3
4-6 P.M. Peak Hour Total	7

Source: Institute of Transportation Engineers
Trip Generation, 9th Edition

Tract C-1 will not access Rufina Street. The total site generated traffic that will access Rufina Street is presented in Table 5.

TABLE 5 SUMMARY OF TRIP GENERATION CALCULATIONS TRACT C-2 AND TRACT B ITE 210 – SINGLE FAMILY DETACHED HOUSING	
	Driveway Volume
7-9 A.M. Peak Hour Enter	2
7-9 A.M. Peak Hour Exit	9
7-9 A.M. Peak Hour Total	11
4-6 P.M. Peak Hour Enter	9
4-6 P.M. Peak Hour Exit	6
4-6 P.M. Peak Hour Total	15

Source: Institute of Transportation Engineers
Trip Generation, 9th Edition

B. Trip Distribution and Assignment

The origins and destinations and the efficiency of the various streets serving the site will determine directions from which traffic approach and depart the site. The approaching and departing patterns were estimated based upon analogy using counts conducted at the intersection of Rufina Street / Calle Atajo in November, 2005 and are presented in "Traffic Impact Analysis for Final Plat Submittal for Cielo Azul Subdivision, Santa Fe, New Mexico," dated August 2006, prepared by Santa Fe Engineering Consultants, LLC.

The Directions of Approach and Return are presented in Figure 6, Appendix A. The Site Generated Traffic for the AM and PM peak hours are presented in Figure 7, Appendix A.

C. Traffic Analysis

The traffic was analyzed to determine the level of service at each intersection for each condition. All analysis for capacity calculations were performed using the 2010 Highway Capacity Software by McTrans. The results are presented in Table 6. The calculations are presented in Appendix B.

TABLE 6
SUMMARY OF LEVELS OF SERVICE
PROPOSED CONDITION
TWO WAY STOP CONTROLLED INTERSECTIONS

Movement	AM Peak Hour			PM Peak Hour		
	Delay (Sec/Veh)	LOS	95% Queue (Veh)	Delay (Sec/Veh)	LOS	95% Queue (Veh)
Eastbound Left	8.4	A	0.00	10.0	B	0.01
Westbound Left	10.0	B	0.00	8.4	A	0.01
Northbound Right	16.8	C	0.04	11.5	B	0.02
Southbound Right	11.5	B	0.03	16.8	C	0.03

N/D indicates No Data

D. Intersections and Proposed Access Points

According to Table 18.C-1, "Access Spacing Standards for Intersections and Driveways, " of the State Access Management Manual, the intersection spacing between an unsignalized intersection for an urban minor arterial with a speed limit between 35 and 40 MPH is 660 feet for a full access driveway and 275 feet for a partial access driveway. The existing spacing between the intersection of Rufina Street / Lois Lane and the proposed driveway is 320 feet. The existing spacing between the intersection of Rufina Street / Senda del Valle is 342 feet. See Figure 8, Appendix A for intersection spacing.

E. Speed Change Lanes

In accordance with Table 17.B-2, "Criteria for Deceleration Lanes on Urban Two-Lane Highways," of the State Access Management Manual, the driveways were checked to determine if they met the requirements for left-turn and right-turn deceleration lanes.

A right-turn deceleration lane is not warranted for the driveway serving Tract C-2 of the development. For the driveway serving Tract B, the driveway does not meet the warrant for a right-turn deceleration lane.

For the driveway serving Tract B, a left-turn deceleration lane is not warranted. For the driveway serving Tract C-2, a left-turn deceleration lane is not warranted.

F. Warrant Review

A traffic signal warrant analysis for the intersection was not performed due to the low volume of traffic.

V. CONCLUSIONS

Based upon the analysis conducted for this project, the proposed driveways would operate at acceptable levels of service. The following recommendations are made for the proposed driveways.

A. For the driveway serving Tract C-2:

1. The driveway should be constructed as a restricted access driveway, allowing right in, right out, and left in movements.

2. A right-turn deceleration lane is not warranted.

3. A left turn deceleration lane is not warranted.

B. For the driveway serving Tract B:

1. The driveway should be constructed as a restricted access driveway, allowing right in, right out, and left in movements.

2. The right turn deceleration lane is not warranted.

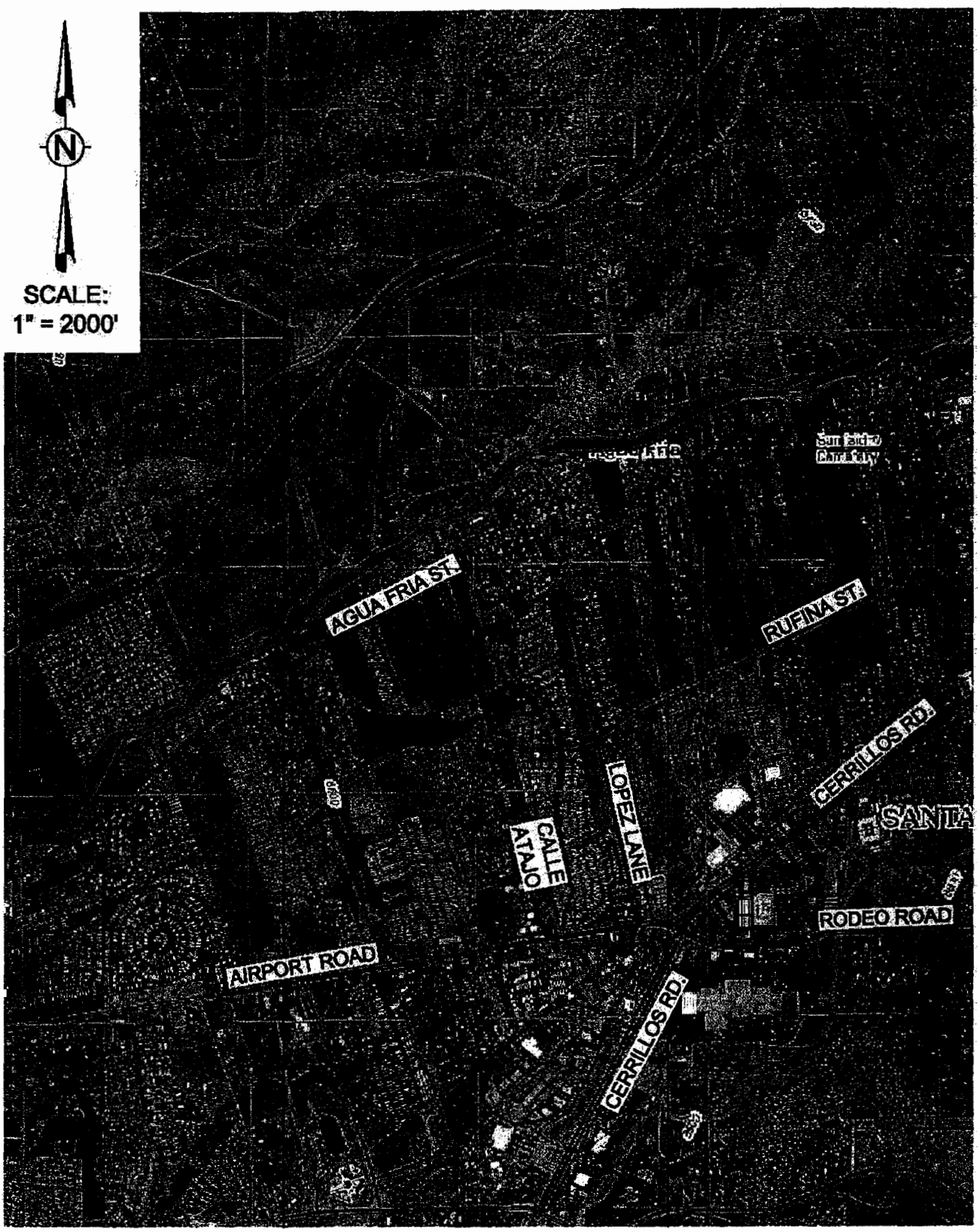
3. A left turn deceleration lane is not warranted.

If you have any questions or desire additional information, please do not hesitate to contact us.

Sincerely,

Michael D. Gomez, P.E., P.T.O.E
Santa Fe Engineering Consultants, LLC.

APPENDIX A
FIGURES

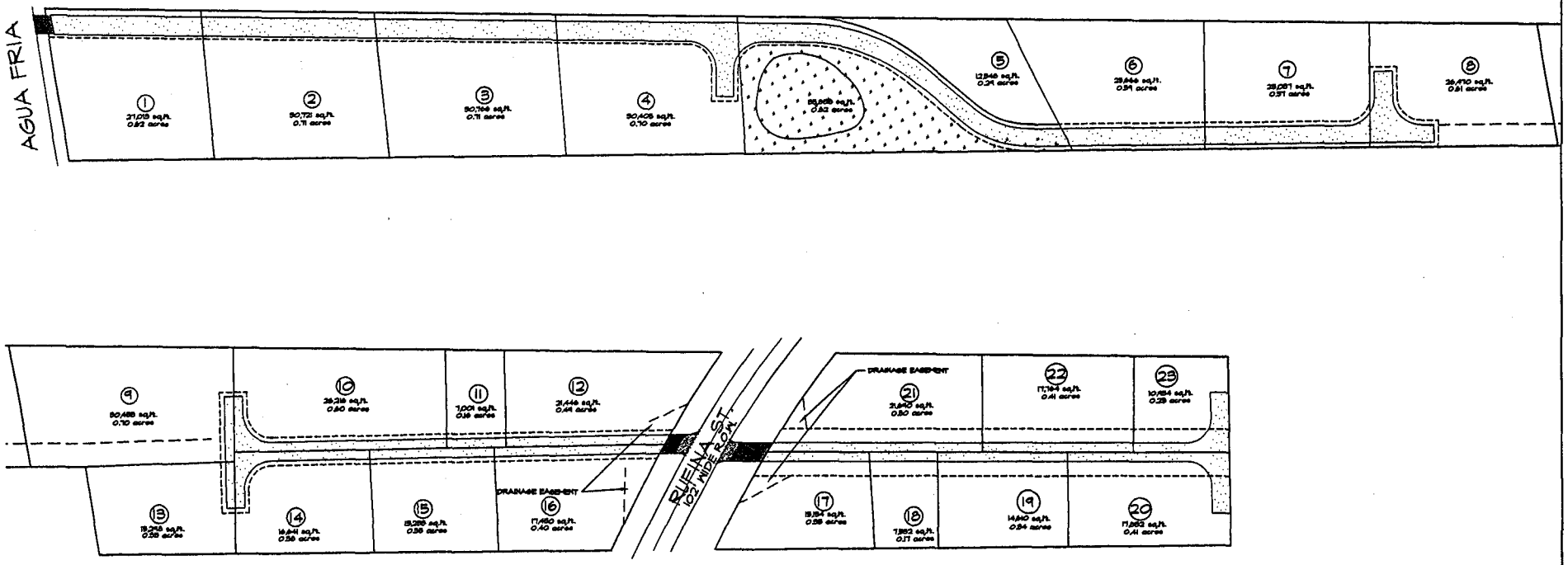


REFERENCE:
USGS Quadrangle Maps Entitled "Agua Fria, NM" Dated 2011 and "Turquoise Hill, NM" Dated 2010

LEGEND

DENOTES RECENTLY CONSTRUCTED ROAD

VICINITY MAP
FIGURE 1



NORTH

SCALE 1"=50'

50' 0 50'

REVISIONS

DATE	BY

DESIGN ENGINUITY

AGUAFINA SUBDIVISION

SITE PLAN

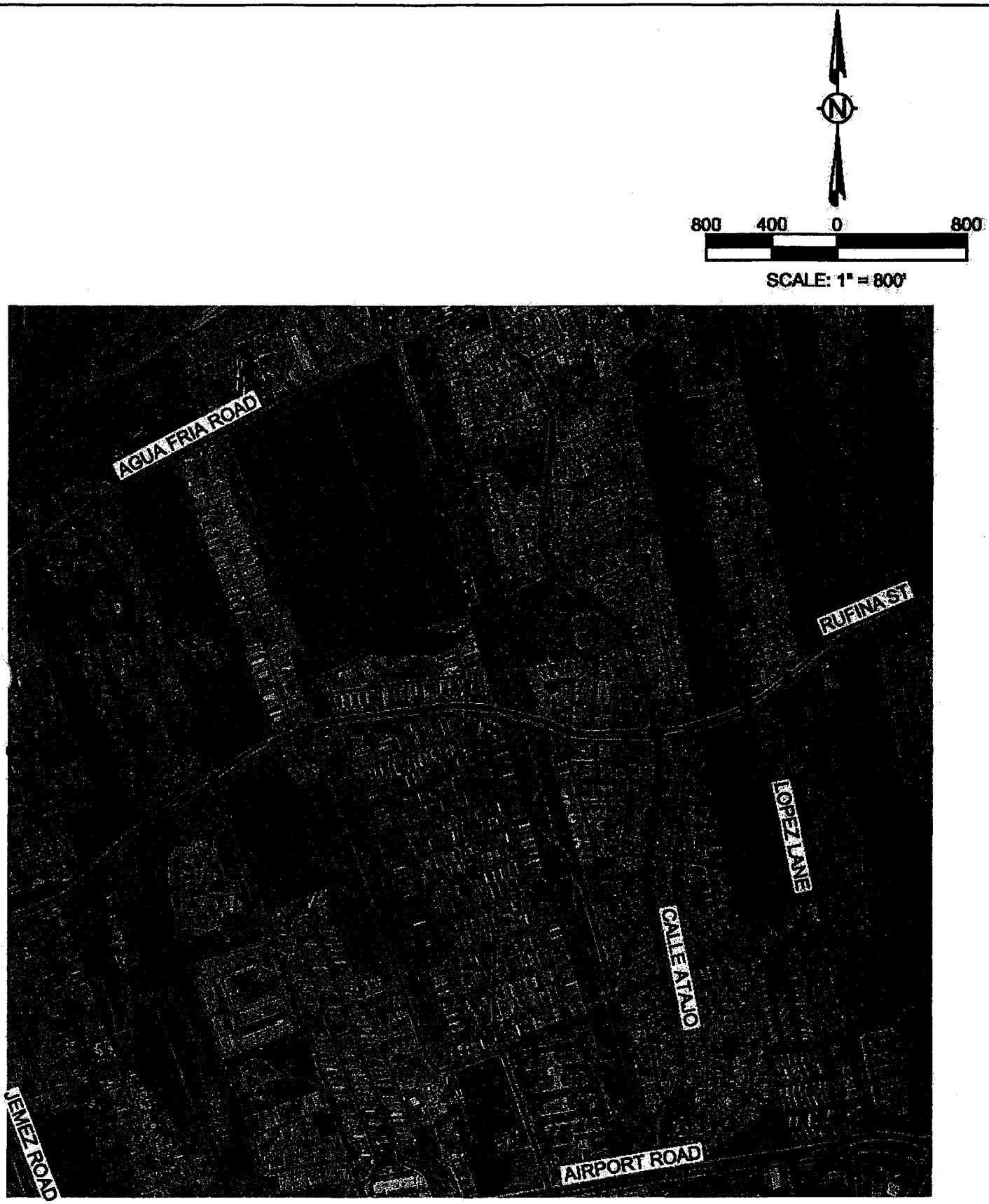
SCALE 1"=50'

DATE 06/05/2019

FIGURE 2

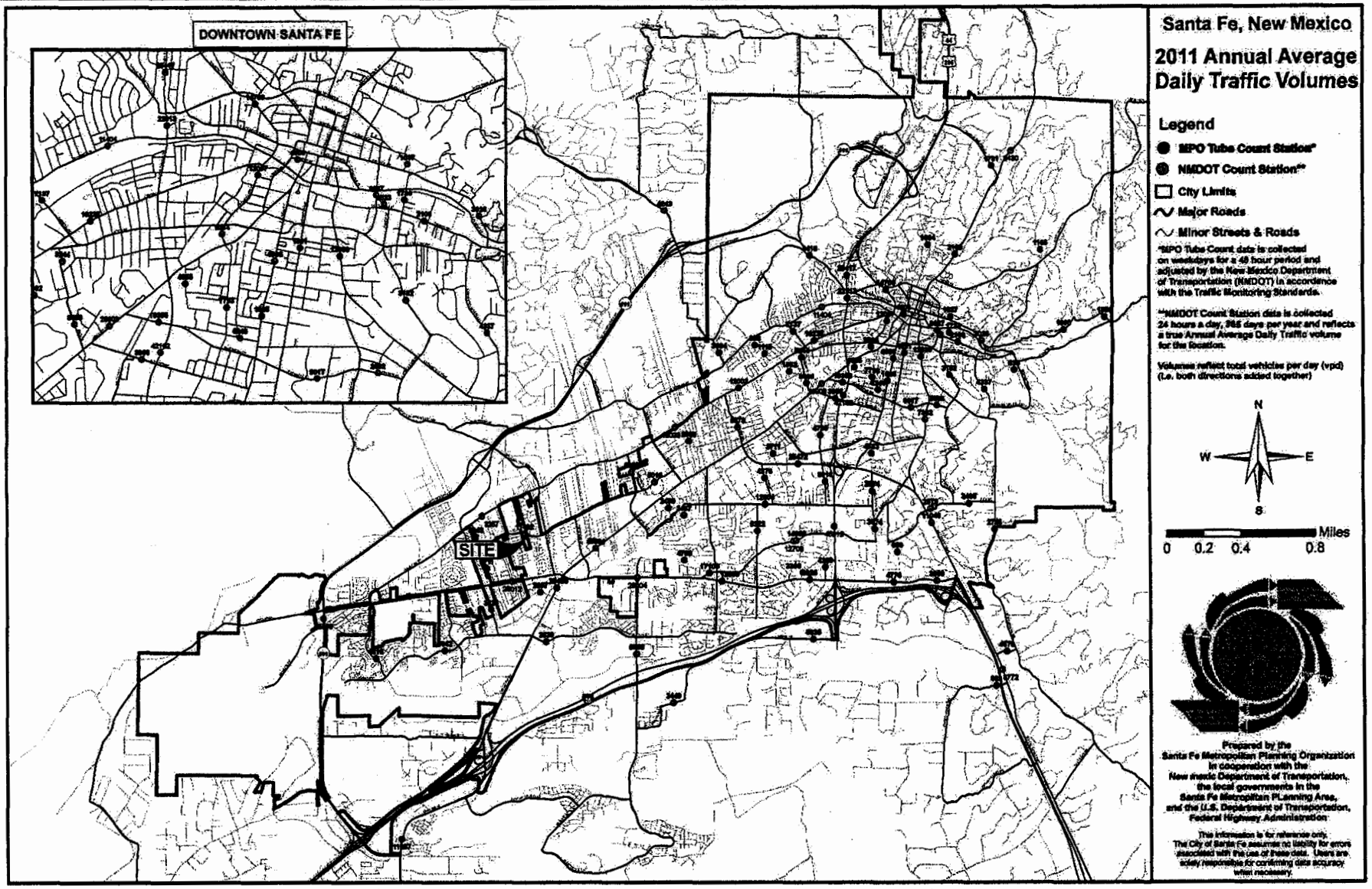
REFERENCE:
rgis.unm.edu 3.75 Minute Quarter Quadrangle Map
op160906ne, op160906nw, op160906se, and op160906sw
all within the City of Santa Fe.

EXISTING CONDITIONS MAP
FIGURE 3

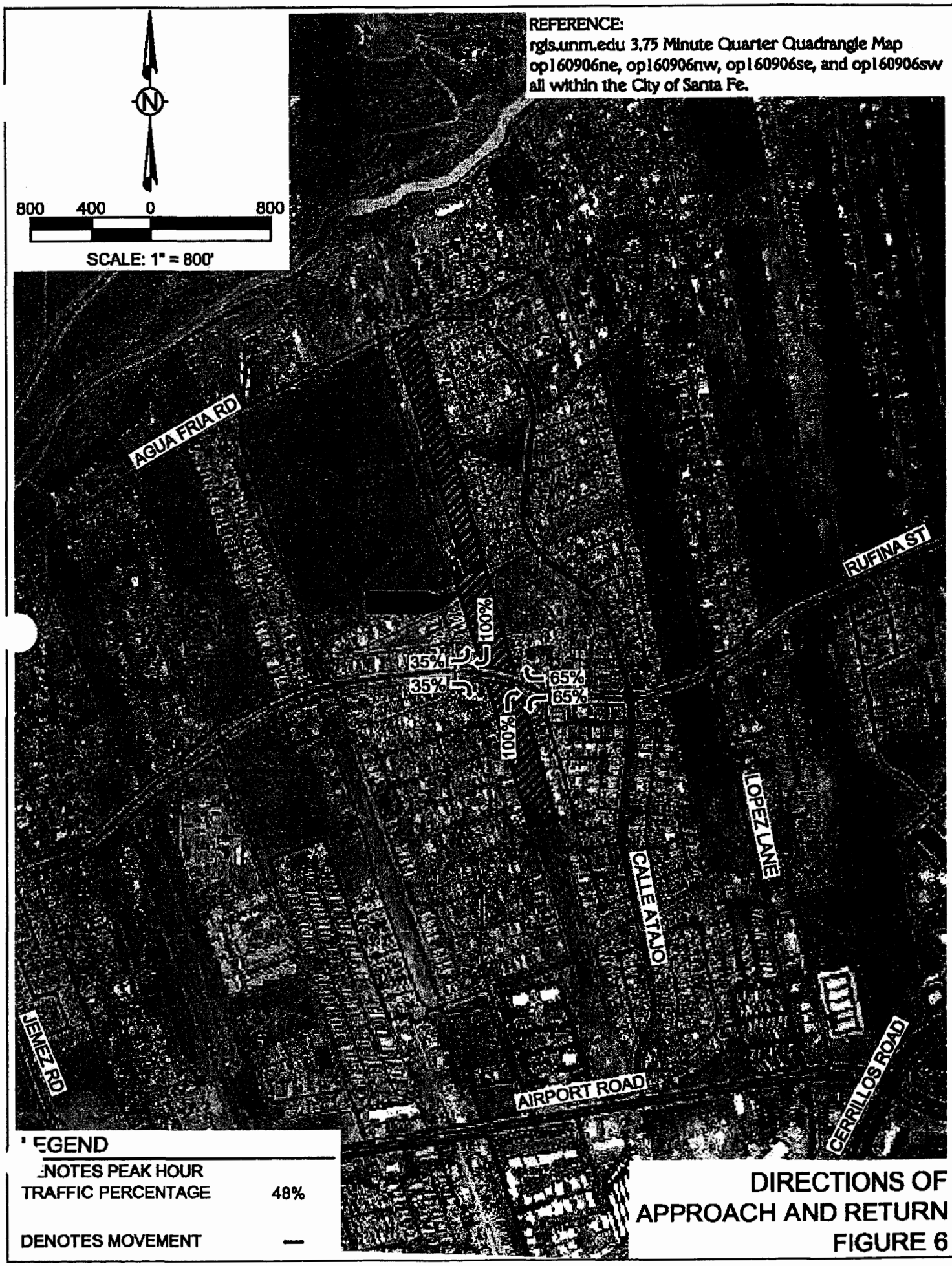


REFERENCE:
rgis.unm.edu 3.75 Minute Quarter Quadrangle Map
op160906ne, op160906nw, op160906se, and op160906sw
all within the City of Santa Fe.

EXISTING ROAD NETWORK
FIGURE 4

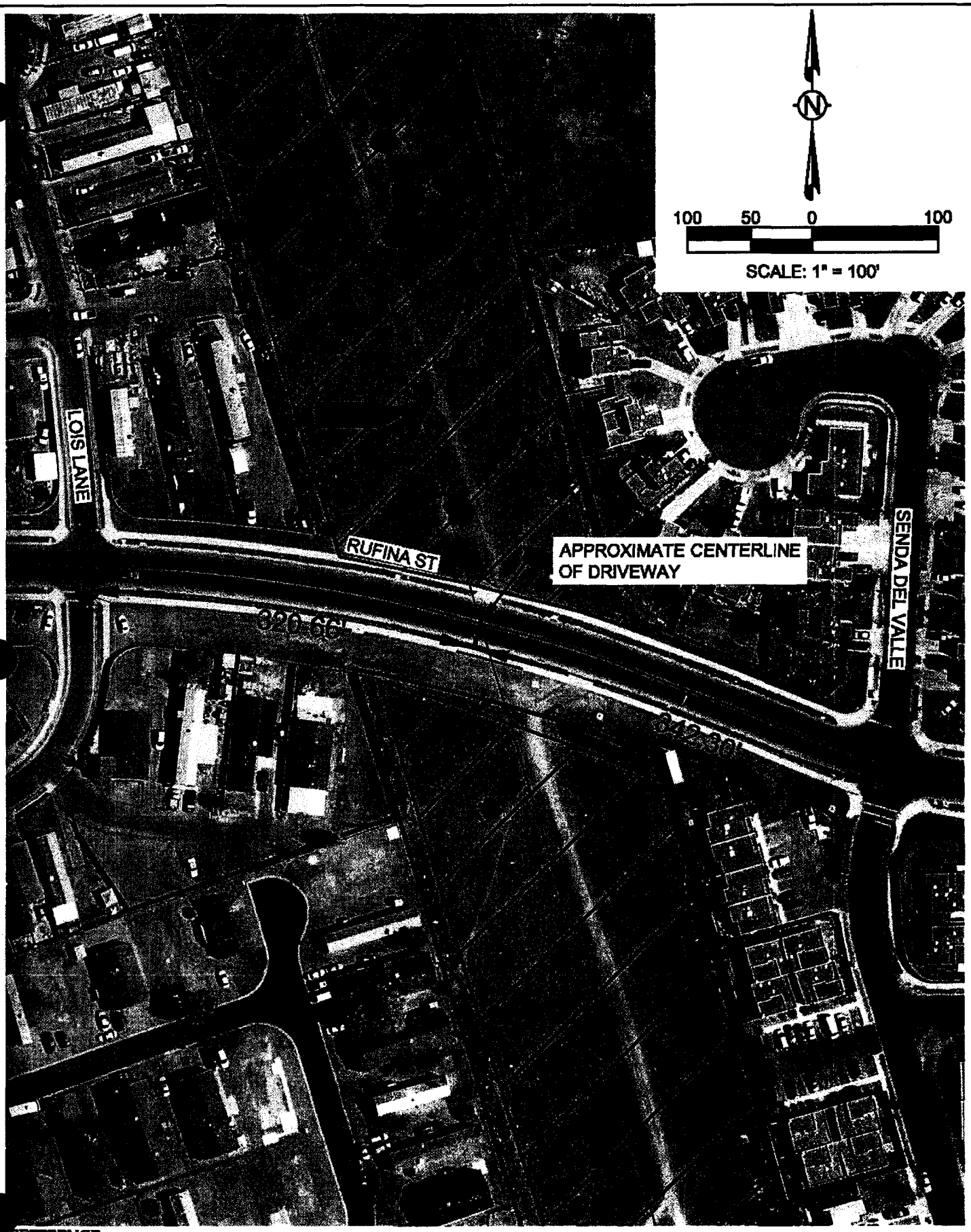


ANNUAL AVERAGE DAILY TRAFFIC VOLUMES
FIGURE 5



DIRECTIONS OF APPROACH AND RETURN
FIGURE 6

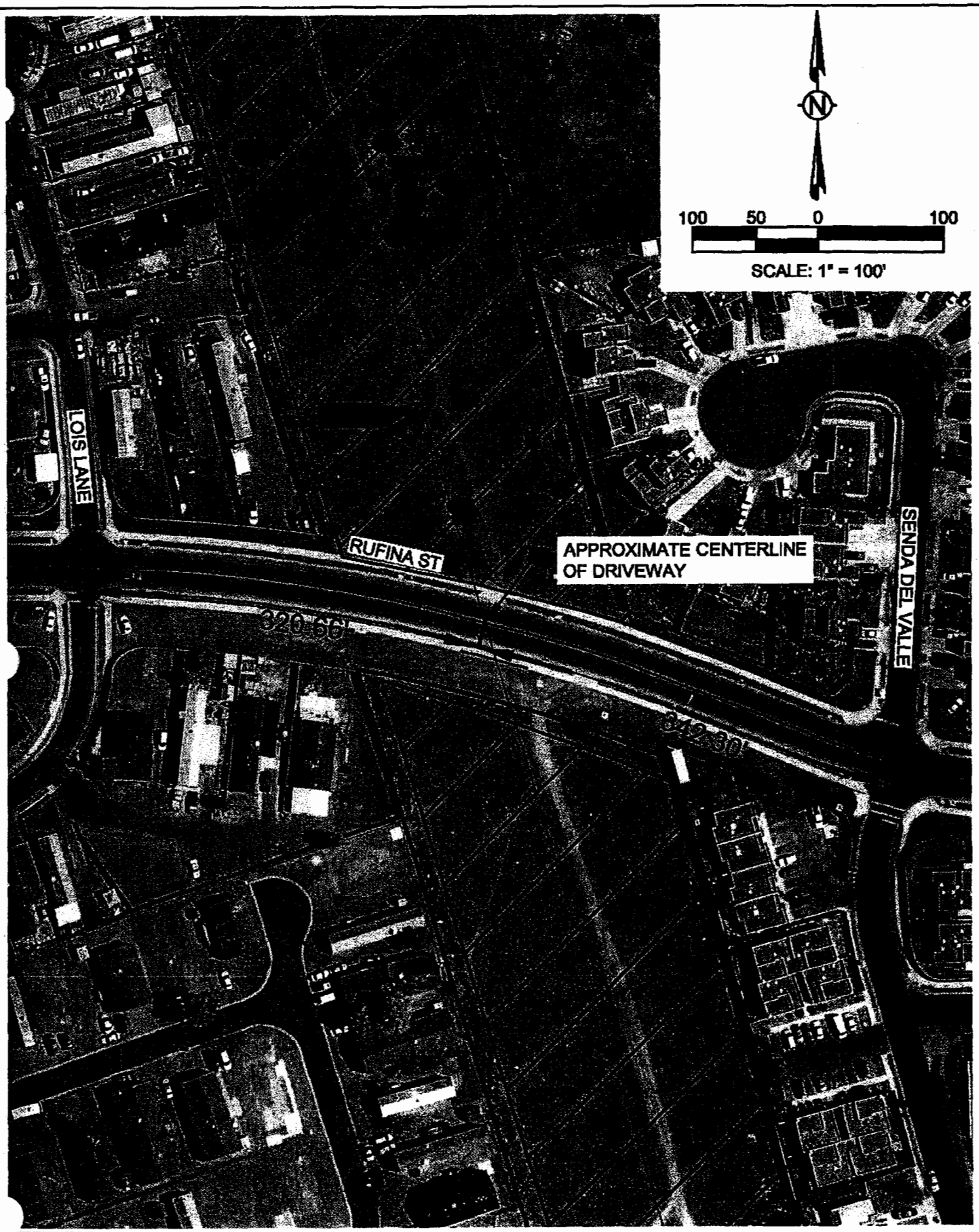
SITE GENERATED TRAFFIC
FIGURE 7



REFERENCE:
rgis.unm.edu 3.75 Minute Quarter Quadrangle Map
op160906ne, op160906nw, op160906se, and op160906sw
all within the City of Santa Fe.

INTERSECTION SPACING
FIGURE 8

SITE GENERATED TRAFFIC
FIGURE 7

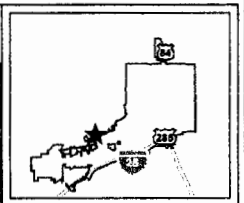


REFERENCE:
rgis.unm.edu 3.75 Minute Quarter Quadrangle Map
op160906ne, op160906nw, op160906se, and op160906sw
all within the City of Santa Fe.

INTERSECTION SPACING
FIGURE 8

Aguafina Properties

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.

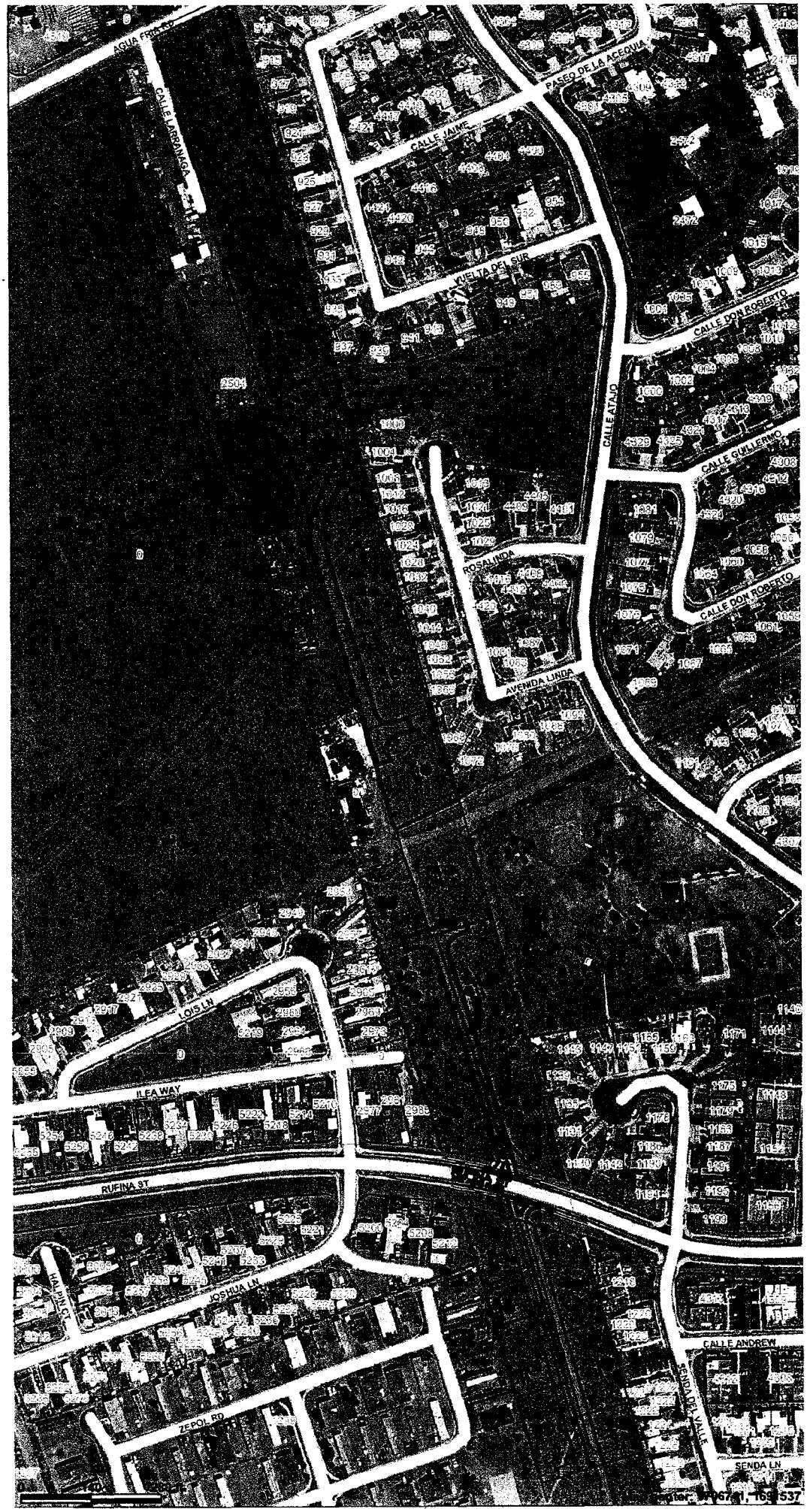


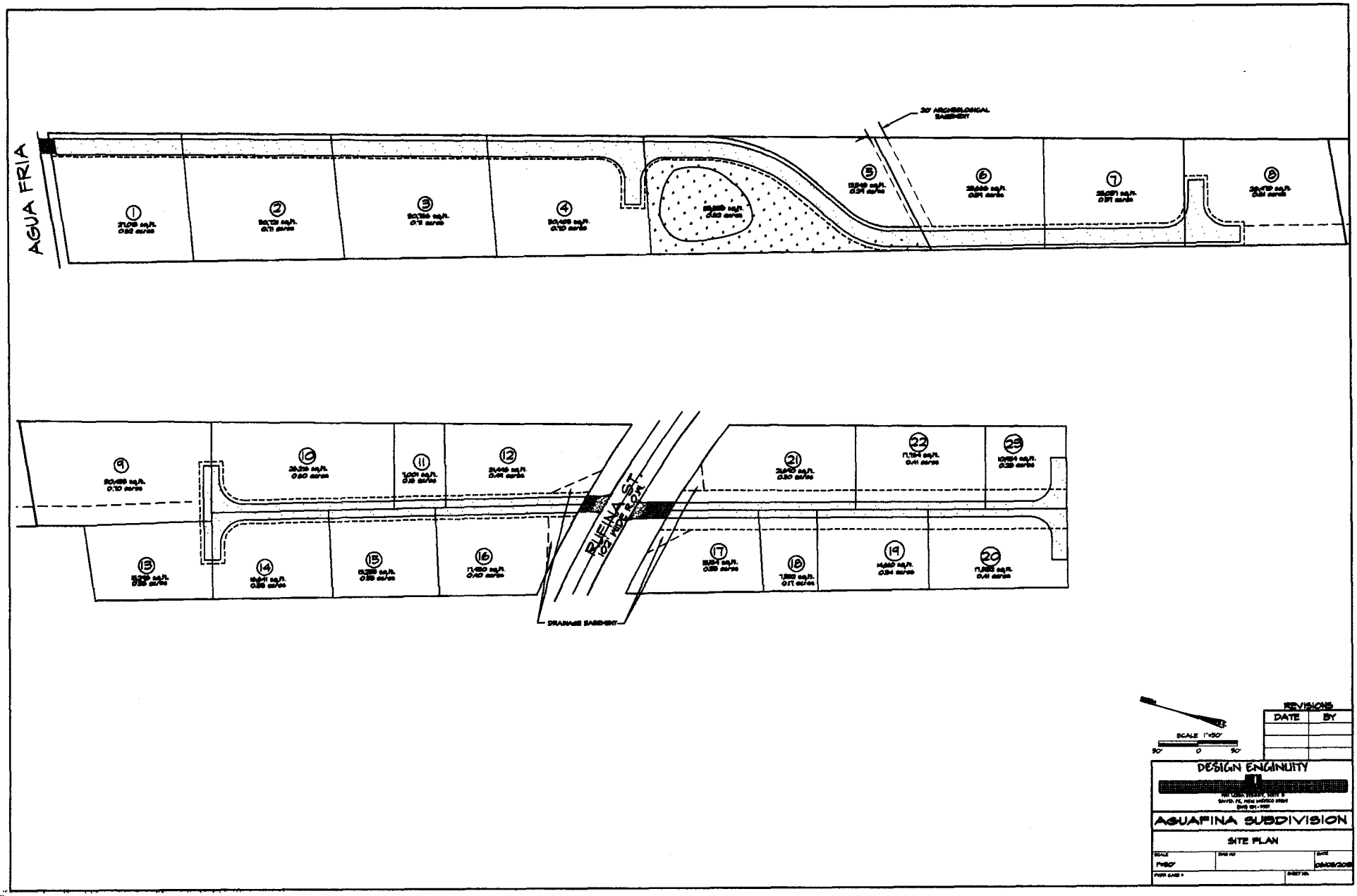
Legend

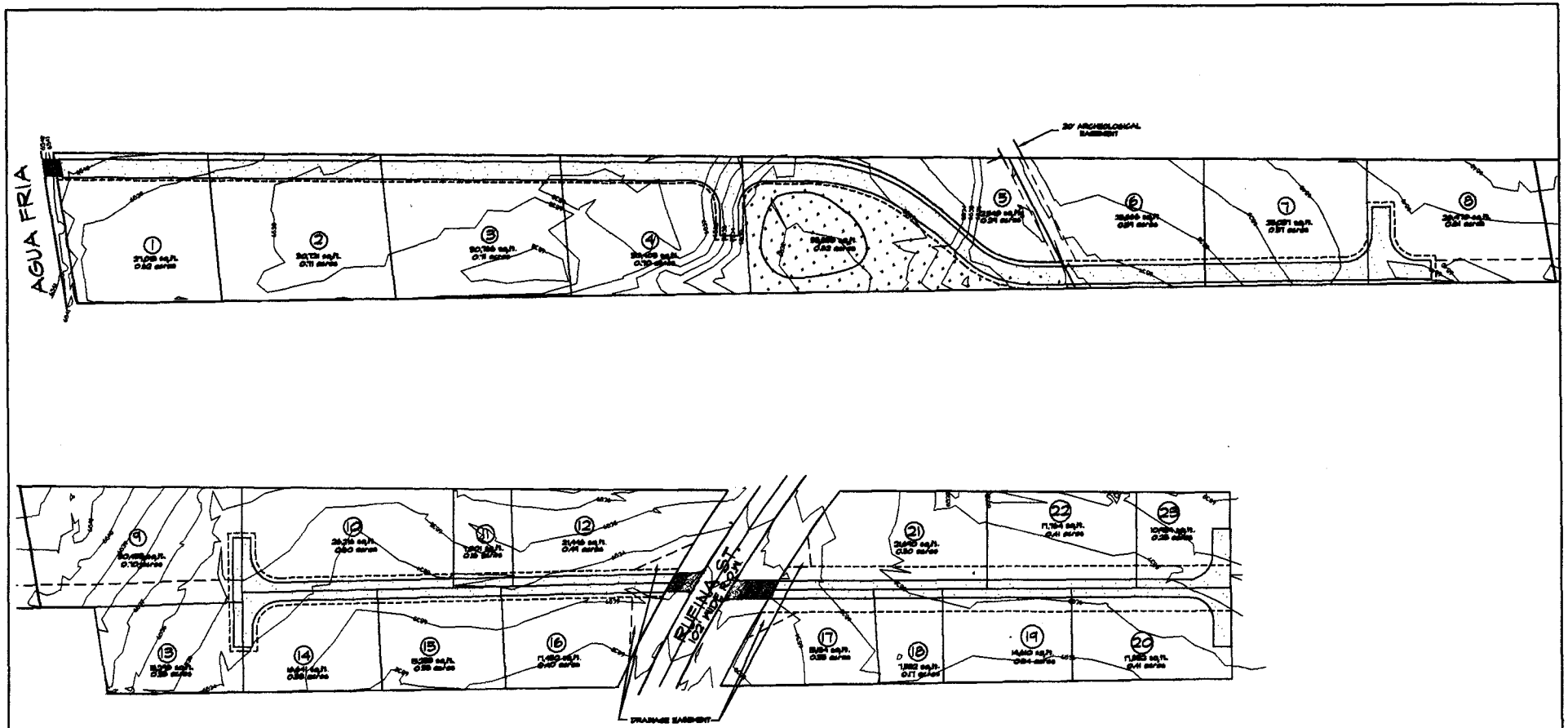
- Parcels
- Santa Fe River
- Major Roads and Highways
- Other Roads and Streets
- 2011 Aerial Photography - 1 foot resolution

Scale: 1:6,000

Exhibit "9"


AGUA FRIA ST
CALLE ARRANAGA
PASEO DE LA ACEQUIA
CALLE JAIME
VUELTA DEL SUR
CALLE DON ROBERTO
CALLE ATAJO
CALLE GUILLERMO
ROSALINDA
AVENIDA LINDA
CALLE DON ROBERTO
LOIS LN
ILEA WAY
RUFINA ST
JOSHUA LN
HALPINS
ZEPOL RD
CALLE ANDREW
SENDA DEL VALLE
SENDA LN


AGUA FRIA
30' ARCHEOLOGICAL EASEMENT
DRAINAGE EASEMENT
RUENA ST.
(12' WIDE R.O.W.)
SCALE 1"=50'
50' 0 50'
REVISIONS
DATE
BY
DESIGN ENGINUITY
AGUAFINA SUBDIVISION
SITE PLAN
SCALE
1"=50'
DATE



SCALE 1"=50'

50' 0 50'

REVISIONS	
DATE	BY

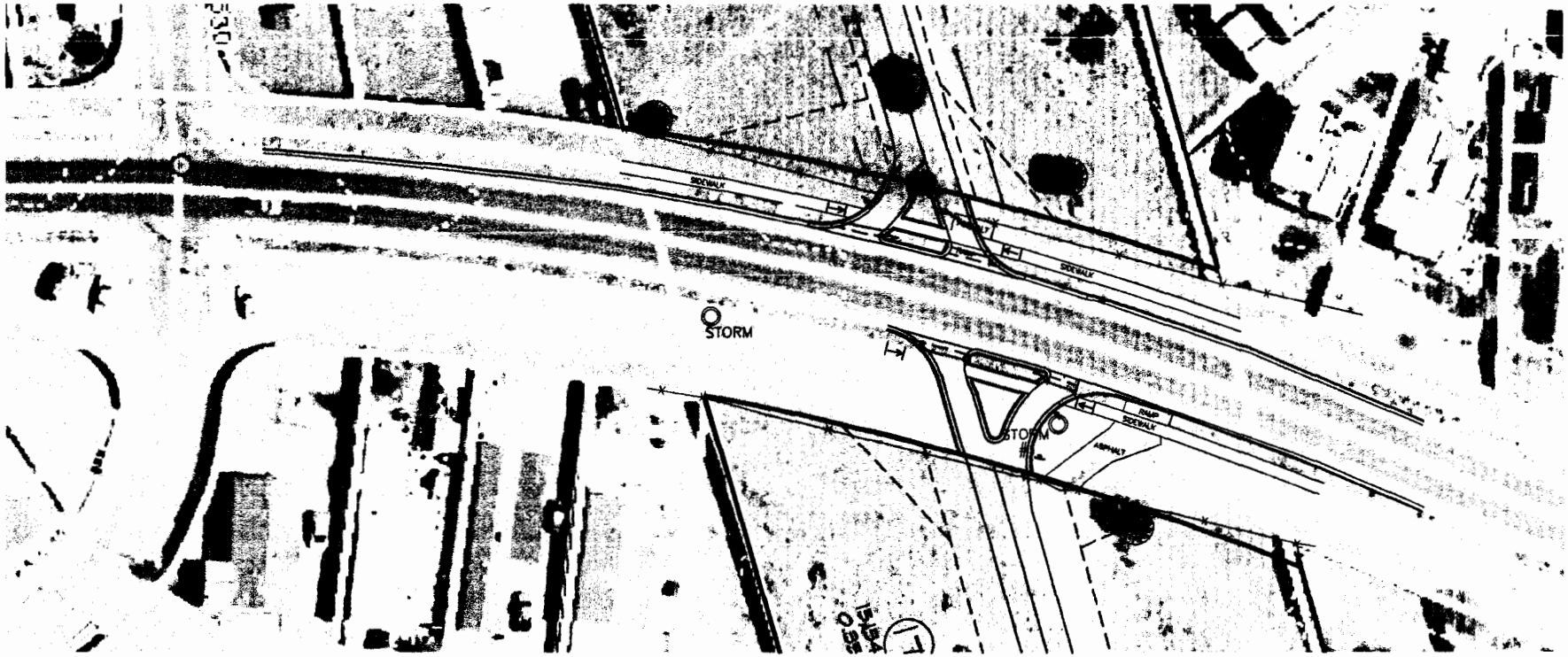
DESIGN ENGINUITY

[redacted]

AGUAFINA SUBDIVISION

SITE PLAN

SCALE 1"=50'	DWG NO	DATE 04/05/2005
PROJ CASE #		SHEET NO.



R1-1

R3-5

R3-2

SCALE 1"=20'

20' 0 20'

REVISIONS	
DATE	BY

DESIGN ENGINUITY

[redacted]

AGUAFINA SUBDIVISION

RUFINA STREET IMPROVEMENTS

SCALE	DWG ID	DATE
1"=20'		06/11/2018
PAPER SIZE 11		SHEET NO. 6

Aguafina Subdivision

Overview of Proposed Restrictive Covenants

Use and Occupancy

- All lots and dwellings will be used and occupied primarily for single-family residential purposes only.
- No lots or dwellings may be used for any commercial purpose other than approved home occupations.

Architectural Standards

- All homes will be on a permanent foundation.
- Building exteriors, including detached accessory structures, will be stucco, natural wood siding, metal accents or a combination of these materials.
- Exterior colors will be predominately earth-toned.
- Roofs may be flat, shed, or pitched, with non-reflective materials.
- Front yards must be landscaped with a combination of trees, shrubs, and ground cover. All disturbed areas must be reseeded with native grasses. Regular yard maintenance is required, which includes prompt removal of weeds and dead vegetation.
- No chain link, metal cloth or agricultural fences are permitted.
- Development of each lot shall include construction of a formal driveway accommodating a minimum of two vehicles. Parking is only permitted in driveways.

Lot Restrictions

- Rezoning of an individual is prohibited.
- Further subdivision of any lot is prohibited.

City of Santa Fe, New Mexico

memo

DATE: July 19, 2013 for the August 1, 2013 Planning Commission meeting

TO: Planning Commission Members

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 #2013-37. Manderfield School General Plan Amendment. JenkinsGavin Design and Development, agents for Manderfield LLC, request approval of a General Plan Future Land Use Map Amendment to change the designation of 1.48± acres from Public/Institutional to Medium Density Residential (7 to 12 dwelling units per acre). The property is located at 1150 Canyon Road. (Heather Lamboy, Case Manager)

Case #2013-38. Manderfield School Rezoning to RAC. JenkinsGavin Design and Development, agents for Manderfield LLC, request rezoning of 1.48± acres from R-5 (Residential, 5 dwelling units per acre) to RAC (Residential Arts and Crafts). The property is located at 1150 Canyon Road. (Heather Lamboy, Case Manager)

Case #2012-39. Manderfield School Special Use Permit and Variance. JenkinsGavin Design and Development, agents for Manderfield LLC, request a Special Use Permit to allow a full service restaurant for a proposed coffee house. The application also includes a variance to 14-7.2(H) to allow for 4,600 square feet of non-residential use where a maximum of 3,000 square feet is allowed. The property is located at 1150 Canyon Road. (Heather Lamboy, Case Manager)

I. RECOMMENDATION

The Land Use Department recommends **APPROVAL WITH CONDITIONS** as outlined in the Conditions of Approval as revised for the August 1, 2013 Planning Commission meeting.

This case was postponed at the July 11, 2013 Planning Commission hearing at the request of the applicant in order to address neighborhood association concerns. No new submittals have been provided. Some conditions of approval have been changed, as further detailed in the Overview.

Exhibit "10"

This application meets all code criteria for a General Plan Amendment and Rezoning, as discussed in the original staff report for the Planning Commission meeting of July 11, 2013.

Four motions will be required in this case, one each for the General Plan Amendment, the Rezoning, the Special Use Permit and the Variance.

II. APPLICATION OVERVIEW

This case was originally scheduled to be heard at the July 11, 2013 Planning Commission meeting. The applicant requested a postponement in order to address concerns raised by the neighborhood, which had expressed concerns regarding the types of uses permitted on the site. The Special Use Permit and Zoning will establish the uses that are permitted on the site (refer to List of Permitted Uses provided in July 11, 2013 staff report packet), as well as other conditions of development.

After the publication of the staff report for July 11, the applicant raised concerns with the wording of the Wastewater and Technical Review conditions. Staff consulted with the Wastewater Division Engineer, and the wording of the condition was changed to more accurately reflect requirements regarding public sewer system connections.

In the case of the Technical Review Division condition, the applicant requested that the existing sidewalks be repaired rather than replaced. Technical Review Division staff visited the site to assess the condition of the existing sidewalk. An updated memorandum has been provided in Exhibit 1. It was determined that the sidewalk could be repaired and some minor ADA-related improvements would be made. A revised condition of approval has been proposed related to this determination, and is reflected in red in the City Engineer's conditions of approval.

Finally, the condition regarding the voluntary contribution for the construction of the River Trail has been amended. When the applicant agreed to the contribution amount, the applicant was looking at an old fee schedule that erroneously stated the fee was $97 per dwelling unit instead $971 (which was corrected with the last round of amendments to Chapter 14). The applicant stated that the expectation was to pay approximately $970 instead of $10,270 as required by the Impact Fee Ordinance (when there is no reduction in place). The applicant is now offering to pay $4,000 as a contribution to the River Trail construction.

III. ATTACHMENTS:

EXHIBIT 1: Revised Conditions of Approval, City Engineer Memorandum, Public Correspondence

1. Revised Conditions of Approval
2. City Engineer for Land Use Memorandum regarding Sidewalks, Risana Zaxus
3. Jennifer Jenkins Email regarding River Trail Contribution
4. Public Correspondence received since 7/5/13

EXHIBIT 2: Staff Report Packet, July 11, 2013

City of Santa Fe, New Mexico

Exhibit 1

Conditions of Approval
City Engineer Memorandum
Public Correspondence

Manderfield School–Conditions of Approval

Planning Commission

Cases #2013-38, #2013-39 and #2013-40 Rezone to RAC, Special Use Permit, and Variance

Revised for the August 1, 2013 Planning Commission Hearing

Conditions	Department	Staff
Wastewater Division: 1. ~~Apartments, studios, the coffee shop and casitas shall all be separately metered~~All development on the site shall be ~~and~~ connected to the City's public sewer ~~system~~ collection system.	Wastewater Division	Stan Holland
Affordable Housing: 1. Per Ordinance 2011-17, applications for residential building permits for 10 or fewer units do not have to provide an affordable unit. Instead the applicant pays a fractional fee. 2. Fractional fees are temporarily reduced by 70% through June 8, 2014 and are paid to the City's Affordable Housing Trust Fund. If the units are constructed after June 8, 2014, the fee schedule may change. The fees are as follows: Fractional Fee (Home ownership) =1/2 sales price of 3BR, Tier 2 home x unit fraction x 0.3 (70% reduction) =$69,000 x 1.2 x 0.3 = $16,560 Fractional Fee (Rental) =1/2 sales price of 3BR, Tier 2 Home x unit fraction x 0.3 (70% reduction) 6 units x 15% = 0.9 =$69,000 x 0.9 x 0.3 = $18,630 **Total Fee Due (Until June 8, 2014): $35,190**	Affordable Housing	Alexandra Ladd
Technical Review Division 1. There shall be direct pedestrian access to the site via the sidewalk. 2. ~~Where possible, sidewalk along Alameda shall be widened to 5 feet, repaired, and resurfaced using colored concrete as required by the Historic Districts Ordinance.~~	Technical Review	Noah Berke
City Engineer for Land Use: ~~1. Sidewalk must meet the requirements of Article 14-9.2(E) of the Land Development Code.~~ ~~1. All applicable terrain and stormwater management requirements of Article 14-8.2 of the Land Development Code must be met.~~ 1. In accordance with Article 14-9.2(E)(6), "replacement of existing sidewalks is not required if they are in good condition and substantially in compliance with ADAAG." Prior to submitting a Development Plan, the designer, accompanied by appropriate City staff, will inspect the existing sidewalk and note any deficiencies. All deficiencies are to be corrected and noted in the plans. ~~0.~~2. All applicable terrain and stormwater management requirements of Article 14-8.2 of the Land Development Code must be met.	Technical Review	Risana "RB" Zaxus

Manderfield School–Conditions of Approval
Planning Commission
Cases #2013-38, #2013-39 and #2013-40 Rezone to RAC, Special Use Permit, and Variance
Revised for the August 1, 2013 Planning Commission Hearing

Conditions	Department	Staff
Fire Department: 1. All development on the site shall comply with the currently adopted International Fire Code (IFC). 2. All Fire Department access shall be no greater than 10% grade throughout. 3. Any development shall meet water supply requirements prior to construction. 4. The access road for the site shall be a minimum of 20 feet wide for Fire Department access, without a variance granted for providing life safety suppression systems. 5. There shall be a maximum 150-foot distance to all portions of the buildings. 6. Proper signage for fire lanes and no on-street parking shall be provided as required by the IFC.	Fire Department	Reynaldo Gonzales
Current Planning: ~~1. Applicant shall pay Parks impact fees since the dedication of park land is not feasible for this project (Section 14-8.15(C)(2) SFCC 1987). The applicant has agreed to pay impact fees despite the fact that fees currently have a moratorium.~~ ~~The impact fees for Parks are:~~ ~~Single Family Residential 4 Units x $1,111 per unit = $4,444~~ ~~Apartments 6 Units x $971 per unit = $5,826~~ ~~**Total Fee Due at Building Permit: $10,270**~~ 1. Applicant shall pay Parks impact fees since dedication of park land is not feasible for this project (Section 14-8.15(C)(2) SFCC 1987). In the event that the current 100% reduction on residential impact fees is still in place at the time of building permit, then the Applicant will contribute $4,000.00 toward the construction of a new pedestrian walkway along Alameda between Patrick Smith Park and Canyon Road, and such payment will be made prior to the issuance of residential building permits. ~~1.~~2. No application can be made for a liquor license for 15 years from the date of the approval of the Special Use Permit for the restaurant. ~~2.~~3. No amplified music will be permitted after 9pm for the restaurant use.	Current Planning/Road ways& Trails/MPO	Heather Lamboy/ Eric Martinez/ Keith Wilson

City of Santa Fe, New Mexico

memo

DATE: July 17, 2013

TO: Heather Lamboy, Case Manager

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

RE: Case # 2013-37, # 2013-38, and # 2013-39
Manderfield School General Plan Amendment, Rezoning, and
Special Use Permit and Variance

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

In accordance with Article 14-9.2(E)(6), "replacement of existing sidewalks is not required if they are in good condition and substantially in compliance with ADAAG." Prior to submitting a Development Plan, the designer, accompanied by appropriate City staff, will inspect the existing sidewalk and note any deficiencies. All deficiencies are to be corrected and noted in the plans.

All applicable terrain and stormwater management requirements of Article 14-8.2 of the Land Development Code must be met.

LAMBOY, HEATHER L.

From: Jennifer Jenkins <jennifer@jenkinsgavin.com>
Sent: Monday, July 08, 2013 12:18 PM
To: BAER, TAMARA; LAMBOY, HEATHER L.
Cc: Colleen; 'Hillary Welles'
Subject: Manderfield - Alameda Trail

Tamara & Heather,

Due to the issue of the typo in the impact fee schedule that we discovered on Friday, we need to modify our offer with respect payment of residential Parks impact fees in the event the fee moratorium is still in place when we obtain building permits. We would like to suggest the following revision to Current Planning condition #1:

> **Applicant shall pay Parks impact fees since dedication of park land is not feasible for this project (Section 14-8.15(C)(2) SFCC 1987).** ***In the event that the current moratorium on residential impact fees is still in place at the time of building permit, then the Applicant will contribute $4,000.00 toward the construction of a new pedestrian walkway along Alameda between Patrick Smith Park and Canyon Road, and such payment will be made prior to the issuance of residential building permits.***

We greatly appreciate your assistance in resolving this matter. Please let me know if you have any questions.

Thank you!

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

Rec'd 7/5/13 8:

Mary Ray Cate
Sunlit Art
1677 Cerro Gordo Road
Santa Fe, NM 87501-6148
505-989-1630

July 5, 2013

Land Use Department
City of Santa Fe
Santa Fe, NM 87501

Dear Planning Commission members,

I am writing in support of the proposed renovation and new use of the former Manderfield School, case numbers 2013-37,38,39. As an artist and a resident of the upper canyon area for the past 33 years, I welcome the proposal that the abandoned school be converted to artists' studios, condos and a coffee shop.

Having a neighborhood grocery store, coffee shop or other commercial establishment that could be a local gathering place would enhance a sense of community, save time and gas, and restore the kind of people-oriented town that existed before cars ruled. I would love to be able to buy food within a mile of my house rather than having to drive through the downtown area to get to La Manzanita Coop.

At the recent meeting at the site sponsored by the Canyon Neighborhood Association, several people were concerned about parking and increased traffic. Yet of the 40 or so people who attended, most either came on foot or on bikes. There were only about 10 cars parked outside the school. A locally oriented business close to our homes would help the environment, encourage us to exercise more, and not increase traffic in the area. The designers have planned more than enough parking spaces both for the living units and the studios and coffee shop.

At present the abandoned school is a forlorn and unattractive part of our neighborhood. The landscaping and site design proposed will preserve the past as well as make the property very attractive. I urge you to approve the proposal.

Sincerely,

Mary Ray Cate

Mary Ray Cate
www.sunlit-art.com

RECEIVED
JUL 16 2013
US Mail
LAND USE DEPARTMENT

Carol W. Stephens
1010 E. Alameda St.
Santa Fe, NM 87501

July 10, 2013

Planning Commission
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87501

To Whom It May Concern:

My husband and I would like to add our support to the proposed reuse of the Manderfield Elementary School. We think not only will it benefit our neighborhood but be beneficial to Santa Fe and ~~its~~ add a wonderful new element to the art community here.

Sincerely yours,
Carol W. Stephens

Received 1/23/2013 US Mail

Bruce K. Reitz
1662 ½ Cerro Gordo
Santa Fe, New Mexico 87501

Ms. Heather Lamboy
Senior Planner, Current Planning Division
City of Santa Fe
200 Lincoln Avenue
Santa Fe, New Mexico 87501

Dear Ms. Lamboy,

After reviewing the proposal for the redevelopment of the Manderfield School, I am writing to express my opposition to the proposed re-zoning of the property.

The proposal to put 10 residences, 4600 square feet of commercial space, and 35 parking spaces is a dense development on 1.48 acres inn an area currently zoned R5. The increase in traffic in the area has not been adequately considered or presented to the community. Additionally, parts of the project has been misrepresented as "artist studios" when commercial gallery space appears to be intended. The zoning of Canyon Road the area has been falsely characterized as RAC, "what all of Canyon Road is zoned up to the Manderfield property line..." per the developer's page at www.facebook.com/Manderfieldsf/ . In fact, three sides of the Manderfield property abuts property zoned R5 and only the fourth side (north of Canyon Road) abuts RAC. I believe these misrepresentations and false statements have been made to garner community support, and should be corrected.

The current Manderfield zoning of R5, without the possibility of commercial development, would permit seven residential units to be created within the Manderfield School structure. Having just completed extensive renovations on a similar vintage property, with similar architectural restrictions, I disagree with the developer's statement that "it is not financially possible to convert the historically preserved building from a school to sole residences ". Given the proposed low purchase price and high residential values in the area, I believe prudent and creative developer could certainly create appropriate residential renovations and still make a healthy profit. The proposed intense development, commercial space, and rentals merely serve to elevate the developer's profit margin at the expense of the community.

Should the Current Planning Division consider the proposed rezoning and variance proposals, please consider two additional items be made public:

1) A traffic study should be done to quantify the impact on the stretch of Canyon Road between East Palace and East Alameda. This portion of Canyon Road is very narrow and largely residential. The proposed Manderfield commercial development will undoubtedly precipitate a significant traffic increase on this stretch of Canyon Road.

2) Elevations of the four proposed new casitas should be published. The footprint of these structures is quite small, suggesting multi-storied structures, and they are located immediately adjacent to the property boundaries. The adjacent residential neighbors should have foreknowledge before the re-zoning is approved and potential two story constructions are built five feet from their one-story residences.

Best Regards,

Bruce K. Reitz

Bruce K. Reitz
7/19/2013

City of Santa Fe, New Mexico

Exhibit 2

Staff Report Packet 7-11-13

City of Santa Fe, New Mexico

memo

DATE: June 25, 2013 for the July 11, 2013 Planning Commission meeting

TO: Planning Commission Members

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

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Case #2013-37. Manderfield School General Plan Amendment. JenkinsGavin Design and Development, agents for Manderfield LLC, request approval of a General Plan Future Land Use Map Amendment to change the designation of 1.48± acres from Public/Institutional to Medium Density Residential (7 to 12 dwelling units per acre). The property is located at 1150 Canyon Road. (Heather Lamboy, Case Manager)

Case #2013-38. Manderfield School Rezoning to RAC. JenkinsGavin Design and Development, agents for Manderfield LLC, request rezoning of 1.48± acres from R-5 (Residential, 5 dwelling units per acre) to RAC (Residential Arts and Crafts). The property is located at 1150 Canyon Road. (Heather Lamboy, Case Manager)

Case #2012-39. Manderfield School Special Use Permit and Variance. JenkinsGavin Design and Development, agents for Manderfield LLC, request a Special Use Permit to allow a full service restaurant for a proposed coffee house. The application also includes a variance to 14-7.2(H) to allow for 4,600 square feet of non-residential use where a maximum of 3,000 square feet is allowed. The property is located at 1150 Canyon Road. (Heather Lamboy, Case Manager)

I. RECOMMENDATION

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

This application meets all code criteria for a General Plan Amendment and Rezoning, as discussed below.

Four motions will be required in this case, one each for the General Plan Amendment, the Rezoning, the Special Use Permit and the Variance.

II. APPLICATION OVERVIEW

The applicant is requesting a General Plan Amendment from Public/Institutional to Medium Density Residential and is requesting to rezone the property from R-5 (Residential, 5 dwelling units per acre) to RAC (Residential Arts and Crafts, 21 dwelling units per acre) in order to be able to adaptively reuse the now vacant Manderfield Elementary School. The property consists of one lot totaling approximately 1.48± acres. Proposed uses for the site include: a 1,200 square-foot coffee shop (which requires the Special Use Permit in the RAC zoning district); 3,400 square feet of studio space or other uses typically permitted in the RAC zoning district; 6 rental apartments within the Manderfield School building; and 4 new detached single-family residential units located to the south and west of the existing school building.

This mixed-use development would be subject to an association that will have control over the common elements. The common elements on the site include the corridor between the artist studios/coffee shop and the apartments as well as the open spaces between the detached casitas and at the front of the Manderfield building.

The site is surrounded by a variety of uses, including residential to the west and north, institutional to the east (Power Plant Park), and religious to the south (Cristo Rey Church). This site is adjacent to both Residential (R-5) and Residential Arts and Crafts (RAC) zoning districts. The request to rezone the site would expand the RAC zoning boundary from across Canyon Road to this property.

As part of this application, the applicant has agreed to pay the park impact fees even during the period identified for 100% impact fee reduction by Ordinance 2012-2. This ordinance was passed in 2012 in order to help stimulate residential development. Eric Martinez, the Roadway and Trails Supervisor, in his review requested the contribution of funds for improvement of the pedestrian walkway along Alameda between Patrick Smith Park and Canyon Road, which would be an important connection for the Alameda Street multi-purpose recreational trail system, as called for in the 2012 City of Santa Fe Bicycle and Trails Master Plan. The contribution made by the applicant for the construction of this connector will be $10,270, based on the amount of fee that would normally be paid if the temporary impact fee reduction were not in effect.

The site is already served by water and wastewater, and is easily accessible via existing street infrastructure. Redevelopment of this infill site would make for an efficient use of City resources.

If these applications are approved, further review and approval by the Historic Districts Review Board will be required.

Early Neighborhood Notification

An Early Neighborhood Notification (ENN) meeting was held on May 15, 2013. Many members of the adjacent neighborhood attended the meeting and expressed concerns about potential traffic impacts, the design and preservation of the Manderfield building, the location of the detached housing to near the western property line, and parking.

III. CHAPTER 14 GENERAL PLAN AMENDMENT CRITERIA

Section 14-3.2 of the Land Development Code establishes approval criteria for general plan

amendments. These are addressed below.

Section 14-3.2 (E) (1) Criteria for All Amendments to the General Plan

(1) Criteria for All Amendments to the General Plan

The planning commission and the governing body shall review all general plan amendment proposals on the basis of the following criteria, and shall make complete findings of fact sufficient to show that these criteria have been met before recommending or approving any amendment to the general plan:

(a) consistency with growth projections for Santa Fe, economic development goals as set forth in a comprehensive economic development plan for Santa Fe and existing land use conditions such as access and availability of infrastructure;

Applicant Response: *The area surrounding the subject property comprises a mix of uses, including moderate density residential, offices, galleries, and institutional. The mix of uses proposed for the subject property is consistent with this neighborhood pattern. The project will be served by the existing roadway and utility infrastructure and provide a pedestrian friendly environment.*

Staff Response: *The proposal is consistent with the City of Santa Fe growth projections and makes efficient use of existing infrastructure. Small business employment and housing opportunities will be provided on the site, which is an efficient adaptive reuse of the now-closed elementary school.*

(b) consistency with other parts of the general plan;

Applicant Response: *This request incorporates and reflects consistency with the General Plan in terms of promoting mixed-use neighborhoods and economic diversity. The intent is to allow uses that will create a pleasant and successful addition to the neighborhood. Its location also proves to be cost effective due to the availability of existing infrastructure, including the issues related to infill and urban sprawl referenced throughout the General Plan. Adaptive reuse is a key factor in land conservation, historic preservation, and the reduction of urban sprawl.*

Staff Response: *The National Trust for Historic Preservation, in its 2011 publication entitled "The Greenest Building: Quantifying the Environmental Value of Building Reuse" reports that adaptive reuse of buildings consume much less energy than demolition and construction of new buildings. The adaptive reuse of the Manderfield School building not only preserves Santa Fe's historic fabric, but it also provides for efficient use of City resources and has less of an environmental impact, all of which are promoted in the City's General Plan.*

(c) the amendment does not:

(i) allow uses or a change that is significantly different from or inconsistent with the prevailing use and character in the area; or

Applicant Response: *Prevailing uses in the surrounding Canyon Road area include a mix of galleries, restaurants, and shops, as well as residential and institutional. The proposed amendment and related rezone will be consistent with these types of uses, combining residences with artists' studios and a coffee house.*

Staff Response: *While the eastern section of Canyon Road between East Palace Avenue and Alameda is more characteristically residential, it is zoned Residential Arts and Crafts (RAC) which permits a variety of small scale non-residential uses. The Manderfield site's proximity to Alameda provides good access and directs nonresidential traffic away from residential areas. The proposed uses at the Manderfield site are not unlike uses found in the Canyon Road neighborhood.*

(ii) affect an area of less than two acres, except when adjusting boundaries between districts; or

Applicant Response: *The proposed amendment is an expansion of the boundary of the Medium Density Residential found immediately west of the subject property.*

Staff Response: *The applicant is correct, the General Plan category boundary will simply be adjusted from the west and north to this site.*

(iii) benefit one or a few landowners at the expense of the surrounding landowners or the general public;

Applicant Response: *Promoting an appropriate mix of land uses benefits the neighborhood through the provision of services and employment opportunities in close proximity to residents, which supports the goal of minimizing car trips and encouraging alternative means of transportation. The project's design will invite pedestrian access from Canyon Road and surrounding parks, shops, and galleries.*

Staff Response: *The site has been designed to mitigate any external impacts and reduce the overall impact of the site on adjacent property owners. The proposed single-family residential units, the apartments, and the small-scale nonresidential uses will be a less intense use of the site than an elementary school. The adaptive reuse of this historic resource retains value in the neighborhood and benefits the public as a whole.*

(d) an amendment is not required to conform with Subsection 14-3.2(E)(1)(c) if it promotes the general welfare or has other adequate public advantage or justification;

Applicant Response: *Not applicable.*

Staff Response: *The amendment has a public benefit of preserving a historically contributing building and the overall character of the Downtown and Eastside Historic District.*

(e) compliance with extraterritorial zoning ordinances and extraterritorial plans;

Applicant Response: *Not applicable.*

Staff Response: *Not applicable.*

(f) contribution to a coordinated, adjusted and harmonious development of Santa Fe that in accordance with existing and future needs best promotes health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development; and

> ***Applicant Response:*** *This designation request and proposed adaptive reuse of the existing 11,400 square foot school building will promote community integration and social balance by providing a mixed use approach, including studio space for artists and a coffee house that will draw locals and tourists to the site. The provision of art studio space and a coffee house will provide a key link among surrounding residential, institutional, and arts and crafts neighbors, offering services and employment opportunities in the vicinity of hundreds of residents.*
>
> ***Staff Response:*** *This proposal provides for an efficient use of existing infrastructure on an infill site. The introduction of small-scale business and shopping opportunities proximate to the neighborhood will serve the community.*

(g) consideration of conformity with other city policies, including land use policies, ordinances, regulations and plans.

> ***Applicant Response:*** *The adaptive reuse of the school is an environmentally sensitive effort to ensure that this historically contributing building is preserved and utilized to the benefit of the community. An empty building is a detriment to the neighborhood and does not positively impact the local economy. This proposal is consistent with the City's policies promoting infill, redevelopment, historic preservation, and mixed use.*
>
> ***Staff Response:*** *As stated previously, the adaptive reuse of the school property is energy efficient and respects the character of this section of Canyon Road. The proposed concept plan conforms with the City's land use policies and regulations.*

IV. CHAPTER 14 REZONING CRITERIA

Section 14-3.5 (C) of the Land Development Code sets forth approval criteria for rezoning as follows:

(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: *No mistake was made in the original zoning for the subject site. Institutional uses, including educational uses, are permitted in all zoning districts of the city. Now that the site is proposed for mixed-use development, the zoning must be changed so the proposed uses will conform with the zoning district.*

(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: *Not applicable.*

Staff Response: *The elementary school use ceased to exist with the closing of the school by the district in 1972. Since then, the building housed a variety of educational uses and the Presbyterian Services Head Start Program until the 2009. The building has been vacant since 2009. No educational or other use has been proposed until this time. The vacant building is a detriment to the vitality of the neighborhood, and threatens the historic building through neglect.*

(iii) a different use category is more advantageous to the community, as articulated in the general plan or other adopted city plans;

Applicant Response: *The requested zone change to RAC is consistent with surrounding zoning, which includes RAC, R-5, and R-10PUD. The proposed adaptive reuse of the existing 11,400 square foot school building will support Santa Fe's economic base by providing additional residential options, studio space for artists, employment opportunities, and a coffee house that will serve hundreds of residents in the vicinity. Instead of an unused institutional building, the facility will house a vibrant mix of uses that will benefit the community.*

Staff Response: *As the applicant stated, the zone change enables the reuse of the property. There are challenges with reusing such a large building, especially considering the anticipated investment that will be needed to preserve the Manderfield building. The reuse permits small-scale mixed uses that are comparable to and compatible with those found in the neighborhood.*

(b) all the rezoning requirements of Chapter 14 have been met;

Applicant Response: *Yes.*

Staff Response: *No deficiencies to Chapter 14 compliance were identified by the Development Review Team.*

(c) the rezoning is consistent with the applicable policies of the general plan, including the future land use map;

Applicant Response: *Please refer to the responses to the General Plan Amendment approval criteria outlined above.*

Staff Response:

This request is consistent with the following General Plan Themes:

1.7.2 Quality of Life: Enhance the quality of life of the community and ensure the availability of community services for residents. *This mixed-use development can enhance the quality of life by providing housing and employment opportunities within close proximity to each other.*

1.7.3 Transportation Alternatives: Reduce automobile dependence and dominance. *By having employment and housing opportunities proximate to one another, the project reduces automobile dependence. The mix of uses also provides for entertainment and shopping opportunities in walking distance for the neighborhood.*

1.7.4 Economic Diversity: Develop and implement a comprehensive strategy to increase job opportunities, diversify the economy, and promote arts and small businesses. *This project will enable the establishment of small and arts-oriented business in an established arts market.*

1.7.8 Character: Maintain and respect Santa Fe's unique personality, sense of place, and character. *Through the preservation of the Manderfield building, the unique personality of the site will be maintained. Generations of Santa Feans attended school at Manderfield, and generations more could potentially benefit from this Canyon Road landmark through living at, working at, or visiting the site.*

1.7.12 Mixed Use: Provide a mix of land uses in all areas of the city. *Through the incorporation of small business and the coffee shop, which tends to be a community gathering space, the project will provide a mix of uses that will affirm Santa Fe's traditional development pattern.*

(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 proposed redevelopment of the Manderfield School property exemplifies a compact urban form and desired infill development.*

Staff Response: *Growth is anticipated and expected within the City limits; the General Plan advocates for a compact urban form with sensitive and compatible infill. The concept plan provided by the applicant for the Manderfield site respects the historic character of the Canyon Road streetscape, while permitting limited development on the site for housing and small businesses.*

(e) the existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development.

Applicant Response: *The project will be served by existing City infrastructure and services. Any requisite improvements or upgrades to existing utilities will be implemented as part of the construction process.*

Staff Response: *Staff concurs with the applicant.*

(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 use will not significantly change the character of the neighborhood, and this proposed mixed-use development will not be inconsistent with the prevailing uses and character of the neighborhood.*

(b) affect an area of less than two acres, unless adjusting boundaries between districts; or

Staff Response: *In this case the zoning boundary will be adjusted between adjacent districts.*

(c) benefit one or a few landowners at the expense of the surrounding landowners or general public.

Staff Response: *This application, although it will benefit one landowner, does not do so at the expense to the surrounding landowners or the general public. Public benefit will be realized from this project through preservation of a historic building and the creation of small-scale employment and housing opportunities on the site.*

(D) Additional Applicant Requirements

(1) If the impacts of the proposed development or rezoning cannot be accommodated by the existing infrastructure and public facilities, the city may require the developer to participate wholly or in part in the cost of construction of off-site facilities in conformance with any applicable city ordinances, regulations or policies;

Staff Response: *The proposed project is accommodated by existing utility infrastructure.*

(2) If the proposed rezoning creates a need for additional streets, sidewalks or curbs necessitated by and attributable to the new development, the city may require the developer to contribute a proportional fair share of the cost of the expansion in addition to impact fees that may be required pursuant to Section 14-8.14.

Staff Response: *There is no need for additional streets, sidewalks or curbs associated*

with this rezoning request. When a permit is reviewed, further analysis may be required to determine whether other public improvements are necessary.

V. CHAPTER 14 SPECIAL USE CRITERIA

Section 14-3.6(D) of the Land Development Code sets forth approval criteria and special conditions for Special Use Permits.

The applicant is requesting a Special Use Permit for a 1,200 square foot full-service restaurant that will house a coffee shop. The applicant has committed to the neighborhood association and the City that no application will be made for a liquor license for the full-service restaurant for 15 years from the date of the Special Use Permit approval. If the applicant were to eventually apply for a liquor license, a public hearing would be required and variances would have to be approved due to the Manderfield site's proximity to Cristo Rey Church.

Additional measures to mitigate impacts of the Special Use include the placement of the commercial parking area along Alameda away from the adjoining residential uses, landscape screening of the parking lot to preserve the streetscape character of that section of Canyon Road/Alameda Street, and orientation of the coffee shop away from the adjoining residential uses. The Manderfield rental apartments and casitas will provide a transition to the Canyon Road neighborhood to the west.

The coffee shop and other uses on the Manderfield property shall at all times be in compliance with applicable City ordinances including SFCC Section 10-2.4 which prohibits the reproduction of sound that is audible at the property boundary after 9 p.m.

The Special Use Permit will be specific to the 1,200 square foot restaurant use and may not be expanded without approval through another Special Use Permit hearing process.

The Planning Commission may impose additional conditions to ensure that any external impacts of the Special Use are mitigated. Types of conditions of approval that may be imposed are listed in Section 14-3.6(D)(2) SFCC 1987 (found below).

Approval Criteria and Conditions

(1) Necessary Findings

(a) that the land use board has the authority under the section of Chapter 14 described in the application to grant a special use permit;

Applicant Response: *No response.*

Staff Response: *The Planning Commission has the authority to grant a Special Use Permit associated with this application.*

(b) that granting the special use permit does not adversely affect the public interest, and

Applicant Response: *Granting the Special Use Permit will benefit the public interest by providing employment opportunities for Santa Fe residents, both during construction and once the coffee house is functioning, as well as generating tax revenue. As only the café currently in the area is the Tea House several blocks down Canyon Road, the coffee house will offer a welcome and convenient venue for locals and visitors to gather. Furthermore, the location of the coffee house will serve as an appropriate transition between the Canyon Road arts and crafts district and the adjacent residential neighborhoods.*

Staff Response: *As discussed in the approval criteria for both the General Plan Amendment and the Rezoning, the granting of this Permit will not adversely affect the public interest. A historic building will be preserved and a mix of uses will be incorporated into the neighborhood, which benefits the public interest. The Special Use Permit for the 1,200 square foot coffee shop on this site provides for a broader mix of uses and makes the project more economically viable.*

(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.

Applicant Response: *The Canyon Road area consists of a mix of galleries, shops, offices, and residences, as well as the Cristo Rey Church. The proposed coffee house is compatible with this lively mix of uses. Renovation of the existing Manderfield School and construction of the four residential casitas will be in conformance with zoning and the Historic District regulations, and will remain compatible with the buildings and structures of the neighboring properties.* [STAFF NOTE: This case has not yet been reviewed by the Historic Districts Review Board (HDRB); therefore, no approval has been granted for Historic District review. If approvals are obtained for the General Plan Amendment, the Rezoning, the Special Use Permit and Variance, the applicant will seek approval for design through the HDRB.]

Staff Response: *The proposed 1,200 square foot coffee shop will be small scale, and will be compatible with other buildings in the neighborhood. The use will be housed in the Manderfield School, and will provide new life to that historic building.*

(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;

(b) fences, walls or landscape screening;

(c) provision for and arrangement of parking and vehicular and pedestrian circulation;

(d) on-site or off-site street, sidewalk or utility improvements and maintenance agreements;

(e) noise generation or attenuation;

(f) dedication of rights of way or easements or access rights;

(g) arrangement of buildings and use areas on the site;

(h) special hazard reduction measures, such as slope planting;

(i) minimum site area;

(j) other conditions necessary to address unusual site conditions;

(k) limitations on the type, extent and intensity of uses and development allowed;

(l) maximum numbers of employees or occupants permitted;

(m) hours of operation;

(n) establishment of an expiration date, after which the use must cease at that site;

(o) establishment of a date for annual or other periodic review at a public hearing;

(p) plans for sustainable use of energy and recycling and solid waste disposal;

(q) any other appropriate conditions and safeguards, in conformity with Chapter 14 or provisions of other chapters of the Santa Fe City Code that regulate development and use of land; and

(r) conditions may not be imposed that restrict the use to a specific person or group.

Based on an analysis of the proposed Special Use Permit, the Land Use Department recommends that no application for a liquor license be permitted for 15 years from the date of the Special Use Permit approval and that all amplified music will not be permitted after 10pm.

VI. VARIANCE

Section 14-7.2(H) states that "Not more than three thousand (3,000) square feet of the gross floor area of a building shall be devoted to nonresidential uses." The purpose of the Residential Arts and Crafts zoning is to serve and preserve the prevalent characteristics of limited areas of the City,

where residential uses are intermixed with small-scale art and crafts shops, studios and galleries, and the limit on square footage helps to preserve the predominately residential character of the district.

The proposed adaptive reuse of the Manderfield presents a unique circumstance in that the applicant is utilizing an existing building for studio spaces. The applicant is proposing a maximum of 4,600 square feet of nonresidential use, of which 1,200 will be dedicated to a coffee shop. As part of the remodel of the Manderfield building, the applicant is avoiding the removal of existing load-bearing walls to save cost as well was retain the historic character of the school building. The artist studio spaces will be organized in the existing classrooms (which are approximately 550 square-feet each).

The corridor between the artist studios on the east side of the building and the residential apartments on the south and west sides of the building will remain open as a limited common space that will be accessible via the artist studios and coffee shops as well as the rental apartments.

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

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

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

Applicant Response: *The unusual characteristic of the property that distinguishes it from others in the vicinity is the Manderfield School itself. The building is designated as Contributing to the Downtown and Eastside Historic District and, therefore, must be retained. Accordingly, the proposed mix of uses must fit into the physical constraints of the existing structure. The proposed configuration of residential and commercial uses is a natural fit to the present layout, providing appropriate separation, while integrating access. Furthermore, in order to ensure the adaptive reuse is economically feasible, existing load-bearing walls are being retained, thereby limiting modifications to the floor plan.*

Staff Response: *Staff agrees with the applicant that the existence of the historic Manderfield School building presents the special circumstance in this case.*

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

Applicant Response: *Not applicable.*

Staff Response: *Not applicable.*

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

Applicant Response: *Not applicable.*

Staff Response: *The applicant is will achieve a higher standard of the preservation of a historic building through a viable economic reuse of the Manderfield School building. The building has been vacant for several years now, and this proposal will give the building a second life and ensure its maintenance and preservation for the enjoyment of future generations of Santa Feans.*

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

Applicant Response: *Yes. Please refer to criterion (a) above.*

Staff Response: *The land and structure conform to the current R-5 zoning district as long as it is an educational use. Once the educational use ceases to exist, the structure becomes nonconforming. The Manderfield School building is designated as contributing for the purposes of the Historic Districts Ordinance, Section 14-5.2.*

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

Applicant Response: *Limiting the nonresidential uses to 3,000 square feet would not permit the building to be reused in the manner consistent with its existing layout. The separate wings provide an organic opportunity to incorporate some degree of appropriate separation between the residences and the commercial activity. Furthermore, private exterior entry is critical in order to render the residential units functional. Due to the fact that most of the east elevation is designated as primary, no exterior alterations are permitted. Therefore, doors cannot be added to provide the requisite provide residential entry except at the south facing portion of the east wing, which is not primary. The proposed coffee house is the only other location on the east façade that can be modified to provide access to the building, and that entrance has a commercial, rather than residential, aspect. These special circumstances render it necessary to expand the commercial square footage of the project.*

Staff Response: *Staff agrees with the applicant that the special challenges presented in the adaptive reuse of a historically contributing building makes it difficult to limit the nonresidential square footage to 3,000 square feet.*

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

Applicant Response: *The proposed redevelopment is compliant with all other provisions of Chapter 14. In addition, under the proposed RAC zoning, the maximum*

allowable density on the property is 31 dwelling units. However, only ten dwelling units are proposed for the project, along with the artists' studios and coffee house.

Staff Response: *Intensity of development is defined as the level of uses as determined by the number of employees and customers and degree of impact on surrounding properties such as noise and traffic. The Manderfield School itself exceeded the intensity of development for surrounding uses when it was open. The proposed mixed-use development will actually have a lower impact in terms of traffic and noise. The proposed commercial uses will be separated from the residential uses and oriented toward Alameda, with access directly off Alameda. The residential uses will be access controlled, and a one-way drive will circulate from Alameda to Canyon Road on the site behind the school building. These changes in the vehicular circulation and the types of uses will be comparable in intensity to the surrounding neighborhood.*

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

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

Applicant Response: *Due to the fact that the Manderfield School is a contributing building, the proposed mix of uses fit into the physical constraints of the existing structure. Per the response to (2) above, limiting the nonresidential uses to 3,000 square feet would not permit the building to be reused in a manner consistent with its existing layout.*

Staff Response: *The proposed variance is the minimum variance to make possible the reasonable adaptive reuse of the Manderfield building while retaining its historically contributing status. The total square footage of the building is 11,357 square feet, divided lengthwise by a corridor of approximately 1,440 square feet. The corridor is an integral feature of the existing building and provides interior access to the nonresidential uses. The net leasable area of the nonresidential uses will represent 3,300 square feet.*

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

Applicant Response: *Per Code §14-1.3, Chapter 14 seeks to ensure that Santa Fe is developed in a manner that promotes "healthy, safety, order, convenience, prosperity and the general welfare as well as efficiency and economy in the process of development…" and mandates the creation of "conditions favorable to the health, safety, convenience, prosperity and general welfare of the residents of Santa Fe." The project is consistent with these intents, as well as with the General Plan's intent to promote mixed-use neighborhoods and economic diversity and to minimize urban sprawl through infill development. Adaptive reuse is a key factor in land conservation, historic preservation, and the reduction of urban sprawl.*

Staff Response: *A detailed analysis of consistency with the General Plan was provided in Section IV, Chapter 14 Rezoning Criteria, and applies here. This project is an example of finding a way to reuse existing historic resources in a way to benefit the community by providing entertainment and shopping opportunities as well as housing opportunities. The preservation of the Manderfield building is environmentally sustainable. Finally, the Arts & Culture sector is a targeted industry for our local economy.*

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

Applicant Response: *The Manderfield School has sat vacant for many years and is an eyesore in the community. The redevelopment of the property is in the public interest in that an important historic building will be preserved and maintained, while once again being a vibrant part of the neighborhood.*

Staff Response: *The Development Review Team reviewed this project and found that all impacts will be mitigated. Comments dealt with access to the site, the number of parking spaces, the placement of the casitas along the southern and western portions of the property and mitigating impacts on adjacent properties. Overall, the proposed mixed-use development will be less intense in noise and traffic than the school use and the proposal will not be contrary to the public interest.*

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

VI. CONCLUSION

The conditions of approval listed in this case primarily relate to the future development on the site. Conditions relating to the Special Use Permit include limiting the applicant's ability to apply for a liquor license and not permitting amplified music at the restaurant after 9pm. Conditions relating to the rezoning include creating a more pedestrian-friendly environment to access the site by increasing the width of the sidewalks along Canyon and Alameda Roads as well as having pedestrian connections to the site from the sidewalk. Due to the fact that only a concept plan was presented with these cases, the City Engineer has pointed out that future stormwater collection and terrain management must comply with the Land Development Code. Finally, the Current Planning Division placed a condition of approval that affirms the Trails contribution for the amount of $10,270 for the Alameda Street trail connection between Patrick Smith Park and Canyon Road.

ATTACHMENTS:

EXHIBIT A: Conditions of Approval
1. Conditions of Approval

EXHIBIT B: List of Permitted Uses in a RAC Zoning District
Ordinance 2012-2, Impact Fee Reduction
Development Review Team Memoranda

1. List of Permitted Uses in the RAC Zoning District
2. Ordinance 2012-2, Impact Fee Reduction
3. Section 10-2.5 SFCC 1987, Zone District Noise Levels
4. Roadways & Trails Engineering Memorandum, Eric Martinez
5. Metropolitan Planning Organization (MPO) Memorandum, Keith Wilson
6. Technical Review Landscaping Memorandum, Noah Berke
7. Historic Preservation Memorandum, David Rasch
8. Traffic Engineering Memorandum, Sandy Kassens
9. Affordable Housing, Alexandra Ladd
10. City Engineer for Land Use, RB Zaxus
11. Wastewater Division Memorandum, Stan Holland
12. Solid Waste Department, Randall Marco
13. Fire Department Memorandum, Reynaldo Gonzales

EXHIBIT C: Maps
1. Future Land Use Map
2. Zoning
3. Aerial

EXHIBIT D: ENN Materials
1. ENN Meeting Notice
2. ENN Responses to Guidelines
3. ENN Meeting Summary 4-13-13

EXHIBIT E: Applicant Submittals
1. Transmittal Letter & Justification
2. Conceptual Site Plans

EXHIBIT F: Public Correspondence

City of Santa Fe, New Mexico

Exhibit A

Conditions of Approval

Manderfield School–Conditions of Approval
Planning Commission
Cases #2013-38, #2013-39 and #2013-40 Rezone to RAC, Special Use Permit, and Variance

Conditions	Department	Staff
Wastewater Division: 1. Apartments, studios, the coffee shop and casitas shall all be separately metered and connected to the City's public sewer system collection system.	Wastewater Division	Stan Holland
Affordable Housing: 1. Per Ordinance 2011-17, applications for residential building permits for 10 or fewer units do not have to provide an affordable unit. Instead the applicant pays a fractional fee. 2. Fractional fees are temporarily reduced by 70% through June 8, 2014 and are paid to the City's Affordable Housing Trust Fund. If the units are constructed after June 8, 2014, the fee schedule may change. The fees are as follows: Fractional Fee (Home ownership) =1/2 sales price of 3BR, Tier 2 home x unit fraction x 0.3 (70% reduction) =$69,000 x 1.2 x 0.3 = $16,560 Fractional Fee (Rental) =1/2 sales price of 3BR, Tier 2 Home x unit fraction x 0.3 (70% reduction) 6 units x 15% = 0.9 =$69,000 x 0.9 x 0.3 = $18,630 **Total Fee Due (Until June 8, 2014): $35,190**	Affordable Housing	Alexandra Ladd
Technical Review Division 1. There shall be direct pedestrian access to the site via the sidewalk. 2. Where possible, sidewalk along Alameda shall be widened to 5 feet, repaired, and resurfaced using colored concrete as required by the Historic Districts Ordinance.	Technical Review	Noah Berke
City Engineer for Land Use: 1. Sidewalk must meet the requirements of Article 14-9.2(E) of the Land Development Code. 2. All applicable terrain and stormwater management requirements of Article 14-8.2 of the Land Development Code must be met.	Technical Review	Risana "RB" Zaxus
Fire Department: 1. All development on the site shall comply with the currently adopted International Fire Code (IFC). 2. All Fire Department access shall be no greater than 10% grade throughout. 3. Any development shall meet water supply requirements prior to construction. 4. The access road for the site shall be a minimum of 20 feet wide for Fire Department access, without a variance granted for providing life safety suppression systems.	Fire Department	Reynaldo Gonzales

Conditions	Department	Staff
5. There shall be a maximum 150-foot distance to all portions of the buildings. 6. Proper signage for fire lanes and no on-street parking shall be provided as required by the IFC.		
Current Planning: 1. Applicant shall pay Parks impact fees since the dedication of park land is not feasible for this project (Section 14-8.15(C)(2) SFCC 1987). The applicant has agreed to pay impact fees despite the fact that fees currently have a moratorium. The impact fees for Parks are: Single Family Residential 4 Units x $1,111 per unit = $4,444 Apartments 6 Units x $971 per unit = $5,826 **Total Fee Due at Building Permit: $10,270** 2. No application can be made for a liquor license for 15 years from the date of the approval of the Special Use Permit for the restaurant. 3. No amplified music will be permitted after 9pm for the restaurant use.	Current Planning/Road ways& Trails/MPO	Heather Lamboy/ Eric Martinez/ Keith Wilson

City of Santa Fe, New Mexico

Exhibit B

List of Permitted Uses in RAC Zoning District
Ordinance 2012-2, Impact Fee Reduction
Section 10-2.5 SFCC 1987 Zone District Noise Levels
Development Review Team Memoranda

RAC Residential Arts & Crafts District

The purpose of the RAC *residential* arts and crafts district is to serve and preserve the prevalent characteristics of certain limited areas of the city. Within these areas, *residential* uses are intermixed with small arts and crafts shops, studios and galleries where the goods traded are custom-produced in small quantities and often one of a kind; where the arts or crafts are taught to small numbers of people; or where the *persons* engaged in arts and crafts activities are not numerous. It is not intended that this district be applied to new areas not having these characteristics.

Permitted Uses

1. Antique stores
2. Art supply stores
3. Arts & crafts schools
4. Arts & crafts studios, galleries, shops; gift shops for the sale of arts & crafts
5. Boarding, dormitory, monastery
6. Bookshops
7. Cabinet shops; custom
8. Dance studios
9. Daycare, preschool for infants & children (6 or fewer)
10. Dwelling- single-family
11. Dwelling, multiple-family
12. Electric transmission lines
13. Electrical distribution facilities
14. Electrical substation
15. Florist shops
16. Foster homes licensed by the State
17. Group, residential care facility (limited)
18. Manufactured homes
19. Museums
20. Non-profit theaters for production of live shows ☼
21. Parks, playgrounds, playfields (public)
22. Police substations (6 or fewer staff)
23. Photographers studios
24. Schools, vocational & trade, non-industrial
25. Tailoring & dressmaking shops

☞ Uses shown with ☼ are permitted in RAC districts; however, a **Special Use Permit** is required if located within 200 feet of residentially zoned property.

Special Use Permit

The following uses may be conditionally permitted in RAC districts pursuant to a Special Use Permit:

1. Adult day care
2. Bar, cocktail lounge, nightclub; no outdoor entertainment (amplified live entertainment or amplified music for dancing prohibited after 10:00 PM)

3. Bar, cocktail lounge, nightclub; with outdoor entertainment (amplified live entertainment or amplified music for dancing prohibited after 10:00 PM) ☼
4. Clubs & lodges (private)
5. Colleges & universities (residential)
6. Continuing care community
7. Correctional group residential care facility
8. Daycare; preschool; for infants & children (more than 6)
9. Fire stations
10. Grocery stores (neighborhood)
11. Group residential care facility
12. Laundromats (neighborhood)
13. Medical & dental offices & clinics
14. Mobile home permanent installation
15. Neighborhood & community centers (including youth & senior centers)
16. Nursing, extended care, convalescent, recovery care facilities
17. Offices; business & professional (excluding medical, dental & financial services)
18. Personal care facilities for the elderly
19. Police stations
20. Religious assembly (all)
21. Religious, educational & charitable institutions (no schools or assembly uses)
22. Restaurant with bar, cocktail lounge or nightclub comprising more than 25% of total serving area (amplified live entertainment or amplified music for dancing prohibited after 10:00 PM) ☼
23. Restaurant; fast service, take out, no drive through or drive up
24. Restaurant; full service with or without incidental alcohol service (amplified live entertainment or amplified music for dancing prohibited after 10:00 PM)
25. Schools; elementary & secondary (public & private)
26. Sheltered care facilities
27. Utilities (all, including natural gas regulation station, telephone exchange, water or sewage pumping station, water storage facility)

Accessory Uses

The following accessory uses are permitted in RAC districts:

1. Accessory dwelling units
2. Accessory structures, permanent, temporary or portable, not constructed of solid building materials; covers; accessory structures exceeding 30 inches from the ground
3. Barbecue pits, swimming pools (private)
4. Children play areas & equipment
5. Daycare for infants & children (private)
6. Garages (private)
7. Greenhouses (non-commercial)

8. Home occupations
9. Incidental & subordinate uses & structures
10. Residential use ancillary to an approved use
11. Utility sheds (within the rear yard only)

Dimensional Standards

Max density 21 dwelling units per acre

Minimum lot: Area: Single family: 3,000 square feet (may be reduced to 2,000 square feet if common open space is provided.) Multiple-family: as required to comply with gross density factor.

It is intended that the *common open space* required in single-*family* subdivisions where the *lot* size has been reduced from that of a conventional subdivision be a compensation to occupants for reduced *lot* size. It is further intended that *common open space* be usable and be provided for occupants outside of the *lot* but within the subdivision.

Where the *lot* size is between two thousand (2,000) and four thousand (4,000) square feet, *common open space* is required in an amount such that the sum of the square footage of the *lots* in the *development* plus the sum of the square footage for *common open space*, all divided by the number of single-*family lots*, equals no less than four thousand (4,000) square feet.

Max height: All structures 24 feet;

Within 10 feet of a property line, no point on a structure shall be higher than 14 feet above finished grade at the closest point on the perimeter of the structure. Within 15 feet of a property line, no point on a structure shall be higher than 24 feet above finished grade at the closest point of the perimeter of the structure.

Setbacks: Generally established by a development plan approved by the Planning Commission, otherwise: Street 7 (20 for garage or carport); side 5 or 10*; rear 15 or 20% of the average depth dimension of lot, whichever is less

A garage or carport with a vehicle entrance facing the street must be set back 20 feet from the street property line (refer to illustration 14-7.1-3)

(* Within 10 feet of a property line, no point on a structure shall be higher than 14 feet above finished grade at the closest point on the perimeter of the structure. Within 15 feet of a side or rear property line, no point on a structure shall be higher than 24 feet above finished grade at the closest point of the perimeter.)

Max lot cover: 40

Maximum Nonresidential Use Area in RAC District: Not more than three thousand (3,000) square feet of the *gross floor area* of a *building* shall be devoted to *nonresidential* uses .

The intent of private open space is to ensure easily available access to the outdoors in medium- to high-density developments, and to provide for a sufficient sense of privacy. Requirements are as follows:

The maximum lot coverage may be increased in accordance with Table 14-7.2-1 if qualifying private open space for each dwelling unit is provided as follows:

(a) for lots in R-6, R-7, R-8, & R-9 districts, an amount not less than fifty percent of the total gross floor area of that dwelling unit; and

(2) balconies, roof decks or roofed areas such as porches or portals may be included as twenty-five percent of the required private open space;

(3) private open space does not include parking areas, driveways or related access for automobiles or stormwater ponding areas;

(4) the minimum dimension for required private open space shall not be less than twelve (12) feet;

(5) finished grade for required private open space shall have a slope no greater than one (1) vertical foot in ten (10) horizontal feet; and

(6) accessory dwelling units shall also be required to meet the private open space criteria in this Subsection 14-7.5(C); provided, however, that private open space for the accessory dwelling unit does not have to be physically separated from the private open space for the primary dwelling unit, and up to fifty percent of the private open space required for the accessory dwelling unit may be the same private open space provided for the primary dwelling unit; and

(7) there are no planting requirements for private open space.

Minimum Qualifying Open Space

Detached single family dwellings or multiple family dwellings: 250 square feet of common and / or private open space per unit.

CITY OF SANTA FE, NEW MEXICO

ORDINANCE NO. 2012-2

AN ORDINANCE

AMENDING SECTION 14-8.14(E) SFCC 1987 SO THAT FOR A PERIOD OF TWO YEARS, THE IMPACT FEES FOR RESIDENTIAL DEVELOPMENTS SHALL BE REDUCED BY 100%; AND MAKING SUCH OTHER NECESSARY CHANGES.

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

Section 1. Section 14-8.14(E) SFCC 1987 (being Ord. No. 2011-37, §11) is amended to read:

E. Fee Determination

(1) A person who applies for a construction *permit*, except those exempted or preparing an independent fee calculation study, shall pay impact fees in accordance with one of the following fee schedules. If a credit is due pursuant to Section 14-8.14(I), the amount of the credit shall be deducted from the amount of the fee to be paid.

(2) The fee schedule in this Section 14-8.14(E)(2), also referred to as the "temporary" fee schedule, shall be used and its fees assessed on *residential plats* and *development* plans for a period of two years beginning on January 23, 2012 and ending on January 22, 2014. Thereafter, such *developments* shall be assessed impact fees in accordance with the "new" and "old" fee schedules in Sections 14-8.14(E)(3) and 14-8.14(E)(4) below.

TEMPORARY FEE SCHEDULE FOR RESIDENTIAL DWELLINGS

Land Use Type	Unit	Roads	Parks	Fire	Police	Total

S-F Detached Dwelling or Manufactured Home						
Heated Living Area:						
(0 to 1,500 sq. ft.)	Dwelling	$0	$0	$0	$0	**$0**
(1,501 to 2,000 sq. ft.)	Dwelling	$0	$0	$0	$0	**$0**
(2,001 to 2,500 sq. ft.)	Dwelling	$0	$0	$0	$0	**$0**
(2,501 to 3,000 sq. ft.)	Dwelling	$0	$0	$0	$0	**$0**
(3,001 to 3,500 sq. ft.)	Dwelling	$0	$0	$0	$0	**$0**
(3,501 to 4,000 sq. ft.)	Dwelling	$0	$0	$0	$0	**$0**
(more than 4,000 sq. ft.)	Dwelling	$0	$0	$0	$0	**$0**
Other (Apts., Condos, S.F. Attached Guest H)	Dwelling	$0	$0	$0	$0	**$0**

(3) The fee schedule in this Section 14-8.14(E)([~~2~~]3), also referred to as the "new" fee schedule, shall be used and its fees assessed on *plats* and *development* plans that receive final approval from the *city* or the *state* construction industries division after June 30, 2008. The "new" fee schedule shall also be applied to construction *permits* issued after June 30, 2008, except where the *permit* is issued for a subdivision or for a *development* plan that is still subject to the "old" fee schedule.

NEW FEE SCHEDULE

Land Use Type Single-Family Detached Dwelling or Manufactured Home	**Unit**	**Roads**	**Parks**	**Fire**	**Police**	**Total**
Heated Living Area:						
(0 to 1,500 sq. ft.)	Dwelling	$1,850	$1,111	$125	$44	**$3,130**
(1,501 to 2,000 sq. ft.)	Dwelling	$2,100	$1,214	$136	$48	**$3,498**
(2,001 to 2,500 sq. ft.)	Dwelling	$2,183	$1,328	$150	$53	**$3,714**
(2,501 to 3,000 sq. ft.)	Dwelling	$2,248	$1,379	$155	$55	**$3,837**
(3,001 to 3,500 sq. ft.)	Dwelling	$2,309	$1,418	$159	$56	**$3,942**
(3,501 to 4,000 sq. ft.)	Dwelling	$2,359	$1,444	$163	$58	**$4,024**
(more than 4,000 sq. ft.)	Dwelling	$2,424	$1,495	$169	$59	**$4,147**

Accessory dwelling unit (attached or detached)						
Heated Living Area:						
(0 to 500 sq. ft.)	Dwelling	$518	$324	$37	$13	**$891**
(501 to 1,000 sq. ft.)	Dwelling	$1,036	$647	$73	$26	**$1,782**
(1,001 to 1,500)	Dwelling	$1,554	$971	$110	$39	**$2,674**
Other (Apts., Condos, S.F. Attached Guest H)	Dwelling	$1,554	$97	$110	$39	**$2,674**
Hotel/Motel	Room	$1,203	$0	$82	$29	**$1,314**
Retail/Commercial	G.F.A.					
Shopping Center/General Retail	1000 sq. ft.	$4,597	$0	$221	$78	**$4,896**
Auto Sales/Service	1000 sq. ft.	$2,180	$0	$221	$78	**$2,479**
Bank	1000 sq. ft.	$4,948	$0	$221	$78	**$5,247**
Convenience Store w/Gas Sales	1000 sq. ft.	$8,778	$0	$221	$78	**$9,077**
Health Club, Recreational	1000 sq. ft.	$4,394	$0	$221	$78	**$4,693**
Movie Theater	1000 sq. ft.	$10,412	$0	$221	$78	**$10,711**
Restaurant, Sit-Down	1000 sq. ft.	$5,083	$0	$221	$78	**$5,382**
Restaurant, Fast Food	1000 sq. ft.	$11,064	$0	$221	$78	**$11,363**
Restaurant, Pkgd Food	1000 sq. ft.	$4,597	$0	$221	$78	**$4,896**
Office/Institutional	G.F.A.					
Office, General	1000 sq. ft.	$2,429	$0	$124	$44	**$2,597**
Medical Building	1000 sq. ft.	$3,903	$0	$124	$44	**$4,071**
Nursing Home	1000 sq. ft.	$1,354	$0	$124	$44	**$1,522**
Church	1000 sq. ft.	$1,521	$0	$124	$44	**$1,689**
Day Care Center	1000 sq. ft.	$3,202	$0	$124	$44	**$3,370**
Educational Facility	1000 sq. ft.	$586	$0	$124	$44	**$754**
Educational Facility Dorm Room	1000 sq. ft.	$1,203	$0	$82	$29	**$1,314**
Industrial	G.F.A.					
Industrial, Manufacturing	1000 sq. ft.	$1,610	$0	$74	$26	**$1,710**
Warehouse	1000 sq. ft.	$1,147	$0	$47	$16	**$1,210**
Mini-Warehouse	1000 sq. ft.	$417	$0	$47	$16	**$480**

(4) The fee schedule in this Section 14-8.14(E)([~~3~~]4), also referred to as the "old" fee schedule, shall be used and its fees assessed on *plats* and *development* plans that received final approval from the *city* or the *state* construction industries division on or before June 30, 2008, which assessment is valid for a period not to exceed four years from the date of the subdivision or *development* plan approval. The "old" fee schedule shall also be applied to construction *permits* issued on or before June 30, 2008.

OLD FEE SCHEDULE

Land Use Type	Unit	Roads	Parks	Fire	Police	Total
S-F Detached Dwelling or Guesthouse Heated Living Area						
(0 to 1,500 sq. ft.)	Dwelling	$1,135	$767	$118	$29	**$2,049**
(1,501 to 2,000 sq. ft.)	Dwelling	$1,527	$1,128	$165	$40	**$2,860**
(2,001 to 2,500 sq. ft.)	Dwelling	$1,820	$1,397	$212	$52	**$3,481**
(2,501 to 3,000 sq. ft.)	Dwelling	$2,053	$1,614	$259	$63	**$3,989**
(3,001 to 3,500 sq. ft.)	Dwelling	$2,247	$1,793	$306	$75	**$4,421**
(3,501 to 4,000 sq. ft.)	Dwelling	$2,414	$1,946	$353	$86	**$4,799**
(more than 4,000 sq. ft.)	Dwelling	$2,560	$2,080	$400	$98	**$5,138**
Other (Apts., Condos, S.F. Attached)	Dwelling	$1,485	$863	$94	$61	**$2,503**
Hotel/Motel	Room	$2,017	$0	$182	$61	**$2,260**
Retail/Commercial	G.F.A.					
Shopping Center/General Retail	1000 sq. ft.	$3,893	$0	$182	$61	**$4,136**
Auto Sales/Service	1000 sq. ft.	$3,123	$0	$182	$61	**$3,366**
Bank	1000 sq. ft.	$5,249	$0	$182	$61	**$5,492**
Convenience Store w/Gas Sales	1000 sq. ft.	$7,336	$0	$182	$61	**$7,579**
Health Club, Recreational	1000 sq. ft.	$2,814	$0	$182	$61	**$3,057**
Movie Theater	1000 sq. ft.	$8,730	$0	$182	$61	**$8,973**
Restaurant, Sit-Down	1000 sq. ft.	$4,248	$0	$182	$61	**$4,491**
Restaurant, Fast Food	1000 sq. ft.	$9,247	$0	$182	$61	**$9,490**
Office/Institutional	G.F.A.					
Office, General	1000 sq. ft.	$2,191	$0	$182	$61	**$2,434**
Medical Building	1000 sq. ft.	$3,503	$0	$182	$61	**$3,746**
Nursing Home	1000 sq. ft.	$981	$0	$182	$61	**$1,224**
Church	1000 sq. ft.	$1,632	$0	$182	$61	**$1,875**
Day Care Center	1000 sq. ft.	$3,404	$0	$182	$61	**$3,647**
Elementary/Sec. School	1000 sq. ft.	$534	$0	$182	$61	**$777**
Industrial	G.F.A.					
Industrial, Manufacturing	1000 sq. ft.	$1,557	$0	$182	$61	**$1,800**
Warehouse	1000 sq. ft.	$1,109	$0	$182	$61	**$1,352**

Land Use Type	Unit	Roads	Parks	Fire	Police	Total
Mini-Warehouse	1000 sq. ft.	$386	$0	$182	$61	**$629**
G.F.A. - *Gross Floor Area*; fees shown for nonresidential uses are per one thousand square feet of gross floor area						

(5) If the type of new *development* for which a construction *permit* is requested is not specified on the fee schedule, the *impact fee administrator* shall determine the fee on the basis of the fee applicable to the most nearly comparable type of land use on the fee schedule. The following shall be used as a guideline for impact fee determination when the specific use is not identified in the fee chart.

(a) Residential

(i) a *home occupation business* shall be charged according to the fee schedule for the appropriate *residential* category; and

(ii) the *hotel/motel* ancillary use fee shall apply to meeting rooms, lobby area and general use areas of the facility. Retail and restaurant square footage shall be charged under the commercial use category.

(b) Retail/Commercial

(i) the general retail fee shall be used for a hair salon, *laundromat*, dry cleaner, garden center/nursery retail display area, gas station without a convenience store and inventory storage for a retail *business*, including growing area for a garden center/nursery;

(ii) the bank fee assessment shall include the square footage of any drive-through kiosk and parking area with or without a roof;

(iii) the restaurant fast food fee shall include square footage for the drive-through kiosk and parking area with or without a roof; and

(iv) the packaged food restaurant fee shall be used for a restaurant or bar that does not have any food preparation facilities.

(c) Office/Institutional

(i) the *office* general fee shall be used for a studio that is not *residential* and not retail;

(ii) the *office* general fee shall be used for a medical office that does not have any medical equipment, such as an *office* for psychiatry;

(iii) the medical *office* fee shall be used for an animal hospital; and

(iv) the nursing home fee shall be used for an assisted living facility.

(d) Industrial

(i) the warehouse fee shall be used for an animal shelter, storage that is not inventory storage or maintenance equipment; and

(ii) the mini-warehouse fee shall be used for a single storage unit or for multiple storage units.

(6) Impact fees shall be assessed and collected based on the primary use of the *building* as determined by the *impact fee administrator*. Uses that are distinct and separate from the primary use, which are not merely ancillary to the primary use and are one thousand square feet or greater, will be charged the impact fee category based on the distinct and separate use.

(7) Where a *permit* is to be issued for a *building* "shell" and the *impact fee administrator* is unable to determine the intended use of the *building*, the *impact fee administrator* shall assess and collect impact fees according to the zoning district in which the *building* is to be located as follows:

(a) C-2 and all SC zones - "Shopping Center/General Retail" fee rate;

(b) HZ zone - "Medical *Building*" fee rate; and

(c) C-1, C-4 and all other *nonresidential* zones - "*Office*, General" fee rate.

(8) If there is an increase in the amount of the impact fee calculation once a tenant improvement *permit* is submitted, the difference from what was paid at the time of the shell *permit* and the tenant improvement fee calculation shall be paid prior to issuance of the construction *permit*.

If the fee schedule determination for the square footage of the use identified in the tenant improvement construction *permit* results in a net decrease from what was paid at the time of the shell *permit*, there shall be no refund of impact fees previously paid.

(9) Live/work *developments* containing *dwelling units* in combination with *nonresidential* floor area in a common *building* shall pay impact fees for each *dwelling unit* according to the *residential* fee rate for "Other" and for the *gross floor area* intended for *nonresidential* use according to the "*Office*, General" fee rate. If the initial Live/Work construction *permit application* is for a shell construction *permit*, the *impact fee administrator* shall collect impact fees at the "*Office*, General" fee rate. If *dwelling units* are added as a use within the *building* after the *building* has been charged impact fees at a *nonresidential* fee rate, and there is no increase in *gross floor area*, the *impact fee administrator* shall collect only the required park impact fees for the *dwelling units* at the *residential* fee rate for "Other" at the time of the *dwelling unit permit application*.

10 If a construction *permit application* changes or intensifies the use of an existing *building*, increases the *gross floor area* of an existing *building*, or replaces an existing *building* with a new *building* and new use, the fee shall be based on the net increase in the fee for the new use or increase as compared to what the current fee would be for the previous use or floor area. If the proposed change results in a net decrease in the fee there shall be no refund of impact fees previously paid.

PASSED, APPROVED and ADOPTED this 11th day of January, 2012.

RECONSIDERED* this 25th day of January, 2012.

DAVID COSS, MAYOR

*Ordinance No. 2012-2 was reconsidered by the Governing Body for the sole purpose of formatting Ordinance No. 2012-2 to be consistent with Ordinance No. 2011-37 (Chapter 14 Revisions).

ATTEST:

Yolanda Y. Vigil

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

GENO ZAMORA, CITY ATTORNEY

M/Melissa/2012 Ordinances/2012-2 impact fee reduction (reformatted)

Section 10-2.5 SFCC 1987 Zone District Noise Levels; Maximum; Correction.

A. It is a violation of this section for any person to operate or permit to be operated any stationary source of sound in such a manner as to create a ninetieth percentile sound pressure level (L_{90}) for a measurement period of ten (10) minutes or more unless otherwise provided in this section, which exceeds the limits set forth for the following receiving zones. The location for measuring exterior sound levels shall be at least one foot (1') inside the property line of the affected property and three to six feet (3' to 6') above ground level and at least four feet (4') from walls and other reflective surfaces.

Zone District	9:00 p.m. to 7:00 a.m.	7:00 a.m. to 9:00 p.m.
Residential R-1, R-2, R-3, R-4, R-5, R-7, RC-5, RC-8, RM, RAC, AC, PRC, PRRC, HZ, Mobile Home Park	50 dBA	55 dBA
Commercial C-1, C-2, C-4, SC, BCD	55 dBA	60 dBA
Industrial-Agricultural I-1, I-2, IP	70 dBA	75 dBA

When a noise source can be identified and its noise measured in more than one (1) land use category, the limits of the more restrictive use shall apply at the boundaries between different zones.

B. It is a violation of this section for any person to operate, or permit to be operated, any stationary source of sound within any area of the city which creates a tenth percentile sound pressure level (L_{10}) of ten (10) dBA greater than the levels set forth for the receiving zones in paragraph A of this subsection for any measurement period. Such measurement period shall not be less than ten (10) minutes.

C. Notwithstanding the provisions of paragraph B of this subsection, it is a violation of this section for any person to operate or permit to be operated, any stationary source of sound within any area of the city which creates a tenth percentile sound pressure level (L_{10}) greater than fifteen (15) dBA above the ambient sound pressure level (L_{90}) of any measurement period. Such measurement period shall not be less than ten (10) minutes.
(Ordained as Code 1973, §31.2-5 by Ord. #1981-10, §5; SFCC 1981, §6-23-5; Ord. #1988-30, §3)

10-2.6 Sound Level Measurement.

Sound level measurements shall be made with a sound level meter using the "A-weighting" scale, in accordance with standards promulgated by the American national standards institute or other reasonable standards adopted and tested by the city of Santa Fe city manager or appointed designee. (Ordained as Code 1973, §31.2-6 by Ord. 1981-10, §6; SFCC 1981, §6-23-6; Ord. #1988-30, §4)

LAMBOY, HEATHER L.

From: MARTINEZ, ERIC B.
Sent: Thursday, June 13, 2013 10:29 AM
To: LAMBOY, HEATHER L.
Cc: BERKE, NOAH L.; WILSON, KEITH P.; ROMERO, JOHN J (jjromero1@ci.santa-fe.nm.us); BAER, TAMARA; PINO, ISAAC J. (ijpino@ci.santa-fe.nm.us); DRYPOLCHER, BRIAN K. (bkdrypolcher@ci.santa-fe.nm.us)
Subject: RE: Manderfield School - Cases 2013-37, 38, & 39

Heather,

No comments re: trails. However, I do agree with Noah's and Keith's comments about sidewalk. It might be that John commented on this already. If possible, it would be great to require sidewalk be installed from the driveway at Patrick Smith Park to where it currently ends at Alameda/Canyon as Noah mentioned. I suppose this could be considered a small piece of the River Trail. Thanks.

Eric

From: BERKE, NOAH L.
Sent: Thursday, June 13, 2013 10:06 AM
To: LAMBOY, HEATHER L.; GONZALES, REYNALDO D.; TRUJILLO, ANTONIO J; LADD, ALEXANDRA G.; WILSON, KEITH P.; MARCO, RANDALL V.; MARTINEZ, ERIC B.; RASCH, DAVID A.
Cc: BAER, TAMARA
Subject: RE: Manderfield School - Cases 2013-37, 38, & 39

Hi Heather,

I am going to require landscape plans at time of Building Permit. I am also going to ask that the sidewalk be continued along Canyon Road. I think currently there is sidewalk but it ends where Alameda and Canyon Road connect.

Noah Berke, CFM
Planner Technician Senior
City of Santa Fe
Land Use Department
Technical Review Division
200 Lincoln Ave.
Santa Fe, NM 87504
Work: (505) 955-6647
Fax: (505) 955-6829

From: WILSON, KEITH P.
Sent: Thursday, June 13, 2013 9:42 AM
To: LAMBOY, HEATHER L.; GONZALES, REYNALDO D.; TRUJILLO, ANTONIO J; LADD, ALEXANDRA G.; BERKE, NOAH L.; MARCO, RANDALL V.; MARTINEZ, ERIC B.; RASCH, DAVID A.
Cc: BAER, TAMARA
Subject: RE: Manderfield School - Cases 2013-37, 38, & 39

Hello Heather:

Thank you for following up. I have two observations based on the Sheet A0 – Manderfield Rezone – Master Plan

- I do not see any pedestrian accommodations (sidewalk) from the street into the development and to the "Entry".
- I do not see a location for bike racks noted on the plan.

Let me know if you have any 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

From: LAMBOY, HEATHER L.
Sent: Thursday, June 13, 2013 9:21 AM
To: GONZALES, REYNALDO D.; TRUJILLO, ANTONIO J (jatrujillo@ci.santa-fe.nm.us); LADD, ALEXANDRA G.; BERKE, NOAH L.; WILSON, KEITH P.; MARCO, RANDALL V.; MARTINEZ, ERIC B.; RASCH, DAVID A.
Cc: BAER, TAMARA (tbaer@ci.santa-fe.nm.us)
Subject: Manderfield School - Cases 2013-37, 38, & 39

Hello:

I have not yet heard from you regarding the adaptive reuse of the Manderfield Property. Both the Planning Commission and the City Council really like to understand whether there are any concerns regarding proposed developments.

Please send me your comments so that I can share them with the applicant and include them in the staff report packet. Thank you.

Heather L. Lamboy, AICP
Land Use Senior Planner

Land Use Department
City of Santa Fe, NM
200 Lincoln Avenue, Box 909
Santa Fe, NM 87504-0909
(505) 955-6656

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Heather L. Lamboy, AICP
Land Use Senior Planner

Land Use Department

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From: BERKE, NOAH L.
Sent: Thursday, June 13, 2013 10:06 AM
To: LAMBOY, HEATHER L.; GONZALES, REYNALDO D.; TRUJILLO, ANTONIO J; LADD, ALEXANDRA G.; WILSON, KEITH P.; MARCO, RANDALL V.; MARTINEZ, ERIC B.; RASCH, DAVID A.
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City of Santa Fe
Land Use Department
Technical Review Division
200 Lincoln Ave.
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Fax: (505) 955-6829

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Land Use Senior Planner

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City of Santa Fe, NM
200 Lincoln Avenue, Box 909
Santa Fe, NM 87504-0909
(505) 955-6656

LAMBOY, HEATHER L.

From: RASCH, DAVID A.
Sent: Friday, June 14, 2013 7:52 AM
To: LAMBOY, HEATHER L.
Subject: RE: Manderfield School - Cases 2013-37, 38, & 39

No concerns.
Preliminarily it looks ok.

David Rasch
Historic Preservation Division
City of Santa Fe

From: LAMBOY, HEATHER L.
Sent: Thursday, June 13, 2013 9:21 AM
To: GONZALES, REYNALDO D.; TRUJILLO, ANTONIO J (jatrujillo@ci.santa-fe.nm.us); LADD, ALEXANDRA G.; BERKE, NOAH L.; WILSON, KEITH P.; MARCO, RANDALL V.; MARTINEZ, ERIC B.; RASCH, DAVID A.
Cc: BAER, TAMARA (tbaer@ci.santa-fe.nm.us)
Subject: Manderfield School - Cases 2013-37, 38, & 39

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Land Use Senior Planner

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200 Lincoln Avenue, Box 909
Santa Fe, NM 87504-0909
(505) 955-6656

LAMBOY, HEATHER L.

From:	KASSENS, SANDRA M.
Sent:	Wednesday, June 12, 2013 1:14 PM
To:	LAMBOY, HEATHER L.
Cc:	ROMERO, JOHN J; BAER, TAMARA
Subject:	Manderfield School GPA - Rezone and Special Use Permit

Heather,
The Traffic Engineering Division has no comments on the Manderfield School GPA, Rezone to RAC and Special Use Permit, case numbers 2013-37, 2013-38 and 2013-39.

Thank you,
Sandy

Sandra Kassens
Engineer Assistant
Traffic Engineering
City of Santa Fe
505-955-6697

City of Santa Fe, New Mexico

memo

DATE: June 18, 2013

TO: Heather Lamboy, AICP
Senior Land Use Planner

FROM: Alexandra Ladd, AICP
Special Projects Manager, Office of Affordable Housing

RE: Affordable Housing Requirement for Manderfield School

The Manderfield School Development Plan proposes to create four (4) new casitas for homeownership and six (6) rental units. As per Ordinance 2011-17, applications for residential building permits for ten (10) or fewer units do not have to provide an affordable unit. Instead the applicant pays a fractional fee.

The fees are temporarily reduced by 70%, in effect through June 8, 2014 and are paid into the City's Affordable Housing Trust Fund. The funds are used to provide down payment assistance or support for other affordable housing services.

The fractional fees for the Manderfield School Development Proposal breaks down as follows:

Fractional Fee (Homeownership)
= One-Half Sales Price of 3 BR, Tier 2 Home X Unit Fraction X .3 (70% Reduction)
4 units X 20% = 0.8 units
= $69,000 X 1.2 X .30 = $16,560

Fractional Fee (Rental)
= One-Half Sales Price of 3 BR, Tier 2 Home X Unit Fraction X .3 (70% Reduction)
6 units X 15% = 0.9
= $69,000 X .9 X .30 = $18,630

Total Fee Due: $35,190

ACTION REQUESTED:
For your information.

City of Santa Fe, New Mexico

memo

DATE: June 10, 2013

TO: Heather Lamboy, Case Manager

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

RE: Case # 2013-37, # 2013-38, and # 2013-39
Manderfield School General Plan Amendment, Rezoning, and
Special Use Permit and Variance

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

Sidewalk must meet the requirements of Article 14-9.2(E) of the Land Development Code.

All applicable terrain and stormwater management requirements of Article 14-8.2 of the Land Development Code must be met.

City of Santa Fe, New Mexico

memo

DATE: May 31, 2013

TO: Heather Lamboy, Case Manager

FROM: Stan Holland, Engineer, Wastewater Division

SUBJECT: Case #2013-37-38-39 Manderfield School General Plan Amendment, Rezoning and Special Use Permit

---

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

The Wastewater has no objection to the request for a General Plan Amendment, Rezoning and Special Use Permit and Variance for this project.

M:\LUD_CURR PLNG_Case Mgmt\Case_Mgmt\LamboyH\2013-37 38 39 Manderfield\Agency Comments\2013-37-38-39 Manderfield School Holland 5-31-13.docx

LAMBOY, HEATHER L.

From: MARCO, RANDALL V.
Sent: Thursday, June 13, 2013 2:16 PM
To: LAMBOY, HEATHER L.
Subject: FW: Manderfield School - Cases 2013-37, 38, & 39

Heather,
I would require all residential casitas to have refuse and recycling services and the commercial to have commercial refuse services. The pickup depends if we can get a truck on and through the property without safety issues.

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

From: BERKE, NOAH L.
Sent: Thursday, June 13, 2013 10:06 AM
To: LAMBOY, HEATHER L.; GONZALES, REYNALDO D.; TRUJILLO, ANTONIO J; LADD, ALEXANDRA G.; WILSON, KEITH P.; MARCO, RANDALL V.; MARTINEZ, ERIC B.; RASCH, DAVID A.
Cc: BAER, TAMARA
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Cc: BAER, TAMARA (tbaer@ci.santa-fe.nm.us)
Subject: Manderfield School - Cases 2013-37, 38, & 39

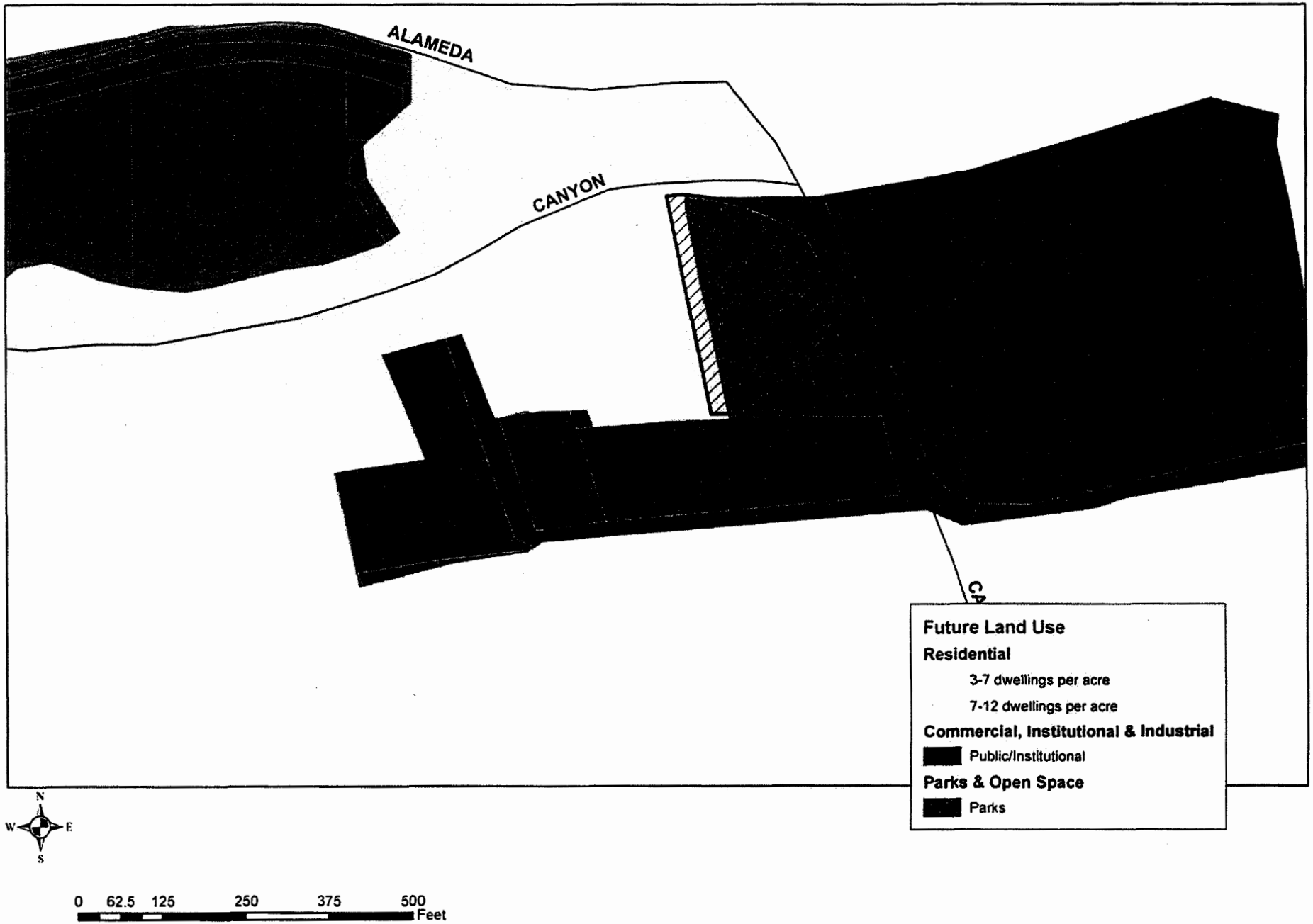
Hello:

City of Santa Fe, New Mexico

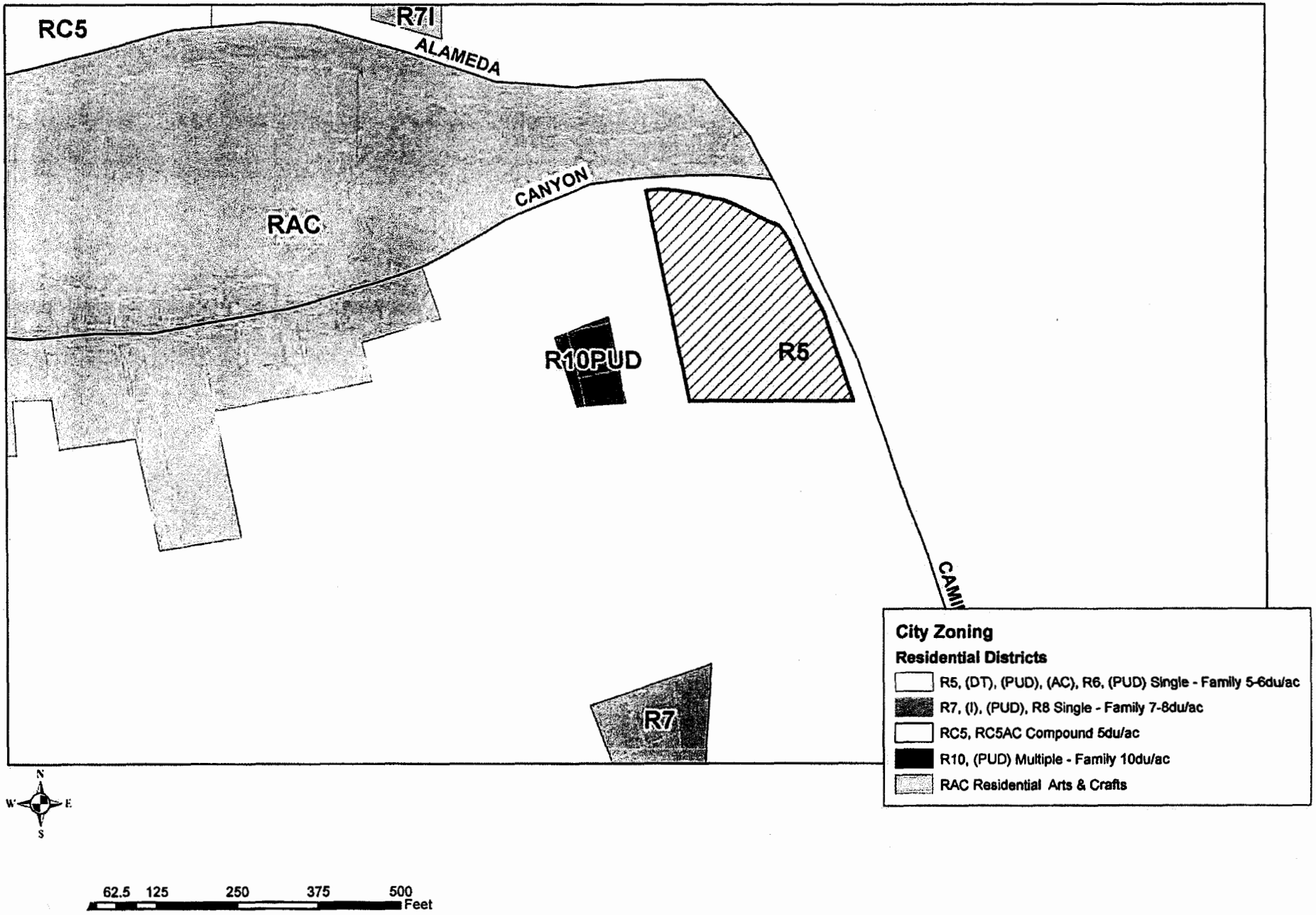
Exhibit C

Maps

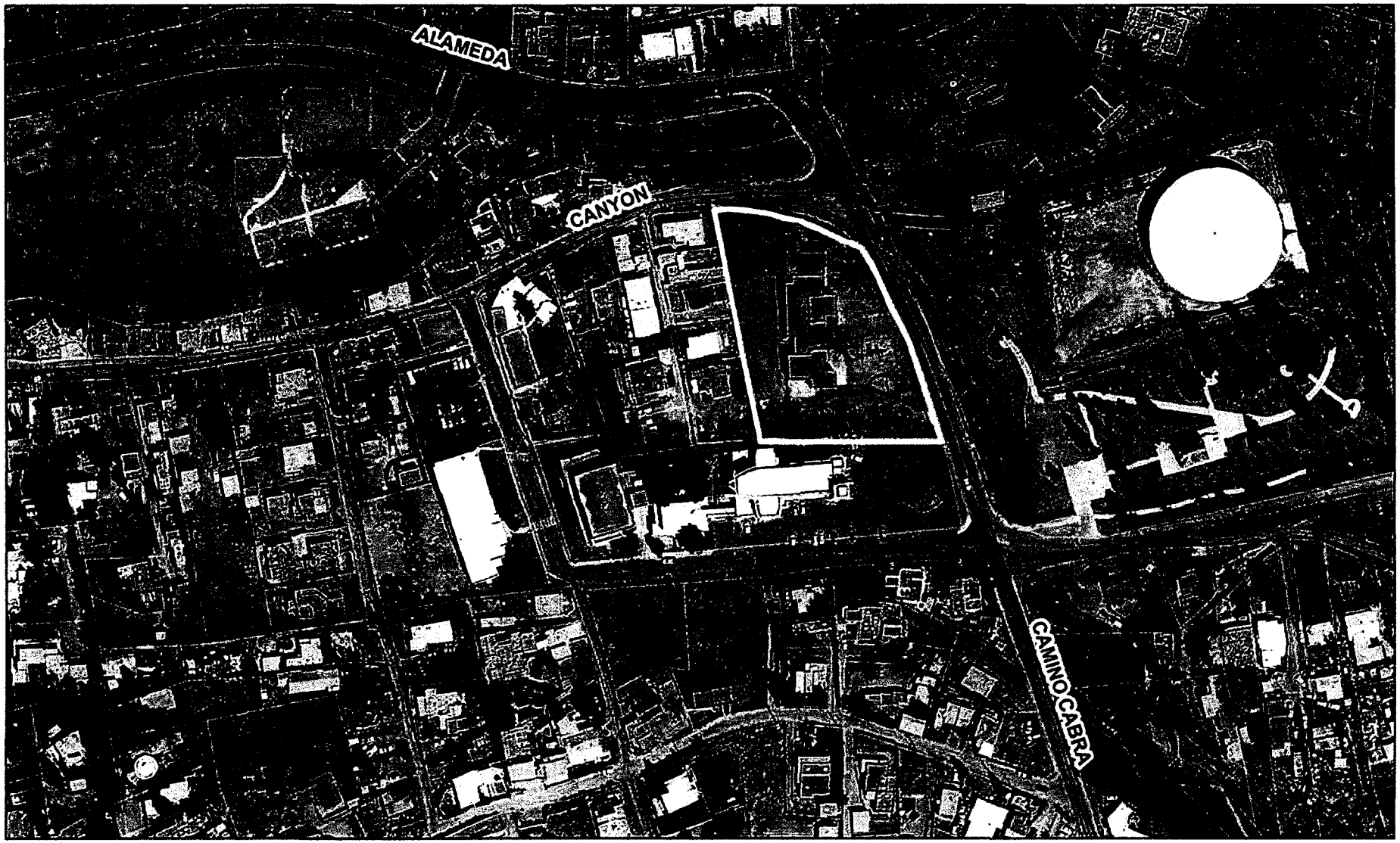
Manderfield Future Land Use



Manderfield Zoning



Manderfield Aerial



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Feet

City of Santa Fe, New Mexico

Exhibit D

Early Neighborhood Notification (ENN)
Meeting Materials

EARLY NEIGHBORHOOD NOTIFICATION MEETING

Request for Staff Attendance

Project Information

Project Name: **Manderfield**

Address: **1150 Canyon Road** Parcel Size: **±1.48 acres**

Zoning: **R-5** Future Land Use: **Public/Institutional**

Preapplication Conference Date: **April 23, 2013**

Detailed Project Description: **General Plan Amendment from Public/Institutional to Residential Medium Density; Rezone from R-5 to RAC; Special Use Permit to allow a coffee house**

Property Owner Information

Name: **Owner: Santa Fe Public Schools** **Applicant: Manderfield LLC**

Address: **610 Alta Vista St., SF, NM 87505** **300 Camino de los Marquez #8, SF, NM 87505**

Phone: **Appl: 505-919-8089** E-mail Address: **claremaraist@gmail.com**

Agent Information (if different from owner):

Name: **JenkinsGavin Design & Development**

Address: **130 Grant Avenue, Suite 101, Santa Fe, NM 87501**

Phone: **505-820-7444** E-mail Address: **jennifer@jenkinsgavin.com**

Agent Authorization (if applicable):

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

I/We authorize **Please see attached authorization letters.** to act as my/our agent to execute this application.

Signed: _____ Date: _____

Signed: Date:

Proposed ENN Meeting Dates:

Provide 2 options:	*Preferred Option*	*Alternative*
DATE:	May 15, 2013	
TIME:	5:30 p.m.	
LOCATION:	First Presbyterian Church 208 Grant Avenue Santa Fe, NM 87501	

April 22, 2013

RE: Manderfield School
1150 Canyon Road

To Whom It May Concern:

This letter shall serve as authorization for JenkinsGavin Design & Development, Inc. to act on our 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,

Shirley McDougall
Property Asset Manager
Santa Fe Public Schools
505 467 3443
smcdougall@sfps.info

RE: Manderfield School
1150 Canyon Road

To Whom It May Concern:

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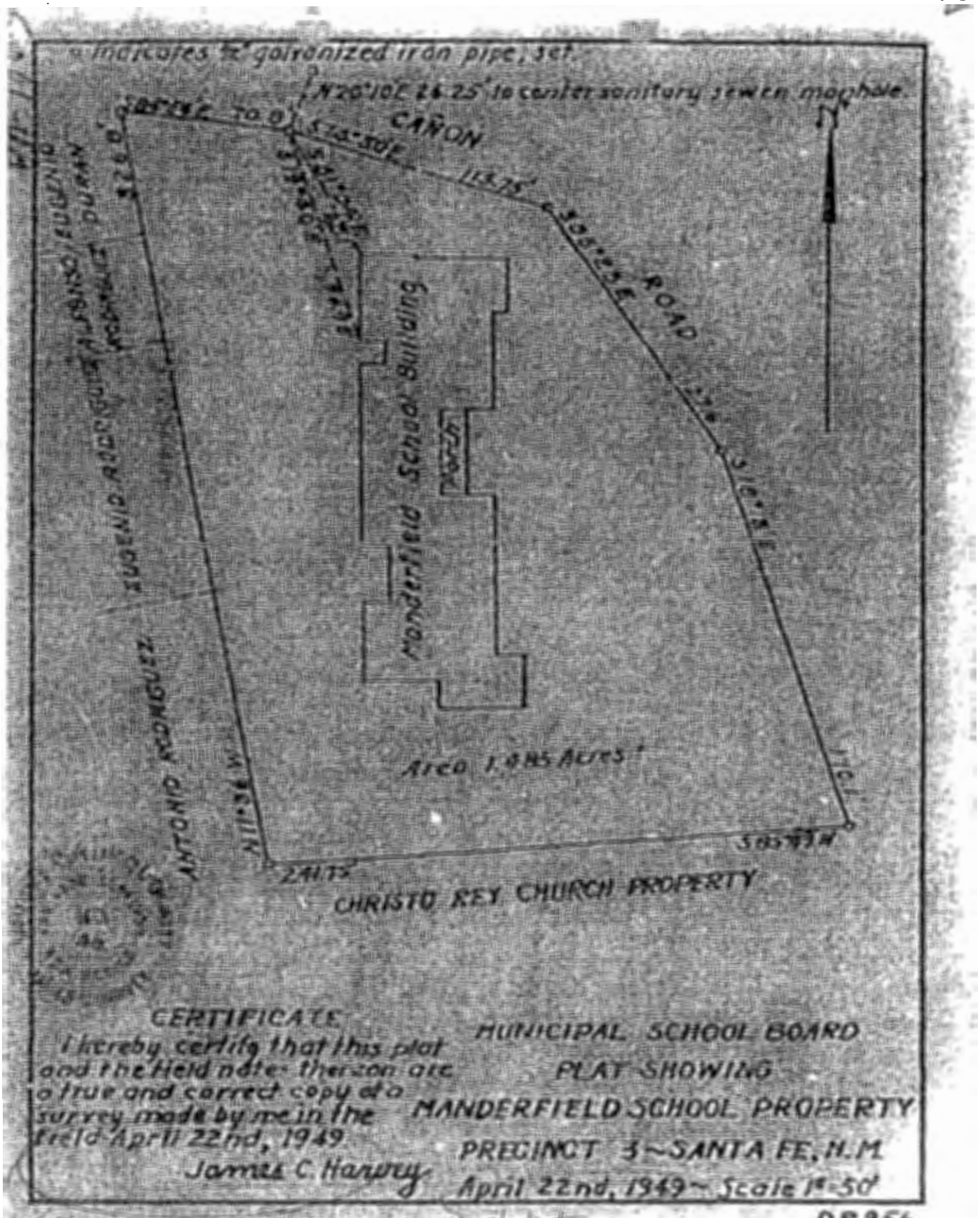
Please call should you have any questions or need additional information.

Thank you.

Sincerely,

Clare Maraist



CERTIFICATE

I hereby certify that this plat and the field notes thereon are a true and correct copy of a survey made by me in the field April 22nd, 1949

James C. Harvey

MUNICIPAL SCHOOL BOARD

PLAT SHOWING

MANDERFIELD SCHOOL PROPERTY

PRECINCT 3 ~ SANTA FE, N.M.

April 22nd, 1949 ~ Scale 1" = 50'

DR 956

1949 survey/plat

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 ±1.48-acre subject property is home to the historic Manderfield School. The proposed redevelopment (the "Project") will update and expand the existing building while maintaining its historic character. Proposed improvements to the property will entail an adaptive reuse of the existing building to include residential units, art studios, and a coffee house. This mixed-use approach will harmonize with the surrounding neighborhood, which includes studios, offices, galleries/shops, institutional, and residential uses. The proposed casitas will be modest single story structures in keeping with the character of other residences in the neighborhood.

(b) EFFECT ON PROTECTION OF THE PHYSICAL ENVIRONMENT *For example: trees, open space, rivers, arroyos, floodplains, rock outcroppings, escarpments, trash generation, fire risk, hazardous materials, easements, etc.*

Existing significant trees will be preserved or replaced in accordance with City Code requirements. Significant landscaped open space areas will be created and all terrain management requirements will be satisfied.

(c) IMPACTS ON ANY PREHISTORIC, HISTORIC, ARCHAEOLOGICAL OR CULTURAL SITES OR STRUCTURES, INCLUDING ACEQUIAS AND THE HISTORIC DOWNTOWN *For example: the project's compatibility with historic or cultural sites located on the property where the project is proposed.*

The subject property is in the Downtown and Eastside Historic District and the School is designated as a Contributing building. The proposed renovation of the School will preserve this important structure and will be consistent with its existing character. The renovation and the new casitas will be designed in accordance with historic design standards and will be reviewed and approved by the Historic Districts Review Board. Furthermore, the property is located in the Historic Downtown Archaeological District. An archaeological survey of the property was performed in April 2013, and no cultural remains were found. The site has been recommended for clearance by the Archaeological Review Committee.

(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 ±1.48-acre subject property is zoned R5 (Residential, 5 dwelling units per acre) with a Future Land Use designation of Public/ Institutional under the City's General Plan. The requested General Plan Amendment from Public/Institutional to Residential Medium Density will be in keeping with neighboring Future Land Use designations of Medium and Low Density Residential. Likewise, the requested zone change from R5 to RAC (Residential Arts & Crafts) will be consistent with surrounding zoning, which includes R5, R10PUD, and RAC.

(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.*

The Project will be easily accessed by pedestrian and vehicular traffic via the existing driveway Camino Cabra. Furthermore, a new driveway to Canyon Road is proposed on the north side of the property. No significant impact on existing traffic patterns or congestion is anticipated. A new parking area will be constructed to accommodate the studios and the coffee house and private parking will be provided for the residences, all in accordance with City Code requirements.

(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 redevelopment of this historic property, which has long sat unused, will have a positive impact on the economic base of Santa Fe through the employment of Santa Fe residents for the construction phase. Once completed, the Project will provide residences and art studios, which will add to the City's economic base, as well as a coffee house that will employ locals, as well as generating tax revenue.

(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)*

In compliance with the requirements of the Santa Fe Homes Program, a fractional fee will be paid to the City's Affordable Housing Trust Fund, which provides down payment assistance and infrastructure funding, as well as supporting other affordable housing efforts.

(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 be served by existing City infrastructure and services. Any requisite improvements/upgrades to existing utilities will be implemented as part of the construction process.

(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 be served by City water. Improvements will include water harvesting for passive irrigation purposes and water conserving plumbing fixtures.

(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 promote community integration and social balance by providing a mixed use approach, including studio space for artists and a coffee house that will draw locals and tourists to the site. Its design will invite pedestrian traffic from Canyon Road and surrounding parks, shops, and galleries. It will provide a key link among the surrounding residential, institutional, and arts and crafts neighborhoods .

(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 policies of the General Plan by promoting a compact urban form through appropriate infill development, as well as by combining employment opportunities with residential uses.

ADDITIONAL COMMENTS (Optional)

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: Manderfield
2. Location of Property: 1150 Canyon Rd.
3. Owner/Agent Name: Manderfield LLC
   Mailing Address: 300 Camino de los Marquez #8
   Phone & Fax: Santa Fe, NM 87505
   505-919-8089
4. Unit Matrix

PROJECT EFFECT ON STUDENT POPULATION		
Unit Type	Unit Quantity	Average Price
Single Family (detached)		
Single Family (attached)	4	$400K
Townhome/ Apartment		
Multi-Family	6	$250K
Commercial		

5. Elementary School Zone for Proposed Development: Atalaya
6. Middle School Zone for Proposed Development: Capshaw
7. High School Zone for Proposed Development: Santa Fe High
8. Build-out Timeline (i.e. year(s); #/yr):
   Completion - 2016

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

jenkinsgavin
DESIGN & DEVELOPMENT INC

EARLY NEIGHBORHOOD NOTIFICATION MEETING

April 30, 2013

Dear Neighbor:

This letter is being sent as notice of a neighborhood meeting to discuss the redevelopment of the ±1.48-acre Manderfield School property at 1150 Canyon Road. Proposed improvements to the property will entail an adaptive reuse of the existing historic building to include residential units, art studios, and a coffee house, as well as four new residential casitas. To this end, the applicant is submitting applications to the City for a General Plan Amendment from Public/Institutional to Residential Medium Density; a rezoning from R5 (Residential, 5 dwelling units per acre) to RAC (Residential Arts & Crafts District); and a Special Use Permit to allow for the coffee house.

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, May 15, 2013***
Where:	***First Presbyterian Church***
	208 Grant Avenue
	Santa Fe, NM 87501

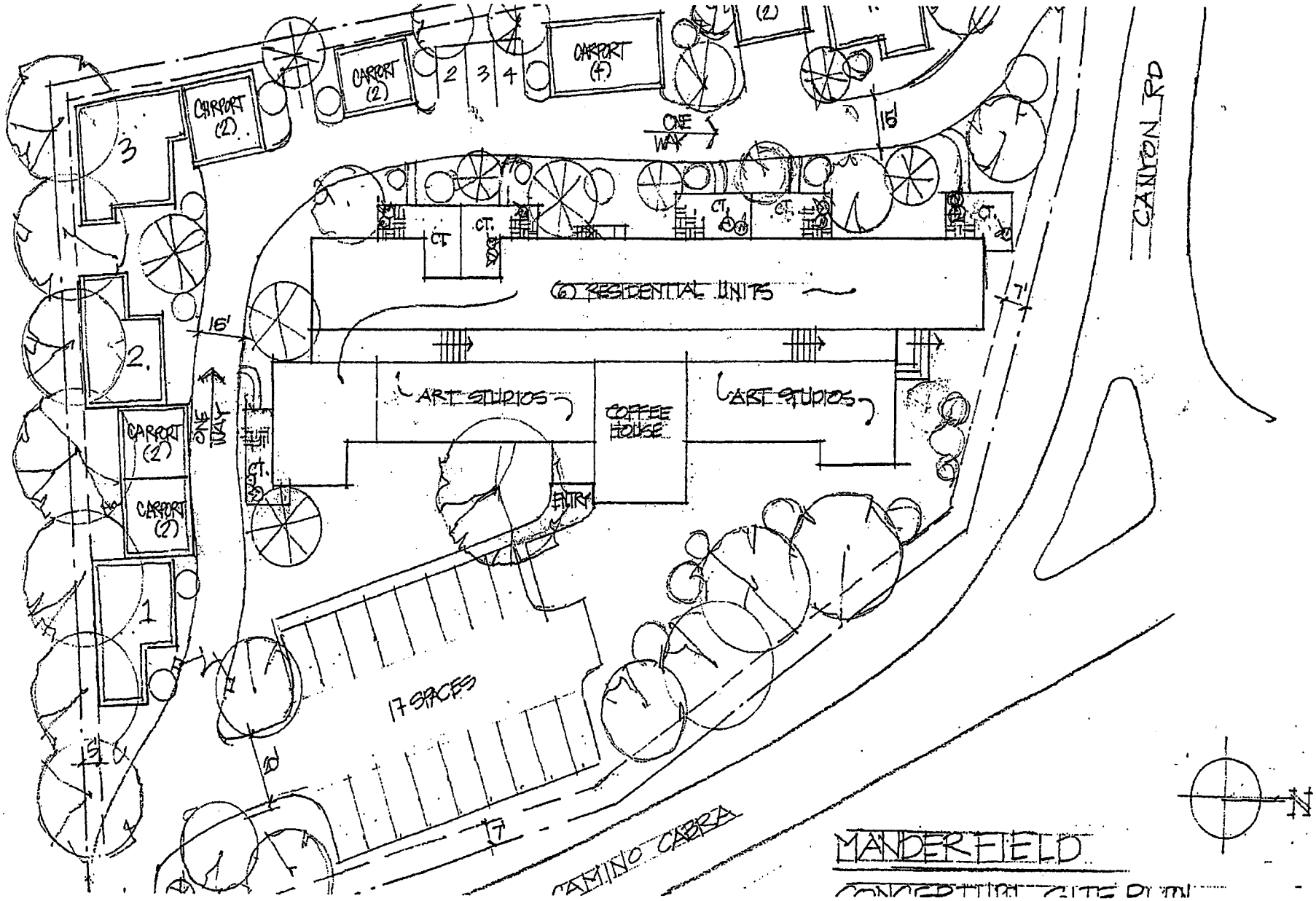
Early Neighborhood Notification is intended to provide for an exchange of information between prospective applicants for development projects and the project's neighbors before plans become too firm to respond meaningfully to community input.

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,

Jennifer Jenkins

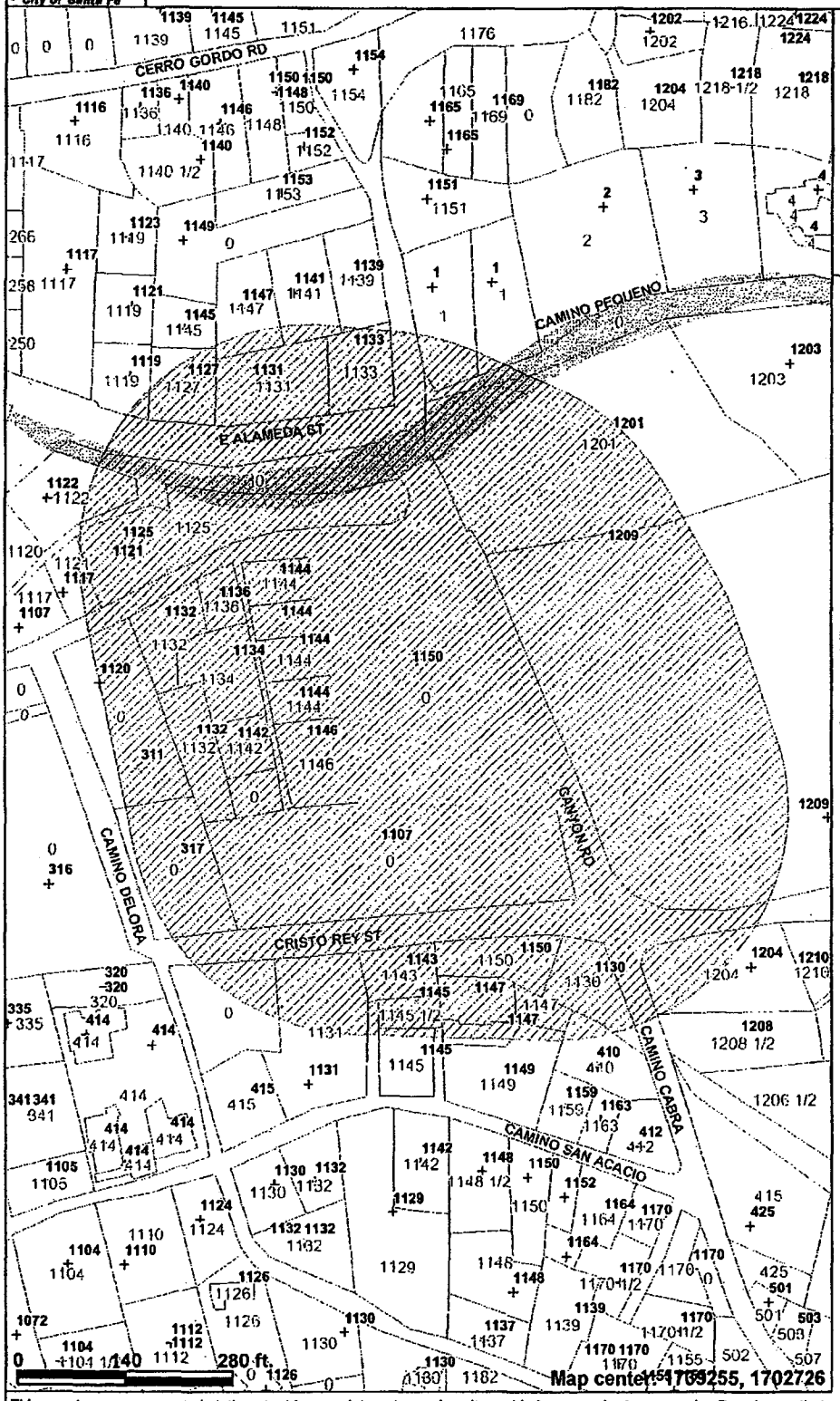
Attachments: Vicinity map
Site plan

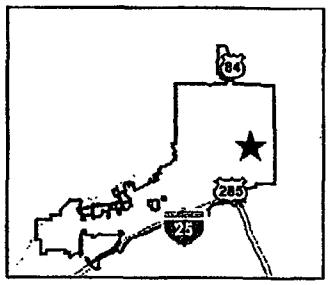


MANDERFIELD

CONCEPTUAL SITE PLAN

Manderfield School ENN Map





Legend

- City Limits
- Address Points
- 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.

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

Project Name	Manderfield General Plan Amendment and Rezone
Project Location	1150 Canyon Road
Project Description	General Plan Amendment from Public/Institutional to Medium Density Residential Rezone from R-5 to RAC
Applicant / Owner	Manderfield LLC/Santa Fe Public Schools
Agent	Jennifer Jenkins, JenkinsGavin Design & Development
Pre-App Meeting Date	April 23, 2013
Meeting Date	May 15, 2013
ENN Meeting Location	First Presbyterian Church
Application Type	General Plan Amendment & Rezoning
Land Use Staff	Heather Lamboy
Other Staff	
Attendance	Applicant, David Rasch, 18 members of the public

Notes/Comments:

The meeting began with a quick overview by Ms. Lamboy about the Early Neighborhood Notification (ENN) process and how this was the opportunity to have an open dialogue regarding the proposal. Ms. Lamboy explained the sequence of hearings that would be required for this project, which also includes review by the Historic Districts Review Board.

Ms. Jenkins began her presentation by introducing her team. She stated that the property is currently zoned R-5 and has a Future Land Use of Public/Institutional. Ms. Jenkins explained that typically schools do not require a special zoning district and you find them in residentially-zoned districts across the city. Ms. Jenkins stated that the vision for the property is to redevelop it as a mixed-use development with artist studios and a coffee shop on the east side of the school, residential apartments on the west side of the school, and free-standing casitas along the western edge of the property behind the school. She commented that the only significant change about the site plan was that a new exit would be created onto Canyon Road. The exit would be created for

the exclusive use of the residences on site. All commercial traffic associated with the development would enter and exit at the front along Canyon Road. The residential traffic would be restricted access through the use of a vehicular gate.

Ms. Jenkins stated that the Manderfield Elementary building is historic and considered contributing for the purposes of the Historic Districts Ordinance. She stated that the primary elevations are the east and north elevations, and only very minor modifications and maintenance would be permitted on these elevations.

Ms. Jenkins explained that the proposed coffee house use would require a Special Use Permit in the proposed Residential Arts and Crafts (RAC) zoning district. She stated that the maximum commercial square footage permitted in the RAC zoning district is 3,000 square feet. Ms. Jenkins explained that because this is an adaptive reuse, that total would be exceeded by approximately 1,000 square feet and that a Variance would be sought. Ms. Jenkins stated that the 4,000 square feet covers the coffee shop and artist studios on the east side of the Manderfield School building. Ms. Jenkins clarified that the Variance is for that special circumstance only and would never be increased in size without another public hearing.

Ms. Jenkins stated that there would be a 17-spot parking lot located at the front of the Manderfield building to serve the artist studios and coffee shop. For the residences at the rear and the casitas, parking would be distributed either through surface parking spaces or carports at the rear of the site. All parking will be screened through landscaping and low walls to lessen the visual impact.

Ms. Jenkins stated that there would be a total of 10 residential units, 6 apartments located in the Manderfield building and 4 free-standing casitas. Ms. Jenkins explained the locations of the residential units and associated parking and guest parking. Four guest parking spaces would be provided for the residential units.

A question was asked as whether a specific coffee business was being considered, and Ms. Jenkins replied there was not. Another neighbor asked the anticipated cost of development, and Ms. Jenkins stated that she did not have final numbers yet. Another neighbor expressed concern about there being enough parking for the coffee house and studios, and Ms. Jenkins responded that the parking is calculated utilizing the most restrictive retail use, which is one space per 200 square feet. Ms. Jenkins pointed out that office uses typically require 1 space per 350 square feet, which is truer for gallery uses. However, to ensure there would be enough parking, more spaces were provided.

A neighbor asked whether shared parking with Cristo Rey was considered since the hours of operation would be different. Ms. Jenkins stated that had not been a consideration yet, but would be open to it.

Mr. Eddie Romero, who is a relative of the neighbors immediately to the west, stated a concern with the maximum allowable density of 21 dwelling units per acre in the RAC zoning district. He stated that if the project does not work out, and the zoning remains

RAC, there would be the possibility that the site could be developed with much more density. Mr. Romero asked why RAC would be allowed to cross Canyon Road at this point.

Ms. Lamboy responded that on sites smaller than 2 acres, zoning changes may only occur if a boundary is adjusted. The RAC zoning district is considered adjacent even though it is across a street.

Ms. Jenkins pointed out that, in addition to all the requirements associated with zoning (open space, parking, circulation, etc.), the Historic Districts Ordinance limits the height for the site. The maximum height is 16 feet for the site, which limits all development on the site to one story.

Mr. Romero expressed concern regarding the casitas and their proximity to the western property line. He stated that his family did not want the new units looking into their property. Ms. Jenkins pointed out that there would be a wall constructed along the western property line and that the casitas will only be single-story.

A neighbor asked whether there would be CCRs. Ms. Jenkins responded that there would be. Another neighbor asked about trash pickup, and Ms. Jenkins stated that for the commercial property, a dumpster would be located toward the southeastern portion of the property and the residential property would have roll out trash cans as is typical for residential development.

Ms. Jenkins pointed out, in response to an earlier comment, that density could also be controlled through the CC&Rs.

A neighbor asked who Ms. Jenkins is representing. Ms. Jenkins explained that the Manderfield property is currently under contract contingent on the approval of the rezoning; it is still owned by the Santa Fe Public Schools. The neighbor asked whether construction would happen all at once or whether it would occur in phases, and Ms. Jenkins responded that it would happen at once; however, it is anticipated that the revenue from the sale of the casitas would help to finance the renovation of the existing Manderfield building.

A neighbor asked whether any 2-story construction was planned. Ms. Jenkins reiterated that would not be possible given the constraints of the Historic Districts Ordinance. She stated that the maximum heights are 20 feet on the western side of the property and 16'8" on the south side based on the height calculation done by David Rasch, the City's Historic Preservation Planner. Ms. Jenkins offered to create additional height restrictions on the property through the CC&Rs.

There was some discussion about the residential drive at the rear of the Manderfield School and how much retaining wall would have to be built. Vic Johnson suggested that the last casita be stepped to a lower elevation in order to allay neighborhood concerns about the casitas towering over them.

A neighbor asked about stormwater drainage, and Colleen Gavin pointed out the collection points for stormwater across the site. She commented that the ponds would be landscaped so that they would be seen as an amenity instead of an eyesore. The neighbor stated that right now, the Manderfield site drains onto his property and he was concerned about how that issue would be addressed. Ms. Gavin pointed out that currently the site design is schematic, and if the property were rezoned successfully, that she would be happy to work on those details later.

A neighbor asked whether a traffic study had been done. Ms. Jenkins acknowledged that the proposal would create traffic on Canyon Road where there was none previously, but the overall traffic was much less due to the change in use from a school to small scale commercial and residential. She commented that she reviewed the plan with the City's Traffic Engineer, John Romero, and that he stated that no study was needed. Ms. Jenkins pointed out that it will not likely affect Canyon Road traffic too much because the Alameda access will be much easier.

John Midyette, a neighbor, asked whether the existing chain link fencing would stay. Ms. Jenkins stated that the chain link would be removed but the concrete retaining wall would remain with some maintenance and a restucco. Both Mr. Midyette and Mr. Johnson suggested terracing the retaining wall with landscaping and a secondary low fence to address safety concerns and to prevent people from falling over the side. Mr. Johnson stated that it would be important to provide a good transition from public areas to the commercial, and then to the private areas of the site.

When asked, Mr. David Rasch, Historic Preservation Planner, clarified that no more additions would be permitted to the Manderfield building because preservation standards only permit 50% of a building's footprint be added to a contributing or significant historic structure.

Ms. Jenkins then reviewed the public hearing schedule in response to a neighbor's question. She stated that they would make application to be scheduled for a Planning Commission hearing July 11, City Council would likely occur in August or early September, and the Historic Districts Review Board hearing would take place afterward in early 2014. If all approvals are obtained in a timely manner, the project would break ground either summer or fall of 2014, and it would likely take 18 months to complete construction.

Mr. Midyette expressed the desire to identify strategies between staff and the neighborhood to create restrictions so that the project cannot be easily changed, given the permitted density under the RAC zoning district.
The meeting concluded at approximately 7:00pm.

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

Project Name: Manderfield **Meeting Date:** May 15, 2013

Meeting Place: First Presbyterian Church, 208 Grant Avenue **Meeting Time:** 5:30 p.m.

Applicant or Representative Check Box below

↓		Name	Address	Email
☐	1	John W. dyette	1125 Canyon Rd	JohnTwidyette@AOL.Com
☐	2	RAD ACTON	1206 Upper Canyon	radacton@earthlink.net
☐	3	Ken Burles	1144 B Canyon Rd.	Kburles@aol.com
☐	4	David Hundley	1144 B Canyon Rd.	dhhundley@earthlink.com
☐	5	Mike Rodriguez	35 West Cochiti	N/A
☐	6	Kristin Watson	1517 Canyon Rd	ARTworks.cybermesa.com
☑	7	Hillary Wellis	130 Grant Ave #101	hillary@jenkinsgavin.com
☑	8	Jennifer Jenkins	"	jennifer@ "
☑	9	Colleen Gavin	"	Colleen@ "
☐	10	Rosemary Rowell	1341 Canyon Rd	Rorowell@msn.com
☐	11	Mac Watson	1517 Canyon	macwatson@cybermesa.com
☐	12	Pen La Farge	617 Old SF 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.

Heather Lamboy 5/15/13

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.

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

Project Name: Manderfield **Meeting Date:** May 15, 2013

Meeting Place: First Presbyterian Church, 208 Grant Avenue **Meeting Time:** 5:30 p.m.

Applicant or Representative Check Box below

↓		Name	Address	Email
☐	1	PETE H RODRIGUEZ	1144 CANYON ROAD	PETEPAULINE@Q.COM
☐	2	Gilbert Rodriguez	2949 Calle Vieja Cruz Santa Fe	G24ERS@MSN.COM
☐	3	Paul H. Rodriguez	6304 Roswell Pl. N.W. Albuquerque	Paul.Rodriguez@amgco.com
☐	4	HENRY DURAN	96A CAMINO MONTOYA ST N.M	HENRY.DURAN@COMCAST.COM
☐	5	BRAD PERKINS		SANTAFEBRAD@YAHOO.COM ALL ONE WORD
☐	6	Mc JOHNSON	PO BOX 18[illegible] SFNM 87504	
☐	7	David Kite	1301-A Upper Canyon 87501	daveKite1@mac.com
☐	8	Clare Maraist	PO BOX 1803 SFNM 87501	Claremataist@gmail.com
☐	9	M. HULITFELDT	PO box 31446 SFNM 87594	mhulitfeldt@gmail.com
☐	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.

Heather Lamboy 5/15/13

Printed Name of City Staff in Attendance — Signature of City Staff in Attendance — Date

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

Project Name: Manderfield **Meeting Date:** May 15, 2013

Meeting Place: First Presbyterian Church, 208 Grant Avenue **Meeting Time:** 5:30 p.m.

Applicant or Representative Check Box below

↓		Name	Address	Email
☐	1	NIKKI VANDENBERG	P.O. Box 10112 SF 87504	nikkivandenberg@hotmail.com
☐	2			
☐	3			
☐	4			
☐	5			
☐	6			
☐	7			
☐	8			
☐	9			
☐	10			
☐	11			
☐	12			

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

Heather Lamboy

Printed Name of City Staff in Attendance

Signature of City Staff in Attendance

5/15/13

Date

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

City of Santa Fe, New Mexico

Exhibit E

Applicant Submittals

jenkinsgavin
DESIGN & DEVELOPMENT INC

May 28, 2013

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

RE: MANDERFIELD SCHOOL
GENERAL PLAN AMENDMENT, REZONE, MASTER PLAN, SPECIAL USE PERMIT & VARIANCE

Dear Heather:

This letter is submitted on behalf of Manderfield LLC in application for a General Plan Amendment, Rezone, Master Plan, Special Use Permit, and Variance approval for the ±1.48-acre Manderfield School property at 1150 Canyon Road. These applications are submitted for consideration by the Planning Commission at their meeting of July 11, 2013, as summarized below:

1. Amendment to the General Plan Future Land Use Map to change the property's designation from Public/Institutional to Residential Medium Density.
2. Rezone from R5 (Residential, 5 dwelling units per acre) to RAC (Residential Arts & Crafts).
3. Master Plan for the redevelopment of the subject property.
4. Special Use Permit to allow for a coffee house.
5. Variance from City Code §14-7.2 (H).

PROJECT SUMMARY

The ±11,400-square foot Manderfield School is located in the Downtown and Eastside Historic District and is designated as a Contributing building. Designed by architect John Gaw Meem in a Territorial Revival style, the facility was built in 1928, with several subsequent additions constructed in later decades. The public school was closed in 1972; the building has since housed various educational institutions and, most recently, Presbyterian Medical Services' Head Start Program. The property has been unoccupied for several years.

The proposed redevelopment (the "Project") will update the existing building while maintaining its historic character. The Project entails an adaptive reuse of the building to a mixed-use facility that will include six residences, 6-8 artists' studios, and a coffee house. In addition, the area

130 GRANT AVENUE, SUITE 101 SANTA FE, NEW MEXICO 87501 PHONE: 505.820.7444 FACSIMILE: 505.820.7445

along the south and west property boundaries will be developed with four single story residential casitas, covered parking, and guest parking.

GENERAL PLAN AMENDMENT

The subject property's current land use designation is Public/Institutional (see attached Future Land Use Map). Outlined below are our responses to the General Plan Amendment approval criteria per §14-3.2(E)(1) for the proposed "Residential Medium Density" designation.

(a) *Consistency with growth projections for Santa Fe, economic development goals as set forth in a comprehensive economic development plan for Santa Fe and existing land use conditions such as access and availability of infrastructure.*

The area surrounding the subject property comprises a mix of uses, including moderate density residential, offices, galleries, and institutional. The mix of uses proposed for the subject property is consistent with this neighborhood pattern. The Project will be served by existing roadway and utility infrastructure and provide a pedestrian friendly environment.

(b) *Consistency with other parts of the general plan.*

This request incorporates and reflects consistency with the General Plan in terms of promoting mixed-use neighborhoods and economic diversity. The intent is to allow uses that will create a pleasant and successful addition to the neighborhood. Its location also proves to be cost effective due to the availability of existing infrastructure, including the issues relating to infill and urban sprawl referenced throughout the General Plan. Adaptive reuse is a key factor in land conservation, historic preservation, and the reduction of urban sprawl.

(c) *The amendment does not:*

(i) *allow uses or a change that is significantly different from or inconsistent with the prevailing use and character in the area; or*

Prevailing uses in the surrounding Canyon Road area include a mix of galleries, restaurants, and shops, as well as residential and institutional. The proposed amendment and related rezone will be consistent with these types of uses, combining residences with artists' studios and a coffee house.

(ii) *affect an area of less than two acres, except when adjusting boundaries between districts; or*

The proposed amendment is an expansion of the boundary of the Residential Medium Density designation found immediately west of the subject property.

(iii) benefit one or a few landowners at the expense of the surrounding landowners or the general public;

Promoting an appropriate mix of land uses benefits the neighborhood through the provision of services and employment opportunities in close proximity to residents, which supports the goal of minimizing car trips and encouraging alternative means of transportation. The Project's design will invite pedestrian access from Canyon Road and surrounding parks, shops, and galleries.

(d) An amendment is not required to conform with Subsection 14-3.2(E)(1)(c) if it promotes the general welfare or has other adequate public advantage or justification. N/A

(e) Compliance with extraterritorial zoning ordinances and extraterritorial plans. N/A

(f) Contribution to a coordinated, adjusted and harmonious development of Santa Fe that in accordance with existing and future needs best promotes health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development.

This designation request and proposed adaptive reuse of the existing 11,400 square foot school building will promote community integration and social balance by providing a mixed use approach, including studio space for artists and a coffee house that will draw locals and tourists to the site. The provision of art studio space and a coffee house will provide a key link among surrounding residential, institutional, and arts and crafts neighbors, offering services and employment opportunities in the vicinity of hundreds of residents.

(g) Consideration of conformity with other city policies, including land use policies, ordinances, regulations and plans.

The adaptive reuse of the school is an environmentally sensitive effort to ensure that this historically contributing building is preserved and utilized to the benefit of the community. An empty building is a detriment to the neighborhood and does not positively impact the local economy. This proposal is consistent with the City's policies promoting infill, redevelopment, historic preservation, and mixed use.

<u>REZONING</u>

This request for a rezone from R5 to RAC will allow for the adaptive reuse of the school building to a mixed use facility and the construction of four new detached residences.

Outlined below are the responses to the Rezone Criteria per §14-3.5(C) of the Santa Fe Land Development Code.

(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. N/A

(iii) A different use category is more advantageous to the community, as articulated in the general plan or other adopted city plans.

The requested zone change to RAC is consistent with surrounding zoning, which includes RAC, R5, and R10PUD. The proposed adaptive reuse of the existing 11,400 square foot school building will support Santa Fe's economic base by providing additional residential options, studio space for artists, employment opportunities, and a coffee house that will serve hundreds of residents in the vicinity. Instead of an unused institutional building, the facility will house a vibrant mix of uses that will benefit the community.

(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.

Please refer to the responses to the General Plan Amendment approval criteria outlined above.

(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 proposed redevelopment of the Manderfield School property exemplifies a compact urban form and desired infill development.

(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.

The Project will be served by existing City infrastructure and services. Any requisite improvements or upgrades to existing utilities will be implemented as part of the construction process.

MASTER PLAN

The attached Master Plan is hereby submitted as part of the above-described Rezone request. While conceptual in nature, it is the intent of the Master Plan to define the proposed mix of uses and the scope of the redevelopment of the property. The adaptive reuse of the school will include six residences in the west wing and the south end of the east wing of the building. The

remainder of the east wing will house 6-8 artist studios and a ±1,150 square foot coffee house. In addition, the area along the south and west property boundaries will be developed with four single story residential casitas, covered parking, and guest parking.

The existing Canyon Road access at the southeast corner of the property will be maintained. A new driveway is proposed to serve the casitas, which will be an exit-only connection to Canyon Road at the northwest corner of the property. In order to preserve privacy, access to the residences will be controlled via electronic vehicular gates. Parking for the commercial uses will be provided in a new parking area to be constructed on the east side of the property north of the existing driveway. In accordance with City Code requirements, this parking area will be screened from Canyon Road with a four foot masonry wall and landscape improvements.

SPECIAL USE PERMIT

We are requesting a Special Use Permit for a Full Service Restaurant to allow for the proposed coffee house. Outlined below are our responses to the Special Use Permit approval criteria set forth in SFCC §14-3.6(D)(1).

(b) Granting the Special Use Permit does not adversely affect the public interest.

Granting the Special Use Permit will benefit the public interest by providing employment opportunities for Santa Fe residents, both during construction and once the coffee house is functioning, as well as generating tax revenue. As the only café currently in the area is the Tea House several blocks down Canyon Road, the coffee house will offer a welcome and convenient venue for locals and visitors to gather. Furthermore, the location of the coffee house will serve as an appropriate transition between the Canyon Road arts and crafts district and the adjacent residential neighborhoods.

(c) 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.

The Canyon Road area consists of a mix of galleries, shops, offices, and residences, as well as the Cristo Rey Church. The proposed coffee house is compatible with this lively mix of uses. Renovation of the existing Manderfield School and construction of the four residential casitas will be in conformance with zoning and Historic Review District regulations, and will remain compatible with the buildings and structures of the neighboring properties.

VARIANCE

A Variance is requested from City Code §14-7.2 (H), which states that *"Not more than three thousand (3,000) square feet of the gross floor area of a building shall be devoted to nonresidential uses."* The proposed non-residential component of the adaptive reuse of the

school building will be a maximum of 4,600 square feet. Below are our responses to the approval criteria per SFCC §14-3.16 (C).

(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 characteristic of the property that distinguishes it from others in the vicinity is the Manderfield School itself. The building is designated as Contributing to the Downtown and Eastside Historic District and, therefore, it must be retained. Accordingly, the proposed mix of uses must fit into the physical constraints of the existing structure. The proposed configuration of residential and commercial uses is a natural fit to the present layout, providing appropriate separation, while integrating access. Furthermore, in order to ensure the adaptive reuse is economically feasible, existing load-bearing walls are being retained, thereby limiting modifications to the floor plan.

(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).

Yes. Please refer to criterion (a) above.

(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.

Limiting the non-residential uses to 3,000 square feet would not permit the building to be reused in a manner consistent with its existing layout. The separate wings provide an organic opportunity to incorporate some degree of appropriate separation between the residences and the commercial activity. Furthermore, private exterior entry is critical in order to render the residential units functional. Due to the fact that most of the east

elevation is designated as primary, no exterior alterations are permitted. Therefore, doors cannot be added to provide the requisite private residential entry except at the south facing portion of the east wing, which is not primary. The proposed coffee house is the only other location on the east façade that can be modified to provide access to the building, and that entrance has a commercial, rather than residential, aspect. These special circumstances render it necessary to expand the commercial square footage of the project.

(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 redevelopment is compliant with all other provisions of Chapter 14. In addition, under the proposed RAC zoning, the maximum allowable density on the property is 31 dwelling units. However, only ten dwelling units are proposed for the Project, along with the artists' studios and coffee house.

(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;

Due to the fact that the Manderfield School is a Contributing building, the proposed mix of uses must fit into the physical constraints of the existing structure. Per the response to (2) above, limiting the non-residential uses to 3,000 square feet would not permit the building to be reused in a manner consistent with its existing layout.

(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.

Per Code §14-1.3, Chapter 14 seeks to ensure that Santa Fe is developed in a manner that promotes "health, safety, order, convenience, prosperity and the general welfare as well as efficiency and economy in the process of development..." and mandates the creation of "conditions favorable to the health, safety, convenience, prosperity and general welfare of the residents of Santa Fe." The Project is consistent with these intents, as well as with the General Plan's intent to promote mixed-use neighborhoods and economic diversity and to minimize urban sprawl through infill development. Adaptive reuse is a key factor in land conservation, historic preservation, and the reduction of urban sprawl.

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

The Manderfield School has sat vacant for many years and is an eyesore in the community. The redevelopment of the property is in the public interest in that an

important historic building will be preserved and maintained, while once again being a vibrant part of the neighborhood.

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

SANTA FE HOMES PROGRAM

In accordance with the provisions of the Santa Fe Homes Program, a fractional fee will be paid to the Affordable Housing Trust fund for the new residential units.

EARLY NEIGHBORHOOD NOTIFICATION

An Early Neighborhood Notification meeting was held on May 15, 2013. The discussion included the topics of traffic generation, parking, density, and the impact of the new casitas on the existing residences to the west.

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

1. Development Review Applications
2. Letter of Authorization
3. Lot of Record (Warranty Deed)
4. Archaeological Clearance Permit
5. Future Land Use Map
6. Zoning Map
7. Master Plan – 6 copies and a PDF
8. Fees in the amount of $2,910.00, as follows: General Plan Amendment $1,000.00; Rezone $1,000.00; Special Use Permit $350.00; Variance $500.00; Posters $60.00.

Please do not hesitate to call should you have any questions or need additional information.

Thank you for your consideration.

Sincerely,

JENKINSGAVIN DESIGN & DEVELOPMENT, INC.

Jennifer Jenkins

Colleen Gavin, AIA

LAMBOY, HEATHER L.

From: Jennifer Jenkins <jennifer@jenkinsgavin.com>
Sent: Monday, July 01, 2013 11:52 AM
To: LAMBOY, HEATHER L.
Cc: Colleen; 'Hillary Welles'
Subject: RE: Manderfield

Hi Heather,

I am writing to follow up with you regarding the sidewalk along E. Alameda. Since the dedication of park land is not feasible for the Manderfield project and in accordance with §14-8.15(C)(2), we will pay Park Impact Fees for the residential units, which can be devoted to this City improvement. We agree to pay these impact fees even if the current moratorium is still in place when we pull our building permits.

Please let me know if you have any questions.

Thank you.

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

From: Jennifer Jenkins [mailto:jennifer@jenkinsgavin.com]
Sent: Monday, June 17, 2013 1:10 PM
To: 'LAMBOY, HEATHER L.'
Cc: Colleen (colleen@jenkinsgavin.com); 'Hillary Welles'
Subject: RE: Manderfield

Hi Heather,

This information is helpful – I understand better now. I don't think a site visit will be necessary at this point. So, per our conversation this morning, in accordance with §14-8.15(C)(2), the City will collect Park impact fees for the 10 dwelling units and devote them to this sidewalk improvement?

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

From: LAMBOY, HEATHER L. [mailto:hllamboy@ci.santa-fe.nm.us]
Sent: Monday, June 17, 2013 11:57 AM

To: jennifer@jenkinsgavin.com
Subject: FW: Manderfield

Maybe a site visit is in order? See below. I'd be happy to coordinate, let me know your schedule.

Heather L. Lamboy, AICP
Land Use Senior Planner

From: MARTINEZ, ERIC B.
Sent: Monday, June 17, 2013 11:48 AM
To: LAMBOY, HEATHER L.
Cc: WILSON, KEITH P.
Subject: RE: Manderfield

Heather,

I sure don't. All were asking for is a 5 ft. wide colored concrete sidewalk adjacent to the street connecting P. Smith Park. Not too complicated. The approx. 100 ft. of retaining wall and 150 ft. of handrail starts near the Park entrance and continues east for the aforementioned length. We can meet on site if necessary. Thx.

Eric

From: LAMBOY, HEATHER L.
Sent: Monday, June 17, 2013 11:12 AM
To: MARTINEZ, ERIC B.
Cc: WILSON, KEITH P.
Subject: Manderfield

I spoke with Jennifer this morning, and she said she would like a visual graphic on what you would propose for the sidewalk/River Trail along Alameda. Do you or your staff have something like that? I gave her the linear footage we discussed the other day.

Thank you!

Heather L. Lamboy, AICP
Land Use Senior Planner

Land Use Department
City of Santa Fe, NM
200 Lincoln Avenue, Box 909
Santa Fe, NM 87504-0909
(505) 955-6656

City of Santa Fe, New Mexico

Exhibit F

Public Correspondence

City of Santa Fe, New Mexico

Exhibit F

Public Correspondence

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

Dear Ms. Lamboy:

After learning about the proposed Manderfield School project, I feel that it is a great re-use of the long vacant building. The recent conceptual site plan, which was approved by the school board and presented to the neighbors and associations involved in the area, shows a welcome mix of residential and commercial uses. However, it has come to my attention that the property's current zoning of R5 (Residential, 5 units per acre) allows only for residential units, thus necessitating a rezone from R5 to RAC (Residential Arts and Crafts). I understand also that the pending sale of the school hinges on a contingency that the property be rezoned to RAC.

I support this rezone, as it is in keeping with much of the surrounding Canyon Road neighborhood. The proposed mix of residences, art studios, and a coffee house is supported by many neighbors, as it will contribute much to the neighborhood, the community, and local arts and culture.

I thank you for your time and consideration.

Sincerely,

Eric Cousineau 6-20-13

Eric Cousineau

Date

RECEIVED
JUN 25 2013
VS Mail
LAND USE DEPARTMENT

June 18, 2013

Ms. Brittny Dayes
1407 Miracerros Lane
Santa Fe, NM 87505

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

Dear Ms. Lamboy,

Please accept this letter as full support of the proposed Manderfield School project by Clare Maraist.

The proposed project will bring a new life to the school and also to the neighborhood. It will offer necessary live/work space for artists of all mediums, a community gallery and a coffee shop for the neighborhood. All which will reinvigorate the Upper Canyon area. I strongly encourage you to support this project!

Thank you for your time.

All the best,

Brittny Dayes

Brittny Dayes

RECEIVED
JUN 24 2013
US Mail
LAND USE DEPARTMENT

LAMBOY, HEATHER L.

From: Domas, Stephen <SDomas@bwenergylaw.com>
Sent: Friday, June 21, 2013 9:08 AM
To: LAMBOY, HEATHER L.
Subject: Manderfield School
Attachments: 201306212105.pdf

Ms. Lamboy:

I support the rezoning of the Manderfield School. Please see attached.
Thank you.

Stephen Domas

Stephen Domas | Beatty & Wozniak, P.C.
Attorney
500 Don Gaspar Ave.
Santa Fe, NM 87505-2626
505-983-4328
www.bwenergylaw.com

Energy in the Law

Confidentiality: This Beatty & Wozniak, P.C email, its attachments and data ('email") are intended to be Confidential and may contain Attorney-Client Communications or Work Product. If you are not the intended recipient or may have received this message in error, notify the sender immediately and permanently delete the email and all copies thereof from any drives or storage media and destroy any printouts. Any use or distribution of any of the information in this email is Strictly Prohibited.

Federal Tax Advice Disclaimer: This email is not tax advice and is not intended be used for the purpose of avoiding federal tax penalties or promoting, marketing or recommending to another party any matters addressed herein. IRS Circular 230.

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

Dear Ms. Lamboy:

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I support this rezone, as it is in keeping with much of the surrounding Canyon Road neighborhood. The proposed mix of residences, art studios, and a coffee house is supported by many neighbors, as it will contribute much to the neighborhood, the community, and local arts and culture.

I thank you for your time and consideration.

Sincerely,

Stephen M. Downs 6/20/13
Date

LAMBOY, HEATHER L.

From: Marcy Heller <marcyheller@earthlink.net>
Sent: Friday, June 07, 2013 8:33 AM
To: LAMBOY, HEATHER L.
Subject: rezoning for old Manderfield school

June 7, 2013

To: Heather Lamboy
Senior Planner, Current Planning Division:

Dear Ms. Lamboy,

After learning about the proposed Manderfield School project, I feel as if it a great re-use of the long vacant building and will contribute much to the community, neighborhood and the local arts. However, after learning of the current contingency of the sale which require a rezone of the property from an R5 (Residential 5) to RAC (Residential Arts and Crafts), which is all of Canyon Road up to the boundary of the school.

It has come to my attention that no art studios are allowed under its current zoning. I would like to formally support this rezone change for the benefit of our city and our arts community.

It is understood that only residential units are allowed with the current zoning of R5. The recent conceptual plan which was been approved by the school board and presented to the neighbors and associations involved in the area, many wish for a coffee shop and art studios, neither of which are allowed without this change.

I thank you for your time and your consideration.

Martha J. Heller
23 Bobcat Crossing Road
Santa Fe, NM 87508

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

Dear Ms. Lamboy:

After learning about the proposed Manderfield School project, I feel that it is a great re-use of the long vacant building. The recent conceptual site plan, which was approved by the school board and presented to the neighbors and associations involved in the area, shows a welcome mix of residential and commercial uses. However, it has come to my attention that the property's current zoning of R5 (Residential, 5 units per acre) allows only for residential units, thus necessitating a rezone from R5 to RAC (Residential Arts and Crafts). I understand also that the pending sale of the school hinges on a contingency that the property be rezoned to RAC.

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I thank you for your time and consideration.

Sincerely,

6/24/13
Date

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

Dear Ms. Lamboy:

After learning about the proposed Manderfield School project, I feel that it is a great re-use of the long vacant building. The recent conceptual site plan, which was approved by the school board and presented to the neighbors and associations involved in the area, shows a welcome mix of residential and commercial uses. However, it has come to my attention that the property's current zoning of R5 (Residential, 5 units per acre) allows only for residential units, thus necessitating a rezone from R5 to RAC (Residential Arts and Crafts). I understand also that the pending sale of the school hinges on a contingency that the property be rezoned to RAC.

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I thank you for your time and consideration.

Sincerely,

6/24/13
Date

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

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I thank you for your time and consideration.

Sincerely,

Marc Freden 6/21/13

Date

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

Dear Ms. Lamboy:

After learning about the proposed Manderfield School project, I feel that it is a great re-use of the long vacant building. The recent conceptual site plan, which was approved by the school board and presented to the neighbors and associations involved in the area, shows a welcome mix of residential and commercial uses. However, it has come to my attention that the property's current zoning of R5 (Residential, 5 units per acre) allows only for residential units, thus necessitating a rezone from R5 to RAC (Residential Arts and Crafts). I understand also that the pending sale of the school hinges on a contingency that the property be rezoned to RAC.

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I thank you for your time and consideration.

Sincerely,

Lynell Waddle

6-21-13
Date

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

Dear Ms. Lamboy:

After learning about the proposed Manderfield School project, I feel that it is a great re-use of the long vacant building. The recent conceptual site plan, which was approved by the school board and presented to the neighbors and associations involved in the area, shows a welcome mix of residential and commercial uses. However, it has come to my attention that the property's current zoning of R5 (Residential, 5 units per acre) allows only for residential units, thus necessitating a rezone from R5 to RAC (Residential Arts and Crafts). I understand also that the pending sale of the school hinges on a contingency that the property be rezoned to RAC.

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I thank you for your time and consideration.

Sincerely,

Annie Rudolph

6/24/13
Date

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

Dear Ms. Lamboy:

After learning about the proposed Manderfield School project, I feel that it is a great re-use of the long vacant building. The recent conceptual site plan, which was approved by the school board and presented to the neighbors and associations involved in the area, shows a welcome mix of residential and commercial uses. However, it has come to my attention that the property's current zoning of R5 (Residential, 5 units per acre) allows only for residential units, thus necessitating a rezone from R5 to RAC (Residential Arts and Crafts). I understand also that the pending sale of the school hinges on a contingency that the property be rezoned to RAC.

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I thank you for your time and consideration.

Sincerely,

Amy Shaw

6-24-13
Date

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

Dear Ms. Lamboy:

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I thank you for your time and consideration.

Sincerely,

6.24.2013
Date

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

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I thank you for your time and consideration.

Sincerely,

24 June 13
Date

LAMBOY, HEATHER L.

From: Clare Maraist <claremaraist@gmail.com>
Sent: Thursday, June 06, 2013 4:29 PM
To: LAMBOY, HEATHER L.
Subject: Fwd: Manderfield School project

Begin forwarded message:

From: Judy Neunuebel <juju47@gmail.com>
Subject: Manderfield School project
Date: June 6, 2013 2:21:06 PM MDT
To: claremaraist@gmail.com

Clare,

I tried to e-mail this to hllamboy@ci.anta-fe.nm.us. but it bumped back to me, so I'm sending it to you. Please see attachment. Hope it works – good luck!

Judy Neunuebel

To: Heather Lamboy
Senior Planner, Current Planning Division:

After learning about the proposed Manderfield School project, I feel as if it a great re-use of the long vacant building and will contribute much to the community, neighborhood and the local arts. However, after learning of the current contingency of the sale which require a rezone of the property from an R5 (Residential 5) to RAC (Residential Arts and Crafts), which is all of Canyon Road up to the boundary of the school.

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It is understood that only residential units are allowed with the current zoning of R5. The recent conceptual plan which was been approved by the school board and presented to the neighbors and associations involved in the area, many wish for a coffee shop and art studios, neither of which are allowed without this change.

I thank you for you time and your consideration.

Signed

6/6/2013
Date

To: Heather Lamboy
Senior Planner, Current Planning Division:

After learning about the proposed Manderfield School project, I feel as if it a great re-use of the long vacant building and will contribute much to the community, neighborhood and the local arts. However, after learning of the current contingency of the sale which require a rezone of the property from an R5 (Residential 5) to RAC (Residential Arts and Crafts), which is all of Canyon Road up to the boundary of the school.

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I thank you for you time and your consideration.

Signed

Linda Matthews 6/10/2013

Date

Heather Lamboy, Senior Planner
Current Planning Division
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87501

Dear Ms. Lamboy:

After learning about the proposed Manderfield School project, I feel that it is a great re-use of the long vacant building. The recent conceptual site plan, which was approved by the school board and presented to the neighbors and associations involved in the area, shows a welcome mix of residential and commercial uses. However, it has come to my attention that the property's current zoning of R5 (Residential, 5 units per acre) allows only for residential units, thus necessitating a rezone from R5 to RAC (Residential Arts and Crafts). I understand also that the pending sale of the school hinges on a contingency that the property be rezoned to RAC.

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I thank you for your time and consideration.

Sincerely,

Debbie MacAllister 6/17/13
Date
(S.F. Resident since 1975)

RECEIVED
JUN 24 2013
US Mail
LAND USE DEPARTMENT

Manderfield

General Plan Amendment, Rezoning, Special Use, & Variance

Exhibit "1"

Manderfield

- GP Amendment Residential Low Density to Residential Medium Density
- Rezone from R-5 to RAC
- Special Use for Coffee Shop
- Variance Non-Residential Uses

Manderfield

Request:

- 1.48± acre site
- Located on Canyon Road across from Power Plant Park
- Vacant school building
- Historic status is contributing

Commercial Spaces

- 3300 Sq Ft Net Leasable
- 1300 Sq Ft Hallway (Multipurpose)

Residential

- 6 apartment units
- 4 detached casitas

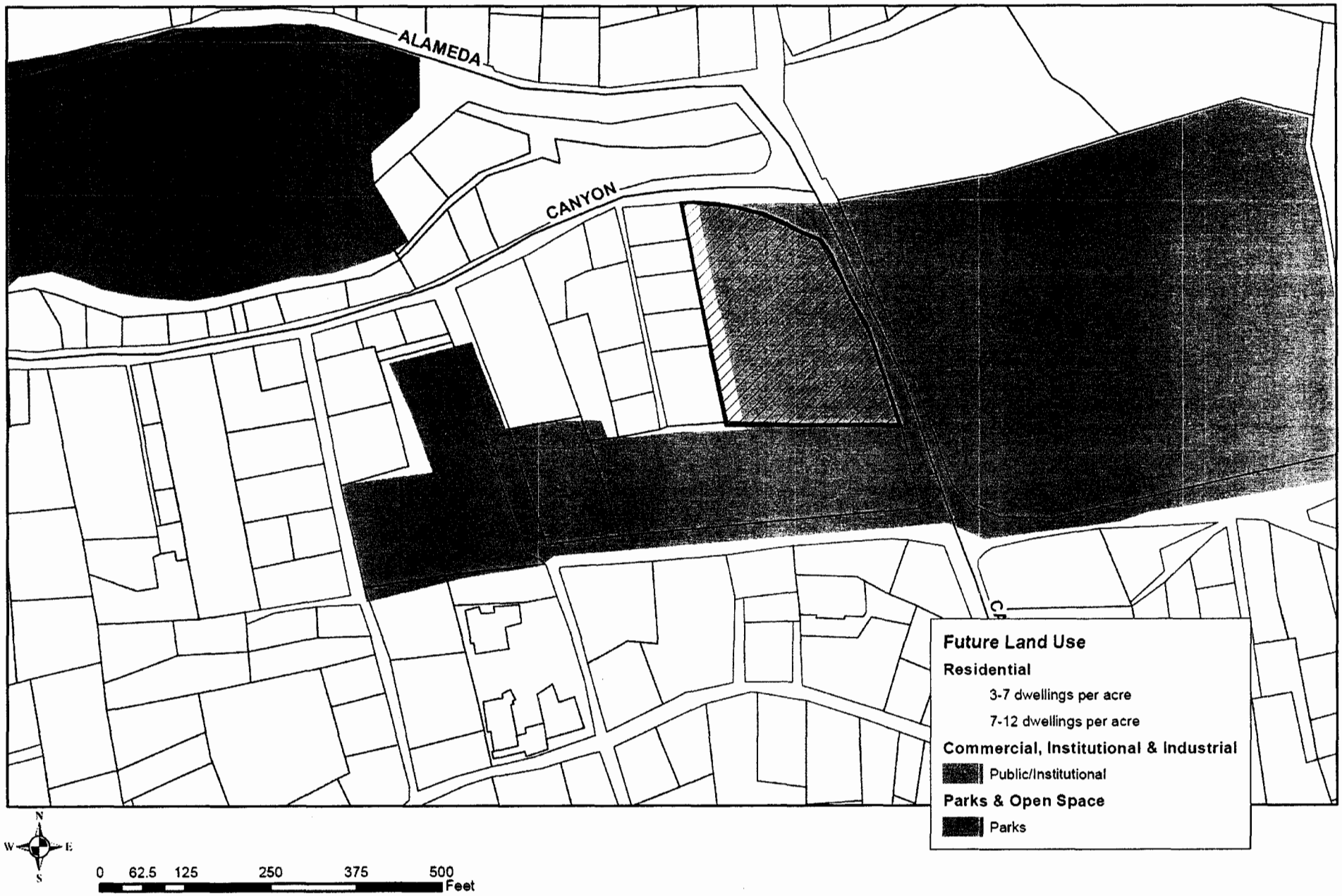
Parking

- 17 spaces for commercial
- 1.5 spaces/apartment = 9 spaces
- 2 spaces/casita = 8 spaces
- 1 visitor space
- 18 parking spaces provided

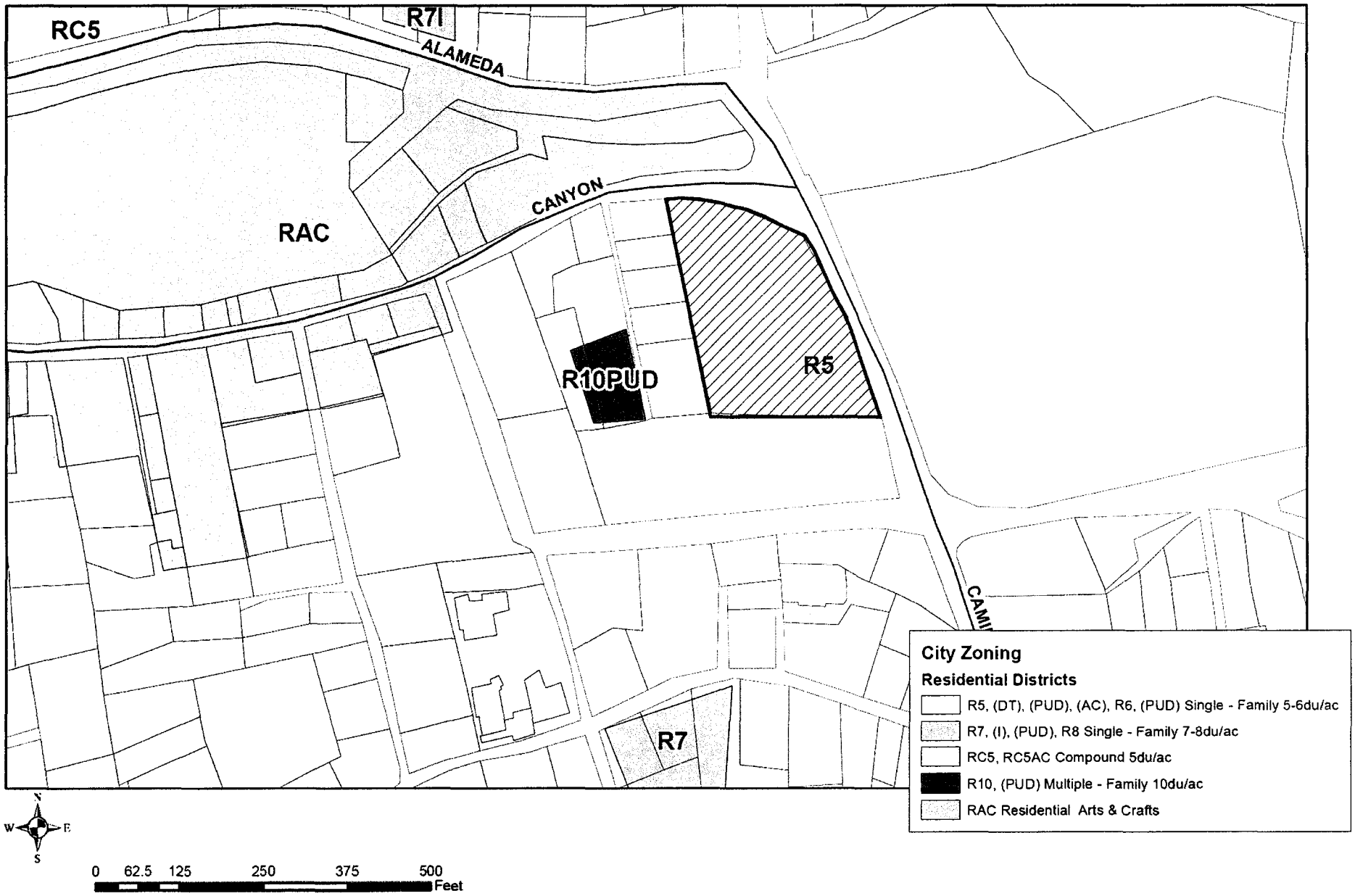
Required Park Contribution

- $4,000 contribution to River Trail between Patrick Smith Park and Canyon Road along Alameda
- Will pay contribution even though impact fees are currently reduced by 100%

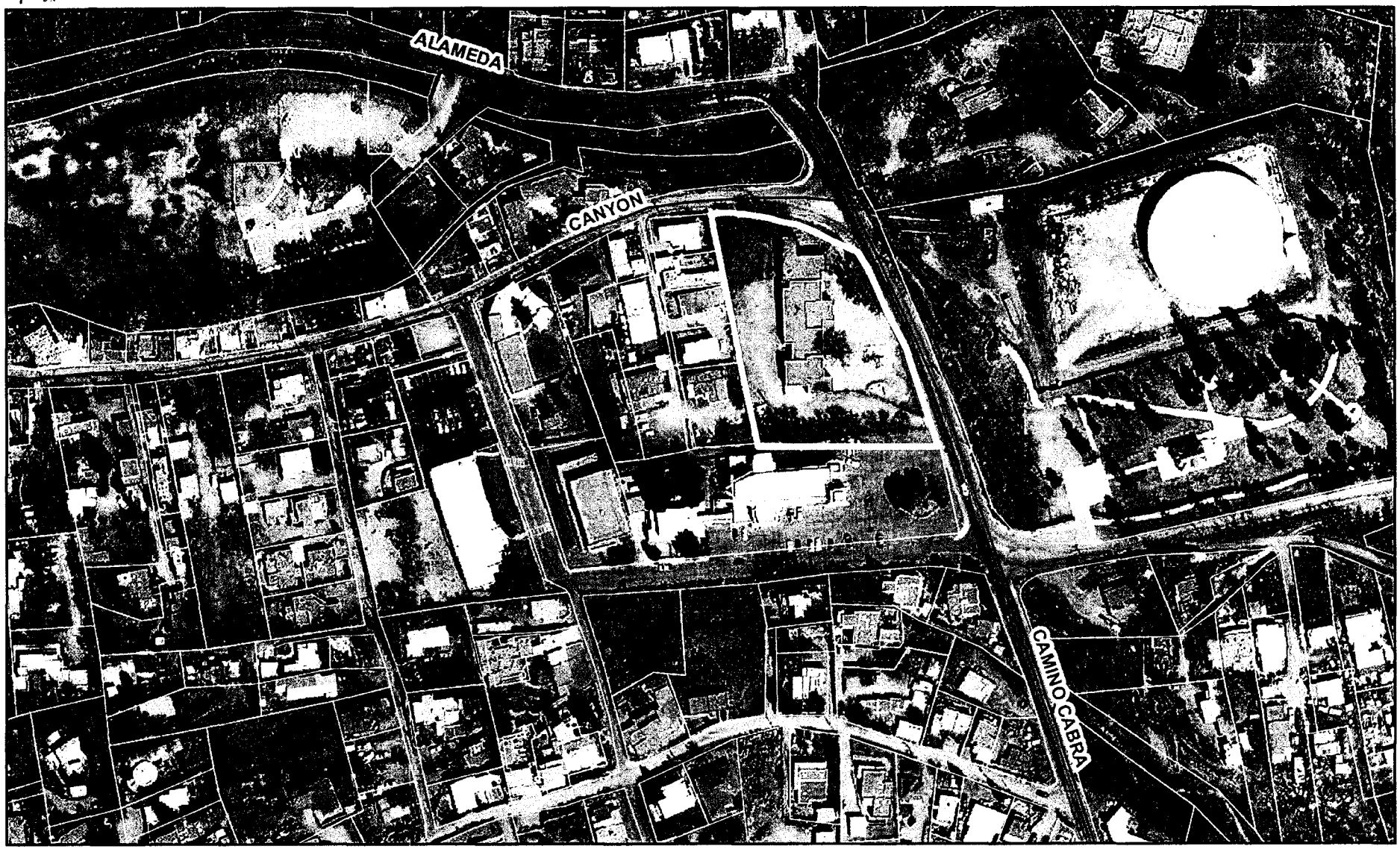
Manderfield Future Land Use



Manderfield Zoning



Manderfield Aerial

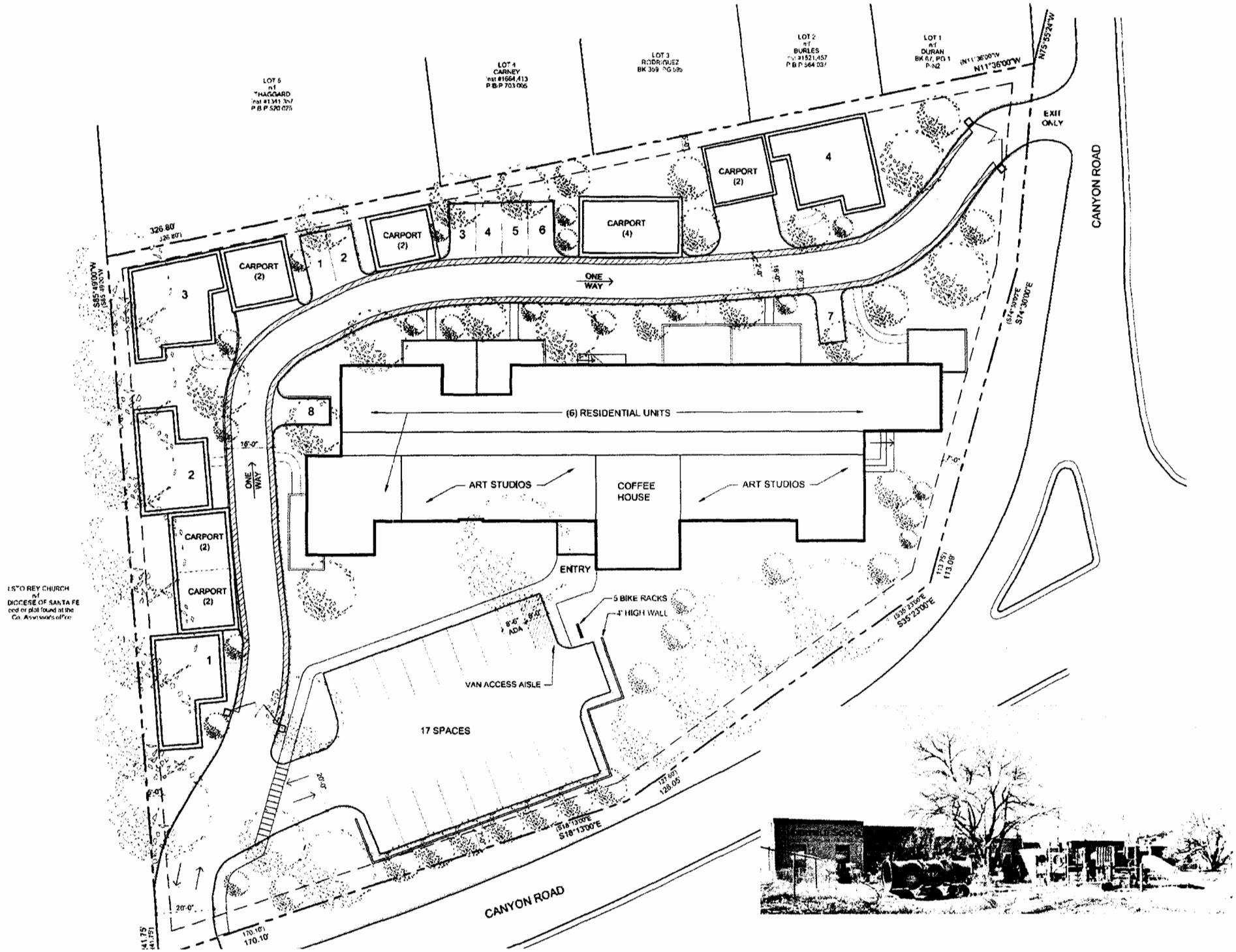


N
W E
S

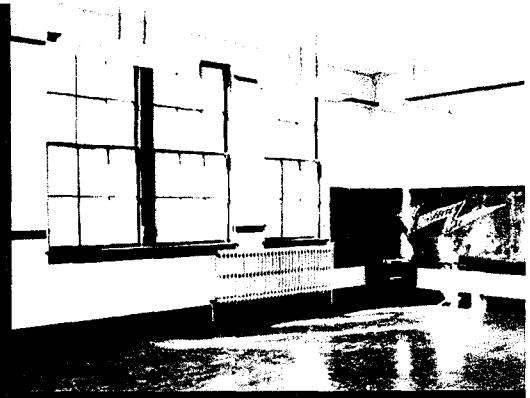
0 62.5 125 250 375 500
Feet

Manderfield

- Only two major issues by DRT :
  - Landscape Plan
  - Stormwater
- Site is currently served by water, wastewater, and roads
- Traffic Division determined the traffic impact of proposed uses would be less than school use


LOT 5
of
HAGGARD
LOT 4
CARNEY
LOT 3
RODRIGUEZ
LOT 2
of
BURLES
LOT 1
of
DURAN
N11°36'00"W
N75°55'24"W
EXIT
ONLY
CANYON ROAD
326.80'
CARPORT
(2)
CARPORT
(4)
1
2
3
4
5
6
7
8
ONE
WAY
(6) RESIDENTIAL UNITS
ART STUDIOS
COFFEE
HOUSE
ART STUDIOS
ENTRY
5 BIKE RACKS
4' HIGH WALL
8'-6"
ADA
8'-0"
VAN ACCESS AISLE
17 SPACES
20'-0"
16'-0"
S85°49'00"W
S74°36'00"E
S35°23'00"E
S18°13'00"E
170.10'
CANYON ROAD
LESO REY CHURCH
of
DIOCESE OF SANTA FE

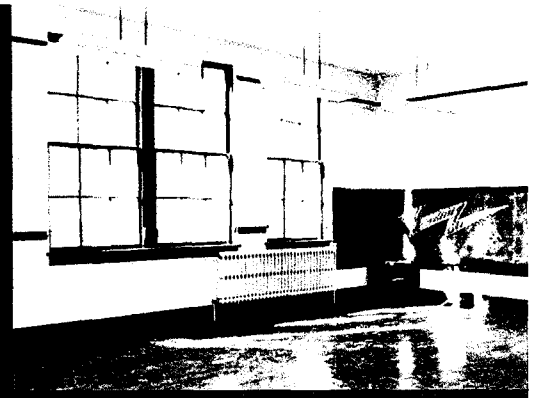
Manderfield



Criteria for a General Plan Amendment:

1. Consistency with growth projections, economic development goals
2. Consistency with other parts of the plan

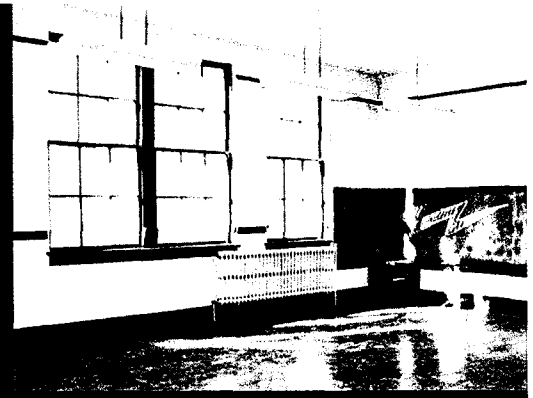
Manderfield



Criteria General Plan (Con't):

3. Uses significantly different from character of the area;
4. Adjusts boundaries between districts
5. Contributes to coordinated development in Santa Fe
6. Considers other city policies and plans

Manderfield



Criteria for judging whether a rezoning is appropriate:

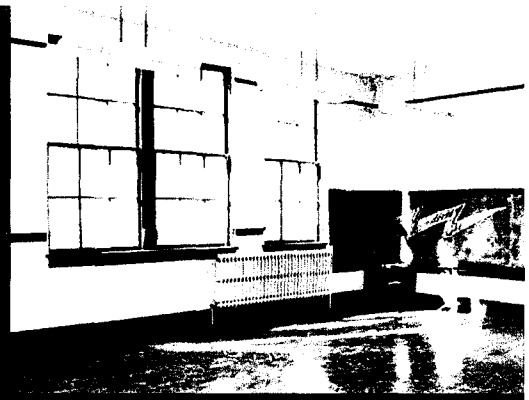
- Mistake in original zoning
- Change in the area
- Is the new category more advantageous to the community?

Manderfield

Special Use:

- Conditions may be placed to limit the extent and intensity of non-residential use
- Ensure compatibility with existing land use patterns

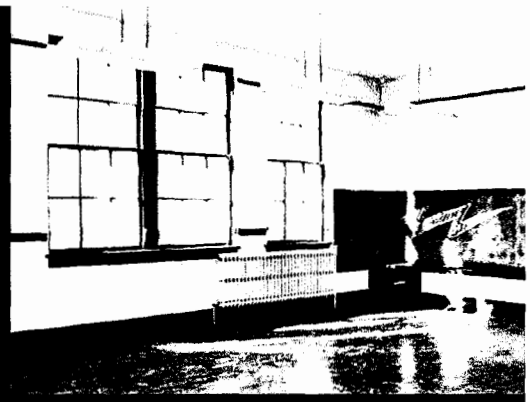
Manderfield



Variance:

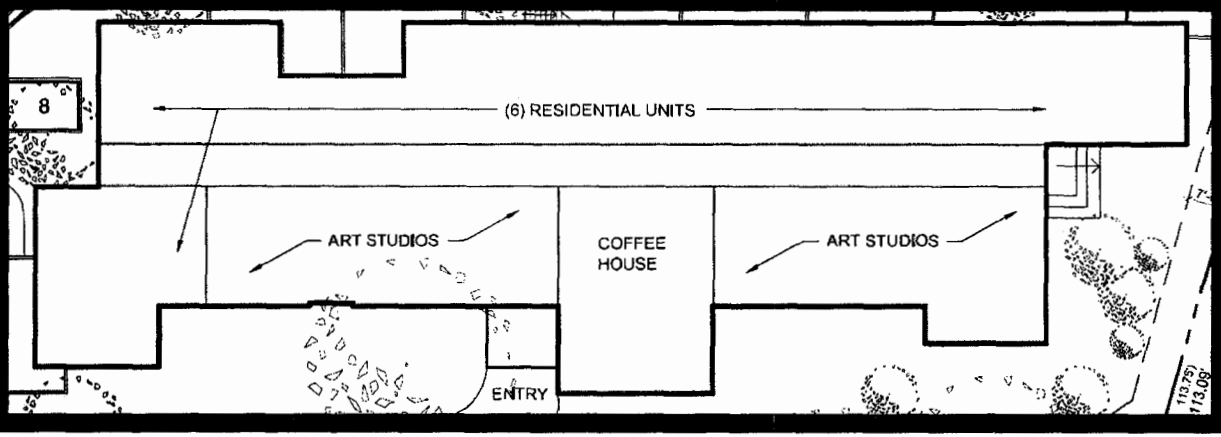
- Unusual physical characteristics
- Manderfield designated as contributing
- Special circumstances make it infeasible to avoid variance request

Manderfield



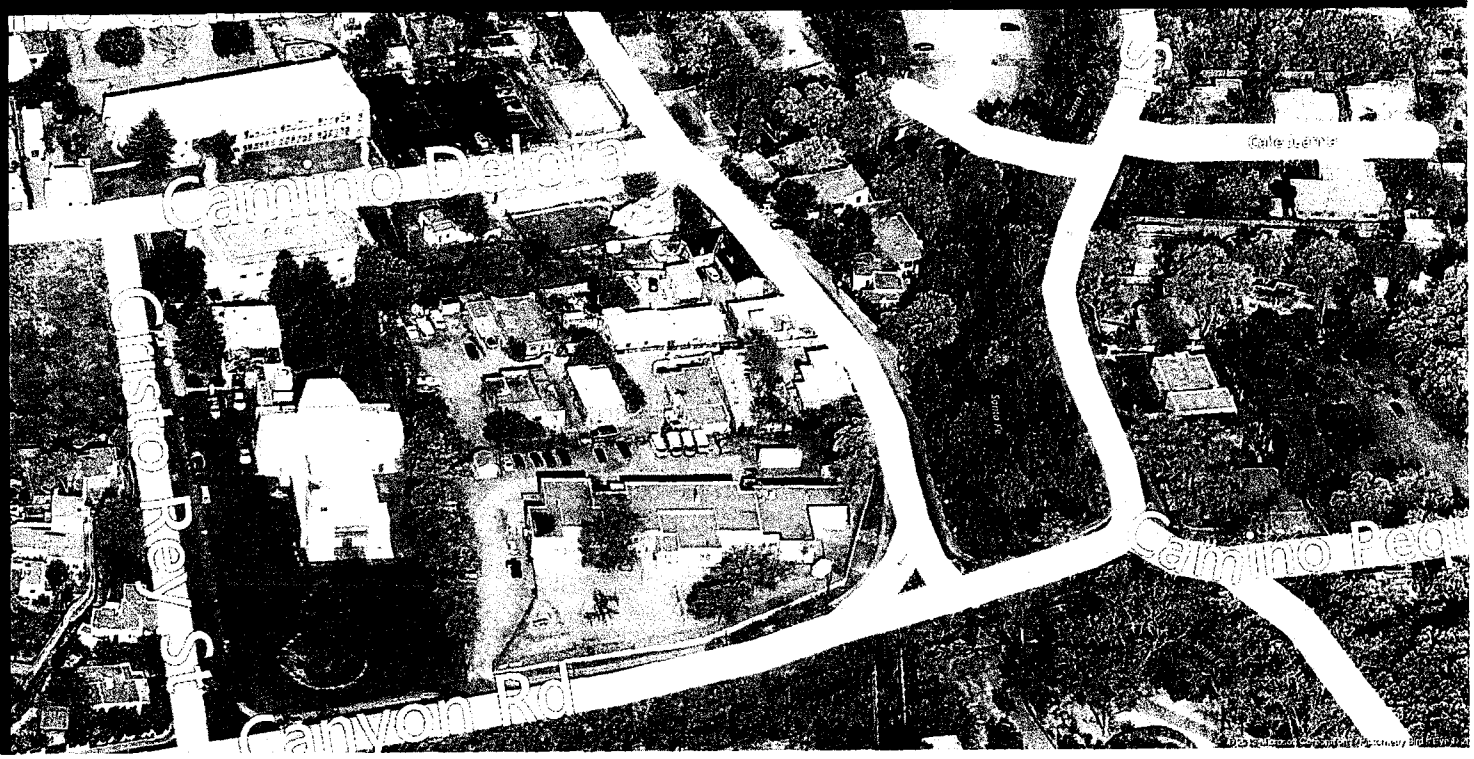
Conditions:

- Special Use & Variance approval subject to getting General Plan and Rezoning Approval
- Parking
- Location of Non-Residential Uses



Manderfield

Staff recommends CONDITIONAL APPROVAL to the Planning Commission



City of Santa Fe, New Mexico

memo

DATE: **August 1, 2013**

TO: **Planning Commission**

FROM: **Current Planning Division**

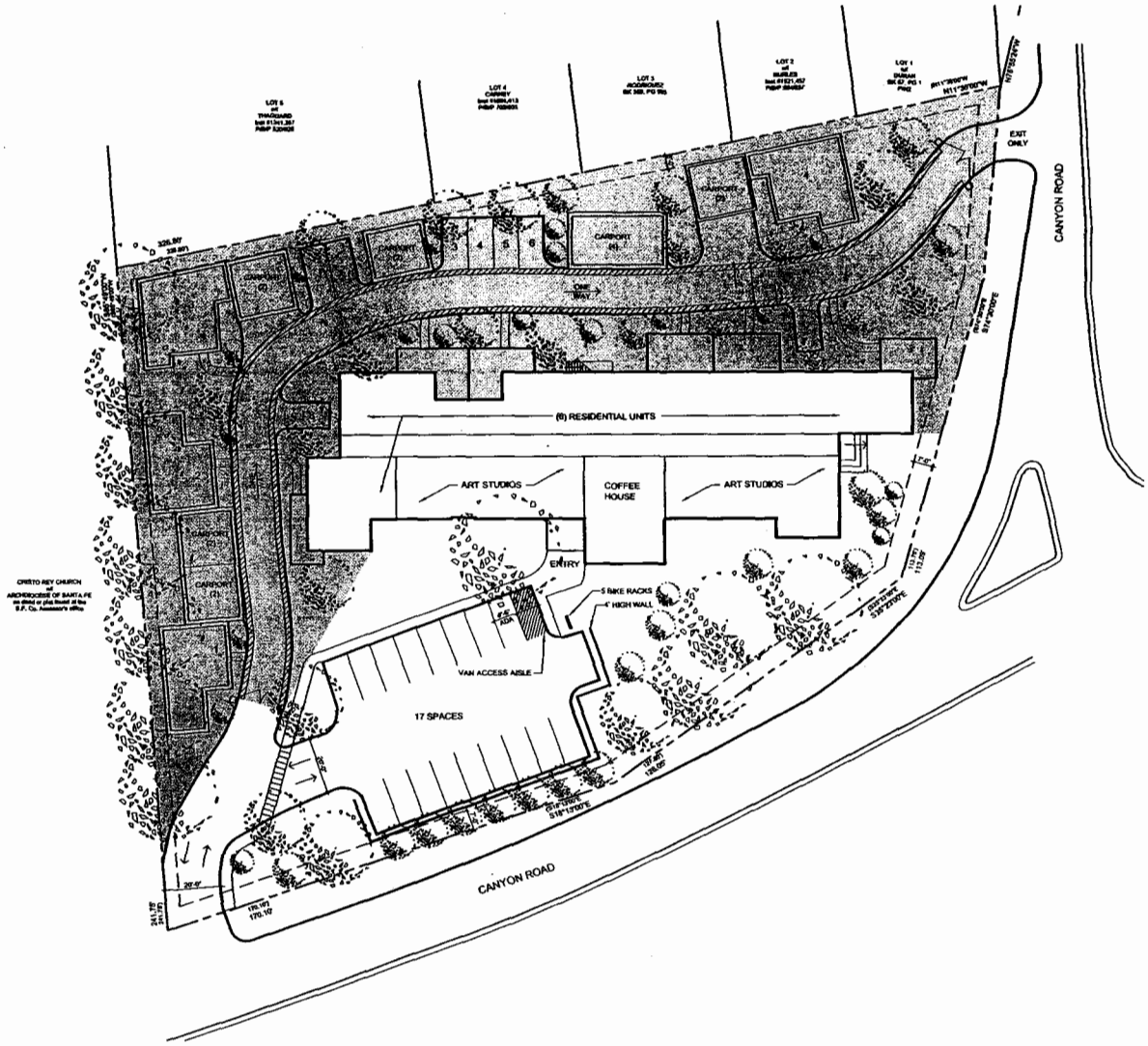
RE: **Additional Information**

The attached information is not in your August 1, 2013 Planning Commission packet. The information is in the following order:

Case #2013-37. Manderfield School General Plan Amendment.
Case #2013-38. Manderfield School Rezoning to RAC.
Case #2012-39. Manderfield School Special Use Permit and Variance.

- 11"x17" Master Plan.
- Additional conditions of approval.
- Public correspondence.

Exhibit "12"



1 **MANDERFIELD REZONE - MASTER PLAN**
scale: 1" = 20'-0"

SITE DATA

LOT COVERAGE

EXISTING SCHOOL:	11357 SQFT
CASITAS:	3953 SQFT
COVERED PARKING:	3013 SQFT
TOTAL ROOF AREA:	17932 SQFT
TOTAL LOT AREA:	64,843 SQ.FT.
LOT COVERAGE:	27.7% / MAX ALLOWABLE 40%

PARKING CALCULATIONS:

RESIDENTIAL:
ATTACHED DU: 1 1/2 SPACES PER UNIT @ 6 UNITS = 9 SPACES
DETACHED DU: 2 SPACES PER UNIT @ 4 UNITS = 8 SPACES
17 SPACES REQUIRED; 18 SPACES PROVIDED

COMMERCIAL:
ART STUDIOS AND COFFEE HOUSE: 1 SPACE PER 200 S.F. NLA
3300 S.F. NET LEASABLE = 17 SPACES REQUIRED; 17 SPACES PROVIDED

OPEN SPACE:
REQUIRED: 250 SF/UNIT @ 18 UNITS = 3,500 SQ.FT.
PROVIDED: 5,148 SQFT

ZONING: RAC

MAXIMUM ALLOWABLE DWELLING UNITS: 18

NEW RESIDENTIAL DEVELOPMENT AREA

THE MIX OF USES AND LOCATIONS OF NEW IMPROVEMENTS SHOWN HEREON ARE CONCEPTUAL AND SUBJECT TO CHANGE AS PART OF THE BUILDING PERMIT PROCESS. ANY CHANGES THAT GENERALLY CONFORM WITH THIS MASTER PLAN ARE SUBJECT TO ADMINISTRATIVE APPROVAL BY THE CURRENT PLANNING DIVISION OF THE CITY OF SANTA FE LAND USE DEPARTMENT.

VICINITY MAP
NTS

MARNE ASSOCIATES ARCHITECTS
1700 A Paseo De Peralta
Santa Fe, NM 87501
(tel.) 505.982.8363
(fax) 505.988.3311
sfarchitect@comcast.net
www.santafearchitects.com

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MANDERFIELD SCHOOL SANTA FE, NEW MEXICO MASTER PLAN

REVISIONS:

NO.	DATE	

DATE: 6-14-2013
DRAWN BY: SH
CHECKED BY: PM

jenkinsgavin
DESIGN & DEVELOPMENT INC
130 Grant Avenue, Suite 101
Santa Fe, New Mexico 87501

SHEET
A-0

City of Santa Fe, New Mexico

memo

DATE: August 1, 2013 for the August 1, 2013 Planning Commission meeting

TO: Planning Commission Members

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

RE: **Case #2013-39. Manderfield School Special Use Permit and Variance.**

RECOMMENDED ADDITIONAL CONDITIONS OF APPROVAL

The Land Use Department recommends the following additional conditions of approval related to the Special Use Permit:

- The Special Use Permit and Variance approval are conditional upon approval of the General Plan Amendment and Rezoning; and

- Additional parking shall be provided to account for outdoor seating to ensure that sufficient on-site parking is provided; and

In order to ensure compatibility with existing land use patterns, the Land Use Department recommends the following condition limiting the extent and intensity of non-residential use of the property:

- Non-residential uses (excluding any permitted home occupation uses) shall be restricted to the Manderfield School building.

Manderfield School–Conditions of Approval
Planning Commission
Cases #2013-38, #2013-39 and #2013-40 Rezone to RAC, Special Use Permit, and Variance
Revised for the August 1, 2013 Planning Commission Hearing

Conditions	Department	Staff
Wastewater Division: 1. ~~Apartments, studios, the coffee shop and casitas shall all be separately metered~~All development on the site shall be ~~and~~ connected to the City's public sewer ~~system~~ collection system.	Wastewater Division	Stan Holland
Affordable Housing: 1. Per Ordinance 2011-17, applications for residential building permits for 10 or fewer units do not have to provide an affordable unit. Instead the applicant pays a fractional fee. 2. Fractional fees are temporarily reduced by 70% through June 8, 2014 and are paid to the City's Affordable Housing Trust Fund. If the units are constructed after June 8, 2014, the fee schedule may change. The fees are as follows: Fractional Fee (Home ownership) =1/2 sales price of 3BR, Tier 2 home x unit fraction x 0.3 (70% reduction) =$69,000 x 1.2 x 0.3 = $16,560 Fractional Fee (Rental) =1/2 sales price of 3BR, Tier 2 Home x unit fraction x 0.3 (70% reduction) 6 units x 15% = 0.9 =$69,000 x 0.9 x 0.3 = $18,630 **Total Fee Due (Until June 8, 2014): $35,190**	Affordable Housing	Alexandra Ladd
Technical Review Division 1. There shall be direct pedestrian access to the site via the sidewalk. 2. ~~Where possible, sidewalk along Alameda shall be widened to 5 feet, repaired, and resurfaced using colored concrete as required by the Historic Districts Ordinance~~.	Technical Review	Noah Berke
City Engineer for Land Use: ~~1. Sidewalk must meet the requirements of Article 14-9.2(E) of the Land Development Code.~~ ~~1. All applicable terrain and stormwater management requirements of Article 14-8.2 of the Land Development Code must be met.~~ 1. In accordance with Article 14-9.2(E)(6), "replacement of existing sidewalks is not required if they are in good condition and substantially in compliance with ADAAG." Prior to submitting a Development Plan, the designer, accompanied by appropriate City staff, will inspect the existing sidewalk and note any deficiencies. All deficiencies are to be corrected and noted in the plans. ~~1.~~2. All applicable terrain and stormwater management requirements of Article 14-8.2 of the Land Development Code must be met.	Technical Review	Risana "RB" Zaxus

Manderfield School–Conditions of Approval

Planning Commission

Cases #2013-38, #2013-39 and #2013-40 Rezone to RAC, Special Use Permit, and Variance

Revised for the August 1, 2013 Planning Commission Hearing

Conditions	Department	Staff
Fire Department: 1. All development on the site shall comply with the currently adopted International Fire Code (IFC). 2. All Fire Department access shall be no greater than 10% grade throughout. 3. Any development shall meet water supply requirements prior to construction. 4. The access road for the site shall be a minimum of 20 feet wide for Fire Department access, without a variance granted for providing life safety suppression systems. 5. There shall be a maximum 150-foot distance to all portions of the buildings. 6. Proper signage for fire lanes and no on-street parking shall be provided as required by the IFC.	Fire Department	Reynaldo Gonzales
Current Planning: ~~1. Applicant shall pay Parks impact fees since the dedication of park land is not feasible for this project (Section 14-8.15(C)(2) SFCC 1987). The applicant has agreed to pay impact fees despite the fact that fees currently have a moratorium.~~ ~~The impact fees for Parks are:~~ ~~Single Family Residential 4 Units x $1,111 per unit = $4,444~~ ~~Apartments 6 Units x $971 per unit = $5,826~~ ~~**Total Fee Due at Building Permit: $10,270**~~ 1. Applicant shall pay Parks impact fees since dedication of park land is not feasible for this project (Section 14-8.15(C)(2) SFCC 1987). In the event that the current 100% reduction on residential impact fees is still in place at the time of building permit, then the Applicant will contribute $4,000.00 toward the construction of a new pedestrian walkway along Alameda between Patrick Smith Park and Canyon Road, and such payment will be made prior to the issuance of residential building permits. 2. No application can be made for a liquor license for 15 years from the date of the approval of the Special Use Permit for the restaurant. ~~2.~~3. No amplified music will be permitted after 9pm for the restaurant use. 4. The Special Use Permit and Variance approval are conditional upon approval of the General Plan Amendment and Rezoning. 5. Additional parking shall be provided to account for outdoor seating to ensure that sufficient on-site parking is provided; and ~~3.~~6. In order to ensure compatibility with existing land use patterns, the Land Use Department recommends the following condition limiting the extent and intensity of non-residential use of the property: Non-residential uses (excluding any permitted home occupation uses) shall be restricted to the Manderfield School building.	Current Planning/Road ways& Trails/MPO	Heather Lamboy/ Eric Martinez/ Keith Wilson

LAMBOY, HEATHER L.

From: rimbeaux@aol.com
Sent: Tuesday, July 30, 2013 7:50 PM
To: LAMBOY, HEATHER L.
Subject: AGAINST: Manderfield School property development

I live in the neighborhood where this development would take place, and I want to voice my objection to the developers' request for a zoning change that would allow a potential density increase to 16 units/acre. I was one of those who hoped the developers would create something smaller, but with a change to R-5, there would be nothing to stand in their way of developing something very inappropriate for this residential neighborhood.

I hope the Planning Commission agrees and votes to not allow either the re-zoning or the special use permit.

BC Rimbeaux

LAMBOY, HEATHER L.

From: Mark Humenick <mark@markhumenick.com>
Sent: Wednesday, July 31, 2013 6:04 AM
To: LAMBOY, HEATHER L.
Cc: Colleen Gavin
Subject: Manderfield

I support the Manderfield project. This will not only revive the Upper Canyon Road area, but preserve a city landmark. Studio space, especially north facing space which is essential, is rare in Santa Fe. The coffee shop is a good idea and will save gas and thus the environment.

Regards,

Mark Humenick

studio HUMENICK
14 Taylor Rd Santa Fe, NM 87508

Metals/Mixed Media **MarkHumenick.us**
Liturgical **MarkHumenick.com**
505.690.7000

1700 A Paseo De Peralta, Santa Fe, NM 87501
tel. 505.982.8363
fax. 505.989.3311
email: sfarchitect@comcast.net

MIFSUD ASSOCIATES ARCHITECTS ▪ www.santafearchitects.com

Heather Lamboy, Seionr Planner
Current Planning Division
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87501

July 31, 2013

Re: Manderfield School Rezone

Dear Ms. Lamboy;

After learning about the proposed Manderfield School project, I feel that it is a great re-use of this long vacant building. The recent conceptual site plan, which was approved by the school board and presented to the neighbors and associations involved in the area, shows a welcome mix of residential and commercial uses. However, it has come to my attention that the property's current zoning of R-5 (Residential, 5 units per acre) allows only for residential units, thus necessitating a rezone from R-5 to RAC (Residential Arts and Crafts). I understand also that the pending sale of the school hinges on a contingency that the property be rezoned to RAC.

As a licensed professional architect I must comment on the value of John Gaw Meem's architecture to the City of Santa Fe as a symbol of our culture and history as a community. Preserving this structure, as this proposal intends to do, is a valiant and noble project that deserves approval and support. In addition, the adaptive re-use of a building now obsolete for its intended use is a perfect way to preserve this structure as well as the scale and context of the neighborhood.

I support this rezone, as it is in keeping with much of the surrounding Canyon Road neighborhood. The proposed mix of residences, art studios, and a coffee house is supported by many neighbors, as it will contribute much to the neighborhood, community, and local arts and culture.

Thank you for your time and consideration.

Sincerely,

Paul Mifsud
Mifsud Associates Architects

STATE OF NEW MEXICO
PAUL L.
MIFSUD
No. 2723
REGISTERED ARCHITECT

Subscribed and Sworn to Before Me
This 31st Day of July 2013
By Paul Mifsud
Notary Public for the State of New Mexico.
County of Santa Fe
My Commission Expires: June 19, 2017

GURULE, GERALDINE A.

From: LAMBOY, HEATHER L.
Sent: Thursday, August 01, 2013 9:09 AM
To: GURULE, GERALDINE A.
Cc: BAER, TAMARA (tbaer@ci.santa-fe.nm.us)
Subject: FW: The Manderfield school redevelopment plan

For the additional correspondence packet...

Heather L. Lamboy, AICP
Land Use Senior Planner

Land Use Department
City of Santa Fe, NM
200 Lincoln Avenue, Box 909
Santa Fe, NM 87504-0909
(505) 955-6656

From: Paul Hawkins [mailto:phawkins@eyesopen.com]
Sent: Thursday, August 01, 2013 8:50 AM
To: LAMBOY, HEATHER L.
Subject: The Manderfield school redevelopment plan

Dear Ms. Lamboy,

Since I am unable to attend the Manderfield school redevelopment hearing this evening I am writing to you to express my support for the redevelopment plan that will be considered at this evening's hearing. Redevelopment of the school property provides an important opportunity to inject new life into a building and a space that have lain dormant for too long. I urge you to support the redevelopment plan at this evening's meeting.

Sincerely,

Paul.

Paul Hawkins, Ph.D.
Applications Science Group Leader
OpenEye Scientific Software

phawkins@eyesopen.com
Ph.: 505-473-7385 x. 65

GURULE, GERALDINE A.

From: LAMBOY, HEATHER L.
Sent: Thursday, August 01, 2013 2:04 PM
To: GURULE, GERALDINE A.
Subject: FW: Manderfield

More for tonight's additional information packet...

Heather L. Lamboy, AICP
Land Use Senior Planner

From: elizabeth jacobson [mailto:locoweed11@aol.com]
Sent: Thursday, August 01, 2013 12:04 PM
To: LAMBOY, HEATHER L.
Subject: Manderfield

August 1, 2013

We are opposed to a large commercial development at the Manderfield School property, or any commercial development, and/or any residential development that is out of proportion with the current neighborhood.

Thank You,

David Kaufman
Elizabeth Jacobson
(long term residents of Upper Canyon)

1700 A Paseo De Peralta, Santa Fe, NM 87501
tel. 505.982.8363
fax. 505.989.3311
email: starchitect@comcast.net

MIFSUD ASSOCIATES ARCHITECTS ▪ www.santafearchitects.com

Heather Lamboy, Senior Planner
Current Planning Division
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87501

August 1, 2013

Re: Manderfield School Rezone

Dear Ms. Lamboy;

I would like to offer my support for the rezone of the property of the old Manderfield School to the proposed RAC (Residential Arts & Crafts) zoning that would permit a mix of new residences, coffee house, and spaces for local artists to create and sell their work. The rezone to a mixed-use facility would be beneficial for the community. One, it would honorably preserve the historic eight-five year old building designed by influential architect John Gaw Meem, thus allowing future generations to experience and enjoy this cultural symbol. The significance of the rezone to a mixed-use facility cannot be understated and would initiate an interactive development with the neighborhood. Mixed-use developments promote a sense of true community involvement and land-use synergy. With the blend of residential, coffee house, and studio spaces for local artists, this rezone enhances vitality and encourages economic investment.

This proposal effectively and honorably preserves the historic building while also creating an energized sense of community that would benefit the neighborhood and the city.

Thank you very much for your time and consideration.

Sincerely,

Patrick Romero
Mifsud Associates Architects

GURULE, GERALDINE A.

From: LAMBOY, HEATHER L.
Sent: Thursday, August 01, 2013 9:18 AM
To: GURULE, GERALDINE A.; BAER, TAMARA (tbaer@ci.santa-fe.nm.us)
Subject: FW:

More for additional correspondence...

Heather L. Lamboy, AICP
Land Use Senior Planner

Land Use Department
City of Santa Fe, NM
200 Lincoln Avenue, Box 909
Santa Fe, NM 87504-0909
(505) 955-6656

From: ellen dupuy [mailto:dupuy.ej@gmail.com]
Sent: Thursday, August 01, 2013 6:28 AM
To: LAMBOY, HEATHER L.
Subject:

To: the Santa Fe Planning Commission
We join other residents of the Canyon Road area in opposing the rezoning of the Manderfield School property. The rezoning from R-5 to RAC could increase residential density from 7 to 31 units. It also could permit many commercial uses not permitted in residential areas.

Importantly, it voids the plan presented in neighborhood notification meetings and makes a sham of the city ordinance requiring neighbors to be fully informed of plans before they are submitted to the planning commission.

We ask that the planning commission deny this application and require the developer to resubmit a plan to the neighborhood that is in keeping with the residential purposes of the neighborhood.

Thank you.
Sincerely,
Ellen & Bill Dupuy
1380 Canyon Road

GURULE, GERALDINE A.

From: LAMBOY, HEATHER L.
Sent: Thursday, August 01, 2013 10:44 AM
To: GURULE, GERALDINE A.
Subject: FW: Manderfield School Proposal

More for additional correspondence...

Heather L. Lamboy, AICP
Land Use Senior Planner

-----Original Message-----
From: Jennifer French [mailto:jbfrench36@comcast.net]
Sent: Thursday, August 01, 2013 10:42 AM
To: LAMBOY, HEATHER L.
Subject: Manderfield School Proposal

I am not able to attend the meeting this evening but am supportive of the plans for the reuse/recycling of the Manderfield School; I therefore do support the change to the RAC.
I believe such a change is consistent with the character of the neighborhood as it currently exists.

Jennifer French
329 Garcia Street
Santa Fe

Sent from my iPad

milagro design

August 1, 2013

RE: Manderfield School

TO: City of Santa Fe Planning Commission

I am writing this letter in support of the proposed mixed use redevelopment of Manderfield School. I am in total agreement that adaptive reuse is essential to the preservation of this vital Santa Fe landmark allowing Manderfield to become a vibrant community resource.

Speaking as a local Santa Fe artist and business owner, I think the addition of studios in the existing building is a perfect reuse as well as a much needed resource for the community. The proposed concept respects the traditional historic character while bringing new life and economic benefits to the site.

Please support this creative proposal for a neighborhood gathering place and asset to all Santa Feans.

Respectfully,

Lisa Flynn
Milagro Design
lflynn59@yahoo.cm

August 1, 2013

Santa Fe Planning Commission

C/o Heather Lamboy

City Case Manager for the Manderfield School

Santa Fe NM 87501

To Whom It May Concern;

It has come to my attention that there is a proposal from the potential new owner for the Manderfield School, requesting an application to rezone the property from its current residential zoning of, Residential (R-5), to Residential Arts and Crafts (RAC), thus allowing for a more creative and superior use of this significant property.

As a long time native resident of New Mexico and Santa Fe and relative of two people that attended the school many years ago, the idea of creating what appears to be an artist- in- residence type of development, seems as promising of an idea as I have seen in my 26 years in business in this wonderful city that I call home. Excited and enthusiastic; thought provoking and artistic, are just a few of the words that come to mind when I think of the calming potential of returning a once vibrant and historical building back into life.

I am fervently in favor of reclaiming this property to a better application of use.

Sincerely,

Mike Perraglio

President and CCO

Ashima Inc.

CANYON ROAD OWNERS & RESIDENTS

July 30, 2013

Planning Commission
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87501

Re: MANDERFIELD SCHOOL REDEVELOPMENT

Dear Commissioners:

This letter is written in full support of the proposed rezoning of the Manderfield School property. While our properties are within the Canyon Road Association area, we do not agree with the position the Association has taken on this matter. We respect their opinion but would like it known that the Association does not speak for us in this matter.

The small mixed-use project proposed by the redeveloper is exactly the kind of project that should be encouraged, not only here, but in many parts of the City. Anything that can be done to bring small business back into the neighborhoods will have a positive impact on overall City traffic. Personally, we would appreciate the opportunity to walk to a neighborhood coffee shop. And we would feel good knowing we weren't driving through other neighborhoods just to get a cup of tea.

This property has been a non-contributor to the City for quite some time. In fact, it has never been a financial contributor. Yet, through our taxes, we have paid for the roads, public utilities, police and fire protection serving that property. In fact, we paid for the building! Putting it on the property tax roll is an excellent outcome for the City. A well-conceived project with long term value appreciation is a great formula and we believe this project is well suited to do that. Additionally, if the property can generate sales, it will also contribute through Gross Receipts Tax. 4,500 square feet of non-residential use is really very small, but at average sales rates for neighborhood centers, even that small area may generate $90,000-100,000 per year in GRT [(1)].

In closing, we believe this project is well suited for the neighborhood, is the type of project needed throughout Santa Fe and is small enough in scale to be a non-factor in terms of infrastructure stress and traffic impact. We encourage you to approve this project as presented.

Thank you for your consideration.

Sincerely,

Richard Yates

Richard Yates, a 30-year property owner at 1242 and 1277 Canyon Road

Brenda Yates

Brenda Yates, a 30-year property owner and current resident at 1242 Canyon Road

Tim Mettenbrink, a 3-year resident at 1277 Canyon Road

State of New Mexico)
) ss
County of Santa Fe)

The foregoing instrument was acknowledged before me this 1st day of August, 2013 by Richard Yates, Brenda Yates and Tim Mettenbrink, all personally known to me.

Stephanie A Varoz
Notary Public

OFFICIAL SEAL
Stephanie A. Varoz
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires: 12/21/15

(1) 4,500 sf x $250 per year sales = $1,125,000 x 8.1875% = $92,000 GRT

GURULE, GERALDINE A.

From: LAMBOY, HEATHER L.
Sent: Thursday, August 01, 2013 3:57 PM
To: GURULE, GERALDINE A.
Subject: FW: Support for Manderfield School

Another one!

Heather L. Lamboy, AICP
Land Use Senior Planner

From: Debbie Ramirez [mailto:debbieramirez99@gmail.com]
Sent: Thursday, August 01, 2013 3:56 PM
To: LAMBOY, HEATHER L.
Cc: Debbie Ramirez
Subject: Support for Manderfield School

Dear Planning Commission and Ms. Lamboy:

I am writing in support of the request to rezone the Manderfield School property to allow for redevelopment of the property into a vibrant, valuable addition to the Santa Fe community. It is exactly this type of redevelopment that a 21st century city needs to remain relevant and attractive.

Please do not let a perfect opportunity to turn this eyesore into a gem pass us by.

Thank you,
Debbie Ramirez

Manderfield School

Planning Commission Meeting

August 1, 2013

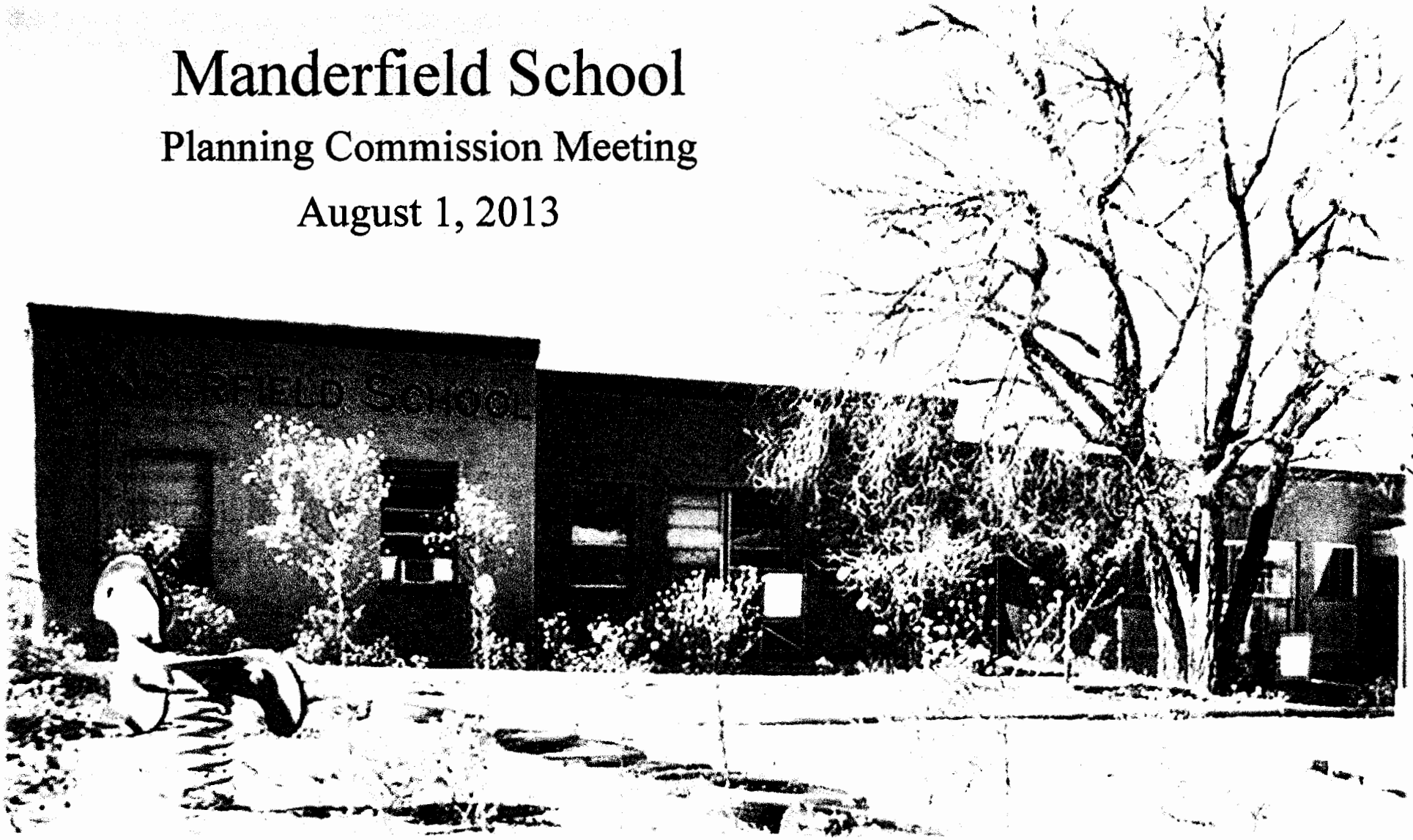
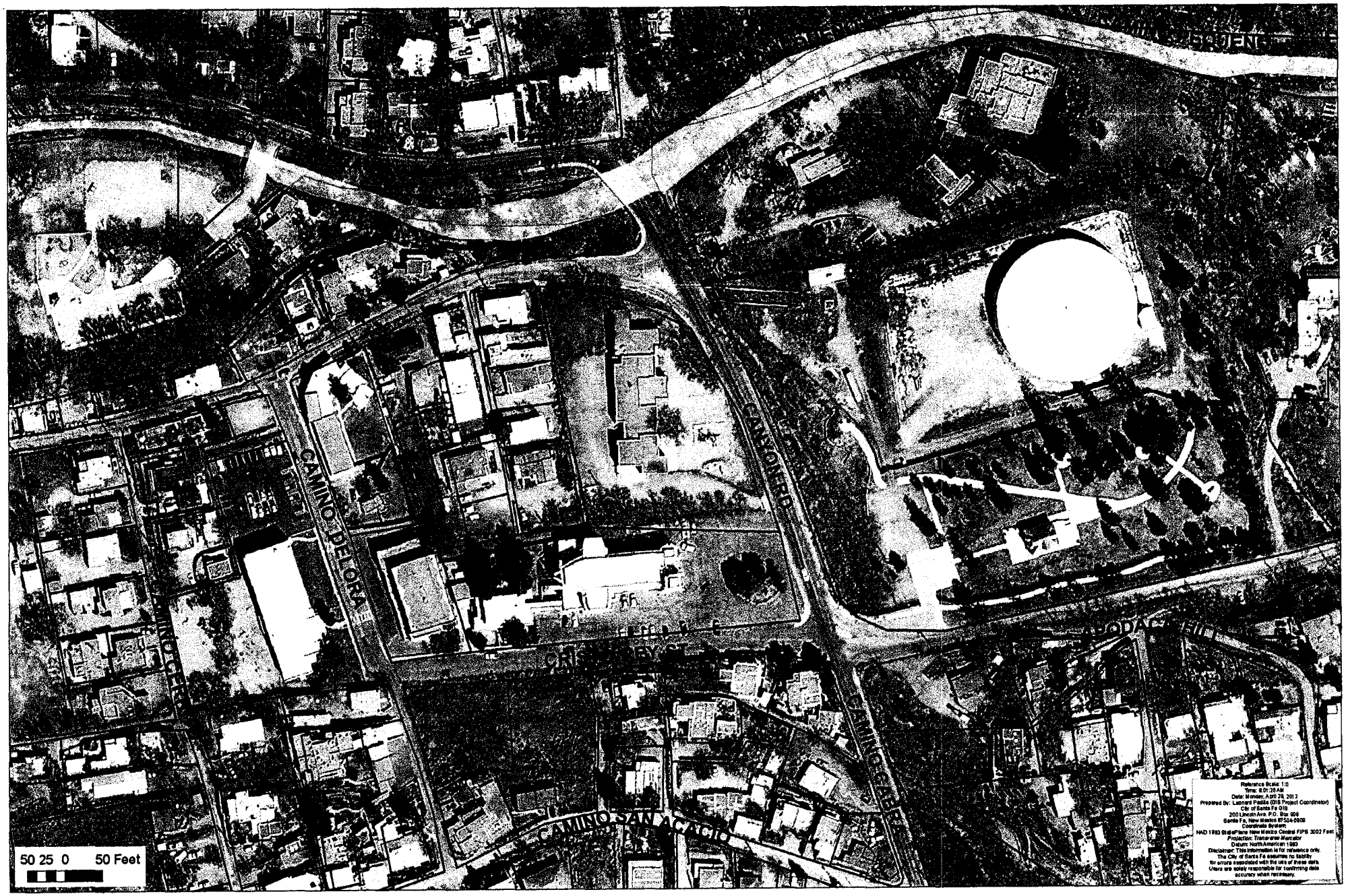
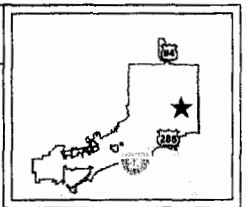


Exhibit #3


CAMINO DELORA
CANYONERO
CAMINO SAN ACACIO
CAMINO SAN ACACIO
50 25 0 50 Feet
Reference Scale: 1:0
Time: 8:01:35 AM
Date: Monday, April 29, 2013
Prepared By: Leonard Peralta (GIS Project Coordinator)
City of Santa Fe GIS
200 Lincoln Ave. P.O. Box 909
Santa Fe, New Mexico 87504-0909
Coordinate System:
NAD 1983 StatePlane New Mexico Central FIPS 3002 Feet
Projection: Transverse Mercator
Datum: North American 1983
Disclaimer: This information is for reference only.
The City of Santa Fe assumes no liability
for errors associated with the use of these data.
Users are solely responsible for confirming data
accuracy when necessary.

Manderfield School - Future Land Use Map



Legend

- City Limits
- 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

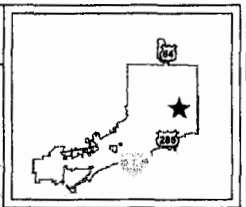
Scale: 1:1,631

Map center: 1739271, 1702756

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.

Manderfield School - Zoning Map

Map center: 1738715, 1702716



Legend

- City Limits
- 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
- 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

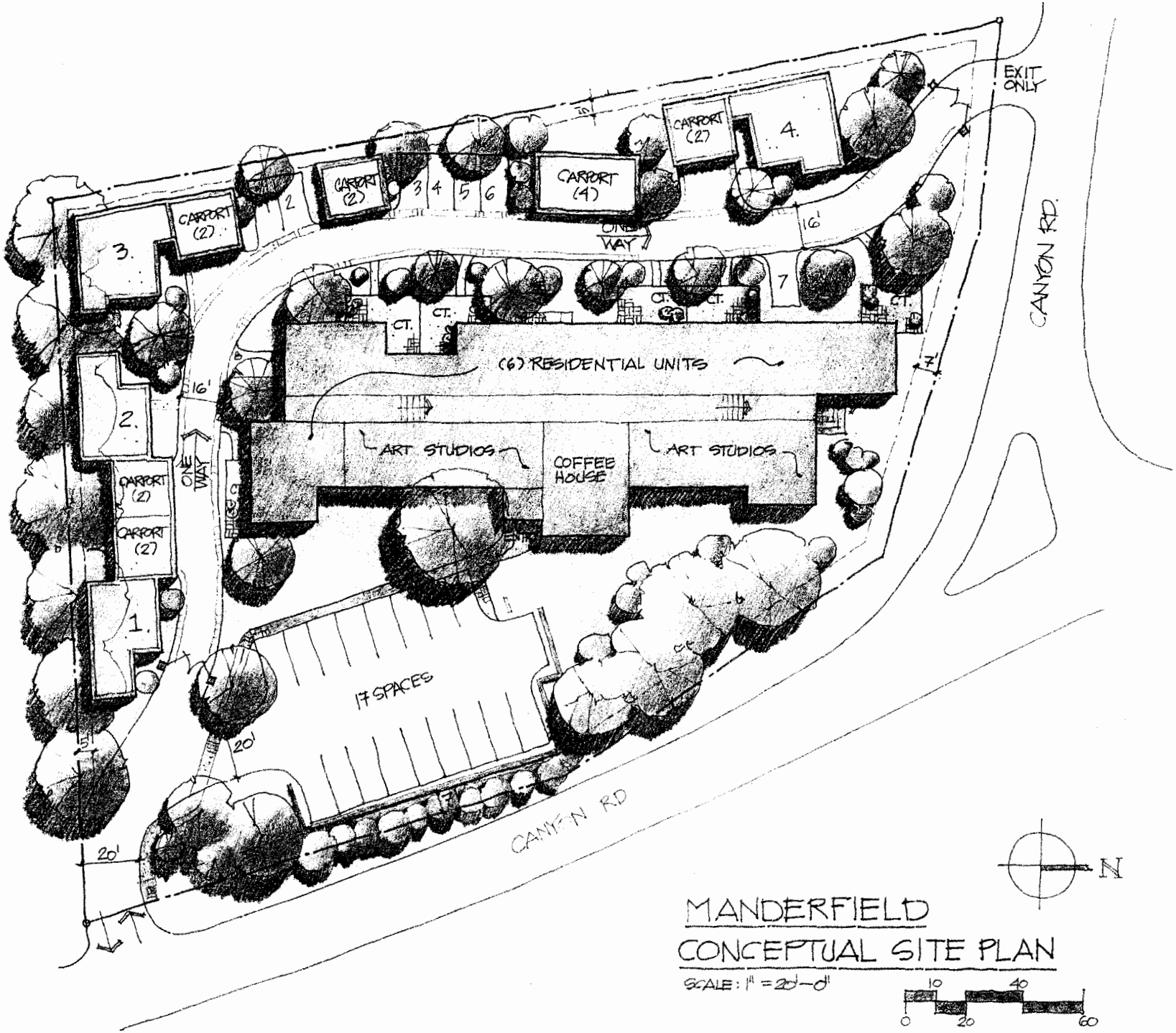
Major Roads and Highways

Other Roads and Streets

2011 Aerial Photography - 1 foot

Scale: 1:1,631

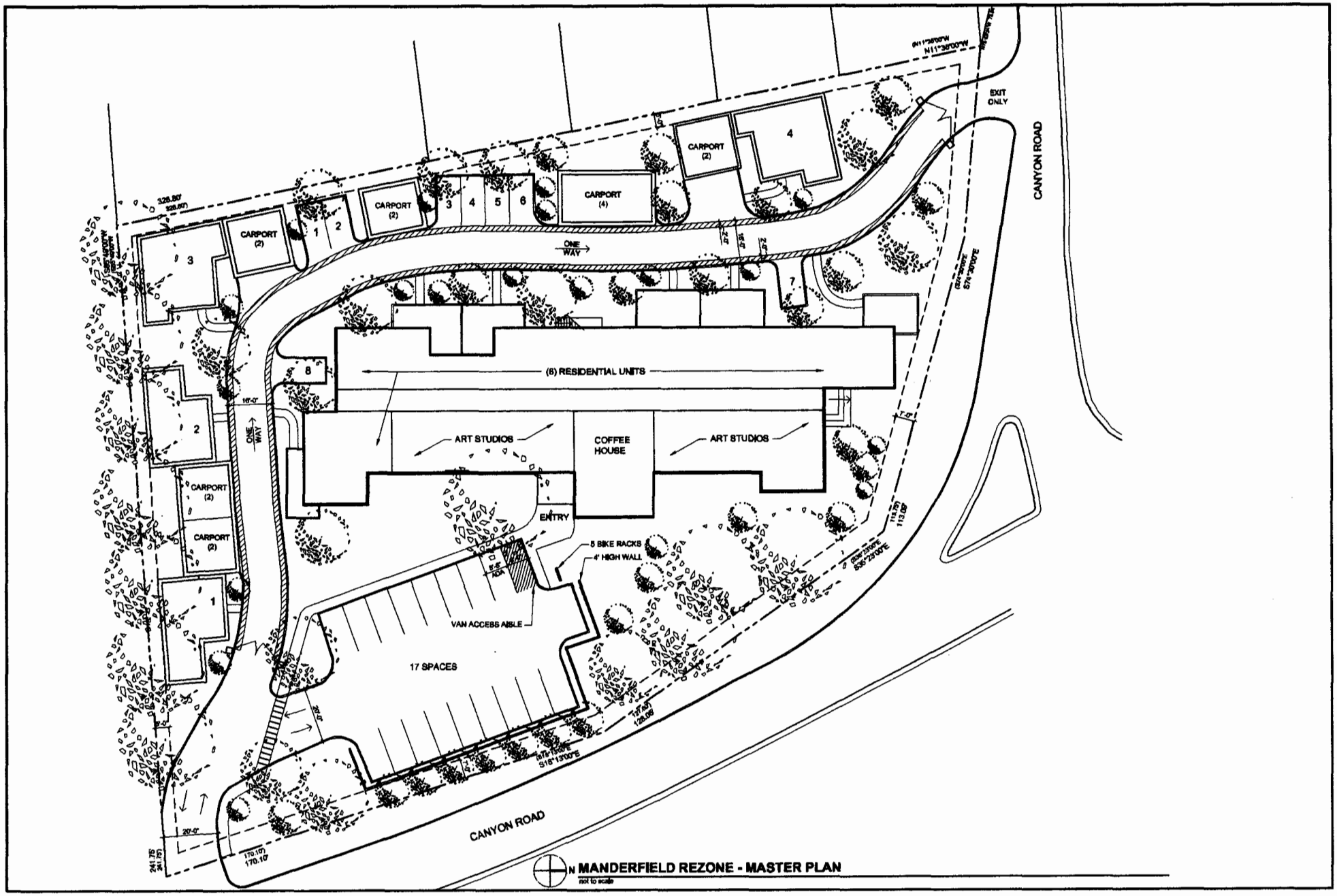
This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

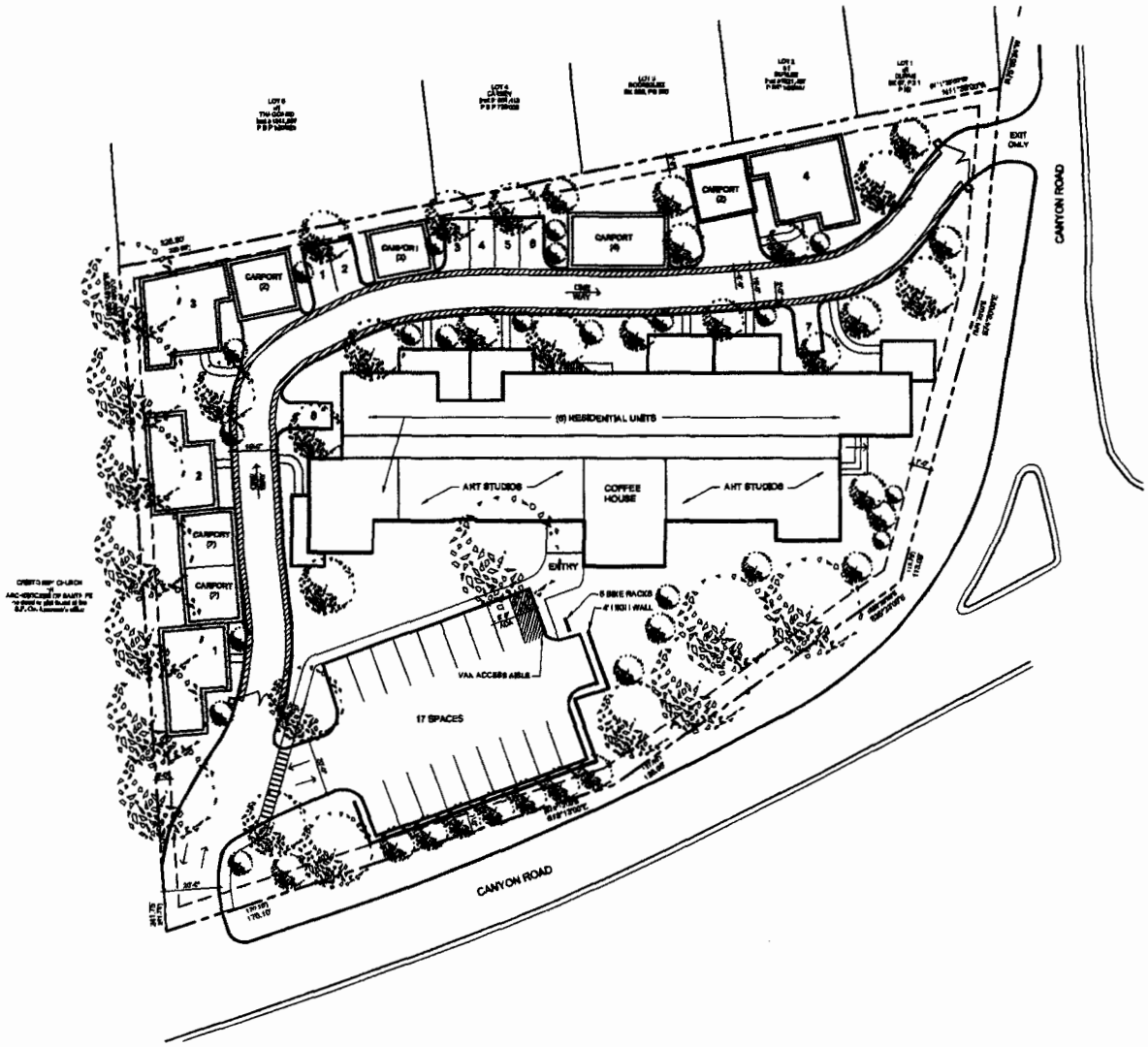


MANDERFIELD
CONCEPTUAL SITE PLAN

SCALE: 1" = 20'-0"

0 10 20 40 60


CANYON ROAD
EXIT ONLY
CARPORT (2)
CARPORT (4)
CARPORT (2)
CARPORT (2)
CARPORT (2)
CARPORT (2)
1
2
3
4
5
6
7
8
ONE WAY
ONE WAY
(6) RESIDENTIAL UNITS
ART STUDIOS
COFFEE HOUSE
ART STUDIOS
ENTRY
5 BIKE RACKS
4' HIGH WALL
VAN ACCESS AISLE
17 SPACES
CANYON ROAD
N
MANDERFIELD REZONE - MASTER PLAN
not to scale



1 **MANDERFIELD REZONE - MASTER PLAN**
scale: 1" = 20'-0"

SITE DATA

LOT COVERAGE

PRINTSHOP SCHOOL:	11582 SQFT
CARETAKER:	990 SQFT
COVERED PARKING:	3960 SQFT
TOTAL ROOF AREA:	17532 SQFT
TOTAL LOT AREA:	64,849 SQFT.
LOT COVERAGE:	27.0% / MAX ALLOWABLE 40%

PARKING CALCULATIONS:

RESIDENTIAL:
ATTACHED DWL: 1 1/2 SPACES PER UNIT @ 6 UNITS = 9 SPACES
DETACHED DWL: 2 SPACES PER UNIT @ 4 UNITS = 8 SPACES
17 SPACES REQUIRED/ 19 SPACES PROVIDED

COMMERCIAL:
ART STUDIOS AND COFFEE HOUSES: 1 SPACE PER 300 S.F. GLA
3600 S.F. / 300 / 1 USABLE = 12 SPACES REQUIRED/ 17 SPACES PROVIDED

OPEN SPACE:
REQUIRED: 250 SF/UNIT @ 10 UNITS = 2,500 SQ.FT.
PROVIDED: 8,146 SQFT

ZONING: RAC

MAXIMUM ALLOWABLE DWELLING UNITS: 16

NEW RESIDENTIAL DEVELOPMENT AREA

THE MIX OF USES AND LOCATIONS OF NEW IMPROVEMENTS SHOWN HEREON ARE CONCEPTUAL AND SUBJECT TO CHANGE AS PART OF THE BUILDING PERMIT PROCESS. ANY CHANGES THAT GENERALLY CONFORM WITH THIS MASTER PLAN ARE SUBJECT TO ADMINISTRATIVE APPROVAL BY THE CURRENT PLANNING DIVISION OF THE CITY OF SANTA FE LAND USE DEPARTMENT.

VICINITY MAP
NTS

1799 A Paseo De Peralta
Santa Fe, NM 87501
(tel.) 505.982.3980
(fax) 505.988.3211
sfarch@earthlink.net
www.sandoverstevens.com

© copyright 2013

MANDERFIELD SCHOOL
SANTA FE, NEW MEXICO
MASTER PLAN

REVISIONS:

NO.	DATE

DATE: 6-14-2013
DRAWN BY: SH
CHECKED BY: PM

jenkinsgavin
DESIGN & DEVELOPMENT INC
130 Grant Avenue, Suite 101
Santa Fe, New Mexico 87501

SHEET
A-0

MANDERFIELD REDEVELOPMENT

Neighborhood Agreements

- Non-residential uses (excluding any permitted home occupation uses) shall be restricted to the Manderfield School building.

- In order to ensure adequate parking, the square footage of the outdoor seating area for the coffee house will be included in the calculation to determine the requisite number of parking spaces.

- Alcohol consumption at the coffee house will be prohibited.

- The parking area will be screened from Canyon Road with a four foot high wall and landscaping, which will include evergreen plantings to ensure year-around screening.

- A maximum of 18 dwelling units will be permitted on the property. Only 10 dwellings are proposed, but this will permit the non-residential space to potentially convert to residential in the future.

- The new casitas will all be single story structures.

- In order to soften the appearance of the existing retaining wall along Canyon Road, the area between the wall and the sidewalk will be landscaped, subject to execution of a Licensing Agreement with the City of Santa Fe.

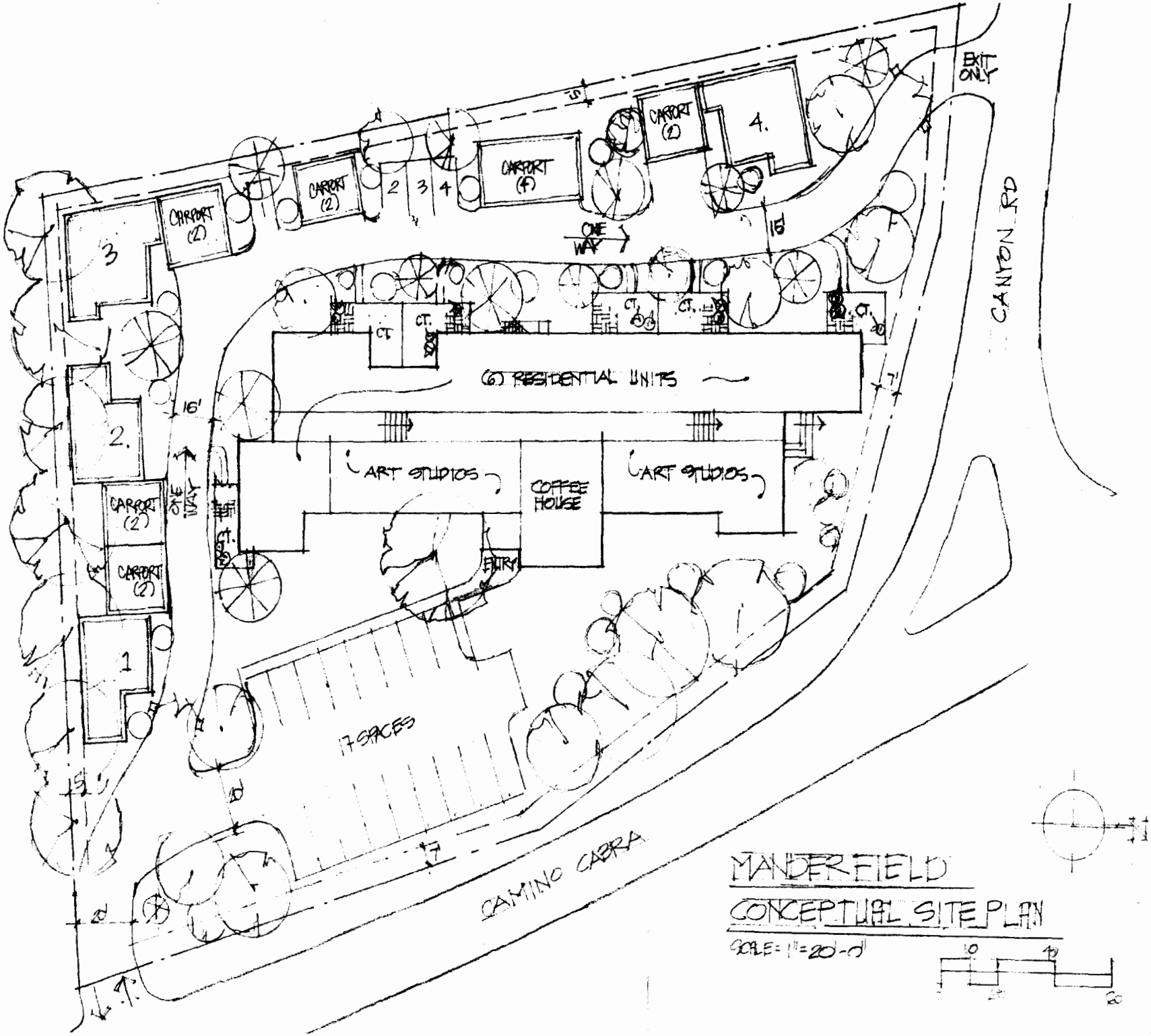
Non-Residential RAC Uses Permitted Per the Manderfield Covenants

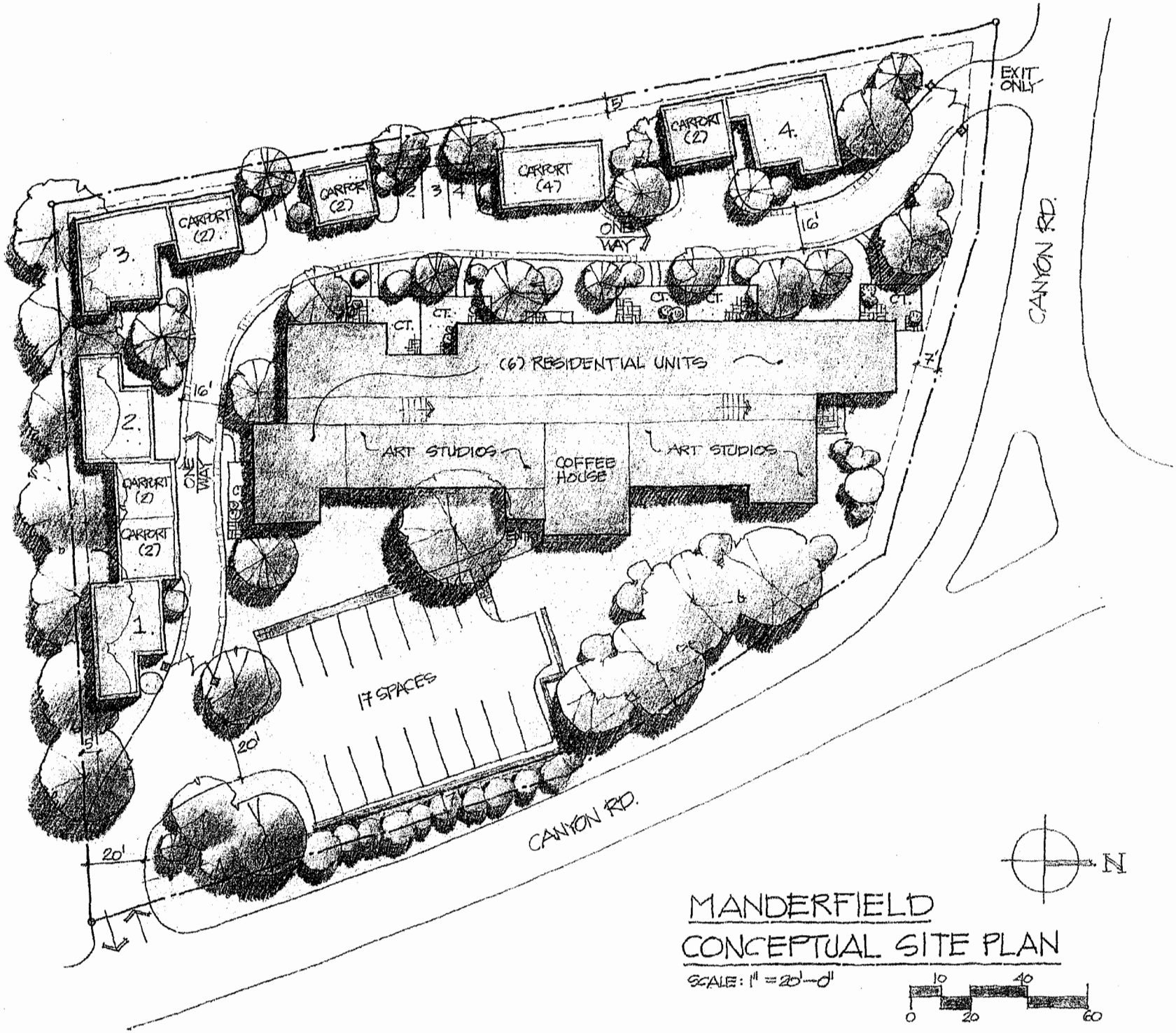
1. Arts & crafts studios, galleries, shops; gift shops for the sale of arts & crafts
2. Photographers studios
3. Bookshops
4. Dance studios
5. Antique stores
6. Art supply stores
7. Florist shops
8. Museums
9. Tailoring & dressmaking shops

Due Process

The following RAC uses require approval of a **Special Use Permit** from the Planning Commission or the Board of Adjustment:

1. Bar, cocktail lounge, nightclub; no outdoor entertainment
2. Bar, cocktail lounge, nightclub; with outdoor entertainment
3. Clubs & lodges (private)
4. Colleges & universities (residential)
5. Continuing care community
6. Correctional group residential care facility
7. Day care for adults
8. Daycare; preschool; for infants & children (more than 6)
9. Grocery stores (neighborhood)
10. Group residential care facility
11. Laundromats (neighborhood)
12. Medical & dental offices & clinics
13. Mobile home permanent installation
14. Neighborhood & community centers
15. Nursing, extended care, convalescent, recovery care facilities
16. Offices; business & professional
17. Personal care facilities for the elderly
18. Religious assembly (all)
19. Religious, educational & charitable institutions
20. Restaurant with bar, cocktail lounge or nightclub comprising more than 25% of total serving area
21. Restaurant; fast service, take out, no drive through or drive up
22. Restaurant; full service with or without incidental alcohol service
23. Schools; elementary & secondary (public & private)
24. Sheltered care facilities
25. Utilities

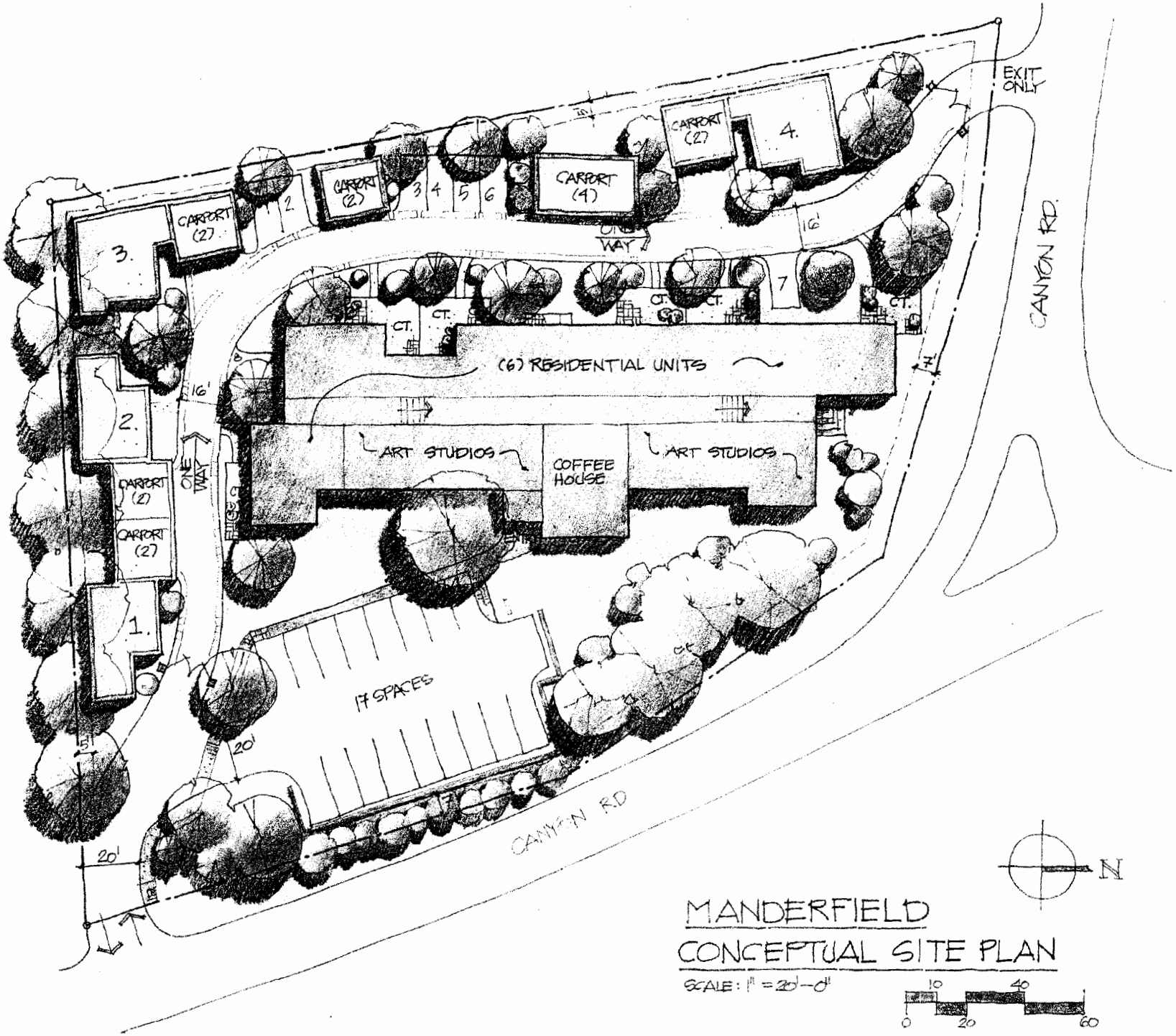

EXIT ONLY
CANYON RD
CARPORT (2)
CARPORT (2)
CARPORT (4)
CARPORT (2)
4.
3
2
3
4
ONE WAY
15'
15'
CT.
CT.
CT.
CT.
CT.
(6) RESIDENTIAL UNITS
7'
16'
2.
ART STUDIOS
COFFEE HOUSE
ART STUDIOS
ONE WAY
CARPORT (2)
CARPORT (2)
CT.
ENTRY
1
17 SPACES
CAMINO CABRA
MANDERFIELD
CONCEPTUAL SITE PLAN
SCALE: 1" = 20'-0"
10
20
40
80



MANDERFIELD
CONCEPTUAL SITE PLAN

SCALE: 1" = 20'-0"

0 10 20 40 60



MANDERFIELD

CONCEPTUAL SITE PLAN

SCALE: 1" = 20'-0"

0 10 20 40 60

August 1, 2013

RE: Manderfield School Project

To Whom It May Concern,

As native Santa Fean (born and raised in Santa Fe) and Realtor in the area I have seen a lot of changes to Santa Fe in the last several years. One of the biggest changes is that old, wonderful, historic sites are disappearing every day. This is very concerning and disheartening and I would love to see that change.

I am writing you because I believe that preserving and revitalizing historic buildings, like the Manderfield School, will help in keeping Santa Fe's charm and character that is critical to Santa Fe's success. I am in support of the Manderfield School project that is being presented before you today. This project will not only help preserve a historic building but will provide much needed revitalization of an area that needs some help. I believe the mixed use of housing/art studio/coffee shop would be very desirable to potential home owners/artists who want the best of both worlds in the heart of Santa Fe. It is the essence and charm that draws people to our wonderful city.

Please pass the zoning change that can keep a part of history while revitalizing a neglected area.

Thank you,

Rachael Flance

State of New Mexico
County of Bernalillo

OFFICIAL SEAL
MARI JO GIRDNER VIGIL
Notary Public
State of New Mexico
My Comm. Expires 3-24-2014

August 1, 2013

Exhibit "14"

Jennifer Jenkins

homewise
your partner in homeownership

July 3, 2013

Planning Commission
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87501

Dear Commissioners:

I am writing in support of the proposed Manderfield School redevelopment. As a neighbor of the project, I welcome the revitalization of the property, which has long been an eyesore and a matter of concern for nearby residents. The proposed mix of uses poses a creative solution for the adaptive reuse of this historic building and grounds.

The proposed project will also provide much need revenue for the Santa Fe Public Schools when the property is purchased from the school district. As you know, the dedicated leadership and employees of the SFPS are working very hard, with too few resources, to make much needed improvements that will benefit the education of all of our community's children. The schools can make good use of this revenue and I hope this project moves forward so that the schools realize this much needed funding.

As a member of the Canyon Neighborhood Association ("CNA"), I am concerned that the Association is proposing that the Manderfield property be subject to restrictive covenants that would regulate the business operations of the proposed artist studios. I don't think restrictive covenants that would give a neighborhood association a role in regulating another party's business operations is appropriate. The use of property is best regulated by zoning ordinances that are developed and implemented by local government, the governing body of which is elected by the public. Neighborhood associations are not elected by the public and should not take on roles that are more appropriately the responsibility of local government.

In conclusion, I wholeheartedly support the Manderfield project and look forward to the City's approval of the necessary entitlements.

Thank you for your time and consideration.

Sincerely,

Mike Loftin
1660 ½ "D" Cerro Gordo Road
Santa Fe, NM 87501

Exhibit "15"

State of New Mexico)
) ss
County of Santa Fe)

The foregoing instrument was acknowledged before me this 15 day of July, 2013 by Mike Loftin.

Berlinda L. Delgado
Notary Public

OFFICIAL SEAL
BERLINDA L. DELGADO
NOTARY PUBLIC - State of New Mexico
My Commission Expires 2-13-2017

August 1, 2013

Planning Commission
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87501

Dear Commissioners:

We are writing in support of the Manderfield project. As downtown neighbors, we are enthusiastic about the proposed adaptive reuse of this beautiful school. This project makes sense as a natural extension of the Canyon Road artist community. In its current state, the property is a space that is lost to the community. We would like to see the vision manifest and become a true asset to the community.

Thank you for your consideration.

Sincerely,

Angela Bivins

Marc Janoschek

State of New Mexico)
) ss
County of Santa Fe)

The foregoing instrument was acknowledged before me
this 1st day of August, 2013 by Mark Janoschek & Angela Bivins.

Notary Public

OFFICIAL SEAL
Hillary Welles
NOTARY PUBLIC - STATE OF NEW MEXICO
My Commission Expires: 10/26/2015

To: City of Santa Fe Planning Commission
Heather Lamboy

From: Mark Trimmer

Re: Manderfield School

Date: August 1, 2013

Dear Ms. Lamboy:

My name is Mark Trimmer and I am a native Santa Fean. I grew up on Valley Drive and my parents still live in the same house today. I was recently made aware of the Mansfield School redevelopment proposal and feel compelled to voice my opinion.

This letter is more than a "thumbs-up" for the redevelopment project. It is impossible to have grown up in Santa Fe in the 60s and 70s and not have a fondness for the food, culture and history that is unique to the City Different. I would not consider myself anything resembling a cultural resource for architectural history but I am one of the greatest John Gaw Meem fans alive today. More than that I am a by-product of the Canyon Road mystique and spent hundreds of hours wandering along the narrow streets and acequias.

Constructive redevelopment of cultural landmarks such as Manderfield is the only way that communities such as Santa Fe will ever manage to gracefully transition old world sense of art and history into modern anchors of tradition. Canyon Road is one of the few places I can still take my children and have them experience that same sense of history and culture that I experienced as a kid. I would love to know that someday current and future generations will be able to enjoy the same experience through preservation and redevelopment of the landmarks such as Manderfield into equally valuable community resources.

I encourage those in the position to make a difference to promote this project as a means to balance the demands of those who wish to cling to the past and those who wish to take the best of yesterday and transform it into a powerful resource for the future.

Respectfully,

Mark S. Trimmer

OFFICIAL SEAL
MELINDA ANTHONY
Notary Public
State of New Mexico
My Comm. Expires 11/26/2015

8/1/2013

August 1, 2013

Planning Commission
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87501

Dear Commissioners:

I am writing in support of the proposed Manderfield School rezone and redevelopment. I come from an old Santa Fe family. I grew up here, went to school here, and am now a local business owner. One of the reasons I stayed in Santa Fe is that, like many locals, I feel a deep connection to the history of our city and I appreciate its uniqueness. It saddens me to see one of our most historic and beautiful schools sitting in disrepair. As a community, we need to stand behind projects such as this, which will not only update an important historic building, but will help to keep Santa Fe alive and well for generations to come.

Thank you for your consideration.

Sincerely,

Michael Trujillo

State of New Mexico)
) ss
County of Santa Fe)

The foregoing instrument was acknowledged before me this 1st day of August, 2013 by Michael Trujillo.

Notary Public

OFFICIAL SEAL
Hillary Welles
NOTARY PUBLIC - STATE OF NEW MEXICO
My Commission Expires: 10/26/2015

August 1, 2013

RE: Manderfield School Project

To Whom It May Concern,

As native Santa Fean (born and raised in Santa Fe) and Realtor in the area I have seen a lot of changes to Santa Fe in the last several years. One of the biggest changes is that old, wonderful, historic sites are disappearing every day. This is very concerning and disheartening and I would love to see that change.

I am writing you because I believe that preserving and revitalizing historic buildings, like the Manderfield School, will help in keeping Santa Fe's charm and character that is critical to Santa Fe's success. I am in support of the Manderfield School project that is being presented before you today. This project will not only help preserve a historic building but will provide much needed revitalization of an area that needs some help. I believe the mixed use of housing/art studio/coffee shop would be very desirable to potential home owners/artists who want the best of both worlds in the heart of Santa Fe. It is the essence and charm that draws people to our wonderful city.

Please pass the zoning change that can keep a part of history while revitalizing a neglected area.

Thank you,

Rachael Flance

State of New Mexico
County of Bernalillo

OFFICIAL SEAL
MARI JO GIRDNER VIGIL
Notary Public
State of New Mexico
My Comm. Expires 3-24-2014

August 1, 2013

August 1, 2013

Planning Commission
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87501

Dear Commissioners:

I am writing in support of the Manderfield project. I am a native Santa Fean and a local business owner. In my 20s, I returned to Santa Fe after several years away because I recognized what a special place it is. I am proud to live in a city that values its history and the preservation of its historical buildings. At the same time, progress must occur in order to keep the city a viable place for local businesspeople to survive and thrive. The planned mixed use development at Manderfield would be an excellent way to adapt this building and make it a center for artists, locals, and business people. As I know from my 15 years of experience running a local restaurant, Santa Fe needs more places for locals to gather.

Thank you for your consideration.

Sincerely,

Eric T. Struck
Owner, Santa Fe Baking Company & Cafe

State of New Mexico)
) ss
County of Santa Fe)

The foregoing instrument was acknowledged before me
this 1st day of August, 2013 by Eric T. Struck.

Notary Public

OFFICIAL SEAL
Hillary Welles
NOTARY PUBLIC - STATE OF NEW MEXICO
My Commission Expires: 10/26/2015

August 1, 2013

Planning Commission
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87501

Dear Commissioners:

I am writing in support of the proposed Manderfield School rezone and redevelopment. Like my father before me, I was born in Santa Fe and grew up here. I was raised with an appreciation for the history and architecture that makes Santa Fe special. As the owner of a local landscaping business, I am now even more aware of how unique our city really is, and it pains me to see some of the historic buildings disappearing. It would be a shame if the school district were unable to sell Manderfield School and had to tear it down. We all need to do our part to preserve and renovate Santa Fe's landmarks.

Thank you for your consideration.

Sincerely,

Chuck Ferran
Owner, High Desert Landscaping

State of New Mexico)
) ss
County of Santa Fe)

The foregoing instrument was acknowledged before me
this 1st day of August, 2013 by Chuck Ferran.

Notary Public

OFFICIAL SEAL
Hillary Welles
NOTARY PUBLIC - STATE OF NEW MEXICO
My Commission Expires: 10/26/2013

Heather Lamboy, Senior Planner
Current Planning Division
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87501

Dear Ms. Lamboy:

After learning about the proposed Manderfield School project, I feel that it is a great re-use of the long vacant building. The recent conceptual site plan, which was approved by the school board and presented to the neighbors and associations involved in the area, shows a welcome mix of residential and commercial uses. However, it has come to my attention that the property's current zoning of R5 (Residential, 5 units per acre) allows only for residential units, thus necessitating a rezone from R5 to RAC (Residential Arts and Crafts). I understand also that the pending sale of the school hinges on a contingency that the property be rezoned to RAC.

I support this rezone, as it is in keeping with much of the surrounding Canyon Road neighborhood. The proposed mix of residences, art studios, and a coffee house is supported by many neighbors, as it will contribute much to the neighborhood, the community, and local arts and culture.

I thank you for your time and consideration.

Sincerely,

6/24/13
Date

Heather Lamboy, Senior Planner
Current Planning Division
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87501

Dear Ms. Lamboy:

After learning about the proposed Manderfield School project, I feel that it is a great re-use of the long vacant building. The recent conceptual site plan, which was approved by the school board and presented to the neighbors and associations involved in the area, shows a welcome mix of residential and commercial uses. However, it has come to my attention that the property's current zoning of R5 (Residential, 5 units per acre) allows only for residential units, thus necessitating a rezone from R5 to RAC (Residential Arts and Crafts). I understand also that the pending sale of the school hinges on a contingency that the property be rezoned to RAC.

I support this rezone, as it is in keeping with much of the surrounding Canyon Road neighborhood. The proposed mix of residences, art studios, and a coffee house is supported by many neighbors, as it will contribute much to the neighborhood, the community, and local arts and culture.

I thank you for your time and consideration.

Sincerely,

6/24/13
Date

Heather Lamboy, Senior Planner
Current Planning Division
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87501

Dear Ms. Lamboy:

After learning about the proposed Manderfield School project, I feel that it is a great re-use of the long vacant building. The recent conceptual site plan, which was approved by the school board and presented to the neighbors and associations involved in the area, shows a welcome mix of residential and commercial uses. However, it has come to my attention that the property's current zoning of R5 (Residential, 5 units per acre) allows only for residential units, thus necessitating a rezone from R5 to RAC (Residential Arts and Crafts). I understand also that the pending sale of the school hinges on a contingency that the property be rezoned to RAC.

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I thank you for your time and consideration.

Sincerely,

Marc Freden 6/21/13

Date

Heather Lamboy, Senior Planner
Current Planning Division
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87501

Dear Ms. Lamboy:

After learning about the proposed Manderfield School project, I feel that it is a great re-use of the long vacant building. The recent conceptual site plan, which was approved by the school board and presented to the neighbors and associations involved in the area, shows a welcome mix of residential and commercial uses. However, it has come to my attention that the property's current zoning of R5 (Residential, 5 units per acre) allows only for residential units, thus necessitating a rezone from R5 to RAC (Residential Arts and Crafts). I understand also that the pending sale of the school hinges on a contingency that the property be rezoned to RAC.

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I thank you for your time and consideration.

Sincerely,

Lynell Waeth

6-21-13
Date

Heather Lamboy, Senior Planner
Current Planning Division
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87501

Dear Ms. Lamboy:

After learning about the proposed Manderfield School project, I feel that it is a great re-use of the long vacant building. The recent conceptual site plan, which was approved by the school board and presented to the neighbors and associations involved in the area, shows a welcome mix of residential and commercial uses. However, it has come to my attention that the property's current zoning of R5 (Residential, 5 units per acre) allows only for residential units, thus necessitating a rezone from R5 to RAC (Residential Arts and Crafts). I understand also that the pending sale of the school hinges on a contingency that the property be rezoned to RAC.

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I thank you for your time and consideration.

Sincerely,

Jamie Rudolph

6/24/13
Date

Heather Lamboy, Senior Planner
Current Planning Division
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87501

Dear Ms. Lamboy:

After learning about the proposed Manderfield School project, I feel that it is a great re-use of the long vacant building. The recent conceptual site plan, which was approved by the school board and presented to the neighbors and associations involved in the area, shows a welcome mix of residential and commercial uses. However, it has come to my attention that the property's current zoning of R5 (Residential, 5 units per acre) allows only for residential units, thus necessitating a rezone from R5 to RAC (Residential Arts and Crafts). I understand also that the pending sale of the school hinges on a contingency that the property be rezoned to RAC.

I support this rezone, as it is in keeping with much of the surrounding Canyon Road neighborhood. The proposed mix of residences, art studios, and a coffee house is supported by many neighbors, as it will contribute much to the neighborhood, the community, and local arts and culture.

I thank you for your time and consideration.

Sincerely,

Amy Shaw

6-24-13
Date

Heather Lamboy, Senior Planner
Current Planning Division
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87501

Dear Ms. Lamboy:

After learning about the proposed Manderfield School project, I feel that it is a great re-use of the long vacant building. The recent conceptual site plan, which was approved by the school board and presented to the neighbors and associations involved in the area, shows a welcome mix of residential and commercial uses. However, it has come to my attention that the property's current zoning of R5 (Residential, 5 units per acre) allows only for residential units, thus necessitating a rezone from R5 to RAC (Residential Arts and Crafts). I understand also that the pending sale of the school hinges on a contingency that the property be rezoned to RAC.

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I thank you for your time and consideration.

Sincerely,

6.24.2013
Date

Heather Lamboy, Senior Planner
Current Planning Division
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87501

Dear Ms. Lamboy:

After learning about the proposed Manderfield School project, I feel that it is a great re-use of the long vacant building. The recent conceptual site plan, which was approved by the school board and presented to the neighbors and associations involved in the area, shows a welcome mix of residential and commercial uses. However, it has come to my attention that the property's current zoning of R5 (Residential, 5 units per acre) allows only for residential units, thus necessitating a rezone from R5 to RAC (Residential Arts and Crafts). I understand also that the pending sale of the school hinges on a contingency that the property be rezoned to RAC.

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I thank you for your time and consideration.

Sincerely,

24 June 13
Date

Heather Lamboy, Senior Planner
Current Planning Division
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87501

Dear Ms. Lamboy:

After learning about the proposed Manderfield School project, I feel that it is a great re-use of the long vacant building. The recent conceptual site plan, which was approved by the school board and presented to the neighbors and associations involved in the area, shows a welcome mix of residential and commercial uses. However, it has come to my attention that the property's current zoning of R5 (Residential, 5 units per acre) allows only for residential units, thus necessitating a rezone from R5 to RAC (Residential Arts and Crafts). I understand also that the pending sale of the school hinges on a contingency that the property be rezoned to RAC.

I support this rezone, as it is in keeping with much of the surrounding Canyon Road neighborhood. The proposed mix of residences, art studios, and a coffee house is supported by many neighbors, as it will contribute much to the neighborhood, the community, and local arts and culture.

I thank you for your time and consideration.

Sincerely,

Eric Cousineau 6-20-13

Eric Cousineau

Date

RECEIVED
JUN 25 2013
US Mail
LAND USE DEPARTMENT

From: Debbie Ramirez [mailto:debbieramirez99@gmail.com]
Sent: Thursday, August 01, 2013 3:56 PM
To: LAMBOY, HEATHER L.
Cc: Debbie Ramirez
Subject: Support for Manderfield School

Dear Planning Commission and Ms. Lamboy:

I am writing in support of the request to rezone the Manderfield School property to allow for redevelopment of the property into a vibrant, valuable addition to the Santa Fe community. It is exactly this type of redevelopment that a 21st century city needs to remain relevant and attractive.

Please do not let a perfect opportunity to turn this eyesore into a gem pass us by.

Thank you,
Debbie Ramirez

From: Paul Hawkins
Sent: Thursday, August 01, 2013 8:50 AM
To: 'hllamboy@santafenm.gov'
Subject: The Manderfield school redevelopment plan

Dear Ms. Lamboy,

Since I am unable to attend the Manderfield school redevelopment hearing this evening I am writing to you to express my support for the redevelopment plan that will be considered at this evening's hearing. Redevelopment of the school property provides an important opportunity to inject new life into a building and a space that have lain dormant for too long. I urge you to support the redevelopment plan at this evening's meeting.

Sincerely,

Paul.

Paul Hawkins, Ph.D.

Applications Science Group Leader

OpenEye Scientific Software

August 1, 2013

Planning Commission
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87501

Dear Commissioners:

I have lived in Santa Fe for over 20 years, and part of the reason I stay here is the city's unique architecture and sense of history. It would be a great disappointment to see the Manderfield School continue to sit unoccupied, or worse, be torn down altogether. I am in full support of the redevelopment project and rezone.

Thank you for your consideration.

Sincerely,

Tim Misicka

State of New Mexico)
) ss
County of Santa Fe)

The foregoing instrument was acknowledged before me
this 1st day of August, 2013 by Tim Misicka.

Notary Public

OFFICIAL SEAL
Hillary Welles
NOTARY PUBLIC - STATE OF NEW MEXICO
My Commission Expires: 10/26/2015

July 29, 2013
To:
City of Santa Fe Planning Commission

Subject:
Manderfield School Project

My name is Nikki Vandenberg and I live on Cerro Gordo Road. I also lived on the first block of Upper Canyon Road for 10 years and still own that property. In addition I have a rental property within two blocks of Manderfield School on Canyon Road. I am personally very invested in the immediate community surrounding Manderfield School. I thank the Canyon Neighborhood Association for bringing the proposed project to my attention and keeping me informed about issues and events that may affect me in the neighborhood. Their last e-mail requested that we offer our opinions as residents of the area. This is a good thing, as the Association never takes an actual vote of the residents, so if they, as an Association express an opinion it is only the opinion of the individuals who make up the Association board.

I am putting this in writing as I am unable to attend this Thursday night meeting due to business in Albuquerque, an antique show which sets up beginning Thursday night.

I am totally in favor of the Manderfield School redevelopment as outlined by the potential developer. I feel the project would be of great benefit to the neighborhood and highly improve the surroundings. Having a deteriorating large building at a prominent intersection is a real eyesore for our city. The project as outlined is a creative concept for revitalizing a historic building. Having a combination of residential and art spaces fits with the entire Canyon Road experience and what has made Santa Fe famous. Canyon Road is the Art Road of America and we should encourage continuing that tradition. I support the redevelopment as outlined by the developer. If the developer alters/changes their redevelopment concept the city and neighborhood should have an opportunity to reassess the plan.

Nikki Vandenberg

Nikki Vandenberg
PO Box 10112
Santa Fe, NM 87504
505-983-2173

STATE OF NEW MEXICO }
}ss.
COUNTY OF SANTA FE }

The foregoing instrument was acknowledged before me this 30 day of July, 2013, by Nikki Vandenberg.
Witness my hand and official seal.

Notary Public

My commission expires: 1/26/15

OFFICIAL SEAL
David Sidebottom
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires: 1/26/15

To: Heather Lamboy
Senior Planner, Current Planning Division:

After learning about the proposed Manderfield School project, I feel as if it a great re-use of the long vacant building and will contribute much to the community, neighborhood and the local arts. However, after learning of the current contingency of the sale which require a rezone of the property from an R5 (Residential 5) to RAC (Residential Arts and Crafts), which is all of Canyon Road up to the boundary of the school.

It has come to my attention that no art studios are allowed under its' current zoning. I would like to formally support this rezone change for the benefit of our city and our arts community.

It is understood that only residential units are allowed with the current zoning of R5. The recent conceptual plan which was been approved by the school board and presented to the neighbors and associations involved in the area, many wish for a coffee shop and art studios, neither of which are allowed without this change

I thank you for you time and your consideration.

Signed

6/6/2013
Date

milagro design

August 1, 2013

RE: Manderfield School

TO: City of Santa Fe Planning Commission

I am writing this letter in support of the proposed mixed-use redevelopment of Manderfield School. I am in total agreement that adaptive reuse is essential to the preservation of this vital Santa Fe landmark allowing Manderfield to become a vibrant community resource.

Speaking as a local Santa Fe artist and business owner, I think the addition of studios in the existing building is a perfect reuse as well as a much needed resource for the community. The proposed concept respects the traditional historic character while bringing new life and economic benefits to the site.

Please support this creative proposal for a neighborhood gathering place and asset to all Santa Feans.

Respectfully,

Lisa Flynn
Milagro Design
lflynn59@yahoo.cm

July 11, 2013

Planning Commission
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87501

Dear Commissioners:

I am writing in support of the application to rezone the Manderfield School to Residential Arts & Crafts (RAC) zoning. I believe that the proposed redevelopment is a good way to reuse the existing building and grounds. The inclusion of artists' studios and a coffee house would be a welcome addition to the community, providing neighbors with a convenient venue to gather and have refreshments. The alternative of converting the school to yet another large private Eastside home would provide no benefit to the community.

Thank you for your time and consideration.

Sincerely,

Marilyn Beresford
[Address]

State of New Mexico)
) ss
County of Santa Fe)

The foregoing instrument was acknowledged before me this _____ day of July, 2013 by

_____.

_____
Notary Public

June 18, 2013

Ms. Brittny Dayes
1407 Miracerros Lane
Santa Fe, NM 87505

Ms. Heather Lamboy
Senior Planner
Current Planning Division
The City of Santa Fe Planning Commission
200 Lincoln Ave.
Santa Fe NM, 87501

Dear Ms. Lamboy,

Please accept this letter as full support of the proposed Manderfield School project by Clare Maraist.

The proposed project will bring a new life to the school and also to the neighborhood. It will offer necessary live/work space for artists of all mediums, a community gallery and a coffee shop for the neighborhood. All which will reinvigorate the Upper Canyon area. I strongly encourage you to support this project!

Thank you for your time.

All the best,

Brittny Dayes

Brittny Dayes

RECEIVED
JUN 24 2013
US Mail
LAND USE DEPARTMENT

Heather Lamboy, Senior Planner
Current Planning Division
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87501

Dear Ms. Lamboy:

After learning about the proposed Manderfield School project, I feel that it is a great re-use of the long vacant building. The recent conceptual site plan, which was approved by the school board and presented to the neighbors and associations involved in the area, shows a welcome mix of residential and commercial uses. However, it has come to my attention that the property's current zoning of R5 (Residential, 5 units per acre) allows only for residential units, thus necessitating a rezone from R5 to RAC (Residential Arts and Crafts). I understand also that the pending sale of the school hinges on a contingency that the property be rezoned to RAC.

I support this rezone, as it is in keeping with much of the surrounding Canyon Road neighborhood. The proposed mix of residences, art studios, and a coffee house is supported by many neighbors, as it will contribute much to the neighborhood, the community, and local arts and culture.

I thank you for your time and consideration.

Sincerely,

Stephen M. Dorms

6/20/13
Date

LAMBOY, HEATHER L.

From: Marcy Heller <marcyheller@earthlink.net>
Sent: Friday, June 07, 2013 8:33 AM
To: LAMBOY, HEATHER L.
Subject: rezoning for old Manderfield school

June 7, 2013

To: Heather Lamboy
Senior Planner, Current Planning Division:

Dear Ms. Lamboy,

After learning about the proposed Manderfield School project, I feel as if it a great re-use of the long vacant building and will contribute much to the community, neighborhood and the local arts. However, after learning of the current contingency of the sale which require a rezone of the property from an R5 (Residential 5) to RAC (Residential Arts and Crafts), which is all of Canyon Road up to the boundary of the school.

It has come to my attention that no art studios are allowed under its current zoning. I would like to formally support this rezone change for the benefit of our city and our arts community.

It is understood that only residential units are allowed with the current zoning of R5. The recent conceptual plan which was been approved by the school board and presented to the neighbors and associations involved in the area, many wish for a coffee shop and art studios, neither of which are allowed without this change.

I thank you for your time and your consideration.

Martha J. Heller
23 Bobcat Crossing Road
Santa Fe, NM 87508

From: "Mark Humenick" <mark@markhumenick.com>
Date: July 31, 2013, 6:03:51 AM MDT
To: <hllamboy@santafenm.gov>
Cc: "Colleen Gavin" <colleen@jenkinsgavin.com>
Subject: Manderfield

I support the Manderfield project. This will not only revive the Upper Canyon Road area, but preserve a city landmark. Studio space, especially north facing space which is essential, is rare in Santa Fe. The coffee shop is a good idea and will save gas and thus the environment.

Regards,

Mark Humenick

studio HUMENICK
14 Taylor Rd Santa Fe, NM 87508

Metals/Mixed Media **MarkHumenick.us**
Liturgical **MarkHumenick.com**
505.690.7000

Jennifer Jenkins

From: NANCY MAMMEL <ouiblanche@gmail.com>
Sent: Tuesday, July 09, 2013 5:12 PM
To: Jennifer Jenkins; Colleen Gavin
Subject: School

Follow Up Flag: Follow up
Flag Status: Flagged

I totally support this development. I think it is good for the neighborhood to have some small retail/mixed development. It will only increase the value of the neighborhood. People want to live where they can easily walk to coffee shops, small restaurants, retail. There is ample parking too. Not sure why they are fighting it? Seems like it is good for everyone!

Hope you are having a fun summer?!

Nancy

To: Heather Lamboy
Senior Planner, Current Planning Division:

After learning about the proposed Manderfield School project, I feel as if it a great re-use of the long vacant building and will contribute much to the community, neighborhood and the local arts. However, after learning of the current contingency of the sale which require a rezone of the property from an R5 (Residential 5) to RAC (Residential Arts and Crafts), which is all of Canyon Road up to the boundary of the school.

It has come to my attention that no art studios are allowed under its' current zoning. I would like to formally support this rezone change for the benefit of our city and our arts community.

It is understood that only residential units are allowed with the current zoning of R5. The recent conceptual plan which was been approved by the school board and presented to the neighbors and associations involved in the area, many wish for a coffee shop and art studios, neither of which are allowed without this change.

I thank you for you time and your consideration.

Signed

Linda Matthews 6/10/2013

Date

Heather Lamboy, Senior Planner
Current Planning Division
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87501

Dear Ms. Lamboy:

After learning about the proposed Manderfield School project, I feel that it is a great re-use of the long vacant building. The recent conceptual site plan, which was approved by the school board and presented to the neighbors and associations involved in the area, shows a welcome mix of residential and commercial uses. However, it has come to my attention that the property's current zoning of R5 (Residential, 5 units per acre) allows only for residential units, thus necessitating a rezone from R5 to RAC (Residential Arts and Crafts). I understand also that the pending sale of the school hinges on a contingency that the property be rezoned to RAC.

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I thank you for your time and consideration.

Sincerely,

Debbie MacAllister 6/17/13
Date
(S.F. Resident since 1975)

RECEIVED
JUN 24 2013
US Mail
LAND USE DEPARTMENT

CANYON ROAD OWNERS & RESIDENTS

July 30, 2013

Planning Commission
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87501

Re: MANDERFIELD SCHOOL REDEVELOPMENT

Dear Commissioners:

This letter is written in full support of the proposed rezoning of the Manderfield School property. While our properties are within the Canyon Road Association area, we do not agree with the position the Association has taken on this matter. We respect their opinion but would like it known that the Association does not speak for us in this matter.

The small mixed-use project proposed by the redeveloper is exactly the kind of project that should be encouraged, not only here, but in many parts of the City. Anything that can be done to bring small business back into the neighborhoods will have a positive impact on overall City traffic. Personally, we would appreciate the opportunity to walk to a neighborhood coffee shop. And we would feel good knowing we weren't driving through other neighborhoods just to get a cup of tea.

This property has been a non-contributor to the City for quite some time. In fact, it has never been a financial contributor. Yet, through our taxes, we have paid for the roads, public utilities, police and fire protection serving that property. In fact, we paid for the building! Putting it on the property tax roll is an excellent outcome for the City. A well-conceived project with long term value appreciation is a great formula and we believe this project is well suited to do that. Additionally, if the property can generate sales, it will also contribute through Gross Receipts Tax. 4,500 square feet of non-residential use is really very small, but at average sales rates for neighborhood centers, even that small area may generate $90,000-100,000 per year in GRT [1].

In closing, we believe this project is well suited for the neighborhood, is the type of project needed throughout Santa Fe and is small enough in scale to be a non-factor in terms of infrastructure stress and traffic impact. We encourage you to approve this project as presented.

Thank you for your consideration.

Sincerely,

Richard Yates

Richard Yates, a 30-year property owner at 1242 and 1277 Canyon Road

Brenda Yates

Brenda Yates, a 30-year property owner and current resident at 1242 Canyon Road

Tim Mettenbrink, a 3-year resident at 1277 Canyon Road

State of New Mexico)
) ss
County of Santa Fe)

The foregoing instrument was acknowledged before me this 1st day of August, 2013 by Richard Yates, Brenda Yates and Tim Mettenbrink, all personally known to me.

Stephanie A Varoz
Notary Public

OFFICIAL SEAL
Stephanie A. Varoz
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires: 10/21/15

(1) 4,500 sf x $250 per year sales = $1,125,000 x 8.1875% = $92,000 GRT

1700 A Paseo De Peralta, Santa Fe, NM 87501
tel. 505.982.8363
fax. 505.989.3311
email: sfarchitect@comcast.net

MIFSUD ASSOCIATES ARCHITECTS ■ www.santafearchitects.com

Heather Lamboy, Seionr Planner
Current Planning Division
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87501

July 31, 2013

Re: Manderfield School Rezone

Dear Ms. Lamboy;

After learning about the proposed Manderfield School project, I feel that it is a great re-use of this long vacant building. The recent conceptual site plan, which was approved by the school board and presented to the neighbors and associations involved in the area, shows a welcome mix of residential and commercial uses. However, it has come to my attention that the property's current zoning of R-5 (Residential, 5 units per acre) allows only for residential units, thus necessitating a rezone from R-5 to RAC (Residential Arts and Crafts). I understand also that the pending sale of the school hinges on a contingency that the property be rezoned to RAC.

As a licensed professional architect I must comment on the value of John Gaw Meem's architecture to the City of Santa Fe as a symbol of our culture and history as a community. Preserving this structure, as this proposal intends to do, is a valiant and noble project that deserves approval and support. In addition, the adaptive re-use of a building now obsolete for its intended use is a perfect way to preserve this structure as well as the scale and context of the neighborhood.

I support this rezone, as it is in keeping with much of the surrounding Canyon Road neighborhood. The proposed mix of residences, art studios, and a coffee house is supported by many neighbors, as it will contribute much to the neighborhood, community, and local arts and culture.

Thank you for your time and consideration.

Sincerely,

Paul Mifsud
Mifsud Associates Architects

STATE OF NEW MEXICO
PAUL L. MIFSUD
No. 2723
REGISTERED ARCHITECT

Subscribed and Sworn to Before Me
This 31st Day of July 2013
By Paul Mifsud
Notary Public for the State of New Mexico.
County of Santa Fe
My Commission Expires: June 19, 2017

August 1, 2013

Santa Fe Planning Commission

C/o Heather Lamboy

City Case Manager for the Manderfield School

Santa Fe NM 87501

To Whom It May Concern;

It has come to my attention that there is a proposal from the potential new owner for the Manderfield School, requesting an application to rezone the property from its current residential zoning of, Residential (R-5), to Residential Arts and Crafts (RAC), thus allowing for a more creative and superior use of this significant property.

As a long time native resident of New Mexico and Santa Fe and relative of two people that attended the school many years ago, the idea of creating what appears to be an artist- in- residence type of development, seems as promising of an idea as I have seen in my 26 years in business in this wonderful city that I call home. Excited and enthusiastic; thought provoking and artistic, are just a few of the words that come to mind when I think of the calming potential of returning a once vibrant and historical building back into life.

I am fervently in favor of reclaiming this property to a better application of use.

Sincerely,

Mike Perraglio

President and CCO

Ashima Inc.

1700 A Paseo De Peralta, Santa Fe, NM 87501
tel. 505.982.8363
fax. 505.989.3311
email: starchitect@comcast.net

MIFSUD ASSOCIATES ARCHITECTS ■ www.santafearchitects.com

Heather Lamboy, Senior Planner
Current Planning Division
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87501

August 1, 2013

Re: Manderfield School Rezone

Dear Ms. Lamboy;

I would like to offer my support for the rezone of the property of the old Manderfield School to the proposed RAC (Residential Arts & Crafts) zoning that would permit a mix of new residences, coffee house, and spaces for local artists to create and sell their work. The rezone to a mixed-use facility would be beneficial for the community. One, it would honorably preserve the historic eight-five year old building designed by influential architect John Gaw Meem, thus allowing future generations to experience and enjoy this cultural symbol. The significance of the rezone to a mixed-use facility cannot be understated and would initiate an interactive development with the neighborhood. Mixed-use developments promote a sense of true community involvement and land-use synergy. With the blend of residential, coffee house, and studio spaces for local artists, this rezone enhances vitality and encourages economic investment.

This proposal effectively and honorably preserves the historic building while also creating an energized sense of community that would benefit the neighborhood and the city.

Thank you very much for your time and consideration.

Sincerely,

Patrick Romero
Mifsud Associates Architects

Heather Lamboy, Senior Planner
Current Planning Division
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87501

Dear Ms. Lamboy:

After learning about the proposed Manderfield School project, I feel that it is a great re-use of the long vacant building. The recent conceptual site plan, which was approved by the school board and presented to the neighbors and associations involved in the area, shows a welcome mix of residential and commercial uses. However, it has come to my attention that the property's current zoning of R5 (Residential, 5 units per acre) allows only for residential units, thus necessitating a rezone from R5 to RAC (Residential Arts and Crafts). I understand also that the pending sale of the school hinges on a contingency that the property be rezoned to RAC.

I support this rezone, as it is in keeping with much of the surrounding Canyon Road neighborhood. The proposed mix of residences, art studios, and a coffee house is supported by many neighbors, as it will contribute much to the neighborhood, the community, and local arts and culture.

I thank you for your time and consideration.

Sincerely,

Mark Zaphir 6/21/13
Date

708 Camino Militar
SF 87501

LAMBOY, HEATHER L.

From: Brenda Zappitell <artisthope@aol.com>
Sent: Monday, June 10, 2013 8:28 AM
To: LAMBOY, HEATHER L.
Subject: Manderfield school project

Hi,
I am in full support of this project!!! I am a full time working artist and have a home in Santa Fe , this is definitely the type of project Santa Fe needs as an art community!
Best,
Brenda

Brenda Hope Zappitell
artisthope@aol.com
www.zappitellstudio.com
cell 561.886.8611

Sent from my iPhone

Canyon Neighborhood Association

29 July 2013

To Heather Lamboy, Planning Commission, and to whom it may concern:

The Board of the Canyon Neighborhood Association, elected by the residents of the neighborhood, has voted unanimously to oppose the proposed re-zoning of the Manderfield School and related proposals.

This is a historic, closely-knit neighborhood that recognizes and wishes to protect its important role in the fabric of Santa Fe. There is an enormous amount of concern that the developer's planned re-zoning and development would permanently negatively impact the neighborhood, which would have consequences far beyond our neighborhood. While we would of course like to see the property sold by the School District and be put to productive use, there is no need to re-zone the property for it to be re-developed. Under current R-5 zoning, approximately seven residences could be built using the current, historically important building, and the empty space behind it.

The developer and their representatives represented to the neighborhood a series of proposals that they claimed would limit the impact of re-zoning from R5 to RAC. They painted a picture in which the new construction and much of the existing building would be low-impact residential, while the front of the building would be limited to artists' studios selling locally produced art, and a small coffee shop. Even this plan was somewhat controversial in the neighborhood. Some oppose any commercial activity at the location. Others believed that this limited plan as described in public meetings could be acceptable, but *if and only if* there were enforceable covenants or easements in place before or simultaneous with the re-zoning application. There is an enormous difference between a coffee shop like Downtown Subscription and a restaurant like Cowgirl, with dinner and alcohol served till late outdoors, and amplified music. To not oppose, we need to know exactly we are getting.

We met with the developer, who during that meeting promised they would agree to covenants or easements. We hired an attorney, Brian Egolf, consulted with city officials, and made a good faith effort to find a middle ground between the desires of the developer and the concerns of the neighborhood. But the developer has, in the end, refused to agree with the easements we proposed. Or with any durable and enforceable limitations at all. Our attorney spent a good deal of time refining a proposal which was, in effect, codifying the development concept that they proposed to us. They refused to accept this modest proposal and didn't even offer a concrete counter-proposal. Their request before this Commission, full RAC zoning with no easement limitations, was NOT what the developer presented in public meetings. It is not acceptable. We are left to wonder if the developer has been acting in bad faith, wasting our time with promises, painting pretty pictures of a low impact development, while in the end refusing to limit the development in any meaningful way.

We are disappointed. We would eventually like to see the Manderfield School return to life. But not with a developer who operates in bad faith, not with a proposal to change zoning without appropriate easements to preserve the character of the neighborhood.

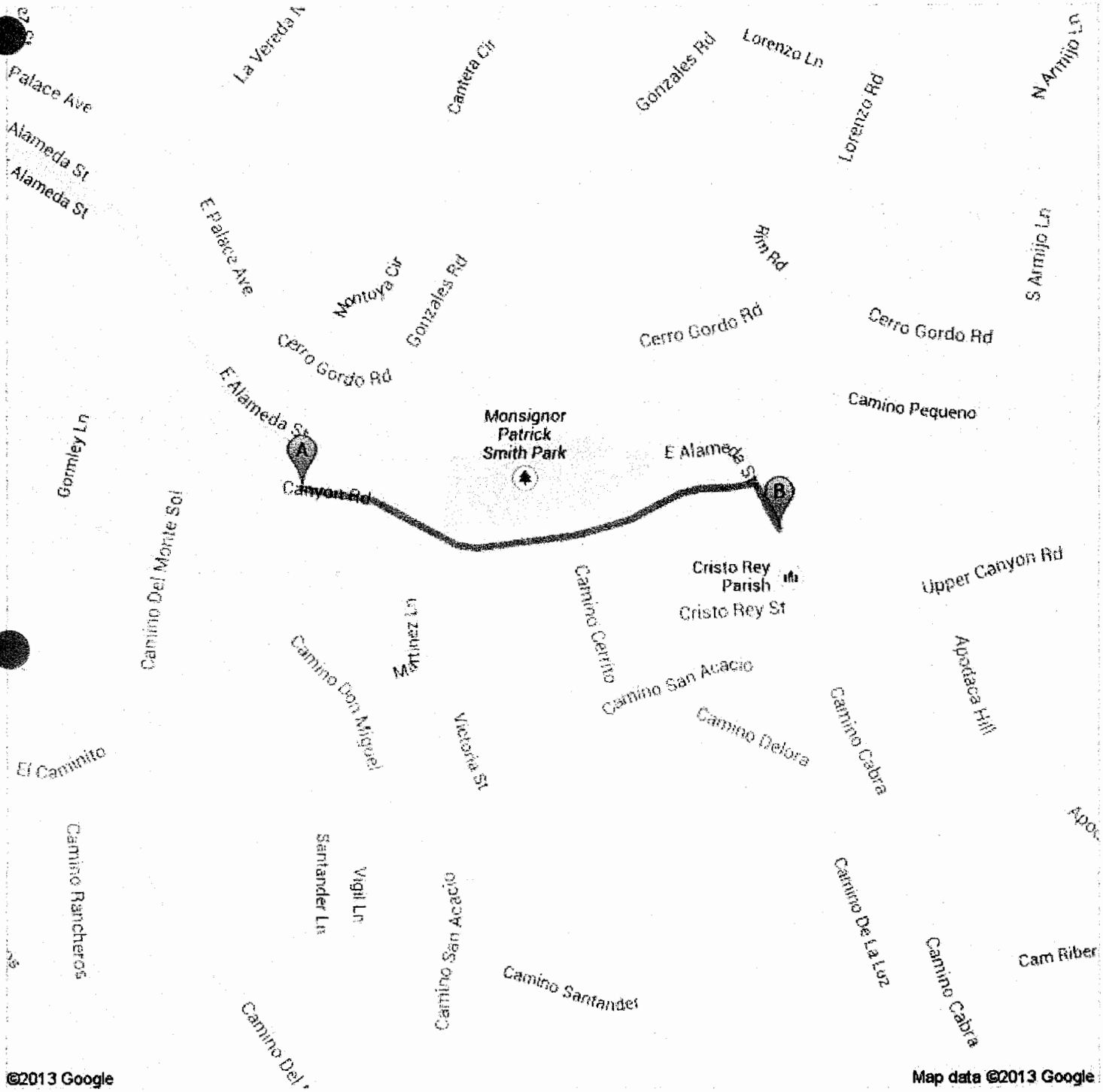
Sincerely,

James Gollin, President, Canyon Neighborhood Association

Exhibit "16"

Google

Directions to Canyon Rd
0.4 mi – about 2 mins



Google earth

feet 1000

meters 400

Fred Rowe

ENDORSED
First Judicial District Court

JUL 16 2008

Santa Fe, Rio Arriba & Los Alamos Counties
PO Box 2268
Santa Fe, NM 87504-2268

FIRST JUDICIAL DISTRICT COURT
COUNTY OF SANTA FE
STATE OF NEW MEXICO

No. D-0101-CV-2007-01354

VISTA ENCANTADO NEIGHBORHOOD ASSOCIATION, PLACITA DE LA VISTA #2 HOMEOWNER'S ASSOCIATION, MARY ELIZABETH ANDERSON, JOHN L. GARDNER, and ROBERT BL/ 'G,

Appellants,

vs.

CITY OF SANTA FE and SAFE PROPERTY, LLC,

Appellees.

RECEIVED
JUL 18 2008
CITY ATTORNEY'S OFFICE
SANTA FE, NM

MEMORANDUM OPINION

This matter comes before the Court on an appeal from the Santa Fe City Council's decision granting SAFE Property, LLC's applications for a General Plan Amendment and Rezoning in Case Numbers M-2005-44 (1034 & 1038 Old Taos Highway General Plan) and A-2005-20 (1034 & 1038 Old Taos Highway Rezoning). Appellants challenge the decision on multiple grounds pursuant to Rule 1-074(Q) NMRA. Having reviewed the whole record and briefing, this Court concludes that the decision is not supported by substantial evidence and is not in accordance with the law. The Council's decision granting SAFE Property's applications is, therefore, reversed.[1]

BACKGROUND

In 1997, the City of Santa Fe granted the division of a 2.179 acre property into two lots, identified as 1034 and 1038 Old Taos Highway. Record on Appeal [hereinafter "RA"], at 9, 31, 46-47, 211-12. Each lot was rezoned to "R-2" at that time. RA, at 9, 31, 46-47. The property was

[1] Appellee Safe Property requested oral argument in this matter. The Court concludes that the issues are adequately addressed in the written submissions; therefore, the request for oral argument is denied.

Exhibit "17"

classified according to the City's 1999 General Plan for land use as "Residential - Very Low Density." RA, at 14, 31, 45, 170. The R-2 zoning designation signifies "Residential, 2 dwelling units per acre." RA, at 170. Section 14-4.2(A)(1) of the City Code of the City of Santa Fe, New Mexico, (or the "Code") states:

> The . . . R-2 . . . residential districts are intended to be residential areas with low population densities. Certain structures and uses required to serve governmental, educational, religious, noncommercial, recreational and other immediate needs of such areas are permitted outright or are permissible as special exceptions within such districts, subject to restrictions and requirements intended to preserve and protect their residential character.

The "Very Low Density Residential" classification is defined in the City's General Plan as: "1 to 3 units per gross acre depending on slope. On sites with slopes greater than 30 percent, only one unit per existing legal parcel is permitted. The classification mainly applies to detached single-family dwellings." At the time of the lot split and rezoning in 1997, the City placed on the two resulting lots "a restrictive provision that only 1 dwelling plus a guest house could be built on each lot." RA, at 9, 31, 46-47, 319. The restriction was based on the mountainous or difficult terrain characteristics of the area. RA, at 46-47.

In early 2004, Kurt Young, doing business, as SAFE Property, LLC, purchased the lots. SAFE Property applied for a General Plan Amendment and Rezoning, and, "per the direction of the Planning Commission on June 1st, [2006,] . . . held a meeting with representatives from the Vista Encantada Neighborhood Association." RA, at 199. In his undated letter announcing the meeting to "Neighbors," Mr. Young wrote:

> I am writing to let you know that we are having an open house and [Early Neighborhood Notification] meeting this coming week on the property I own next to where my condo is on Old Taos Highway. I have owned the property for the last few years and have struggled to decide what to do with it. Our first idea was to build

> big houses there and that idea while feasible is not desirable by many of the neighbors, so we arrived on the idea of keeping with the area layout and building condos similar to the ones I live in, but more plush.

RA, at 338.

After amending the allowable density it proposed in its applications several times, SAFE Properties ultimately sought rezoning to "RM-10" and an amendment of the General Plan land use designation for the two lots from "Residential - Very Low Density" to "Residential - Medium Density." RA, at 39, 170. The RM-10 zoning designation signifies "Multifamily Residential - 10 dwelling units per acre." RA, at 170. Section 14-4.2(E)(1) of the Code states:

> The RM district regulations are designed to make available, at medium- and high-density levels, a variety of dwelling types to serve a wide range of household needs including but not limited to single-family, two-family, or multi-family dwellings, attached or detached, arranged as conventional subdivisions, zero lot line, clustered, or compound developments. The regulations also allow related uses in keeping with the overall character of the district. It is the purpose of these regulations to distinguish between the RM districts primarily by permitted density.

The General Plan defines "Medium Density Residential as: "7 to 12 units per gross acre. The classification mainly applies to attached single-family housing and multi-family units such as duplexes, triplexes, apartments and condominiums."

Numerous people who own property in the area, including Appellants, opposed the rezoning and General Plan amendment throughout the process. RA, at, *e.g.*, 40-42, 55-128, 146-56, 340-84. After hearing, the Planning Commission recommended, on a vote of three to two, rezoning and General Plan amendments that would have allowed twelve dwelling units per acre "with the caveat that staff obtains a comprehensive set of data to determine what the maximum allowable units would be." RA, at 195. The City Planning Policy Commission subsequently voted four to one to recommend denial of the Project pursuant to the proposed General Plan amendment, with various

commissioners indicating that they did not feel that the proposal met the criteria to amend the General Plan. RA, at , 319, 323.

After the proposed density was reduced to ten dwelling units per acre, the Planning Division Director indicated in a report prepared for the Mayor and City Council that city staff still did not recommend approval of SAFE Property's RM-10 application because it did "not clearly demonstrate that the site is suited for RM-10 zoning" for multiple reasons. RA, at 139, 170-71. Among those reasons, were:

> . . . .
>
> The decision on these applications must balance the potential benefits of infill housing with potential adverse effects on neighborhood land use patterns and visual character, and on whether the site's terrain is well-suited for multi-family development.
>
> . . . .
>
> The site was rezoned from R-1 to R-2 in 1997, with a restriction that a maximum of two lots would be allowed on the 2.179-acres. The R-2 zoning was required for the lot split due to density-rounding rules in effect at that time, and on density reduction rules based on sloping topography.

RA, at 171.

At the public hearing before the City Council, a number of people from the neighborhood spoke against the rezoning proposal. RA, at 148-54. SAFE Property representatives spoke on the attributes of its proposed project. RA, at 139-141. People who live in other parts of Santa Fe spoke in support of the project on grounds of promoting affordable housing policies. RA, at 142-47. The Planning Division Director presented the city staff recommendation that staff "does not recommend approval of the RM-10 application as presented to the Council" because materials submitted by SAFE Property "do not clearly demonstrate that the site is suited for RM -10 zoning." RA, at 139.

Also during that hearing, the Planning Division Director indicated that city staff was "uncertain whether compliance [with City standards] will or will not occur," and that "[s]taff doesn't have enough information to make a final determination." RA, at 159.

The City Council ultimately passed a resolution amending "the Future Land Use Diagram of the City of Santa Fe General Plan" to change the two lots "from Residential - Very Low Density to designate the area as Residential - Medium Density (7 to 12 units per acre)." *See* RA, at 173-74. The resolution states:

> **WHEREAS,** the city of Santa Fe, New Mexico desires that the Santa Fe area general plan . . . be kept current to reflect changing concerns and conditions; and
>
> **WHEREAS,** pursuant to Section 3-19-9 NMSA 1978, the General Plan may be amended, extended, or supplemented; and
>
> **WHEREAS,** the general plan amendment criteria set forth in Sections 14-3.2(D)(1) and 14-3.2(D)(2) SFCC 2001, have been met; and
>
> **WHEREAS,** reclassification of the subject property would be substantially consistent with the General Plan themes and policies for Land Use (General Plan, Chapter 3) and City Character and Urban Development (General Plan, Chapter 5); and
>
> **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE** that the Future Land Use Diagram of the General Plan is amended to designate a tract of land for residential - medium density (7 to 12 units per acre), described by a plat of survey . . . .

RA, at 173-74. An ordinance amending the zoning map to "RM-10 (Residential - Multiple-Family Residential - 10 Dwelling Units Per Acre)" also appears to have been passed by the City Council. *See* RA, at 176-77 (Bill No. 2007-20 containing ordinance signed by an assistant city attorney on behalf of the City Attorney); RA, at 168-69. Affordable housing conditions were added as an amendment to the motion to adopt Ordinance No. 2007-13. RA, at 168. A "Decision" signed by

the Mayor and City Attorney states: "At the May 9, 2007 public hearing, based upon the Record and the evidence at the hearing, the City of Santa Fe Governing Body determined that the applications for a General Plan amendment and a zoning amendment met the requirements of the City of Santa Fe . . . ." The Decision sets forth the various conditions that were added as amendments, including that "[t]he project is approved for up to nineteen (19) residential units," and that "[t]he project is required to provide affordable housing in accordance with the Santa Fe Homes Program Ordinance."

Appellants subsequently appealed to this Court from the approval of the rezoning ordinance and General Plan amendments that allow a nineteen-unit, multiple residential condominium facility.

DISCUSSION

This Court's review is limited to determining whether the Council acted arbitrarily or capriciously, whether the Council's action is supported by substantial evidence, and whether the Council acted in accordance with the law and within the scope of its authority. *See* Rule 1-074(Q); § 39-3-1.1.D; *Paule v. Santa Fe County Bd. of County Comm'rs*, 2005-NMSC-021, ¶ 26, 138 N.M. 82, 117 P.3d 240, 248; *Atlixco Coalition v. County of Bernalillo*, 1999-NMCA-088, ¶11, 127 N.M. 549, 984 P.2d 796, 799 (citing, inter alia, *Siesta Hills Neighborhood Ass'n v. City of Albuquerque*, 1998-NMCA-028, ¶ 7, 124 N.M. 670, 954 P.2d 102). The decision will be upheld if the reviewing court is satisfied that the decision is supported by the applicable law and substantial evidence in the record as a whole, and that the evidence in the record demonstrates that the decision is reasonable. *See West Old Town Neighborhood Ass'n v. City of Albuquerque*, 1996-NMCA-107, ¶ 11, 122 N.M. 495, 498-99, 927 P.2d 529, 532-33; *Santa Fe Exploration Co. v. Oil Conservation Comm'n*, 114 N.M. 103, 114, 835 P.2d 819, 830 (1992); *Watson v. Town Council of Bernalillo*, 111 N.M. 374, 376, 805 P.2d 641, 643 (Ct. App. 1991).

To assess whether a decision is supported by substantial evidence, reviewing courts "apply a whole record standard of review . . . looking at all the evidence, favorable and unfavorable, bearing on a decision to determine if there is substantial evidence to support the result." *West Old Town*, 1996-NMCA-107, at ¶ 11, 122 N.M. at 498, 927 P.2d at 532; *accord Bennett v. City Council of Las Cruces*, 1999-NMCA-015, ¶ 20, 126 N.M. 619, 624, 973 P.2d 871, 876; *Watson*, 111 N.M. at 376, 805 P.2d at 643. Substantial evidence is "such relevant evidence as a reasonable mind might accept as adequate" to support the conclusions reached by the fact-finder, and is "more than a mere scintilla." *See New Mexico Industrial Energy Consumers*, 2007-NMSC-053, ¶¶ 24, 28, 142 N.M. 533, 168 P.3d at 114 (internal quotations omitted); *accord Santa Fe Exploration Co.*, 114 N.M. at 114, 835 P.2d at 830; *New Mexico Mining Ass'n*, 2007-NMCA-010, at ¶ 30, 150 P.3d at 1001. The reviewing court views the whole record in the light most favorable to the decision, drawing every inference in support of the that decision, while not disregarding conflicting evidence, reweighing the evidence, nor substituting its judgment for that of the agency. *See, e.g., New Mexico Industrial Energy Consumers*, 2007-NMSC-053, at ¶ 24, 142 N.M. 533, 168 P.3d at 113; *Doña Ana Mutual Domestic Water Consumers Ass'n v. New Mexico Public Regulation Comm'n*, 2006-NMSC-032, ¶ 11, 140 N.M. 6, 10, 139 P.3d 166, 170.

Whether a decision is in accordance with the law is reviewed de novo and the reviewing court is not bound by the agency's legal interpretations or conclusions. *See New Mexico Mining Ass'n*, 2007-NMCA-010, at ¶ 11, 150 P.3d at 995. A ruling should be reversed if the deciding body "'unreasonably or unlawfully misinterprets or misapplies the law.'" *Id.* (quoting *Archuleta v. Santa Fe Police Dep't*, 2005-NMSC-006, ¶ 18, 137 N.M. 161, 168, 108 P.3d 1019, 1026).

Resolution of this appeal calls for an examination of "New Mexico's law on rezoning and

the standards and procedures that apply to rezoning actions." *Cf. Albuquerque Commons Partnership v. City Council*, 2008-NMSC-025, ¶ 23 __P.3d __, 2008 WL 2031414, *6. Purposes of zoning ordinances include protecting comprehensive planning and zoning plans, preserving carefully balanced compromises on which zoning and planning have been based, and enabling residents to rely on predictable, stable land use policies for their area. *West Old Town*, 1996-NMCA-107, at ¶ 17, 122 N.M. at 500, 927 P.2d at 534 (citing *Miller v. City of Albuquerque*, 89 N.M. 503, 506, 554 P.2d 665, 668 (1976). In *Miller*, the Supreme Court of New Mexico adopted a rule that "dictates that the proponent of a zoning change . . . must show that such a change is justified due to either a change in conditions in the community or a mistake in the original zoning." *Albuquerque Commons*, 2008-NMSC-025, at ¶ 25, 2008 WL 2031414, at *6 (relying on *Miller*, 89 N.M. at 506, 554 P.2d at 668. Even when rezoning a property to a less restrictive use, or upzoning, and even when that rezoning is conducted upon the petition of the landowner, the proponent must justify the change in accordance with the *Miller* rule. *See West Old Town*, 1996-NMCA-107, at ¶ 21, 122 N.M. at 501, 927 P.2d at 535; *accord Albuquerque Commons*, 2008-NMSC-025, at ¶¶ 26-27, 2008 WL 2031414, at *7.

A possible alternative to justifying a zoning change pursuant to the *Miller* "change or mistake" rule may be achieved "by demonstrating that the change is more advantageous to the community." *Albuquerque Commons*, 2008-NMSC-025, at ¶ 30, 2008 WL 2031414, at *8. The Supreme Court has explained the type of proof that the "advantageous to the community" alternative would require, stating:

> The proof in such a case would have to show, at a minimum, that "(1) there is a public need for a change of the kind in question, and (2) that need will be best served by changing the classification of the particular piece of property in question as

compared with other available property."

Id. (citation to quotation omitted).

"The characteristic common to those zoning actions [that the Supreme Court has] held must be justified by a change or mistake appears to be that they have focused on specific properties or small groups of properties within an otherwise similarly situated class, restricting or allowing uses in ways that do not apply to the surrounding area or similar areas within the city." *Albuquerque Commons*, 2008-NMSC-025, at ¶ 26, 2008 WL 2031414, at *7; *see also West Old Town*, 1996-NMCA-107, at ¶¶ 17-18, 21, 122 N.M. at 500-501, 927 P.2d at 534-35. In *Albuquerque Commons*, the Court also observed that "in *W. Old Town* . . . our Court of Appeals held that the *Miller* rule applied to the City's approval of an upzoning of a landowner's property when the City 'attempted to limit the effect of the rezoning to [that] property alone as a unique situation." *Albuquerque Commons*, 2008-NMSC-025, at ¶ 27, 2008 WL 2031414, at *7. A targeted rezoning action is known as a "'piecemeal rezoning' and stands in contrast to a 'comprehensive rezoning,' which 'affect[s] a substantial portion of land within the zoning jurisdiction belonging to many landowners.'" *Id.* at ¶ 24, 2008 WL 2031414, at *6 (citation to quotation omitted, alterations in original).

The City's action in this matter would allow a small-scale zoning change directed to one identifiable 2.179-acre property and is not a comprehensive rezoning decision that broadly applies to properties belonging to many landowners within the zoning jurisdiction. *See* RA, at 173-78. "'[I]n amending a zoning code, or reclassifying land thereunder, [a municipal legislative body], in effect, makes an adjudication between the rights sought by the proponents and those claimed by the opponents of the zoning change.'" *Albuquerque Commons*, 2008-NMSC-025, at ¶ 43, 2008 WL, 2031414, at *12 (citation to quotation omitted, alterations in quotation). In that regard, the nature

of the zoning action is quasi-judicial and, among other procedural protections, interested parties are entitled "to a record made and adequate findings executed.'" *Id.* at ¶¶ 32-34, 2008 WL, 2031414, at *9 (citation to quotation omitted, alterations in original). That is, the zoning changes "require specific factual findings relating to the affected properties" that justify the zoning changes pursuant to the *Miller* rule and applicable city laws. *See Albuquerque Commons*, 2008-NMSC-025, at ¶ 32, 2008 WL 2031414, at *9. "The burden is on the proponent of the zone change to establish that the change is justified." *Id.* at ¶ 34. The Supreme Court has found:

> Regardless of the justification, the decision-making body should provide "a clear statement of what, specifically, [it] believes, after hearing and considering all the evidence, to be the relevant and important facts upon which its decision is based," and a full explanation of why those facts led it to the decision it makes. This is critical for facilitating meaningful judicial review of the action, "not for the purpose of substituting judicial judgment for administrative judgment but for the purpose of requiring the [zoning authority] to demonstrate that it has applied the criteria prescribed by . . . its own regulations and has not acted arbitrarily or on an ad hoc basis.

Id. at ¶ 35, 2008 WL, 2031414, at *10 (internal citations omitted, alterations in original).

The requirement of a written decision setting forth the basis for the decision is also required by statute. *Section 39-3-1.1(B)* governs this Court's review and it requires as follows:

> Upon issuing a final decision, an agency shall promptly:
> (1) prepare a written decision that includes an order granting or denying relief and a statement of the factual and legal basis for the order;...

Section 39-3-1.1(B) NMSA.

In the present matter, the City did not provide a clear statement of what it specifically believed to be the relevant facts upon which it based its decision to allow the rezoning, nor explain why those facts led to its decision. The City's general statement that "based upon the Record and

the evidence at the hearing, the City of Santa Fe Governing Body determined that the applications for a General Plan amendment and a zoning amendment met the requirements of the City of Santa Fe," is inadequate. The City's general assertion in its newly passed resolution that "the general plan amendment criteria set forth in Sections 14-3.2(D)(1) and 14-3.2(D)(2) SFCC 2001, have been met," is, likewise, inadequate. *See id.*; *compare* RA, at 173-74. Appellees argue that "Appellants could have requested, or even proposed, the issuance of a document containing 'Findings'." Joint Response, at 4. However, they fail to cite any authority for their proposition that the onus for making findings is on anyone other than the decision-making body, and the law plainly indicates otherwise. *See Albuquerque Commons*, 2008-NMSC-025, at ¶¶ 32-35, 2008 WL 2031414, at *9-10. The City's granting of the applications for rezoning and amending the General Plan without a specific basis for the decision was not in accordance with the law.

Even if this Court were to look past the lack of findings and, as Appellees contend, search the record to imply findings supporting the decision, the decision to grant the applications for rezoning and amending the General Plan is still not supported by substantial evidence. In their attempt to extract substantial evidence from the record in support of the decision, Appellees rely almost entirely on the City's policies to promote affordable housing. *See* Joint Response, at, *e.g.*, pp. 3-6. However, their arguments are without merit. Appellees essentially attempt to justify a zoning change to a specific 2.179-acre property by applying a general condition–the need for affordable housing throughout Santa Fe–in an ad hoc way. Following Appellees' suggested approach would seriously undermine all of the City's zoning ordinances. That is, because there is a policy of promoting affordable housing in Santa Fe, *all* zoning would be subject to change on a piece-meal basis. The City's approach would undermine the purposes of zoning ordinances–

protecting comprehensive planning and zoning plans, preserving carefully balanced compromises on which zoning and planning have been based, and enabling residents to rely on predictable, stable land use policies for their area. Appellees' reliance on a general policy does not justify the zoning change according to the *Miller* criteria. *See Albuquerque Commons*, 2008-NMSC-025, at ¶ 51, 2008 WL 2031414, at *14; *cf. West Old Town*, 1996-NMCA-107, at ¶ 26, 122 N.M. at 503, 927 P.2d at 537. There is no indication that the City has intended to comprehensively revise its entire zoning plan. *See, e.g.*, §§14-4.1, 14-4.2 SFCC; RA, at 176-77. "'The City may not ignore or revise its stated policies and procedures for a single decision, no matter how well-intentioned the goal may be.'" *Cf. Albuquerque Commons*, 2008-NMSC-025, at ¶ 51, 2008 WL 2031414, at *14 (quoting *West Old Town*, 1996-NMCA-107, at ¶ 26, 122 N.M. at 503, 927 P.2d at 537).

Appellees also seem to suggest that the "conditions" contained in the City's decision constitute findings. Joint Response, at 4. However, the conditions are just that, conditions, and only serve to emphasize the previous point. *See generally* RA, at 165. Those conditions merely state that "[t]he project is required to provide affordable housing in accordance with the Santa Fe Homes Program Ordinance," and set forth the percentages of units that must be affordable. The conditions do not constitute justifications pursuant to the *Miller* rule or zoning ordinances and, moreover, they underscore the fact that neither the *Miller* criteria nor relevant Code provisions were considered in the rezoning action. There is no substantial evidence in the record to support implicit findings of change or mistake justifying the rezoning proposal.

Appellants rely on affordable housing policies as a basis for concluding that the zoning change is justified due to a change in conditions in the community or a mistake in the original zoning. This argument necessarily presumes that affordable housing was not an issue when the area

was originally zoned. *Cf. Albuquerque Commons*, 2008-NMSC-025, at ¶¶ 25-27, 2008 WL 2031414, at *6-7 (relying on *Miller*, 89 N.M. at 506, 554 P.2d at 668); *West Old Town*, 1996-NMCA-107, at ¶¶ 17, 22-23, 122 N.M. at 500-02, 927 P.2d at 534-36. However, the record contains no basis for finding the lack of affordable housing only emerged as a policy issue after the area was originally zoned, and the General Plan shows that affordable housing was indeed a concern at least by 1999. *See* § 3.1, SF General Plan (April 1999).

Appellees also argue that "[t]he construction of a major highway cloverleaf directly adjacent to the Project Site makes the site substantially less suitable for two single family dwellings," and that "[t]he lands could not be appropriately sold or developed as single family homes, with the interchange so close." Joint Response, at 5 (citing statement of Jennifer Jenkins, the land use consultant for SAFE Property, RA, at 140). The cited reference to the highway change was a comment by SAFE Property's land use consultant that "the most significant change which definitely has impacted the subject property is the 599 off ramp, so it has changed dramatically." RA, at 140. Appellees' argument that rezoning in order to allow more dense development is justified because, "with the interchange so close," development of single family homes is now inappropriate, is not supported by any implicit findings or evidence in the record and would require unreasonable inferences to be made. In Mr. Young's letter to the "Neighbors," he specifically stated that the construction of single family homes was "feasible." In addition, the record contains no information as to whether the highway or highway improvements were unforeseen at the time the property was rezoned to the R-2 classification. There is no substantial evidence in the record that the proponent of the change demonstrated that the ramp caused a change in conditions not present when the area was zoned at the R-2 classification, or that the ramp now makes the 2.179- acre parcel unsuitable

for R-2 zoning. *See West Old Town*, 1996-NMCA-107, at ¶¶ 17, 22-23, 122 N.M. at 500-02, 927 P.2d at 534-36.

Appellees also suggest that the rezoning should be upheld based on implicitly finding that "'a different use category is more advantageous to the community, as articulated in the comprehensive plan or other city master plan.'" Joint Response, at 5 (citation omitted in original). However, that argument fails as well. Although the record arguably shows that there is "a public need for a change of the kind in question," it does not show that the "need will be best served by changing the classification *of the particular piece of property in question as compared with other available property*." *Cf. Albuquerque Commons*, 2008-NMSC-025, at ¶ 30, 2008 WL 2031414, at *8 (emphasis added); *see also West Old Town*, 1996-NMCA-107, at ¶ 25, 122 N.M. at 502, 927 P.2d at 536. Appellants indicate that one councilor "referred to General Plan language for standards to justify a change in zoning" that states: "'No reasonable locations have been provided for certain land uses for which there is a demonstrated need, or the applicant must demonstrate that the requested land use designation will allow for infill development in addition to supporting affordable housing in this portion of the City.'" Joint Response to Amicus Curiae, at 6 (quoting RA, at 157). However, that councilor's comments indicate that the criterion, which provides information to help assess the second "advantageous to the community" element, had not been met. RA, at 157. Specifically, the councilor stated: "The Northwest Quadrant will provide a whole lot more affordable housing than this one will. The Northwest Quadrant will provide better planning and a sustainable development. [The councilor] is unsure that he agrees with the applicant that this is the only place where this can be done, or that it has to be done here." *Id.* The record does not support any implicit finding that this particular 2.179 acre parcel serves the public need for affordable housing better than other

available properties. The affordable housing issues on which Appellants generally rely for their "advantageous to the community" argument provide no basis for finding this property uniquely suited to serve that need as compared to other available properties. As previously indicated, following Appellees' reasoning would undercut the purpose of zoning ordinances and all of the City's zoning ordinances would be rendered meaningless. *See generally Albuquerque Commons*, 2008-NMSC-025, at ¶¶ 25, 30, 34, 58, 2008 WL 2031414, at *6, 8, 9, 16; *West Old Town*, 1996-NMCA-107, at ¶¶ 17, 25, 122 N.M. at 500, 503, 927 P.2d at 534, 536.

In addition to following the *Miller* rule, or its alternative, in rezoning a property and amending planning provisions, the City must follow its own rules and policies, including the City's ordinances and resolutions that have been passed "with all the formalities of an ordinance." *See Albuquerque Commons*, 2008-NMSC-025, at ¶28, 2008 WL 2031414, at *7; *West Old Town*, 1996-NMCA-107, at ¶¶ 12-13, 122 N.M. at 499, 927 P.2d at 533.

Here, the City failed to consider criteria set forth in its own Code provisions. For instance, Section 14-3.2(C)(3) states:

> *Before taking action on any proposed General Plan amendment*, the Governing Body shall hold a public hearing. After reviewing the staff report and recommendation of the Planning Commission, and any evidence obtained at the public hearing, the Governing Body *shall, based on the approval criteria set forth in paragraph (D) below*, take final action to approve, approve with conditions, or deny the proposed General Plan amendment.

(Emphasis added). Subparagraph (1) of Paragraph (D)'s "Approval Criteria" states "All proposed amendments to the General Plan *shall be reviewed for compliance with*" five criteria. § 14-3.2 SFCC. Subparagraph (2) of Paragraph (D) sets forth "Additional Criteria for Amendments to Land Use Policies." *Id.* Language in the preface of Section 14-3.2(D)(2) suggests that proposed

amendments to the General Plan *must* comply with Section 14-3.2(D)(1)'s general approval criteria. That language refers to the previous Subparagraph (1) and states: "In addition to *complying with* the general criteria set forth above . . . ." § 14-3.2(D)(2) SFCC (emphasis added).

In this matter, the staff report to the Planning Commission states that "Section 14-3.2 SFCC 1987 specifies criteria for evaluating amendments to the General Plan," but only instructed the Planning Commission on what the "applicant must demonstrate," rather than asserting that the applicant had indeed satisfied the criteria. RA, at 47-48. Moreover, there are no findings indicating that the City Council reviewed the proposed amendment to the General Plan for compliance with criteria set forth in Section 14-3.2(D)(1) of the Code, and the record gives no indication that the Council made any determinations on the specific approval criteria or that the proposed amendment complied with the criteria. *See* RA, at 138-39, 153-69. Consequently, the Council's approval of the General Plan amendment was and not in accordance with the law. *See Albuquerque Commons*, 2008-NMSC-025, at ¶ 35, 2008 WL 2031414, at *10.

In addition, the Code sets forth procedures for rezoning. "Substantive changes to the official zoning map shall only be made as the result of action by the Governing Body related to the zoning change, and following the prescribed procedures for such action as described in this chapter." § 14-4.1(F)(4)(b) SFCC. Section 14-3.5(B)(4) of the Code states:

> All proposed rezonings shall be submitted to the Planning Commission for study and recommendation. The Planning Commission shall review and act upon all proposed rezonings at a public hearing. All action taken by [the Planning C]ommission on General Plan amendments shall be recommended to the Governing Body. The Planning Commission *shall make complete findings of fact on all applications* that would require land use amendments including such due process issues as may exist.

(Emphasis added). Before the City Council acts on any proposed rezoning, it must review the staff

report and recommendation of the Planning Commission, along with any evidence obtained at the public hearing and *"shall, based on the approval criteria set forth in paragraph (C)"* of Section 14-3.5, take final action. (Emphasis added). Paragraph (C) sets forth the various "Approval Criteria" by which the Planning Commission is to study rezoning proposals and on which the City Council shall base actions it takes on rezoning proposals. § 14-3.5(B)(4)-(5) & (C).

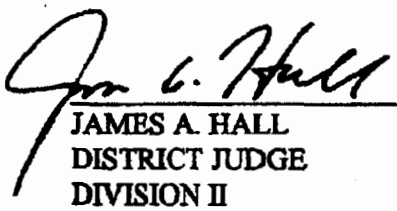
The record in this matter does not include any factual findings made by the Planning Commission or indicate that the City Council considered any such findings. *See* RA, at 138-39, 157-69; *compare* § 14-3.5(B)(4) & (C). The staff report to the Planning Commission sets forth the various rezoning criteria but primarily indicates that "the applicant states" its proposal was consistent with the criteria, and, notably, staff did not conclude that the applicant had satisfied the criteria. RA, at 49-50. The staff report to the City Council sets forth some criteria that must be considered but indicates that the criteria had not been met at the time the memorandum was prepared. RA, at 139, 170-71. In addition, the record shows that staff had not received sufficient information to evaluate the proposal either when it prepared its report or at the time of the public hearing before the City Council. RA, at 159, 170-71. As with its action on amending the General Plan, there are no findings indicating that the City Council reviewed the proposed rezoning for compliance with criteria set forth in Section 14-3.5(C) of the Code, and the record gives no indication that the Council made any determination on any of the approval criteria or that the proposed rezoning complied with the criteria. The Council's approval of the rezoning was, therefore, not in accordance with the law. *See Albuquerque Commons*, 2008-NMSC-025, at ¶ 35, 2008 WL 2031414, at *10.

CONCLUSION

Based on this Court's analysis of the whole record, the Court finds that the City's decision

granting of SAFE Properties' applications to rezone and amend the General Plan is not supported by substantial evidence in the record and is not in accordance with the law. The approval of the rezoning and General Plan Amendment is, therefore, invalid, and the decision of the City Council is reversed.

Counsel for Appellant is directed to prepare a Final Order consistent with this opinion, submit it to opposing counsel for approval as to form, and then, no later than thirty (30) days from the date this opinion is filed, to the Court for entry.



JAMES A. HALL
DISTRICT JUDGE
DIVISION II

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Hillary Wells

homewise
your partner in homeownership

July 3, 2013

Planning Commission
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87501

Dear Commissioners:

I am writing in support of the proposed Manderfield School redevelopment. As a neighbor of the project, I welcome the revitalization of the property, which has long been an eyesore and a matter of concern for nearby residents. The proposed mix of uses poses a creative solution for the adaptive reuse of this historic building and grounds.

The proposed project will also provide much need revenue for the Santa Fe Public Schools when the property is purchased from the school district. As you know, the dedicated leadership and employees of the SFPS are working very hard, with too few resources, to make much needed improvements that will benefit the education of all of our community's children. The schools can make good use of this revenue and I hope this project moves forward so that the schools realize this much needed funding.

As a member of the Canyon Neighborhood Association ("CNA"), I am concerned that the Association is proposing that the Manderfield property be subject to restrictive covenants that would regulate the business operations of the proposed artist studios. I don't think restrictive covenants that would give a neighborhood association a role in regulating another party's business operations is appropriate. The use of property is best regulated by zoning ordinances that are developed and implemented by local government, the governing body of which is elected by the public. Neighborhood associations are not elected by the public and should not take on roles that are more appropriately the responsibility of local government.

In conclusion, I wholeheartedly support the Manderfield project and look forward to the City's approval of the necessary entitlements.

Thank you for your time and consideration.

Sincerely,

Mike Loftin
1660 ½ "D" Cerro Gordo Road
Santa Fe, NM 87501

Exhibit "18"

State of New Mexico)
) ss
County of Santa Fe)

The foregoing instrument was acknowledged before me this 15 day of July, 2013 by Mike Loftin.

Berlinda L. Delgado
Notary Public

OFFICIAL SEAL
BERLINDA L. DELGADO
NOTARY PUBLIC - State of New Mexico
My Commission Expires 2-13-2017

Richard Ellenberg

To: City of Santa Fe
Fm: Jack Ratliff and Clare Ratliff
158 ½ Lorenzo Road
Santa Fe NM 87501
505 424 4344
jratliff@cybermesa.com

Re: Use of property

We live a few blocks from the proposed re-designation of the property near Christo Rey. We are very much afraid that the property will be used in ways other than the ways that the developer has discussed. We would like to see a firm zoning or other restriction that will insure that the vague assurances being given now are not later forgotten. This is a very sensitive part of Santa Fe as you all know. As you also know, the Christo Rey church is a nationally recognized landmark. It is a staple of Christmas card greetings everywhere. It is an icon that represents the best in old Santa Fe and it is definitely one of our greatest cultural touchstones and tourist attractions. It would be a real shame if that tranquil and picturesque part of our town were transformed in a way that makes it just another urban hodgepodge with a church stuck in the middle. These are not just our views; they are shared by most of our neighbors up and down Lorenzo Road.

We endorse Richard Ellenberg's position on this matter. He is authorized to speak for us.

We hope to attend the upcoming meeting in person but I have prepared this letter to let you know that there are many residents up and down Lorenzo Road who are very concerned about this project going forward without sufficient protections of our cultural heritage.

It seems to me that if the developer will not stand by the assurances made about the use of this property—that is, the uses in the earlier plan—then it is totally irresponsible to let this project go forward. The refusal to make this a binding commitment is a giant red flag that cannot be ignored.

I appreciate your many efforts to preserve Santa Fe's unique culture and hope that you will see fit to use continued vigilance. I hope that you will tie down the parameters of this deal in a way the binds the developer and others who might later become involved.

Yours sincerely,

Exhibit "19"

Jack Ratliff

Vote NO on request to rezone Manderfield School to RAC

Rezoning the Manderfield School property to RAC **will irreparably damage the quality of life in the eastside neighborhoods**.

Rezoning to RAC would:

1. **Increase air pollution** (from business operating systems, parking cars)
2. **Increase sound pollution** (RAC would permit amplified noise until 10 pm)
3. **Increase night sky pollution** (from parking lot lights, commercial window lights, commercial sign lights)
4. **Compromise the ambience of the Power Plant Park** (volunteers have spent countless hours making this park become a reality. The city has invested in it. Private donors have invested in it. A park is much less pleasant across the street from a noisy, commercial mini-mall, or strip mall. Such commercial activity exudes anxiety).
5. **Reduce residential property values in eastside neighborhoods.** (They would be reduced because of the above factors. Also rezoning opens the way for more rezoning in the neighborhood thereby destroying its residential fabric which is currently very desirable).

Sincerely,

Joan Blythe and John Clubbe

1266 Canyon Road

Santa Fe, NM 87501

505-988-4558 jblythe@newmexico.com

To the Planning Commission August 1, 2013
Re: Request for rezoning the Manderfield property

Unfortunately my husband and I can not make it to the meeting tonight, but we wanted to make sure our voices are heard with respect to the request to rezone the Manderfield property.

We are absolutely and unequivocally against it. It is not that we do not want anything for that property. In fact, I attended the informal gathering recently and was excited by the plans presented by the developer at the time, as were most if not all of the neighborhood who attended. Using the property for a few condos, some artist studios and a lowkey café would make a nice addition to the neighborhood.

What this neighborhood does NOT need is a significant increase in traffic and a significant increase in density. We have a relatively quiet corner near downtown Santa Fe, but I say relatively because we do already get the traffic coming and going from the 4 schools within a mile of each other, and we do get traffic and haphazard parking from fellow Santa Feans wanting to enjoy the river and Camino Pequeno, and those who take the time to drive up or down one of the more picturesque stretches of road in our town. With the density initially proposed by the developer, and the inadequate amount of parking they were suggesting even then, we had concerns about overflow of parking near us, and the increase in traffic on an already somewhat hazardous corner. But the revival of a delinquent property had us thinking we could handle a bit of increase in exchange for the benefits seen by using Manderfield in a manner consistent with the nature of our neighborhood.

I am concerned that if the rezoning is approved, we will end up with something out of proportion for our historic and quiet corner of Santa Fe, if not in its first incarnation, then sometime in the future during a 2nd or 3rd incarnation. While we are in favor of some creative and commercially viable solution, we are absolutely opposed to opening the doors for anything that could significantly alter our neighborhood changing it in to another zone of commercially busy density, traffic and noise, taking what is a favorite residential neighborhood among long time Santa Feans and making it into a mere extension of Canyon Road.

Thank you for listening,

Abigail and Joel Olson
1153 E Alameda St.
Santa Fe, NM 87501

Canyon Neighborhood Association

29 July 2013

To Heather Lamboy, Planning Commission, and to whom it may concern:

The Board of the Canyon Neighborhood Association, elected by the residents of the neighborhood, has voted unanimously to oppose the proposed re-zoning of the Manderfield School and related proposals.

This is a historic, closely-knit neighborhood that recognizes and wishes to protect its important role in the fabric of Santa Fe. There is an enormous amount of concern that the developer's planned re-zoning and development would permanently negatively impact the neighborhood, which would have consequences far beyond our neighborhood. While we would of course like to see the property sold by the School District and be put to productive use, there is no need to re-zone the property for it to be re-developed. Under current R-5 zoning, approximately seven residences could be built using the current, historically important building, and the empty space behind it.

The developer and their representatives represented to the neighborhood a series of proposals that they claimed would limit the impact of re-zoning from R5 to RAC. They painted a picture in which the new construction and much of the existing building would be low-impact residential, while the front of the building would be limited to artists' studios selling locally produced art, and a small coffee shop. Even this plan was somewhat controversial in the neighborhood. Some oppose any commercial activity at the location. Others believed that this limited plan as described in public meetings could be acceptable, but *if and only if* there were enforceable covenants or easements in place before or simultaneous with the re-zoning application. There is an enormous difference between a coffee shop like Downtown Subscription and a restaurant like Cowgirl, with dinner and alcohol served till late outdoors, and amplified music. To not oppose, we need to know exactly we are getting.

We met with the developer, who during that meeting promised they would agree to covenants or easements. We hired an attorney, Brian Egolf, consulted with city officials, and made a good faith effort to find a middle ground between the desires of the developer and the concerns of the neighborhood. But the developer has, in the end, refused to agree with the easements we proposed. Or with any durable and enforceable limitations at all. Our attorney spent a good deal of time refining a proposal which was, in effect, codifying the development concept that they proposed to us. They refused to accept this modest proposal and didn't even offer a concrete counter-proposal. Their request before this Commission, full RAC zoning with no easement limitations, was NOT what the developer presented in public meetings. It is not acceptable. We are left to wonder if the developer has been acting in bad faith, wasting our time with promises, painting pretty pictures of a low impact development, while in the end refusing to limit the development in any meaningful way.

We are disappointed. We would eventually like to see the Manderfield School return to life. But not with a developer who operates in bad faith, not with a proposal to change zoning without appropriate easements to preserve the character of the neighborhood.

Sincerely,

James Gollin, President, Canyon Neighborhood Association

Thank you, Richard, for keeping us updated. I will be out of town tomorrow so cannot attend, but my feedback is A) bait and switch is not acceptable and B) this is not an appropriate place for commercial development/speculation, which will bring terminal change to our neighborhood vis-a-vis traffic, commercial lighting, parking lots and, of course, the precedent that it would set for the next speculator.

Sincerely,
Lee Lewin
Apodaca Hill

August 1, 2013

We are opposed to a large commercial development at the Manderfield School property, or any commercial development, and/or any residential development that is out of proportion with the current neighborhood.

Thank You,

David Kaufman
Elizabeth Jacobson
(long term residents of Upper Canyon)

To: City of Santa Fe Planning Commission
Heather Lamboy

From: Mark Trimmer

Re: Manderfield School

Date: August 1, 2013

Dear Ms. Lamboy:

My name is Mark Trimmer and I am a native Santa Fean. I grew up on Valley Drive and my parents still live in the same house today. I was recently made aware of the Mansfield School redevelopment proposal and feel compelled to voice my opinion.

This letter is more than a "thumbs-up" for the redevelopment project. It is impossible to have grown up in Santa Fe in the 60s and 70s and not have a fondness for the food, culture and history that is unique to the City Different. I would not consider myself anything resembling a cultural resource for architectural history but I am one of the greatest John Gaw Meem fans alive today. More than that I am a by-product of the Canyon Road mystique and spent hundreds of hours wandering along the narrow streets and acequias.

Constructive redevelopment of cultural landmarks such as Manderfield is the only way that communities such as Santa Fe will ever manage to gracefully transition old world sense of art and history into modern anchors of tradition. Canyon Road is one of the few places I can still take my children and have them experience that same sense of history and culture that I experienced as a kid. I would love to know that someday current and future generations will be able to enjoy the same experience through preservation and redevelopment of the landmarks such as Manderfield into equally valuable community resources.

I encourage those in the position to make a difference to promote this project as a means to balance the demands of those who wish to cling to the past and those who wish to take the best of yesterday and transform it into a powerful resource for the future.

Respectfully,

Mark S. Trimmer

OFFICIAL SEAL
MELINDA ANTHONY
Notary Public
State of New Mexico
My Comm. Expires 11/26/2015

8/1/2013

Exhibit "20"