



Agenda

CITY CLERK'S OFFICE

DATE 2/20/14 TIME 1:30

APPROVED BY [Signature]

RECEIVED BY [Signature]

PLANNING COMMISSION
Thursday, March 13, 2014 - 6:00pm
City Council Chambers
City Hall 1st Floor - 200 Lincoln Avenue

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

MINUTES: February 6, 2014

FINDINGS/CONCLUSIONS:

Case #2013-101. 2791 and 2797 Agua Fria Road (Rivera) General Plan Amendment.

Case #2013-102. 2791 and 2797 Agua Fria Road (Rivera) Rezoning.

Case #2013-128. 2868 Rufina Street (Homewise) Rezoning.

Case #2013-130. 313-317 Camino Alire (Desert Academy) General Plan Amendment.

Case #2013-131. 313-317 Camino Alire (Desert Academy) Rezoning.

E. CONSENT CALENDAR

- 1. **Case #2014-10. Plaza Piñones Final Development Plan Time Extension.** Report of the Land Use Director's approval of a one-year administrative time extension for 40 townhomes on 7.44± acres east of Fifth Street and south of St. Michael's Drive. The time extension would extend the approval to May 8, 2009. The May 8, 2014 approval expiration would be extended to May 8, 2015. JenkinsGavin Design & Development, Inc., agents for Soñar LLC, Ken Raymond. (Tamara Baer, Case Manager)
- 2. **Case #2014-14. 621 Old Santa Fe Trail, Wolf Subdivision, Preliminary Plat Time Extension.** Report of the Land Use Director's approval of a one-year administrative time extension for a 3 lot subdivision on 1.056± acres, including a variance to street design standards. The time extension would extend approvals to March 3, 2015. Wayne Lloyd, AIA, agent for Orchard Metal Capital, David Lamb. (Tamara Baer, Case Manager)

F. OLD BUSINESS

G. NEW BUSINESS

- 1. **Case #2014-16. Sierra Vista Addition – Alleyway Vacation.** David Schutz, agent for Two Doc Properties LLC, per Section 23-1.2 SFCC 1987, requests vacation of an existing city alley within the bounds of Sierra Vista Addition adjoining the boundaries of Lots 10 (a portion), 11, 12, 13, 14, 25 (a portion), 26, 27, 28, and Tract A, of the Sierra Vista Addition, a.k.a. 816, 818, 830, 832 Camino Sierra Vista and 901 and 903 Mercer Street. (Edward Vigil, Property Manager)

2. **Case #2014-06. Aguafina Final Subdivision Plat.** JenkinsGavin Design and Development, agent for Aguafina Development LLC, requests Final Subdivision Plat approval for a 23-lot single family residential subdivision. The property (currently 3 parcels) 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. (Zach Thomas, Case Manager)

H. STAFF COMMUNICATIONS

I. MATTERS FROM THE COMMISSION

J. ADJOURNMENT

NOTES:

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

SUMMARY INDEX
CITY OF SANTA FE
PLANNING COMMISSION
March 13, 2014

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CALL TO ORDER/ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved	1
<u>APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS</u>		
MINUTES – FEBRUARY 6, 2014	Approved	2
<u>FINDINGS/CONCLUSIONS</u>		
Case #2013-101, 2791 and 2797 Agua Fria Road (Rivera) General Plan Amendment	Approved	2
Case #2013-102, 2791 and 2797 Agua Fria Road (Rivera) Rezoning to C-2	Approved	2
Case #2013-128, 27912868 Rufina Street (Homewise) Rezoning	Approved	3
Case #2013-130, 313-317 Camino Alire (Desert Academy) General Plan Amendment	Approved	3
Case #2013-131, 313 Camino Alire (Desert Academy) Rezoning	Approved	3
CONSENT CALENDAR	Approved [amended]	3-4
<u>CONSENT CALENDAR DISCUSSION</u>		
CASE #2014-10. PLAZA PINONES FINAL DEVELOPMENT PLAN TIME EXTENSION. REPORT OF THE LAND USE DIRECTOR'S APPROVAL OF A ONE-YEAR ADMINISTRATIVE TIME EXTENSION FOR 40 TOWNHOMES ON 7.44± ACRES EAST OF FIFTH STREET AND SOUTH OF ST. MICHAEL'S DRIVE. THE TIME EXTENSION WOULD EXTEND THE APPROVAL TO MAY 8, 2009. THE MAY 8, 2014 APPROVAL EXPIRATION WOULD BE EXTENDED TO MAY 8, 2015. JENKINS GAVIN DESIGN & DEVELOPMENT, INC., AGENTS FOR SONAR, LLC, KEN RAYMOND	Approved	5-7

OLD BUSINESS

None

7

NEW BUSINESS

CASE #2014-16. SIERRA VISTA ADDITION – ALLEYWAY VACATION. DAVID SCHUTZ, AGENT FOR TWO DOC PROPERTIES LLC, PER SECTION 23-1.2 SFCC 1987, REQUESTS VACATION OF AN EXISTING CITY ALLEY WITHIN THE BOUNDS OF SIERRA VISTA ADDITION ADJOINING THE BOUNDARIES OF LOTS 10 (A PORTION), 11, 12, 13, 14, 25 (A PORTION), 26, 27, 28 AND TRACT A, OF THE SIERRA VISTA ADDITION A/K/A 816, 818, 830, 832 CAMINO SIERRA VISTA AND 901 AND 903 MERCER STREET

Approved w/conditions

7-9

CASE #2014-06. AGUAFINA FINAL SUBDIVISION PLAT. JENKINS GAVIN DESIGN AND DEVELOPMENT, AGENT FOR AGUAFINA DEVELOPMENT LLC, REQUESTS FINAL SUBDIVISION PLAT APPROVAL FOR A 23-LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION. THE PROPERTY (CURRENTLY 3 PARCELS) IS ZONED 4-5 (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

Approved w/conditions

9-15

STAFF COMMUNICATIONS

None

15

MATTERS FROM THE COMMISSION

None

15

ADJOURNMENT

15

**MINUTES OF THE MEETING
OF THE
PLANNING COMMISSION
March 13, 2014**

A regular meeting of the City of Santa Fe Planning Commission, was called to order by Vice Chair Michael Harris, at approximately 6:00 p.m., on Thursday, March 13, 2014, in the City Council Chambers, City Hall, Santa Fe, New Mexico.

A. ROLL CALL

MEMBERS PRESENT:

Commissioner Michael Harris, Vice-Chair
Commissioner Lisa Bemis
Commissioner Lawrence Ortiz
Commissioner Angela Schackel-Bordegary
Commissioner Renee Villarreal

MEMBERS EXCUSED:

Commissioner Tom Spray, Chair
Commissioner Signe Lindell, position vacated on being sworn as a City Councilor
Commissioner John Padilla
Commissioner Dan Pava

OTHERS PRESENT:

Tamara Baer, Planner Manager, Current Planning Division – Staff liaison
Kelley Brennan, Interim City Attorney
Melessia Helberg, Stenographer

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

B. PLEDGE OF ALLEGIANCE

C. APPROVAL OF AGENDA

MOTION: Commissioner Villarreal moved, seconded by Commissioner Ortiz, to approve the Agenda as presented.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Ortiz, Schackel-Bordegary and Villarreal voting in favor of the motion and no one voting against [4-0].

D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS

1. MINUTES – FEBRUARY 6, 2014

MOTION: Commissioner Villarreal moved, seconded by Commissioner Schackel-Bordegary, to approve the minutes of the meeting of February 6, 2014, as presented.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Ortiz, Schackel-Bordegary and Villarreal voting in favor of the motion and no one voting against [4-0]

2. FINDINGS/CONCLUSIONS

A copy of the Findings of Fact and Conclusions of Law in Case #2013-101, 2791 and 2797 Agua Fria Road (Rivera) General Plan Amendment and Case #2013-102, 2791 and 2797 Agua Fria Road (Rivera) Rezoning to C-2, is incorporated herewith to these minutes as Exhibit "1."

A copy of the Findings of Fact and Conclusions of Law in Case #2013-128, 27912868 Rufina Street (Homewise) Rezoning, is incorporated herewith to these minutes as Exhibit "2."

A copy of the Findings of Fact and Conclusions of Law in Case #2013-130, 313-317 Camino Alire (Desert Academy) General Plan Amendment, and Case #2013-131, 313 Camino Alire (Desert Academy) Rezoning, is incorporated herewith to these minutes as Exhibit "3."

**A. CASE #2013-101 2791 AND 2797 AGUA FRIA ROAD (RIVERA)
GENERAL PLAN AMENDMENT.**

MOTION: Commissioner Villarreal moved, seconded by Commissioner Schackel-Bordegary, to approve the Findings of Fact and Conclusions of law in Case #2013-101, 2791 and 2797 Agua Fria Road (Rivera) General Plan Amendment, as presented by staff.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Ortiz, Schackel-Bordegary and Villarreal voting in favor of the motion and no one voting against [4-0]

**B. CASE #2013-102. 2791 AND 2797 AGUA FRIA ROAD (RIVERA)
REZONING.**

MOTION: Commissioner Villarreal moved, seconded by Commissioner Ortiz, to approve the Findings of Fact and Conclusions of law in Case #2013-102, 2791 and 2797 Agua Fria Road (Rivera) Rezoning.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Ortiz, Schackel-Bordegary and Villarreal voting in favor of the motion and no one voting against [4-0]

C. CASE #2013-128. 2868 RUFINA STREET (HOMEWISE) REZONING.

MOTION: Commissioner Villarreal moved, seconded by Commissioner Schackel-Bordegary, to approve the Findings of Fact and Conclusions of law in Case #2013-128, 2868 Rufina Street (Homewise) Rezoning.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Ortiz, Schackel-Bordegary and Villarreal voting in favor of the motion and no one voting against [4-0]

D. CASE #2011-130. 311-317 CAMINO ALIRE (DESERT ACADEMY) GENERAL PLAN AMENDMENT.

Ms. Baer said the address is listed incorrectly and was corrected on the Findings and Conclusions, and the correct address should be "311-317."

MOTION: Commissioner Schackel-Bordegary moved, seconded by Commissioner Villarreal, to approve the Findings of Fact and Conclusions of law in Case #2011-130, Camino Alire (Desert Academy) General Plan Amendment.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Ortiz, Schackel-Bordegary and Villarreal voting in favor of the motion and no one voting against [4-0]

E. CASE #2011-131. 311-317 CAMINO ALIRE (DESERT ACADEMY) REZONING.

MOTION: Commissioner Villarreal moved, seconded by Commissioner Schackel-Bordegary, to approve the Findings of Fact and Conclusions of law in Case #2011-131, Camino Alire (Desert Academy) Rezoning.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Ortiz, Schackel-Bordegary and Villarreal voting in favor of the motion and no one voting against [4-0]

E. CONSENT CALENDAR

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

VOTE: The motion was approved on a voice vote, with Commissioners Bemis, Ortiz and Schackel-Bordegary voting in favor of the motion, and Commissioner Villarreal voting against. [3-1]

Commissioner Villarreal asked how a member can discuss something on the Consent Calendar.

Matthew O'Reilly said if you would like to have an item pulled, you need to let the Chair know, and ideally, that would be done before the Commission approves the Consent Calendar. You can reconsider the approval of the Consent Calendar and ask for one of these items to be pulled for discussion.

Responding to Commissioner Villarreal, Mr. O'Reilly said you can pull a case and ask whatever questions you would like.

Ms. Brennan said the assumption when pulling an item from the Consent Calendar is that you have something to discuss, noting the Motion to Reconsider must be made by one of the persons voting in the majority.

MOTION: Commissioner Schackel-Bordegary moved, seconded by Commissioner Ortiz, to reconsider the previous approval of the Consent Agenda to remove Item #E(1) from the Consent Calendar for discussion.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Ortiz, Schackel-Bordegary and Villarreal voting in favor of the motion and no one voting against [4-0]

MOTION: Commissioner Schackel-Bordegary moved, seconded by Commissioner Villarreal, to approve the agenda as amended.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Ortiz, Schackel-Bordegary and Villarreal voting in favor of the motion and no one voting against [4-0]

1. *[Removed for discussion by Commissioner Villarreal]*
2. **CASE #2014-14. 621 OLD SANTA FE TRAIL, WOLF SUBDIVISION, PRELIMINARY PLAT TIME EXTENSION. REPORT OF THE LAND USE DIRECTOR'S APPROVAL OF A ONE-YEAR ADMINISTRATIVE TIME EXTENSION FOR A 3 LOT SUBDIVISION ON 1.056± ACRES, INCLUDING A VARIANCE TO STREET DESIGN STANDARDS. THE TIME EXTENSION WOULD EXTEND APPROVALS TO MARCH 3, 2015. WAYNE LLOYD, AIA, AGENT FOR ORCHARD METAL CAPITAL, DAVID LAMB. (TAMARA BAER, CASE MANAGER).**

CONSENT CALENDAR DISCUSSION

1. **CASE #2014-10. PLAZA PINONES FINAL DEVELOPMENT PLAN TIME EXTENSION. REPORT OF THE LAND USE DIRECTOR'S APPROVAL OF A ONE-YEAR ADMINISTRATIVE TIME EXTENSION FOR 40 TOWNHOMES ON 7.44± ACRES EAST OF FIFTH STREET AND SOUTH OF ST. MICHAEL'S DRIVE. THE TIME EXTENSION WOULD EXTEND THE APPROVAL TO MAY 8, 2009. THE MAY 8, 2014 APPROVAL EXPIRATION WOULD BE EXTENDED TO MAY 8, 2015. JENKINS GAVIN DESIGN & DEVELOPMENT, INC., AGENTS FOR SONAR, LLC, KEN RAYMOND. (TAMARA BAER, CASE MANAGER)**

A Memorandum, with attachments, prepared February 20, 2014, for the March 13, 2014 meeting, to the Planning Commission, from Zach Thomas, Senior Planner, Current Planning Division, regarding this case, is incorporated herewith to these minutes as Exhibit "4."

Commissioner Villarreal said she has questions specifically for staff about this item, and she knows it has been approved, noting it was prior to her time on the Commission. She asked Director O'Reilly to share any specific information about the time frame, and if they still feel there is support for this, even though there were a lot of people against it at the time. She said, "I just want to get more information from staff, if there is anything you can share with us about this case or from the developers in a timeline."

Mr. O'Reilly asked if she is asking if there is any information about the timeline when the developer might proceed with the project, and Commissioner Villarreal said yes.

Mr. O'Reilly said, given this extension, the developer has only 12 more months to proceed with the project.

Commissioner Villarreal asked what is the process if they don't proceed with the development.

Mr. O'Reilly said the Land Use Code allows the Land Use Director to grant only two administrative extensions of up to one year each. This is their first request, and at the end of this extension, the developer can ask for another one-year extension. After that, the project is expired and anyone coming forward would have to restart and go through the entire Planning Commission process over again.

Commissioner Villarreal said if she had been on the Commission at the time this case was considered, she wouldn't have voted for it, so she is conflicted about giving a time extension. She asked if the Commission is voting on giving them the time extension this evening.

Mr. O'Reilly said the Land Use Director has granted them the time extension. However, the Planning Commission has the power to reverse or modify the Land Use Director's decision. This means you could agree with the Land Use Director's decision, you could vote to over-ride the Land Use Director's decision in which case the project is expired. He said he believes the Commission could grant them a time extension of less than 12 months.

Ms. Brennan said, "That is correct, and for the purposes of Findings, you would state your reasons for doing so."

Commissioner Villarreal said she didn't realize she had options like that. She said at this point, she is unsure how her fellow Commissioners feel about looking at other options, and reducing the amount of time they are given for the time extension. She asked the proper approach for this, if she feels that is the way to go.

Mr. O'Reilly said the applicant is present and might be able to answer your questions as to what their plans are, the timelines, if the Chair thinks it is appropriate to obtain comments from the Applicant at this point.

Chair Harris said we can hear brief comments about the status of the project since that is appropriate.

Ms. Baer said the language in the Code says, "The Planning Commission may accept, reject or modify the proposal."

Jennifer Jenkins, JenkinsGavin Design and Development, on behalf of Sonar LLC, was sworn. Ms. Jenkins said they are asking for a time extension that is being discussed right now. She said, "A couple of things I can offer, the owner of the property, since this project was approved, is no longer living in the country. And then of course the economic downturn came and the ability to attract a new developer to the project, needless to say has been challenging. However, in recent months there has been more interest and activity, and so he is diligently pursuing that to have the project developed, in accordance with the approvals."

Ms. Jenkins continued, "Just as a point of background, and to refresh your memories, this project had quite a long history, and quite a long process. This Development Plan is consistent with the existing zoning. This property was not rezoned. There was significant compromise and work done with the adjacent neighborhood, and we actually had support at our last hearing for our proposal. So, we went through a lot to get there, and so this is a Development Plan which is consistent with the existing zoning. There was no rezone, and again, we worked very hard with the neighborhood. Nobody got everything they wanted, but that's what compromise is about. And so, we would ask for the opportunity for a time extension, so all of the work and the hours and the time, and the investment that went into getting to this point isn't wasted. And we would like the opportunity to continue with the project. Again, in recent months, there has been more interest and activity from developers. And so we look forward to being able to bring it to fruition."

Commissioner Villarreal said she would like to know more "about how you feel they covered issues around erosion, because of the arroyo that runs through, the particulars. I didn't get a sense that was a big issue."

Ms. Jenkins said it was not a big issue and they worked closely with R.B. Zaxus, the City Engineer, with respect to how we were relating to the arroyo. That is all dedicated open space as well as a drainage easement. We're actually not encroaching on it significantly with the new structures. But some areas have been identified for a little bit of bank stabilization and erosion control based on what is happening right now. We are not increasing any flows of any stormwater that goes into that arroyo. We're doing a lot of on-site detention which is centralized, which is passive water harvesting for the landscaping. And so, we've really treated the arroyo very sensitively in the civil design of the project and are very cognizant of it."

Mr. Brennan said, "I just wanted to say that in these extensions, the questions should be about status, but not about the decision and the substance of the decision."

Commissioner Villarreal said, "So in this case, it is helpful to get additional information and I was considering reducing the time of the extension, but I'm okay with continuing the way it is set for a one year extension. So in that case may vote for it."

MOTION: Commissioner Schackel-Bordegary moved, seconded by Commissioner Ortiz to approve the Land Use Director's granting of a one-year extension in Case #2014-10, Plaza Pinones Final Development Plan Time Extension.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Ortiz, Schackel-Bordegary and Villarreal voting in favor of the motion and no one voting against [4-0]

Responding to the Vice-Chair, Ms. Brennan said there is no need to return to the approval of the Consent Calendar, because that already has been done.

F. OLD BUSINESS

There was no old business.

G. NEW BUSINESS

1. **CASE #2014-16. SIERRA VISTA ADDITION – ALLEYWAY VACATION. DAVID SCHUTZ, AGENT FOR TWO DOC PROPERTIES LLC, PER SECTION 23-1.2 SFCC 1987, REQUESTS VACATION OF AN EXISTING CITY ALLEY WITHIN THE BOUNDS OF SIERRA VISTA ADDITION ADJOINING THE BOUNDARIES OF LOTS 10 (A PORTION), 11, 12, 13, 14, 25 (A PORTION), 26, 27, 28 AND TRACT A, OF THE SIERRA VISTA ADDITION A/K/A 816, 818, 830, 832 CAMINO SIERRA VISTA AND 901 AND 903 MERCER STREET. (EDWARD VIGIL, PROPERTY MANAGER)**

A Memorandum, with attachments, prepared March 5, 2014, for the March 13, 2014 meeting, to the Planning Commission, from Edward J. Vigil, Property Manager, in this matter, is incorporated herewith to these minutes as Exhibit "5."

Edward Vigil, Property Manager, presented information regarding this case from his Memorandum prepared March 5, 2014, for the March 13, 2014 meeting. Please see Exhibit "5," for specifics of this presentation.

Public Hearing

Presentation by the Applicant

David Schutz, agent for Two Doc Properties, LLC, Sherman and Watson, was sworn. Mr. Schutz introduced the two doctors in attendance who are proposing to build an urgent care facility at the subject property – Dr. Victor Sherman and Dr. Troy Watson and his son Ryker.

Mr. Schutz said, "This appears to be a very, very, very simple case. In my mind, it's a win-win situation for the City in that, and for all parties involved, the City enjoys some increased tax revenue with this vacation. The adjacent property owners enjoy larger lots and greater flexibility for future improvements, and the City enjoys the benefit of having no liability after the vacation. And, we've acquired 85% of the signatures of the adjacent homeowners to date, and we hope to have 100% by the time this goes to the Public Works Committee, subject to this hearing." He said he will stand for any questions the Commission might have.

Speaking to the Request

There was no one speaking for or against the request.

The Public Testimony Portion of the Public Hearing Was Closed

Commissioner Villarreal said she received a letter from La Familia Medical Center, one of the properties that are part of this that didn't sign onto this for various reasons, noting they outlined the reasons in the letter. She asked have their concerns been resolved.

Mr. Schutz said, "Their letter has no basis in fact, in regard to OSHA requirements. I have the OSHA requirements in my hand, and let me read you the provision that they are discussing. This is right out of the OSHA Administrative Handbook. It says: *'In every building or structure, exits shall be so arranged and maintained as to provide free and unobstructed egress from all parts of the building or structure at all times when it is occupied. No lock or fastening to prevent free escape from the inside of any building shall be installed, except in mental, penal or corrective institutions, where supervisory personnel is continually on duty and affected provisions are made to remove occupants in case of fire or other emergency.'* If you go to the property, you will see that they have easy and unobstructed access on both sides of the building on both sides of the alleyway and onto the street, Sierra Vista."

Commissioner Villarreal asked him to point that out.

Mr. Schutz did so, and continued, "This does not harm them in any way. So their claim that this violates OSHA is not correct."

Mr. O'Reilly said, "I want to direct your attention to page 2 of staff's memo. The La Familia Medical Center is a tenant on this property, which is owned by Carol Hawkins. It was Carol Hawkins who would sign or not sign this petition. In recognition of their concern and their tenant's concern, staff has placed an additional condition, which is shown as Condition #3 on page 2, in the list of 4 conditions, which reads, 'The Vacation Plat shall include a 15-foot wide ingress and egress easement for the purpose of repair and maintenance of structures for the benefit of all adjacent property owners...' And that was in response to their concern about getting to the rear of their property. So, if this is approved, ultimately the property will revert to the adjacent property owners, but the City will maintain an easement for the water line and the adjacent property owners will retain an ingress/egress easement for the purpose of maintaining and repairing their property. I have relayed that to Ms. Hawkins, who is the owner at 818 Camino Sierra Vista. She was very happy to hear that was going to be a condition of approval, and she did not come tonight to testify. I don't know whether she finds that condition sufficient or not, but the City feels it is sufficient, so she would have the right and every other adjacent property owner would have the right to go through that easement to repair their property if they needed to."

MOTION: Commissioner Schackel-Bordegary moved, seconded by Commissioner Villarreal, to approve Case #2014-16, the Sierra Vista Addition, Alleyway Vacation, with all conditions of approval as recommended by staff.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Ortiz, Schackel-Bordegary and Villarreal voting in favor of the motion and no one voting against [4-0]

2. **CASE #2014-06. AGUAFINA FINAL SUBDIVISION PLAT. JENKINS GAVIN DESIGN AND DEVELOPMENT, AGENT FOR AGUAFINA DEVELOPMENT LLC, REQUESTS FINAL SUBDIVISION PLAT APPROVAL FOR A 23-LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION. THE PROPERTY (CURRENTLY 3 PARCELS) IS ZONED 4-5 (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. (ZACH THOMAS, CASE MANAGER)**

A Memorandum, with attachments, prepared February 25, 2014, for the March 13, 2014 meeting, to the Planning Commission from Zach Thomas, Senior Planner, Current Planning Division, in this matter, is incorporated herewith to these minutes as Exhibit "6." The Aquafina Final Subdivision Plat is on file in, and can be obtained from, the Land Use Department.

Zach Thomas presented information in this case from the Staff Report, via the overhead projector. Please see Exhibit "6," for specifics of this presentation. Mr. Thomas noted Keith Wilson from Trails is here to answer questions as well.

Staff Recommendation: The Land Use Department recommends approval with conditions as outlined in this report [Exhibit "6"].

Public Hearing

Presentation by the Applicant

Jennifer Jenkins and Colleen Gavin, JenkinsGavin Design and Development, Agent for the owner were sworn. Ms. Jenkins said she has nothing to add and said they are in agreement with all staff conditions of approval.

Speaking to the Request

There was no one speaking for or against the request.

The Public Testimony Portion of the Public Hearing Was Closed

Commissioner Villarreal said she is confused about one of the conditions of approval, which provides, "In the event that Tract 3 A is developed, a condition has been added to require a note placed on the Plat stating that future residents of Tract A will use the private driveway within the Aguafina Subdivision to access Rufina Street." She asked for an explanation of this condition.

Mr. Thomas said the condition was placed by the City Traffic Engineer. He said the purpose for that is ultimately the piece identified as Tract A will ultimately have to have access to Rufina if it is to grow, because these are private streets. Typically, they wouldn't be able to access them. However, because of the need to provide access to Tract A from Rufina, there ultimately needs to be a note placed on the Plat ensuring that they can use that private road for that purpose.

Commissioner Villarreal said all of you know there are a lot of things that had to be sorted out in this case. She said she is happy to know that the neighborhood associations and people who have been active in this are in agreement, and that the applicant and clients have tried to fix some of the issues. She said she is still concerned about the issue of connectivity. She keeps looking at the hammerheads and turnarounds, and it isn't connectivity. She knows there was negotiation and talk about Power Line Road. She knows a lot of things are being worked on, and asked staff what we are voting on tonight, and do we have a choice in the matter. She said it seems we have been forced to keep hearing it, and would like to hear staff's take on this.

Ms. Brennan said, "You are voting on whether the Final Subdivision Plat is in substantial compliance with the preliminary subdivision plat approved by the Council on appeal."

Commissioner Villarreal said, "So issues about connectivity or lack thereof are not factored in."

Ms. Brennan said this is correct.

Commissioner Villarreal said, "So even if that was an issue for us."

Ms. Brennan said, "It was an issue for you. You voted on it, and it went on appeal and it was approved by the Council."

Commissioner Villarreal said, "So I don't know if that helps everyone else, because I think the question for the Commission is what we're really voting on, because at the last meeting we had the same kind of situation, it was different. I know that, because the appeal kicked in, so I'm going to yield to my fellow commissioners for questions."

Commissioner Ortiz said he has a question of the Applicant. He asked, "In looking at the discussion and analysis, how comfortable are you with creating the covenants for the maintenance of these roads. Do you feel comfortable that's going to happen."

Ms. Jenkins said, "Yes absolutely, we've already drafted covenants that address the roadway maintenance. We're not reinventing the wheel here. There are a lot of communities throughout the City as well as the County that are smaller, semi-rural or rural type subdivisions where there is a Homeowners Association established that have that obligation and responsibility, and we are setting everything up legally, and it's going to be disclosed to all prospective homeowners. They will read the covenants and will know what the obligation is, they will know what the dues are. And we will be helping to sort of run the Association and doing that as lots are sold, and as homes are build. And at a certain point, we will turn it over to them and groom the residents to take ownership, and to make sure that things are handled appropriately. But we're setting it up with clear maintenance schedules, typical stuff like snow removal, but there's also how often you need to re-grade the road, and you have a minimum. And you can say if there is something that happens, extra big rains or other types of issues, then you can do special assessments to do bigger road repairs, and all of those. We're setting it up very formally so it has teeth in terms of compliance and it is very clear about what are their responsibilities.

Commissioner Ortiz said there are lot of challenging things on this particular subdivision – unpaved roads, hammerheads, things that are very challenging, and it could be in your lap.

Ms. Jenkins remarks are inaudible here.

Vice-Chair Harris said he looked at the exhibits, and asked if the Tapia property still has an access easement here.

Ms. Jenkins said yes, and demonstrated the access easement via the overhead. She said they were asked to, and they did, plat an access easement, noting Mr. Tapia didn't have a formal easement, and had a prescriptive sort of right. They platted and formalized his right of access to his property through there.

Vice-Chair Harris asked Mr. Thomas, regarding the intersection of Rufina and Aguafina Lane, if he had occasion to speak to John Romero, Traffic Engineer on this, and if Mr. Romero is satisfied with this solution.

Mr. Thomas said, "Yes, and in fact the current configuration that you see on 'this' diagram, actually is a condition of approval which was placed by John Romero. The initial preliminary subdivision plat is basically a right in/right out – a pork chop island – that forced traffic to go right in/right out onto Rufina. He said Mr. Romero wanted full access, and this actually is a condition that is in Exhibit B in the Staff Report, and 'this' right here is ultimately what it would look like. So this actually is specifically requested by the Traffic Engineer."

Commissioner Schackel-Bordegary said, "I am looking at the Memo from the Santa Fe Metropolitan Planning Organization, and because we have the benefit of those staff people being here tonight, I would like to ask questions of Keith Wilson, to verify if I understand the staff report. Specifically, I am looking at Exhibit C-11, which states, this is regarding the multi-use trail, the section of the Acequia Trail that is on the Future Transportation Map: 'would provide significant local connectivity, and this trail would provide pedestrian and bicycle connectivity between neighborhoods and parks. More importantly, this trail will provide a safe route to school for those children living in Las Acequias neighbor and attending Ramirez Thomas Elementary School.' I am going to continue. 'A 15-foot trail easement exists along the southern border of the Cielo Azul Development. The Aguafina plan shows a 20 foot trail easement in the vicinity of this proposed acequia trail, but only halfway across the property. The recommendation is that the applicant work with the adjacent property owner to see if they would be willing to provide the City with an easement that would allow for the connection to the Cielo Azul Easement. In the absence of such a commitment, it is recommended that the applicant continue the 20 foot easement across Parcel 13 to the western boundary of the property.'"

Commissioner Schackel-Bordegary said, "Maybe this [question] is for the planner. Is the way that the project is proposed, does it address this at this time, in terms of conditions."

Mr. Thomas said, "Yes. The condition as written would address any concerns expressed in that Memo. Basically, what it allows are a couple of options for the Applicant ultimately and the developer. One is first to acquire the trail easement across Mr. Tapia's property. In the event that that's not possible at this point in time, the trail easement could be reconfigured slightly to the south through Lot 13, and just come across a slight corner of Mr. Tapia's property perhaps. These conditions are written to allow both options that can be figured out later in the process. And the condition was written in concurrence with Mr. Wilson."

Commissioner Schackel-Bordegary asked Mr. Wilson to comment, for the record, about the importance of connectivity, and how your staff report on multi-modal transportation has been addressed in this case.

Mr. Wilson said he is satisfied that all of the issues he raised are part of our transportation planning efforts through the [inaudible] or addressed through the Chapter 14 Code, so we're getting everything we need to sell the trail connectivity.

Commissioner Villarreal asked if there will there be connectivity in terms of trail or pedestrian ways going north and south, even though there are hammerhead turnarounds, will there be an ability to walk through and "there won't be walls that separate each of the subdivisions."

Mr. Wilson said there is a pathway between the two hammerheads that will cross and access the trail that crosses east/west, so there is a 5-6 foot wide pathway between the two hammerheads. So, technically, there is north/south connectivity.

Commissioner Villarreal asked when developing or designing what is being called open space, what is the process. She said, "Essentially the area which is considered open space is really a marsh. It's a drainage pond."

Ms. Jenkins said only a portion of it is a drainage pond."

Commissioner Villarreal asked, "What are the steps to take so that it doesn't become this marshy bog and it's actually a park that people can use, and use the trail system.

Ms. Jenkins said they like the bog, noting it is the prettiest part of the property. She said, "There is a lot of mature vegetation, grass covering. It is quite lovely and that's why we picked it. We are planting cottonwoods in the drainage area, because we are receiving water coming from the east through Las Acequias, so obviously we have to accommodate that. It's going to be relatively shallow, so to the naked eye, to the lay-person's eye, it's just going to look like open grassland and trees. And we're planting additional trees, doing benches, a walking path, and we are adding amenities. It's a passive, outdoor area, walk your dog, throw a frisbee or sit under a tree and read a book. We are adding amenities to make it functional and usable. We have to make sure the drainage works, obviously, but there's room to incorporate within that to make sure it is an attractive area. And it is already actually very attractive. It's the prettiest part of the property."

Commissioner Villarreal said, so ultimately that "park" would be maintained by the neighborhood association and Ms. Jenkins said yes.

Ms. Jenkins said it will be low maintenance and reiterated the amenities they plan to add. There will be provisions within the covenants for whatever would be necessary there.

Vice-Chair Harris asked if there was any consideration given for putting gates in private lanes, and spoke about a case not long ago with the Villas Toscanas Subdivision which isn't far from his neighborhood. He said after consideration and approval of this subsequent to that, there are gates into the subdivision, a gated community called Villas Toscanas. He said he spoke with Mr. O'Reilly about the placement of that gate, because it denies access to the future park.

Ms. Jenkins said, "I can tell you, that hasn't come up at all. We have no plan for vehicular gated access."

Vice-Chair Harris asked the process if the private association wanted to put up gates.

Ms. Baer said private subdivisions with private streets are allowed to put up gates. They would have to get a building permit, a construction permit. And as part of the construction permit review, the Fire Department would require that they have Opticon gate access or some other lock box access, so they

could get in there in the even of an emergency. So long as they aren't public streets, they are allowed to put up a gate.

Vice-Chair Harris said, he didn't go back and look at the plat, but they acquired a license agreement in order to put up the gates.

Ms. Baer said, "In that case, they put the gates in the wrong place, and not as approved by their permit. And since they already were up, the Land Use Department suggested they could do one of two things. They could move them so they were entirely on their property, or they could obtain a license agreement because they were on City property, to allow them to keep the gates where they were, and I believe what you were saying was what happened."

Vice-Chair Harris said the gates will deny access to the small sitting area as well as the future park which will be across the street. He believes this is an issue, and that situation bothered him.

Ms. Jenkins said, "As part of the development, it is not in the plan. What that future group of homeowners may decide to do in the future, I can't speak to that, but it's not in the books right now."

Vice-Chair Harris asked how long does a license agreement run.

Ms. Brennan said, "They are terminable generally on very short notice by both parties, I think it's probably, typically 30 days. And if it blocked access to a park that was intended to serve the neighborhood, I would think the people that wanted access to the Park would come to the City about the license."

Commissioner Schackel-Bordegary asked the process for obtaining a license agreement.

Ms. Baer said, "Typically, Ed Vigil works with the applicant and takes it through a number of City committees, including Council."

Commissioner Schackel-Bordegary asked if that's what happened in this case.

Ms. Baer said she didn't know.

Ms. Brennan said, "I don't have any reason to suppose that they didn't follow proper procedures for a license. Typically, I guess.... the gates themselves were approved as part of a larger approval of the privatization of the streets."

Vice-Chair Harris said, "No. There was no discussion of gates in that case."

Ms. Brennan said, "Not in this location. They put them in a different place, but there was actually, as I recall, at Council a significant discussion about gates. This is not the case we're hearing, but I have no reason to believe the license was granted without going through the usual procedures."

Commissioner Schackel-Bordegary said she is in that neighborhood and is happy to talk to you about the next steps, because she didn't know the circumstances, noting she walks there a lot and was curious about the gates and how they got there. She will be talking with him after the meeting.

Vice-Chair Harris said for him and others, this does get to connectivity. He is concerned we increasingly are building a series of islands in Santa Fe. He said a trail doesn't quite "get it in my opinion, it helps, but that's really the issue and will continue to be an issue for me, whether I'm a neighbor or not. I like to see people to be able to get to other neighborhoods."

Commissioner Villarreal said, "I guess I just wanted to clarify and put on the record that one of the Councilors had mentioned, or had said in the meeting notes, that we potentially reject everything that they approve. And I don't think that's the case at all. I think we came back, we had issues with it, neighbors had issues with it. And there were reasons we rejected it. And, so I just want to say for the record, we didn't do it to give them more work, it was really just to make sure that all the points and "i's" are crossed and "i's" were dotted, but in my opinion, it's still not there. And we really don't get to vote on that tonight. And I just guess that I just hope in the future that we see future proposals for development to have better connectivity."

MOTION: Commissioner Schackel Bordegary moved, seconded by Commissioner Ortiz, to approve Case #2014-06, Aguafina Final Subdivision Plat, with all conditions of approval as recommended by staff.

VOTE: The motion was approved on the following Roll Call vote [3-2], as follows:

For: Commissioner Schackel-Bordegary, Commissioner Ortiz and Vice-Chair Harris.

Against: Commissioner Bemis and Commissioner Villarreal.

H. STAFF COMMUNICATIONS


There were no staff communications.

I. MATTERS FROM THE COMMISSION

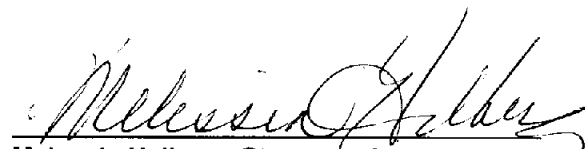
There were no matters from the Commission.

J. ADJOURNMENT

There was no further business to come before the Commission, and the meeting was adjourned at approximately 7:00 p.m.



Tom Spray, Chair



Melessia Helberg, Stenographer

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

Case #2013-101

2791 and 2797 Agua Fria Street General Plan Amendment

Case #2013-102

2791 and 2797 Agua Fria Street Rezoning to C-2

Owner's Name – Stella Rivera

Applicant's Name – James W. Siebert and Associates, Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on February 6, 2014 upon the application (Application) of James W. Siebert and Associates, Inc. as agent for Stella Rivera (Applicant).

The property is located east of the Siler Road intersection at 2791 and 2797 Agua Fria Street (Property) and is comprised of 4.32± acres zoned R-1 (Residential – 1 dwelling unit/acre).

The Applicant seeks (1) approval of an amendment to the City of Santa Fe General Plan Future Land Use Map (Plan) changing the designation of the Property from Rural Mountain Corridor to Community Commercial and (2) to rezone the Property from R-1 to C-2 (General Commercial).

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

FINDINGS OF FACT

General

1. The Commission heard testimony and took evidence from staff, the Applicant, and members of the public interested in the matter.
2. Santa Fe City Code (Code) §14-3.2(D) sets out certain procedures for amendments to the Plan, including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-3.2(E).
3. Code §§14-3.5(B)(1) through (3) set out certain procedures for rezonings, including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-3.5(C).
4. Code §14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [§14-3.1(E)(1)(a)(i)]; (b) an Early Neighborhood Notification (ENN) meeting [§14-3.1(F)(2)(a)(iii) and (xii)]; and (c) compliance with Code Section 14-3.1(H) notice and public hearing requirements.
5. A pre-application conference was held on June 13, 2013.

James W. Siebert "JWS"

6. Code §14-3.1(F) establishes procedures for the ENN meeting, including (a) scheduling and notice requirements [Code §14-3.1(F)(4) and (5)]; (b) regulating the timing and conduct of the meeting [Code §14-3.1(F)(5)]; and (c) setting out guidelines to be followed at the ENN meeting [§14-3.1(F)(6)].
7. An ENN meeting was held on the Application on August 19, 2013 at the Southside Public Library on 6599 Jaguar Drive.
8. Notice of the ENN meeting was properly given.
9. The ENN meeting was attended by the Applicant and City staff; there was one member of the public in attendance and no concerns were raised.
10. Commission staff provided the Commission with a report (Staff Report) evaluating the factors relevant to the Application and recommending approval by the Commission of the proposed Plan amendment and the rezoning.

The General Plan Amendment

11. Code §14-3.2(B)(2)(b) requires the City's official zoning map to conform to the Plan, and requires an amendment to the Plan before a change in land use classification is proposed for a parcel shown on the Plan's land use map.
12. The Commission is authorized under Code §14-2.3(C)(7)(a) to review and make recommendations to the Governing Body regarding proposed amendments to the Plan.
13. The Commission has considered the criteria established by Code §14-3.2(E)(1) and finds the following facts:
 - (a) *Consistency with growth projections for the City, economic development goals as set forth in a comprehensive economic development plan for the City, and with existing land use conditions, such as access and availability of infrastructure [§14-3.2(E)(1)(a)].*

The Property is located in an area developed with industrial, commercial, mixed-use and higher-density (R-2, R-4 and R-6) residential zoning, generally located on the south side of Agua Fria Street, as well as the abutting R-1 zoning and despite the R-1 zoning has historically been used for commercial uses. The Plan acknowledges the mix of uses in the Siler Road area and encourages the continued development of compatible businesses to provide employment opportunities in close proximity to residential uses. Water, electrical, and natural gas utilities are available to serve the Property. There is currently no sanitary sewer accessible to the Property.
 - (b) *Consistency with other parts of the Plan [§14-3.2(E)(1)(b)].*

The proposed amendment is consistent with provisions of the Plan that recognize the prevailing use and character of an area.
 - (c) *The amendment does not: (i) allow uses or a change that is significantly different from or inconsistent with the prevailing use and character of the area; (ii) affect an area of less than two acres, except when adjusting boundaries between districts; or (iii) benefit one of a few landowners at the expense of the surrounding landowners or the general public [§14-3.2(E)(1)(c)].*

The amendment will not allow a use or change that is inconsistent with the prevailing uses of the area and if there is any change in use, buffering to adjacent residential areas will be required. The proposed amendment conforms the zoning of the Property to historic and existing uses and is consistent with zoning in the surrounding area. Based

upon the foregoing, the amendment would not benefit the Property owner at the expense of the surrounding landowners and the general public.

- (d) *An amendment is not required to conform with Code §14-3.2(E)(1)(c) if it promotes the general welfare or has other adequate public advantage or justification [§14-3.2(E)(1)(d)].*

This is not applicable, as, based upon paragraph 13(d) above, the proposed amendment conforms with Code §14-3.2(E)(1)(c).

- (e) *Compliance with extraterritorial zoning ordinances and extraterritorial plans [§14-3.2(E)(1)(e)].*

This is not applicable.

- (f) *Contribution to a coordinated, adjusted and harmonious development of the municipality which will, in accordance with existing and future needs, best promote health, safety, morals, order, convenience, prosperity or the general welfare as well as efficiency and economy in the process of development [§14-3.2(D)(1)(e)].*

The proposed amendment will contribute to a coordinated, adjusted and harmonious development of the City in that it is consistent with the policies of the Plan as set forth in paragraph 13(a)-(c) above.

The Rezoning

14. Under Code §14-3.5(A)(1)(d) any person may propose a rezoning (amendment to the zoning map).

15. Code §§14-2.3(C)(7)(c) and 14-3.5(B)(1)(a) provide for the Commission's review of proposed rezonings and recommendations to the Governing Body regarding them.

16. Code §§14-3.5(C) establishes the criteria to be applied by the Commission in its review of proposed rezonings.

17. The Commission has considered the criteria established by Code §§14-3.5(C) and finds, subject to the Conditions, the following facts:

- (a) *One or more of the following conditions exist: (i) there was a mistake in the original zoning; (ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning; or (iii) a different use category is more advantageous to the community, as articulated in the Plan or other adopted City plans [Code §14-3.5(C)(1)(a)].*

The zoning for the Property was established at the time it was annexed into the City and did not accurately reflect the mixed uses and character existing in the area at the time.

Rezoning the Property will not alter that character.

- (b) *All the rezoning requirements of Code Chapter 14 have been met [Code §14-3.5(C)(1)(b)].*

All the rezoning requirements of Code Chapter 14 have been met.

- (c) *The proposed rezoning is consistent with the applicable policies of the Plan [Section 14-3.5(A)(c)].*

The proposed rezoning is consistent with the Plan as set forth in the Staff Report.

- (d) *The amount of land proposed for rezoning and the proposed use for the land is consistent with City policies regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the growth of the City [Code §14-3.5(C)(1)(d)].*

The Property consists of 4.32± acres and its use is consistent with the uses and character of the area as it has developed and with the historic uses of the Property.

- (e) *The existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development [Section 14-3.5(C)(e)];*
Water, electrical, and natural gas utilities are available to serve the Property.

CONCLUSIONS OF LAW

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

General

1. The proposed Plan amendment and rezoning were properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.
2. The ENN meeting complied with the requirements established under the Code.

The General Plan Amendment

3. The Commission has the power and authority at law and under the Code to review the proposed amendment to the Plan and to make recommendations to the Governing Body regarding such amendment.

The Rezoning

5. The Applicant has the right under the Code to propose the rezoning of the Property.
6. The Commission has the power and authority at law and under the Code to review the proposed rezoning of the Property and to make recommendations regarding the proposed rezoning to the Governing Body based upon that review.

WHEREFORE, IT IS ORDERED ON THE _____ OF MARCH 2014 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

1. That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends to the Governing Body that it approve the Plan amendment.
2. That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends to the Governing Body that it approve the rezoning of the Property to C-2.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

Thomas Spray
Chair


Date:

FILED:

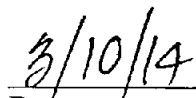
Yolanda Y. Vigil
City Clerk

Date:

APPROVED AS TO FORM:



Kelley Brennan
Interim City Attorney



Date:

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

Case #2013-128 – Homewise Rezoning

Owner's Name – Homewise, Inc.

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

THIS MATTER came before the Planning Commission (Commission) for hearing on February 6, 2014 upon the application (Application) of JenkinsGavin Design & Development, Inc. as agent for Homewise, Inc. (Applicant).

The Applicant seeks to rezone 2.39± acres of land located at 2868 Rufina Street (Property) from I-2 (General Industrial) to I-1 (Light Industrial) to accommodate a proposed 20,000± square-foot office building. The Property is designated as Industrial 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

1. The Commission heard testimony and took evidence from staff, the Applicant, and members of the public interested in the matter.
2. Under Santa Fe City Code (Code) §14-3.5(A)(1)(d) any individual may propose a rezoning.
3. Code §§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 Code §14-3.5(C).
4. Code §§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 November 14, 2013.
7. Code §14-3.1(F) establishes procedures for the ENN meeting, including, without limitation:
(a) Scheduling and notice requirements [Code §14-3.1(F)(4) and (5)];
(b) Regulating the timing and conduct of the meeting [Code §14-3.1(F)(5)]; and
(c) Setting out guidelines to be followed at the ENN meeting [Code §14-3.1(F)(6)].
8. An ENN meeting was held on the Application at 5:30 p.m. on December 9, 2013 at the Homewise office.
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 Code §14-3.1(F)(6).

Exhibit "2"

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 [Code §14-3.5(C)(1)(a)].*

There has been a change in the surrounding area, with uses changing from heavier to lighter industrial and office, reflected in I-1 zoning on two adjacent parcels. In addition, prior I-2 zoning permitted office uses, which are no longer permitted in I-2 zones, and existing development on I-2 zoned parcels includes Siler Studios, which is completely built out as office space and office and retail uses on parcels to the west. Rezoning will consolidate an area of office and retail uses which might otherwise be negatively affected by the introduction of heavy industrial use. Further, the rezoning is consistent with the Plan, which does not distinguish between heavy and light industrial uses and permits office use.
 - (b) *All the rezoning requirements of Code Chapter 14 have been met [SFCC §14-3.5(C)(1)(b)].*

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

The proposed rezoning is consistent with the Plan's Industrial 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 [Code §14-3.5(C)(1)(d)].*

The proposed rezoning is consistent with the Plan's Industrial future land use designation for the Property and reflects existing office and retail development in the area.
 - (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 [Code § 14-3.5(C)(e)];*

Existing infrastructure, including water and sewer, is sufficient to serve the proposed development.

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 Code requirements.
2. The ENN meetings complied with the requirements established under the Code.
3. The Applicant has the right under the Code to propose the rezoning of the Property.

4. The Commission has the power and authority at law and under the Code to review the proposed rezoning of the Property and to make recommendations regarding the proposed rezoning to the Governing Body based upon that review.
5. The proposed rezoning meets the Rezoning Criteria.

**WHEREFORE, IT IS ORDERED ON THE _____ OF MARCH 2014 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 I-1, subject to the Conditions.

Thomas Spray
Chair

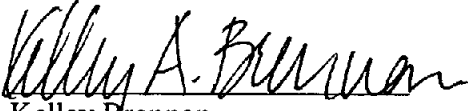
Date:

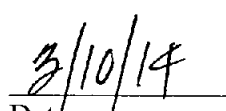
FILED:

Yolanda Y. Vigil
City Clerk

Date:

APPROVED AS TO FORM:


Kelley Brennan
Interim City Attorney


Date:

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

Case #2013-130

311-317 Camino Alire General Plan Amendment

Case #2013-131

311-317 Camino Alire Rezoning to C-1

Owner's Name – Desert Academy

Agent's Name – David Schutz

THIS MATTER came before the Planning Commission (Commission) for hearing on February 6, 2014 upon the application (Application) of David Schutz as agent for Desert Academy (Applicant).

The property is the site of the former Desert Academy campus on the east side of Camino Alire between Agua Fria Street and Alto Street (Property) and is comprised of 1.38± acres zoned R-5 (Residential – 5 dwelling units/acre) improved with a 16,675 square-foot building and an 858 square-foot casita. The Property was originally the site of the Pinon Hills Hospital, a psychiatric hospital approved by special exception in 1984 and was approved for the Desert Academy school use in 2000.

The Applicant seeks (1) approval of an amendment to the City of Santa Fe General Plan Future Land Use Map (Plan) changing the designation of the Property from Residential Low Density (3-7 dwelling units/acre) to Office Use and (2) to rezone the Property from R-5 to C-1 (Office and Related Commercial).

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

FINDINGS OF FACT

General

1. The Commission heard testimony and took evidence from staff, the Applicant, and members of the public interested in the matter.
2. Santa Fe City Code (Code) §14-3.2(D) sets out certain procedures for amendments to the Plan, including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-3.2(E).
3. Code §§14-3.5(B)(1) through (3) set out certain procedures for rezonings, including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-3.5(C).
4. Code §14-3.1 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

Exhibit "3"

- Neighborhood Notification (ENN) meeting [§14-3.1(F)(2)(a)(iii) and (xii)]; and (c) compliance with Code Section 14-3.1(H) notice and public hearing requirements.
5. A pre-application conference was held on May 23, 2013.
 6. Code §14-3.1(F) establishes procedures for the ENN meeting, including (a) scheduling and notice requirements [Code §14-3.1(F)(4) and (5)]; (b) regulating the timing and conduct of the meeting [Code §14-3.1(F)(5)]; and (c) setting out guidelines to be followed at the ENN meeting [§14-3.1(F)(6)].
 7. An ENN meeting was held on the Application on August 22, 2013 at B.F. Young School.
 8. Notice of the ENN meeting was properly given.
 9. The ENN meeting was attended by the Applicant and City staff; there were two members of the public in attendance.
 10. Commission staff provided the Commission with a report (Staff Report) evaluating the factors relevant to the Application and recommending approval by the Commission of the proposed Plan amendment and the rezoning, subject to the conditions set forth in the Staff Report (the Conditions).

The General Plan Amendment

11. Code §14-3.2(B)(2)(b) requires the City's official zoning map to conform to the Plan, and requires an amendment to the Plan before a change in land use classification is proposed for a parcel shown on the Plan's land use map.
12. The Commission is authorized under Code §14-2.3(C)(7)(a) to review and make recommendations to the Governing Body regarding proposed amendments to the Plan.
13. The Commission has considered the criteria established by Code §14-3.2(E)(1) and finds the following facts:
 - (a) *Consistency with growth projections for the City, economic development goals as set forth in a comprehensive economic development plan for the City, and with existing land use conditions, such as access and availability of infrastructure [§14-3.2(E)(1)(a)].*
The Property has been utilized for institutional and school uses since 1984 and redevelopment and reuse of the existing buildings and land for office and related commercial use is consistent with those prior uses and with the Plan as set out in the Staff Report. Water, sanitary sewer, stormwater, electrical, and natural gas utilities are available to serve the Property.
 - (b) *Consistency with other parts of the Plan [§14-3.2(E)(1)(b)].*
The proposed amendment is consistent with provisions of the Plan that promote mixed-use neighborhoods and economic diversity. Redevelopment and reuse of the existing buildings and land is encouraged in the 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 of the area; (ii) affect an area of less than two acres, except when adjusting boundaries between districts; or (iii) benefit one of a few landowners at the expense of the surrounding landowners or the general public [§14-3.2(E)(1)(c)].*
The amendment will not allow a use or change that is inconsistent with the prevailing uses of the area or with the historic uses of the Property. Based upon the foregoing, the amendment would not benefit the Property owner at the expense of the surrounding landowners and the general public.

- (d) *An amendment is not required to conform with Code §14-3.2(E)(1)(c) if it promotes the general welfare or has other adequate public advantage of justification [§14-3.2(E)(1)(d)].*

This is not applicable, as, based upon paragraph 13(d) above, the proposed amendment conforms with Code §14-3.2(E)(1)(c).

- (e) *Compliance with extraterritorial zoning ordinances and extraterritorial plans [§14-3.2(E)(1)(e)].*

This is not applicable.

- (f) *Contribution to a coordinated, adjusted and harmonious development of the municipality which will, in accordance with existing and future needs, best promote health, safety, morals, order, convenience, prosperity or the general welfare as well as efficiency and economy in the process of development [§14-3.2(D)(1)(e)].*

The proposed amendment will contribute to a coordinated, adjusted and harmonious development of the City in that it is consistent with the policies of the Plan as set forth in paragraph 13(a)-(c) above and in the Staff Report.

The Rezoning

14. Under Code §14-3.5(A)(1)(d) any person may propose a rezoning (amendment to the zoning map).
15. Code §§14-2.3(C)(7)(c) and 14-3.5(B)(1)(a) provide for the Commission's review of proposed rezonings and recommendations to the Governing Body regarding them.
16. Code §14-3.5(C) establishes the criteria to be applied by the Commission in its review of proposed rezonings.
17. The Commission has considered the criteria established by Code §14-3.5(C) and finds, subject to the Conditions, the following facts:

- (a) *One or more of the following conditions exist: (i) there was a mistake in the original zoning; (ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning; or (iii) a different use category is more advantageous to the community, as articulated in the Plan or other adopted City plans [Code §14-3.5(C)(1)(a)].*

The Property has historically been used for a psychiatric hospital and a school and has been vacant since Desert Academy relocated to a new campus two years ago. The area includes other commercial uses, including Adobe Realty and Payne's Nursery, as well as medium- to high-density residential development. The design of the existing building is more appropriate for reuse for C-1 uses than for residential use and reuse of the Property for office and related uses after an extended period of vacancy is more advantageous to the community as articulated in the Plan, which promotes mixed-use neighborhoods, economic diversity, and supports redevelopment and infill to address urban sprawl.

- (b) *All the rezoning requirements of Code Chapter 14 have been met [Code §14-3.5(C)(1)(b)].*

All the rezoning requirements of Code Chapter 14 have been met.

- (c) *The proposed rezoning is consistent with the applicable policies of the Plan [Section 14-3.5(A)(c)].*

The proposed rezoning is consistent with the Plan as set forth above and in the Staff Report.

(d) *The amount of land proposed for rezoning and the proposed use for the land is consistent with City policies regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the growth of the City [Code §14-3.5(C)(1)(d)].*

The Property consists of 1.38± acres and its use is consistent with the uses and character of the area as it has developed and with the historic uses of the Property.

(e) *The existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development [Section 14-3.5(C)(e)];*

Water, sanitary sewer, stormwater, electrical, and natural gas utilities are available to serve the Property.

CONCLUSIONS OF LAW

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

General

1. The proposed Plan amendment and rezoning were properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.
2. The ENN meeting complied with the requirements established under the Code.

The General Plan Amendment

3. The Commission has the power and authority at law and under the Code to review the proposed amendment to the Plan and to make recommendations to the Governing Body regarding such amendment.

The Rezoning

5. The Applicant has the right under the Code to propose the rezoning of the Property.
6. The Commission has the power and authority at law and under the Code to review the proposed rezoning of the Property and to make recommendations regarding the proposed rezoning to the Governing Body based upon that review.

WHEREFORE, IT IS ORDERED ON THE _____ OF MARCH 2014 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

1. That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends to the Governing Body that it approve the Plan amendment, subject to the Conditions.
2. That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends to the Governing Body that it approve the rezoning of the Property to C-1, subject to the Conditions.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

Thomas Spray
Chair


Date:

FILED:

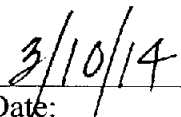
Yolanda Y. Vigil
City Clerk

Date:

APPROVED AS TO FORM:



Kelley Brennan
Interim City Attorney




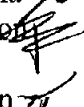
Date:


City of Santa Fe, New Mexico

memo

DATE: February 20, 2014 for the March 13, 2014 Meeting

TO: Planning Commission

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

FROM: Zach Thomas, Senior Planner, Current Planning Division 

Case #2014-10. Plaza Piñones Final Development Plan Time Extension. Report of the Land Use Director's approval of a one-year administrative time extension for 40 townhomes on 7.44± acres east of Fifth Street and south of St. Michael's Drive. The May 8, 2014 expiration would be extended to May 8, 2015. JenkinsGavin Design & Development, Inc., agents for Soñar LLC, Ken Raymond. (Tamara Baer, Case Manager)

I. RECOMMENDATION

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

II. APPLICATION OVERVIEW

The Plaza Pinones Final Development Plan was approved by the Planning Commission per their approval of the Findings of Fact and Conclusions of Law on May 8, 2009. The initial expiration of the Development Plan on May 8, 2011 was automatically extended per the terms of Resolution #2011-26 until May 8, 2014.

The Development Plan consists of 40 townhomes (16 single-story units and 24 two-story units) on a 7.44 acre, R-5 zoned parcel. A 15% Santa Fe Home Program (SFHP) Density Bonus allows for another 5 units beyond that which would be allowed with the net acreage (7.44 acres - .44 ac flood plain = 7 acres x 5du/ac = 35 + 5 density bonus units = 40 units).

The agent for the owner of the property is requesting the one year extension of the development approvals due to the economic downturn and impacts on the local housing market (See Exhibit C).

Exhibit "4"

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) Administration time extensions approved by the land use director, pursuant to this Subsection 14-3.19(C)(2), for development approvals that were granted by the planning commission or the governing body, are subject to review by the planning commission. The land use director shall identify the action taken and place it on a consent agenda for the planning commission. The land use director shall provide the planning commission with the applicant's written application and the land use director's written proposal. The planning commission may accept, reject or modify the proposal.

IV. ATTACHMENTS:

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

EXHIBIT B: Applicant Submittals



City of Santa Fe, New Mexico

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

www.santafenm.gov

David Coss, Mayor

Councilors:

Rebecca Wurzbarger, Mayor Pro Tem, Dist. 2

Patti J. Bushee, Dist. 1

Chris Calvert, Dist. 1

Peter N. Ives, Dist. 2

Carmichael A. Dominguez, Dist. 3

Christopher M. Rivera, Dist. 3

Bill Dimas, Dist. 4

Ronald S. Trujillo, Dist. 4

February 19, 2014

Jennifer Jenkins
JenkinsGavin Design & Development, Inc.
130 Grant Avenue, Suite 101
Santa Fe, NM 87501

**RE: Request for Time Extension
Plaza Pinones Final Development Plan, Case #M 2009-07**

Dear Ms. Jenkins,

I have reviewed the request you submitted on February 10, 2014 for a time extension of the development approvals that were granted for the Plaza Pinones Final Development Plan. I have determined that no substantive changes have occurred to the regulations or policies that apply to the previous approvals, to the proposed development, or to the circumstances that apply to the site and vicinity, that would affect the validity of those approvals. Therefore, in accordance with SFCC 1987 Section 14-3.19, a one-year time extension is approved for Plaza Pinones, subject to the original conditions of approval as approved by the City of Santa Fe Planning Commission per their approval of the Findings of Fact and Conclusions of Law on May 8, 2009.

The time extension will allow development activities to commence prior to the extended deadline, as provided in Section 14-3.19 SFCC. The approvals will expire if you do not proceed with development of the property or file for another time extension prior to May 8, 2015.

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

- Case #M 2009-07, Development Plan approval for 40 townhomes on 7.44± acres located east of Fifth Street and south of St. Michael's Drive.
- Automatic 3-year time extension per Resolution NO. 2011-26.

SFCC Section 14-3.19 requires that the grant of this time extension be reported to the Planning Commission by placement on the commission's consent agenda. The Planning Commission may reverse this approval.

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

Sincerely,


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

EXHIBIT A



jenkinsgavin
DESIGN & DEVELOPMENT INC

February 10, 2014

Matt O'Reilly, Director
City of Santa Fe Planning & Land Use Department
200 Lincoln Avenue
Santa Fe, NM 87501

**RE: Request for Administrative Time Extension
Plaza Piñones Final Development Plan, Case #M 2009-07**

Dear Matt:

In accordance with the provisions of SFCC 1987 §14-3.19(C), this letter is respectfully submitted on behalf of Soñar LLC in request for a one year administrative time extension of the Plaza Piñones Final Development Plan approval granted by the Planning Commission on April 16, 2009. The Findings of Fact and Conclusions of Law were adopted by the Planning Commission on May 7, 2009. Based upon the provisions of SFCC §14-3.8(C) in effect at the time of approval, the Development Plan would have expired on April 16, 2011. However, per the terms of Resolution #2011-26, the approval was extended for three years until April 16, 2014 (see attached letter from Tamara Baer).

The project has not moved forward due to the economic downturn and impacts on the local housing market. The owner hopes to proceed with the development in the next year as conditions improve. We are not proposing any changes to the approved plans.

The following documentation is submitted herewith for your reference:

- | | |
|---|--|
| 1. Planning Commission Staff Report | 4. Final Development Plan |
| 2. Planning Commission Meeting Minutes
from April 16, 2009 | 5. June 10, 2013 Letter from Tamara Baer |
| 3. Findings of Fact and Conclusions of
Law | 6. Application fee in the amount of
\$500.00. |

Your consideration of this request is greatly appreciated. Please let me know if you have any questions or need additional information. Thank you.

Sincerely,

Jennifer Jenkins

cc: Tamara Baer, Planner Manager

130 GRANT AVENUE, SUITE 101 SANTA FE, NEW MEXICO 87501 PHONE: 505.820.7444

EXHIBIT B

City of Santa Fe, New Mexico

memo

DATE: April 7 for April 16, 2009 Planning Commission Meeting

TO: City of Santa Fe Planning Commission

VIA: John B. Hiatt, Director, Land Use Department *JBH*
Tamara Baer, Planning Manager, Current Planning Division *TB*

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

Case #M 2009-07, Plaza Piñones Final Development Plan. JenkinsGavin, agent for Sofiar, LLC, requests final development plan approval for 40 townhomes on 7.44± acres. No variances are requested with this proposal. The property is zoned R-5 (Residential, 5 dwelling units per acre) and is located east of Fifth Street and south of St. Michael's Drive. (Donna Wynant, case manager)

I. STAFF RECOMMENDATION

A number of concerns have been raised by the adjacent neighborhood association regarding ingress and egress to and from the subject property. Ingress is via Calle Sombre, a neighborhood stub street into the property, through the Casa Del Cerro neighborhood to the south. Egress is via Calle Sombre and via a one-way drive out to Fifth Street, with a right turn only movement. This design prohibits right-ins, left-ins, and left-outs from Fifth Street.

An April 13, 2009 meeting has been arranged to further discuss concerns raised by the representatives from the Casas del Cerro Neighborhood Association and the Fifth Street Office Condominium Association regarding traffic in and out of the development, and the arrangement of the drive and some of the units immediately adjacent to the neighborhood to the south. The City's Traffic Engineer, and the applicant's Traffic Engineer will be in attendance to further discuss ideas concerning ingress and egress from Fifth Street and Calle Sombre.

The Planning Commission may make its decision on Plaza Piñones Development Plan based information provided in this staff memorandum, subject to the Conditions of Approval per the DRT comments (Exhibit B), or may decide to consider further recommendations/resolutions to result from the 4/13/09 meeting.

II. SUMMARY

A. Application Request

The applicant is requesting Final Development Plan approval for a 40 townhome residential development, previously known as La Triada. As stated in the applicant's letter of application (See Exhibit E-4), the City Council reviewed and overturned the Planning Commission's August 28, 2008 approval of La Triada (Case #M2008-26) stating their opposition to the requested variances. In response to the Council's decision, the developer redesigned the site without the bridge over the arroyo and with a 25' instead of a 15' turning radius at the Fifth Street driveway connection. Access at Fifth Street is now proposed to be a right-out only exit, instead of the previously proposed 15' turning radius that gave two way access. No variances are therefore required for this development. The entrance into the development is now strictly from Calle Sombra. Traffic would then be able to exit the site via Calle Sombra or via the one way out to Fifth Street, allowing a right turn only movement.

B. Property Description

The 7.44-acre subject property, zoned R-5 (Residential, 5 dwellings per acre), is bordered by Fifth Street to the west, the railroad right-of-way to the east, commercial/office development along Warner Circle and St. Michael's Drive to the north, and a residential neighborhood to the south. The zoning north and west of the site is C-2 and SC-2. Lands east and south of the property are zoned RM-2 PUD and R-5. An arroyo enters the site near the northeast corner and exits via a five foot diameter culvert at the mid-point of the southern boundary and is overlaid with a 100 Year FEMA Flood Plain varying in width from twenty to sixty feet. The bridge previously proposed over the arroyo has been removed from this development proposal.

The 40 townhomes on this 7.44 acres parcel are comprised of 16 single story units, primarily along the south lot line adjacent to the Casas Del Cerro neighborhood to the south, and the 24 two story units are more interior to the property and closer to the trail easement along the railroad. The driveway along the southern property line was shifted to the north to allow for the homes along the drive to have their backyards to be next to the backyards in the adjacent neighborhood, avoiding "double-fronted lot configurations. (See Exhibit E: Plaza Piñones Development Plan- in the reduced plan set). The proposed number of units are the same as the previous La Triada proposal and are according to the density allowed with the current R-5 zoning. After the flood plain of .44 acres is subtracted from the site (7.44 acres) at 5 units per acre, 35 units are allowed. The 15% SFHP Density Bonus allows for another 5 units for a total of 40 units proposed. Twelve of the units (30%) will be priced affordably. (See Vicinity and Zoning maps in Exhibit A)

III. DEVELOPMENT PLAN - CONDITIONS OF APPROVAL

The submitted Development Plan should be approved with the requirement that the conditions outlined below and in [EXHIBIT B] are met:

Development Review Team technical memoranda and documentation:

- Fire Marshal memorandum, Barbara Salas
- Solid Waste memorandum, Randall Marco
- Trails & Open Space memorandum, Bob Siquieros

- Wastewater Management memorandum, Stan Holland
- Landscaping memorandum, Charlie Gonzales
- Technical Review Division, Engineering memorandum, Risana Zaxus
- Office on Affordable Housing
- Santa Fe Public Schools
- Public Works Department, Traffic Engineer memorandum, John Romero
- Stormwater comments, Jim Salazar

IV. REVIEW AND APPROVAL PROCEDURES (CHAPTER 14-3):

A. Pre-Application Conference was held on January 27, 2009.

B. Public Involvement - [EXHIBIT C]

This application has been properly posted and noticed according to procedures listed in Chapter 14-3.1 of the Santa Fe City Code.

Article 14-3.1 (F) Early Neighborhood Notification Procedure

Applicant conducted an ENN meeting for Plaza Piñones on January 27, 2009, at the LaFarge Library, 1730 Llano Street, Santa Fe.

C. Application Completeness

Application was submitted in form and number as required on February 9, 2009

V. ATTACHMENTS:

EXHIBIT A Maps

1. Vicinity
2. Zoning Map

EXHIBIT B: Development Review Team technical memoranda and documentation:

1. Fire Marshal memorandum, Barbara Salas
2. Solid Waste memorandum, Randall Marco
3. Trails & Open Space memorandum, Bob Siquieros
4. Wastewater Management memorandum, Stan Holland
5. Landscaping memorandum, Charlie Gonzales
6. Technical Review Division, Engineering memorandum, Risana Zaxus
7. Office on Affordable Housing
8. Santa Fe Public Schools
9. Public Works Department, Traffic Engineer memorandum, John Romero
10. Stormwater comments, Jim Salazar

EXHIBIT C Public Involvement

1. Applicant Responses to ENN Guidelines
2. ENN Report
3. 2/9/09: Letter from Melitta Serna to JenkinsGavin
4. 3/12/09: Letter from Associations to Jennifer Jenkins

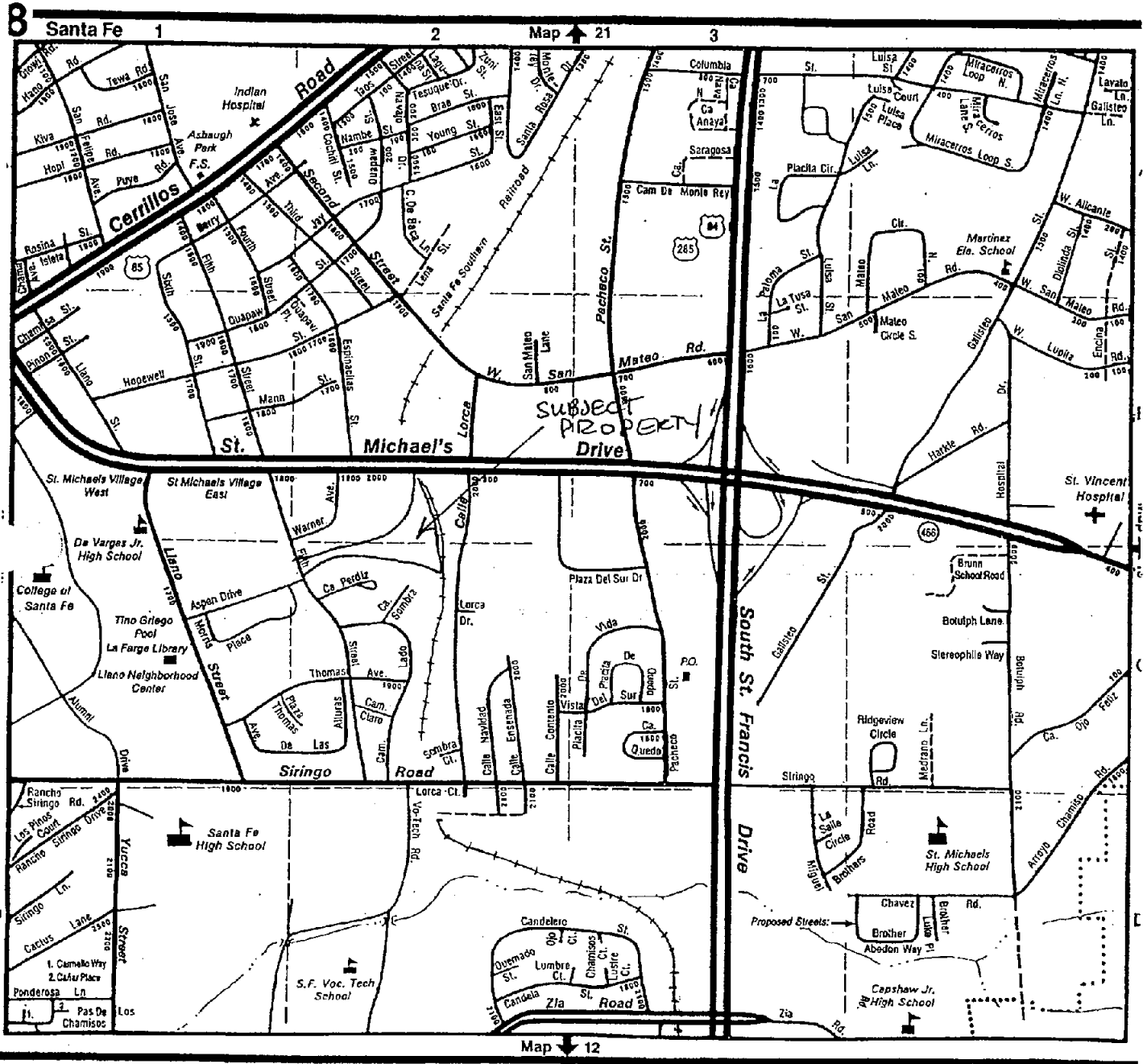
5. 4/5/09: Letter from Melitta Serna and Robert Hake to Jennifer Jenkins

EXHIBIT D Governing Body Findings of Fact and Conclusions of Law,
12-10-08 City Council Meeting

EXHIBIT E Submittals by the applicant on April 7, 2009

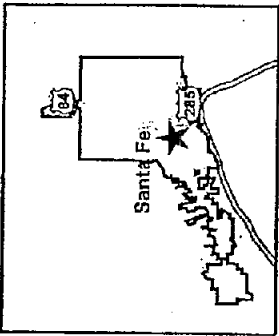
1. Driveway design- approvals by City Engineer, Traffic Engineer, and Fire Marshall.
2. 1/26/09: Letter from Jennifer Jenkins to Melitta Serna regarding the
easement onto Fifth Street.
3. 3/25/09: Letter from Jennifer Jenkins to Fifth Street Business Condominium Association
and Casas del Cerro Neighborhood Association
4. 2/9/09: Applicant's Letter of Application
5. Reduced plan set

VICINITY MAP



4 zoning

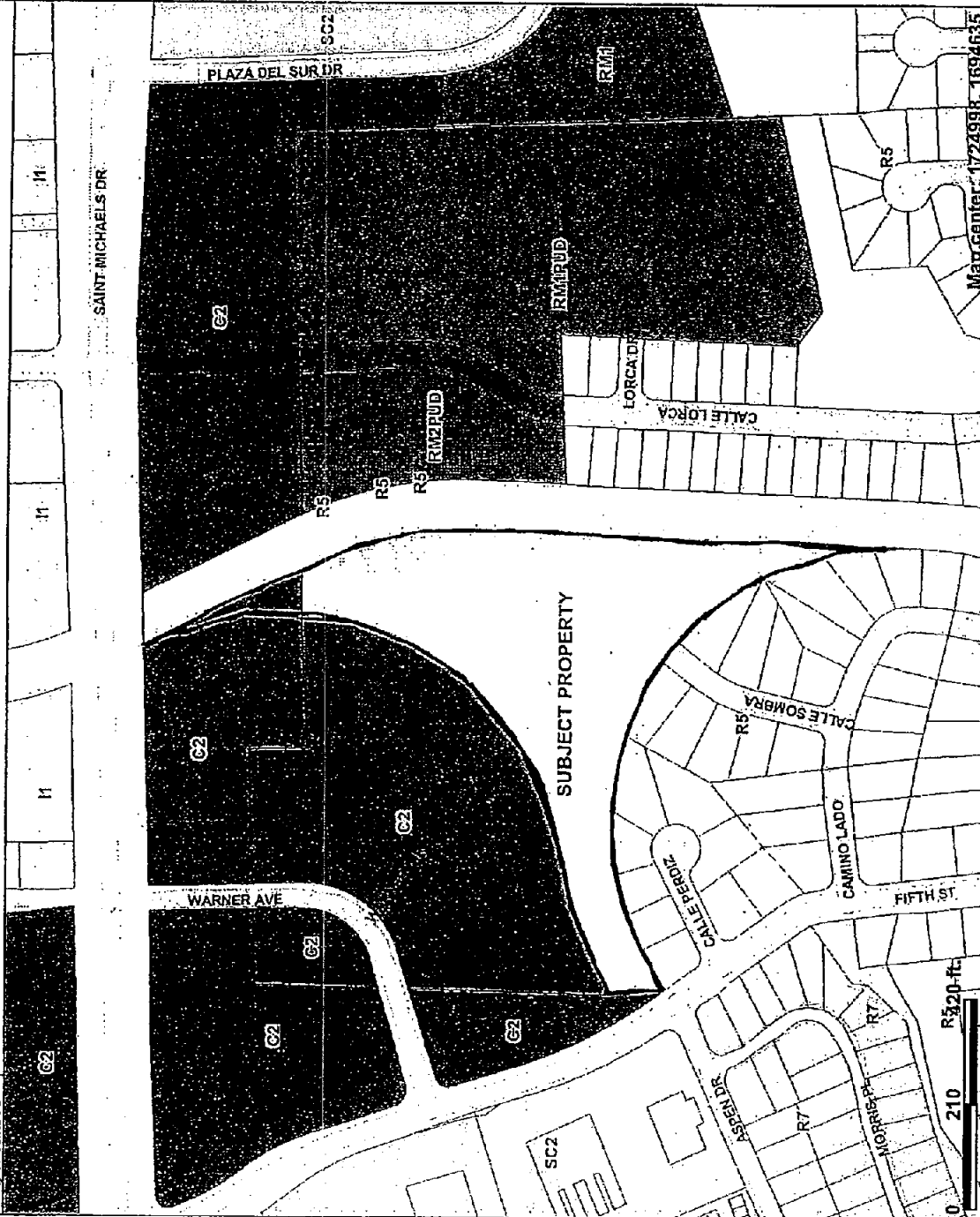
Plaza Pinon's - Vicinity Map



Legend

- City Limits
- Parcels
- Zoning
 - R1, (PUD) Single-Family 1du/ac
 - R2, (OT), (PUD) Single - Family 2du/ac
 - R3, (PUD) Single - Family 3du/ac
 - R4 Single - Family 4du/ac
 - R5, (PUD), (AC), R6 Single - Family 5-6du/ac
 - R7, (I) Single - Family 7du/ac
 - RC5, ACRCS Compound 5du/ac
 - RC8, ACRCS Compound 8du/ac
 - RM10, (PUD) Multiple - Family 10du/ac
 - RMLD, (PUD) Multiple - Family 12du/ac
 - RM1, (PUD) Multiple - Family 21du/ac
 - RM2, (PUD) Multiple - Family 28du/ac
 - RAC Residential Arts & Crafts
 - MHP Mobile Home Park
 - C1 Office and Related Commercial
 - C2 General Commercial
 - C4 Limited Office and Retail
 - H2 Hospital Zone


Scale: 1:3,697



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.

Plaza Piñones (La Triada) – DRT Comments
Final Development Plan (Case #M 2009-07)

	Comments	Department	Staff
1	Rejected: Ingress and egress problems. Call Randall Marco @955-2228.	Solid Waste	Randall Marco
2	The applicant has considered staff's comments regarding the trail. Regarding the Trail plans, engineering plan shall be complete and approved by Public Works prior to permitting.	Trail Development	Bob Siqueiros
3	I have conducted a preliminary review of the above mentioned case(s) for compliance with the 2006 International Fire Code® (IFC). The request is conditionally approved. Below are the conditions which shall be addressed prior to final development approval. Dead-end fire apparatus access roads in excess of 500 feet (45 720 mm) in length shall provide a 26 foot wide access road. IFC 503.2.5 Dead ends.	Fire	Barbara Salas
4	All Fire Department Access Roads shall be marked with signs in accordance with IFC § D103.6. Development plans shall include a signage plan with fire access roads marked with appropriate signs spaced not more than 40 ft. apart.	Fire	Barbara Salas
5	D103.6.1 Roads 20 to 26 feet in width. Fire apparatus access roads 20 to 26 feet wide (6096 to 7925 mm) shall be posted on both sides as a fire lane. D103.6.2 Roads more than 26 feet in width. Fire apparatus access roads more than 26 feet wide (7925 mm) to 32 feet wide (9754 mm) shall be posted on one side of the road as a fire lane.	Fire	Barbara Salas
6	I reviewed a Final Development Plan Application Amendment dated February 9, 2009, a Drainage Report by Design Engineering dated February 4, 2009, and a plan set dated February 5, 2009. I recommend that the project go forward to the Planning Commission with the following comments as conditions of approval: Submit Homeowner Association documents per Article 14-7.1(B)(1)(e) stating ownership and maintenance of private roads, drainage structures, and other common items.	Tech Review Div/Land Use	Risana Zaxus
7	Note 1 on sheet 10 is confusing, as it indicates a private access easement to be dedicated for public use. Clarify.	Tech Review Div/Land Use	Risana Zaxus

Exhibit 

Plaza Piñones (La Triada) – DRT Comments
Final Development Plan (Case #M 2009-07)

8	Identify the 100-year floodplain (throughout the plan set where applicable) with reference to the current (June, 2008) FIRM.	Tech Review Div/Land Use	Risana Zaxus
9	Dedicate the land below the base flood elevation as public open space, drainage easement, public right of way, and Ecological Resource Protection Overlay District per Articles 14-8.2(G)(1)(b) and 14-5.9.	Tech Review Div/Land Use	Risana Zaxus
10	Indicate on Slope Analysis the area in square feet of slope disturbance exceeding 30%.	Tech Review Div/Land Use	Risana Zaxus
11	Add a note on the Development Plan that "an ADA inspection shall be conducted prior to issuance of a certificate of occupancy. The contractor shall contact City staff to schedule an inspection."	Tech Review Div/Land Use	Risana Zaxus
12	Add a vicinity map to the Plat.	Tech Review Div/Land Use	Risana Zaxus
13	Identify affordable housing units on the Development Plan.	Tech Review Div/Land Use	Risana Zaxus
14	Add a note to the Development Plan that that no building permits will be issued until partial completion of infrastructure is obtained, no certificate of occupancy will be issued until substantial completion of the infrastructure, and all provisions of the Infrastructure Completion Policy of 7/1/2008 must be followed.	Tech Review Div/Land Use	Risana Zaxus
15	Add a line to the cover sheet for "Development/Infrastructure Building Permit Address: _____."	Tech Review Div/Land Use	Risana Zaxus
16	Obtain Utility signatures on Development Plan and Plat.	Tech Review Div/Land Use	Risana Zaxus
17	Show Book/Page of easements shown on Sheet 5 (Boundary Survey).	Tech Review Div/Land Use	Risana Zaxus
18	Show detail of guardrail.	Stormwater Management	Jim Salazar

Plaza Piñones (La Triada) – DRT Comments
Final Development Plan (Case #M 2009-07)

19	Pages 42 & 43 RE-SUBMIT LANDSCAPE PLAN w/REVISIONS: Show compliance with Section 14-8.4 (E) (1) (4). Water Harvesting and Irrigation Standards. Provide more detailed information such as location of improvements, size, surface storage for trees.	Tech Review, Land Use	Charlie Gonzales
20	Show compliance with Section 14-8.4 (E) (4) (a) - (i). Irrigation Standards. Provide more information on proposed irrigation.	Tech Review, Land Use	Charlie Gonzales
21	Show compliance with Section 14-8.4 (F) (a) (i). Plant Material Standards. More information needs to be submitted in order to conduct a thorough review of the plans. (Preferably on a chart or table) <ul style="list-style-type: none"> Plant and tree size, height and caliper, number of trees and shrubs, Mature size, (height and spread), Shrubs to be 5 gallons minimum, 2" of mulch, seed mix design and fertilization. Provide Landscaping Plan in coordination with stormwater retention/detention ponds. 	Tech Review, Land Use	Charlie Gonzales
22	Show compliance with Section 14-8.4 (F) (5). Existing Vegetation. Explain and show how many trees/shrubs will be removed, replaced or added.	Tech Review, Land Use	Charlie Gonzales
23	Show compliance with Section 14-8.4 (G) (2) (b). Street Tree Standards.	Tech Review, Land Use	Charlie Gonzales
24	Show compliance with Section 14-8.4 (H). Open Space Landscaping Requirements	Tech Review, Land Use	Charlie Gonzales
25	The comments below should be considered as Conditions of Approval to be addressed in a satisfactory manner prior to final signoff unless otherwise stated. The proposed development is not expected to have significant traffic operational impacts on the City's roadway infrastructure.	Traffic	John Romero
26	The developer is proposing one-way right-out only access point onto Fifth Street that must also provide full emergency access. With this in mind, the developer has not provided a design that in addition to providing full emergency access, effectively prohibits right-ins, left-ins, and left-outs. The developer shall provide said design subject to review and approval by the Public Works Department.	Traffic	John Romero

Plaza Piñones (La Triada) – DRT Comments
Final Development Plan (Case #M 2009-07)

27	<p>The Wastewater Division is currently working with the Design Engineer for the sewer system design. The Wastewater Division and the Design Engineer have agreed to incorporate a previously approved sewer design that was shown on an earlier submittal for La Triada. These sewer line design changes may require minor changes to the Development plan as submitted.</p>	Wastewater	Stan Holland
----	---	------------	--------------

DATE: March 10, 2009

TO: Donna Wynant, Planning and Land Use Department

FROM: Barbara Salas
Barbara Salas, Fire Marshal

SUBJECT: DRT Case: Plaza Pinones Final Development Plan

Case #	M-2009-07			
---------------	-----------	--	--	--

I have conducted a preliminary review of the above mentioned case(s) for compliance with the 2006 International Fire Code® (IFC). The request is conditionally approved. Below are the conditions which shall be addressed prior to final development approval.

1. Dead-end fire apparatus access roads in excess of 500 feet (45 720 mm) in length shall provide a 26 foot wide access road. IFC 503.2.5 Dead ends.

**TABLE D103.4
REQUIREMENTS FOR DEAD-END FIRE
APPARATUS ACCESS ROADS**

LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0-150	20	None required
151-500	20	120-foot Hammerhead, 60-foot "Y" or 96-foot-diameter cul-de-sac in accordance with Figure D103.1
501-750	26	120-foot Hammerhead, 60-foot "Y" or 96-foot-diameter cul-de-sac in accordance with Figure D103.1
Over 750		Special approval required

For SI: 1 foot = 304.8 mm.

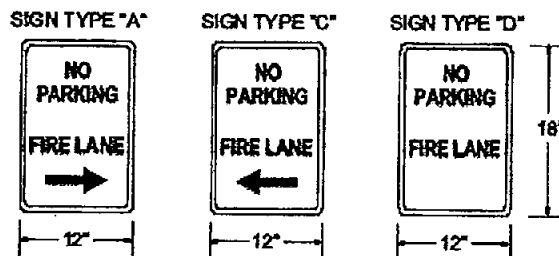
2. All Fire Department Access Roads shall be marked with signs in accordance with IFC § D103.6. Development plans shall include a signage plan with fire access roads marked with appropriate signs spaced not more than 40 ft. apart.

D103.6 Signs.

Where required by the fire code official, fire apparatus access roads shall be marked with permanent NO PARKING—FIRE LANE signs complying with Figure D103.6. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2.

Exhibit B-1

**FIGURE D103.6
FIRE LANE SIGNS.**



D103.6.1 Roads 20 to 26 feet in width.

Fire apparatus access roads 20 to 26 feet wide (6096 to 7925 mm) shall be posted on both sides as a fire lane.

D103.6.2 Roads more than 26 feet in width.

Fire apparatus access roads more than 26 feet wide (7925 mm) to 32 feet wide (9754 mm) shall be posted on one side of the road as a fire lane.



DEVELOPMENT REVIEW TEAM TRANSMITTAL FORM

Case #M 2009-07. Plaza Piñones Final Development Plan. JenkinsGavin, agent for Soñar LLC, requests final development plan approval for 40 townhomes on 7.44± acres. No variances are requested with this proposal. The property is zoned R-5 (Residential, 5 dwelling units per acre) and is located east of Fifth Street and south of St. Michael's Drive. (Donna Wynant, case manager)

Name: Jennifer Jenkins
JenkinsGavin Design&Dev.

Agent/ Owner # 820-7444 FAX 820-7445

Submittal date February 9, 2009

Email jennifer@jenkinsgavin.com

Request additional submittals

Planning Commission date April 2, 2009

February 19, 2009

ACT final Comments by March 9, 2009

- | | |
|--|---|
| <input type="checkbox"/> PDR Case File/Case Manager (see below) | <input type="checkbox"/> Water Division Engineer (Antonio Trujillo x 4266) |
| <input type="checkbox"/> Fire Inspector(s) (Barbara Salas x 3126) | <input type="checkbox"/> Subdivision Engineer (RB Zaxus x 6641) |
| <input type="checkbox"/> Traffic Division Engineer (John Romero x 6638) | <input type="checkbox"/> Office of Affordable Housing (Ted Swisher x6574) |
| <input type="checkbox"/> Waste Water Division Engineer (Stan Holland x 4637) | <input checked="" type="checkbox"/> Solid Waste Div. Engineer (Randal Marco x 2228) |
| <input type="checkbox"/> PW/ Engineering Division (Chris Ortega x 6626) | <input type="checkbox"/> Trails & Open Space (Bob Siqueiros x 6977) |
| <input type="checkbox"/> Landscaping (Charlie Gonzales x 6955) | |

COMMENTS:

*Rejection: argues & Express problems.
call Randal Marco @ 955-2228*

Case Manager: Donna Wynant x6325

Tamara Baer x 6580 tbaer@santafenm.gov

Andy M. Blackwell x 6127 wblackwell@santafenm.gov

Charlie D. Gonzales x 6955 cdgonzales@santafenm.gov

Lucas Cruse x 6583 lacruse@santafenm.gov

Donna J. Wynant x 6325 djwynant@santafenm.gov

Daniel A. Esquibel x 6587 daesquibel@santafenm.gov

Patrick Nicholson x 6888 pdnicholson@santafenm.gov

Greg T. Smith x 6957 gtsmith@santafenm.gov

RB Zaxus x 6641 rbzaxus-onaxis@santafenm.gov

Exhibit B-2



DEVELOPMENT REVIEW TEAM TRANSMITTAL FORM

Case #M 2009-07. Plaza Piñones Final Development Plan. JenkinsGavin, agent for Sofiar LLC, requests final development plan approval for 40 townhomes on 7.44± acres. No variances are requested with this proposal. The property is zoned R-5 (Residential, 5 dwelling units per acre) and is located east of Fifth Street and south of St. Michael's Drive. (Donna Wynant, case manager)

Name: Jennifer Jenkins
JenkinsGavin Design&Dev.

Agent/ Owner # 820-7444 FAX 820-7445

Submittal date February 9, 2009

Email jennifer@jenkinsgavin.com

Request additional submittals

Planning Commission date April 2, 2009

February 19, 2009

DRT final Comments by March 9, 2009

- | | |
|--|---|
| <input type="checkbox"/> PDR Case File/Case Manager (see below) | <input type="checkbox"/> Water Division Engineer (Antonio Trujillo x 4266) |
| <input type="checkbox"/> Fire Inspector(s) (Barbara Salas x 3126) | <input type="checkbox"/> Subdivision Engineer (RB Zaxus x 6641) |
| <input type="checkbox"/> Traffic Division Engineer (John Romero x 6638) | <input type="checkbox"/> Office of Affordable Housing (Ted Swisher x 6574) |
| <input type="checkbox"/> Waste Water Division Engineer (Stan Holland x 4637) | <input checked="" type="checkbox"/> Solid Waste Div. Engineer (Randal Marco x 2228) |
| <input type="checkbox"/> PW/ Engineering Division (Chris Ortega x 6626) | <input checked="" type="checkbox"/> Trails & Open Space (Bob Siqueiros x 6977) |
| <input type="checkbox"/> Landscaping (Charlie Gonzales x 6955) | |

COMMENTS: *The applicant has considered staff comments regarding the trail.*

Trail plans *Engineering plan shall be complete and approved by Public Works prior to permitting.*

Robert Siqueiros
955-6977

Case Manager: Donna Wynant x6325

Tamara Baer x 6580 tbaer@santafenm.gov

Wendy M. Blackwell x 6127 wblackwell@santafenm.gov

Charlie D. Gonzales x 6955 cdgonzales@santafenm.gov

Lucas Cruse x 6583 lacruse@santafenm.gov

Donna J. Wynant x 6325 djwynant@santafenm.gov

Daniel A. Esquibel x 6587 daesquibel@santafenm.gov

Patrick Nicholson x 6888 pdnicholson@santafenm.gov

Greg T. Smith x 6957 gtsmith@santafenm.gov

RB Zaxus x 6641 rbzaxus-onaxis@santafenm.gov

Exhibit *BB*

City of Santa Fe



MEMO

Wastewater Management Division DEVELOPMENT REVIEW COMMENTS

E-MAIL DELIVERY

Date: February 23, 2009

To: Donna Wynant, Senior Planner

From: Stan Holland, PE
Wastewater Management Division

Subject: Case 2008-26 Application Amendment for La Triada Final Development Plan – Plaza Pinones

The Wastewater Division is currently working with the Design Engineer for the sewer system design. The Wastewater Division and the Design Engineer have agreed to incorporate a previously approved sewer design that was shown on an earlier submittal for la Triada. These sewer line design changes may require minor changes to the Development plan as submitted.

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

cc: Oralynn Guerrerortiz
Jennifer Jenkins
File

Exhibit *B-4*

City of Santa Fe, New Mexico

memo

DATE: February 20, 2009

TO: Donna Wynant, Land Use Senior Planner
Planning Division

CC: R. B. Zaxus, P.E., CFM, City Engineer
Technical Review Division

FROM: Charlie Gonzales, CFM, Technical Review Coordinator, *Charlie G.*
Technical Review Division

RE: Landscaping Comments for case #M 2009-07, Plaza Pinones Final Development Plan

Below are comments for the Plaza Pinones Final Development Plan request. These comments are based on the plan set dated February 3, 2009.

Landscaping: Pages 42 & 43 RE-SUBMIT LANDSCAPE PLAN w/REVISIONS


1. Show compliance with Section 14-8.4 (E) (1) (4). Water Harvesting and Irrigation Standards. Provide more detailed information such as location of improvements, size, surface storage for trees.
2. Show compliance with Section 14-8.4 (E) (4) (a) - (l). Irrigation Standards. Provide more information on proposed irrigation.
3. Show compliance with Section 14-8.4 (F) (a) (i). Plant Material Standards. More information needs to be submitted in order to conduct a thorough review of the plans. (Preferably on a chart or table)
 - Plant and tree size, height and caliper, number of trees and shrubs,
 - Mature size, (height and spread),
 - Shrubs to be 5 gallons minimum,
 - 2" of mulch, seed mix design and fertilization.
 - Provide Landscaping Plan in coordination with stormwater retention/detention ponds.
4. Show compliance with Section 14-8.4 (F) (5). Existing Vegetation. Explain and show how many trees/shrubs will be removed, replaced or added.
5. Show compliance with Section 14-8.4 (G) (2) (b). Street Tree Standards.
6. Show compliance with Section 14-8.4 (H). Open Space Landscaping Requirements.

City of Santa Fe, New Mexico

memo

DATE: March 6, 2009

TO: Donna Wynant, Case Manager

FROM: Risana "RB" Zaxus 
City Engineer for Land Use

RE: Case # M 2009-07,
Plaza Pinones Final Development Plan

I reviewed a Final Development Plan Application Amendment dated February 9, 2009, a Drainage Report by Design Enginuity dated February 4, 2009, and a plan set dated February 5, 2009. I recommend that the project go forward to the Planning Commission with the following comments as conditions of approval:

1. Add street names and addresses to Development Plan and Plat. Contact Marisa Struck (955-6661) to obtain addresses.
2. Submit Homeowner Association documents per Article 14-7.1(B)(1)(e) stating ownership and maintenance of private roads, drainage structures, and other common items.
3. Note 1 on sheet 10 is confusing, as it indicates a private access easement to be dedicated for public use. Clarify.

Exhibit 

----- Printed name,
NMPE No. xxxx Date

12. Add a line to the cover sheet for "Development/Infrastructure Building Permit Address:_____."
13. Obtain Utility signatures on Development Plan and Plat.
14. Show Book/Page of easements shown on Sheet 5 (Boundary Survey).
15. Show detail of guardrail.

**SANTA FE HOMES PROGRAM
PROPOSAL FOR SALE UNITS**

"Plaza Pinones"

This Santa Fe Homes Program Proposal ("SFHP Proposal") is made this _____ day of _____, 2008 by Sonar, LLC ("SFHP Developer").

RECITALS

A. SFHP Developer is the developer of 7.44 acres east of Fifth St. and south of St. Michael's Dr. SFHP Developer proposes to develop the property as described in the document attached hereto as Exhibit 1 _____ (*Document Description e.g. Preliminary Development Plan*) _____ incorporated herein by reference, and hereinafter referred to as the "Property".

B. SFHP Developer desires to develop the Property, and seeks from the City, development incentives subject to the terms and conditions hereinafter set forth.

C. It is understood that all representations made herein are material to the City and that the City will rely upon these representations in permitting or approving development of the Property.

PROPOSAL

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

A. DEVELOPMENT REQUEST.

1. SFHP Developer seeks Re-zoning and Development Plan approval
2. The Property is to be developed as sale

B. SFHP PLAN. SFHP Developer proposes to build 41 townhouse units on approximately 7.44 acres. This results in a SFHP unit requirement of 12 affordable units. SFHP Developer proposes to construct 12 SFHP unit(s) as indicated on the attached SFHP Plan (Exhibit 3). The price stated on the SFHP Plan does not include a reduction for homeowner's dues. Should there be homeowners' dues, the price shall be reduced accordingly. SFHP Developer proposes to deliver the SFHP unit(s) proportionally to the

Exhibit B-7

market rate units.

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

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

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

F. DEVELOPMENT INCENTIVES. SFHP Developer requests a 15% density bonus and a reduction in the amount of submittal fees for development review applications, waivers of the building permit fees, capital impact fees, and sewer extension fees proportional to the number of SFHP units. SFHP Developer also requests a reduction to the water utility extension fee and an exemption from the retrofit and consumptive water rights requirements for the SFHP units.

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

H. CERTIFICATION. SFHP Developer proposes to provide income verification

in selling the SFHP units for certification by the City or its agent as complying with the SFHP Ordinance.

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

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

SFHP DEVELOPER:

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

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me this ____ day of _____, _____, by _____.

My Commission Expires:

NOTARY PUBLIC

REVIEWED BY:

OFFICE OF AFFODABLE HOUSING

DATE

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

EXHIBIT 1

SANTA FE HOMES PROGRAM**PRICING SCHEDULE****Effective August 25, 2005***

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

Income Range	Affordable Home Price Studio	Affordable Home Price 1 Bedroom	Affordable Home Price 2 Bedroom	Affordable Home Price 3 Bedroom	Affordable Home Price 4 Bedroom
Income Range 2	\$74,500	\$85,000	\$97,000	\$109,000	\$122,000
Income Range 3	\$100,500	\$111,000	\$126,000	\$142,000	\$158,000
Income Range 4	\$125,500	\$136,000	\$155,000	\$175,000	\$194,000

*Prices are revised according to the most recent area median income published by HUD.
Household income based upon HUD area median incomes as of 2/28/2009.

SFHP FOR SALE UNIT CALCULATION WORKSHEET

The project is in an R-5 zoning district, permitting 5 unit(s) per acre

The project has an area of approximately 7.44 acres

The project is proposing 40 homes.

The SFHP requirement is calculated below:

Total number of units divided by (1.30) = the number of market units
subtracted from the total equals the SFHP obligation

40 x .30 = 12 SFHP unit(s) are required



Santa Fe Public Schools

Property & Asset Management

Residential Development Impact Information Form

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

1. Project Name: Plaza Pinones
2. Location of Property: South of St. Michael's Drive and east of Fifth St.
3. Owner/Agent Name: Jenkins Gavin Design + Development Inc. Attn: Jennifer
Mailing Address: 130 Grant Ave, Ste. 101, Santa Fe, NM 87501
Phone & Fax: phone: 820-7444 fax: 820-7445
4. Unit Matrix

PROJECT EFFECT ON STUDENT POPULATION		
Unit Type	Unit Quantity	Average Price
Single Family (detached)	40	
Single Family (attached)		
Townhome/Apartment		
Multi-Family		
Commercial		

5. Elementary School Zone for Proposed Development: Chaparral Elementary School
6. Middle School Zone for Proposed Development: De Vargas Middle School
7. High School Zone for Proposed Development: Santa Fe High School
8. Build-out Timeline (i.e. year(s); #/yr):
anticipated completion in 2012

Education 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

Exhibit B-8

City of Santa Fe, New Mexico

memo

DATE: March 26, 2009

TO: Donna Wynant, Planning and Land Use Department

FROM: John Romero, Public Works Dpt/Engineering Div/Traffic Impacts Section *JR*

SUBJECT: Case #M-2009-07, Plaza Piñones Final Development Plan

ISSUE

Request for final development plan approval for 40 townhomes on 7.44± acres. No variances are requested with this proposal. The property is zoned R-5 (Residential, 5 dwelling units per acre) and is located east of Fifth Street and south of St. Michael's Drive.

RECOMMENDED ACTION:

Review comments are based on submittals received on February 11, 2009. The comments below should be considered as Conditions of Approval to be addressed in a satisfactory manner prior to final signoff unless otherwise stated:

1. The proposed development is not expected to have significant traffic operational impacts on the City's roadway infrastructure.
2. The developer is proposing one-way right-out only access point onto Fifth Street that must also provide full emergency access. With this in mind, the developer has not provided a design that in addition to providing full emergency access, effectively prohibits right-ins, left-ins, and left-outs. The developer shall provide said design subject to review and approval by the Public Works Department.

If you have any questions or need any more information, feel free to contact me at 955-6638. Thank you.

M:\Engineering\Traffic Engineering Section\01-TIAs\2007\Plaza Pinones (La Triada)\Plaza Pinones 03-26-09.doc

Public Hearing

There was no public testimony regarding this item.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Armijo asked about the shared parking.

Ms. Wynant explained that the hours of operation complement each other so they can share the parking. She said they do meet the parking requirements.

Ms. Baer agreed they do meet the parking requirements.

Commissioner Lindell moved to approve Case #ZA-2009-01 including all staff conditions, Commissioner Armijo seconded the motion which passed by unanimous voice vote.

- 4. Case #M 2009-07, Plaza Pinones Final Development Plan. JenkinsGavin, agent for Sofar LLC, requests final development plan approval for 40 townhomes on 7.44± acres. No variances are requested with this proposal. The property is zoned R-5 (Residential, 5 dwelling units per acre) and is located east of Fifth Street and south of St. Michael's Drive. (Donna Wynant, case manager)**

Memorandum prepared April 7, 2009 for April 16, 2009 Planning Commission meeting by Donna Wynant, Senior Planner, is incorporated herewith to these minutes as Exhibit "4."

Comments from John Romero, Public Works Department/Engineering Division, dated April 15, 2009 is incorporated herewith to these minutes as Exhibit "4(A)."

Additional comments from RB Zaxus, Technical Review Division, dated April 15, 2009 is incorporated herewith to these minutes as Exhibit "4(B)."

Proposed additional conditions of approval presented by Jennifer Jenkins, dated April 14, 2009, are incorporated herewith to these minutes as Exhibit "4(C)."

Affordable home placement map presented by the applicant is incorporated herewith to these minutes as Exhibit "4(D)."

Ms. Wynant presented the staff report included in Exhibit "4."

Staff recommends:

The Planning Commission may make its decision on Plaza Pinones Development Plan based on information provided in this staff memorandum, subject to the Conditions of Approval per the DRT comments (Exhibit B), or may decide to consider further recommendations/resolutions to result from the 4/13/09 meeting.

Public Hearing

Jennifer Jenkins, Jenkins Gavin Design, 130 Grant Avenue, was sworn. She said following the City Council meeting they amended the application so that they are fully compliant with the code and they do not have any variances. The right in and right out on Fifth Street was denied with the 15 foot turning radii and now they have a right out exit on Fifth Street with a 25 foot turning radii. They have eliminated the bridge across the arroyo. The access to the site is Calle Sombra and they can leave the site by Fifth Street or Calle Sombra. The property exceeds the open space requirement of 10,000 square feet as they have almost 120,000 square feet of open space. The 100-year flood plain is honored. They are preserving the arroyo as well. The neighbors requested some site plan modifications that have been documented in Exhibit "4(C)." She reviewed these modifications. They had an ENN meeting January 27th and then were contacted to have another meeting March 13th. They have all agreed that the right in/right out is preferable. The idea was to exchange some property with the Fifth Street Condominiums so that they have more frontage and could accommodate the right in/right out. The applicant has agreed to facilitate the discussion and costs, although there has been no agreement at this time. If they get some extra land in this area the project would be able to accommodate the right in/right out. She commented that they have been working on this project for two years and have reviewed the traffic issues at nauseam. Fifth Street only has enough room to accommodate one car stacking in the left turn lane. She requested a condition of approval to continue the dialogue with the neighborhood. She said they have done what was asked of them.

Robert Hake, 2068 Calle Sombra, was sworn. He said the Casa del Cerro Neighborhood Association realizes that this project has been heard before. They would like to have one representative speak.

Melita Serna, 1919 Fifth Street, Suite L, was sworn. She said Greg White will speak on their behalf.

Greg White, 1928 Morris Place, was sworn. He was representing the Neighborhood Association and Fifth Street Condominium Association. He said this plan was submitted in response to an overturn of the prior design. The plan proposed has a number of issues and they have worked with the applicant on changing. The applicant has moved parking off of Fifth Street, creating single family homes abutting the existing single family homes and considering a land exchange. None of these are before the Commission tonight. The applicant says they intend to do these things, but they have not been done them yet, so the plan does not reflect their intention. He said they are aware of the number of cars in the area. Over time a number of traffic impact analyses have been done. The one they prefer includes removing the concrete island to accommodate the traffic into the Social Security office and to the development. This eliminates some of the problems with the design. People will go left even with a median and will also make illegal u-turns on Fifth Street. He said they propose that by removing the existing median you will accommodate the need for cueing and eliminate illegal u-turns. He noted that common sense sometimes outweighs good design. They would like this possibility reviewed by the Traffic Engineer. In their opinion, the proposal does not reflect the intent. There are solutions that would benefit the neighbors, applicant and the city. He requested postponement until the issues are resolved.

Rick Martinez, 725 Mesilla Road, was sworn. He commented that this is a good opportunity to have the neighborhoods go through a preliminary process prior to the final.

The process does not require a preliminary plan and the neighborhood deserves two chances. Any subdivision should have to go to a preliminary approval.

Ms. Jenkins said the project is in compliance with the code and this is the intent. If there is agreement on the land exchange it will be done. If there is an opportunity to make a modification at Fifth Street it will be pursued, but the plan is the intent. The options have been explored for over two years and they have been told that it is an unsafe condition. She would like the authority for staff to work with applicant.

Mr. White stated that the applicant wants to work with the Neighborhood Association which shows the intent to change. He thought they should be given a chance to finalize the changes prior to the approval. The condominium association will agree although they have some concerns and want out of the liability. He did not know if the elimination of the cueing island has ever been studied.

The public testimony portion of the public hearing was closed.

Questions and comments from the Commission

Commissioner Salazar asked if the engineering plans will be altered as the sketch is not reflected on them.

Ms. Jenkins explained that they provided the sketch to memorialize the changes agreed to. She said they will amend the engineering plans if approved.

Commissioner Salazar asked if there has been any response from the Fifth Street Condominium Association.

Ms. Jenkins stated there is nothing firm from the Association. She is happy to draft an agreement, but they have not been given the direction to do so. She added that they cannot control what someone else does. It will take time to do the land exchange as there will be title work and a lot line adjustment. If this is not possible then they will provide that documentation to staff.

Commissioner Salazar asked if there is an easement platted.

Ms. Jenkins said there is a 30 foot easement across the corner of the Fifth Street Condominium property. The Association would like to do the adjustment so there is no longer an easement. She agreed this is a good idea.

Commissioner Salazar asked if the Condominiums would be liable at that point.

Frank Herdman, attorney for the applicant, was previously sworn. He said there is no conceivable basis by where the Fifth Street Condominium Association could be liable. He added that there is insurance in place for those types of situations.

Commissioner Salazar asked if this were approved how they could include the separate drawings.

Ms. Baer said they can do this through text rather than drawings and can memorialize it as a condition of approval. It is fairly clear.

Commissioner Salazar asked if the right out would eliminate flipping u-turns.

Mr. Romero explained that if the applicant pursues the right out only they must place a gate that would only be activated by sensing a car going out and it would have a strobe to let the Fire Department in.

Commissioner Salazar questioned not having the turning radii to have a right in/right out.

Mr. Romero said they had enough room for two cars to go in and out simultaneously but the 15 foot variance was denied.

Commissioner Salazar asked what the applicant thinks of the gate idea.

Ms. Jenkins thinks this is a nice solution.

Commissioner Salazar asked if Calle Sombra is wide enough for this.

Ms. Jenkins stated that there is a 50 foot right of way and typically they can do a subdivision with a 26 foot area. There is a 30 foot paved section.

Commissioner Montes referred to #6 on the April 14, 2009 memo. He asked which staff should be authorized.

Ms. Jenkins thought it should be Public Works and Land Use staff. They have already laid it out to show that it is feasible.

Commissioner Armijo asked if the affordable units are marked.

Ms. Jenkins passed out a map showing where the affordable units are included in Exhibit "4(D)."

Commissioner Armijo commented that the applicant has worked with the neighborhood and has changed the plan considerably removing the large amount of commercial activity. The applicant has done everything in their possibility to make this work. He stated support for this project.

Commissioner Salazar stated that the development plan meets Chapter 14 and it is within the R-5 zoning.

Commissioner Salazar moved to approve with the staff conditions and that the revised layout of homes along the south boundary be primarily detached units, the two duplexes at Calle Sombra be moved further east, the parking spaces near Fifth Street be moved further into the subdivision, and the Intersection at Calle Sombra be designed as a three way stop. ~~The applicant can continue to pursue the land acquisition to increase the Fifth Street intersection.~~ Commissioner Armijo seconded the motion.

Chair O'Reilly asked if the intent is to pursue the land acquisition to revise the intersection.

Commissioner Salazar said if the land acquisition is made then they can work with staff. He then asked that this condition be removed from his motion. He said a right out is probably more appropriate anyways.

Chair O'Reilly pointed out that there is no gate shown on the drawings.

Commissioner Salazar said that is on the revised memo which is included with the conditions.

The motion passed by majority voice vote of 4 to 2. Commissioners Montes and Hughes voted against the motion.

- 5. Case #M 2009-03. Governor Miles Business Park Development Plan. Linda Tigges, agent for Crowne Santa Fe, LLC requests development plan approval for a total of 76,350 square feet on 6.485± acres. The property is located south of the Santa Fe Auto Park and north of Governor Miles Road and is zoned C-2 (General Commercial). (Donna Wynant, case manager)**

This case was postponed per approval of the agenda.

- 6. Case #S 2009-01. Governor Miles Business Park Preliminary Subdivision Plat. Linda Tigges, agent for Crowne Santa Fe, LLC requests preliminary subdivision plat approval for 10 lots on 6.485± acres. The property is located south of the Santa Fe Auto Park and north of Governor Miles Road and is zoned C-2 (General Commercial). (Donna Wynant, case manager)**

This case was postponed per approval of the agenda.

- 7. Chapter 14 Update, Bill No. _____. Public hearing to consider recommending approval of an ordinance amending the following sections of the Land Development Code Chapter 14 SFCC 1987: Section 14-1, General Provisions; 14-2, Review and Decision-Making Bodies; 14-4, Zoning Districts; 14-10, Nonconformities; 14-11, Enforcement; and 14-12, Definitions. The Commission conducted a study session on these code sections March 19, 2009. (Greg Smith, case manager)**

Memorandum prepared April 8 for April 16, 2009 Planning Commission meeting prepared by Greg Smith, Director Current Planning is incorporated herewith to these minutes as Exhibit "5."

Request for postponement from Fred Rowe, Neighborhood Law Center, dated April 16, 2009 is incorporated herewith to these minutes as Exhibit "5(A)."

Correspondence from Santa Fe Neighborhood Law Center dated April 16, 2009 is incorporated herewith to these minutes as Exhibit "5(B)."

Mr. Smith recapped that there was a study session on March 19th. Staff is concerned with balancing the desire of the Governing Body to proceed and how the Commission would like to review this.

Mr. Graeser said this draft has detailed points and language cleanup.

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

Case #M-2009-07

Owner's Name – Soñar LLC

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

THIS MATTER came before the Planning Commission (Commission) for hearing on April 16, 2009 (Hearing) upon the application (Application) of JenkinsGavin Design & Development, Inc., as agent for Soñar LLC (Applicant).

The Applicant seeks final development plan approval for construction of forty (40) townhomes (Project) on 7.44+/- acres of land (Property) located east of Fifth Street and south of St. Michael's Drive. The Property is zoned R-5 (Residential – 5 dwelling units per acre). No variances are required for the Project

The Property was used historically as a spur turnaround for the railroad, and railroad tracks run north/south along its eastern boundary. The triangular configuration of the Property, manmade berms along its north and south boundaries, and limited roadway access are remnants of this historic use. The Property is bisected by the Arroyo de Los Pinos (Arroyo), which enters the Property near its northeast corner, and exits via a 5-foot-diameter culvert at the mid-point of the south boundary. The Arroyo is within the 100-year FEMA floodplain at widths varying from 20 to 60 feet along its course.

The Property is bordered by Fifth Street to the west, the railroad right-of-way to the east, with residential development composed of apartment buildings and single-family residences east of the right-of-way, commercial/office development along Warner Circle and St. Michael's Drive to the north, and a residential neighborhood to the south. Zoning north and west of the Property is C-2 (General Commercial) and SC-2 (Community Shopping Center) and zoning south and east of the Property is RM-2 PUD (Multiple Family Residential – Planned Unit Development) and R-5 (Residential – 5 dwelling units/acre).

The Project provides for 40 dwelling units, with 35 units permitted under current R-5 zoning (7.44 acres less flood plain [.44 acres] = 7 x 5) and 5 Santa Fe Homes Program density bonus units (15% x 35 = 5.25). 30% of the units (12) will be affordable. 16 single-story homes will be located along the south boundary adjacent to the Casas del Cerro residential neighborhood to the south and 24 two-story structures will be located to the interior and northeast corner of the Property along the Arroyo and the trail easement adjacent to the railroad right-of-way.

Previously, on May 1, 2008, the Commission heard the Applicant's request for a lot split, General Plan Amendment, and rezoning in order to develop the Property with townhomes and storage facilities for a project to be known as La Triada (La Triada 1). The

Commission closed the hearing and postponed its decision in order to conduct a view of the Property on May 12, 2008. On May 15, 2008, the Commission denied the Applicant's request for approval of the La Triada 1 project. On August 28, 2008 the Commission heard the Applicant's request for final development plan approval for a project similar to the Project, also to be known as La Triada (La Triada 2), except that the application included a request for two variances (Variances). The Commission voted at the August 28, 2008 hearing to grant final development plan approval for the La Triada 2 project, including the two variances, and on September 18, 2008 adopted Findings of Fact and Conclusions of Law embodying that decision (the September 18 Commission Order). On October 6, 2008 the Governing Body of the City of Santa Fe (Governing Body) decided pursuant to Code Section 14-2.2(A)(2)(a) to review the Commission's September 18, 2008 Order and on December 10, 2008 the Governing Body heard the matter *de novo*. On February 11, 2009 the Governing Body reversed the September 18 Commission Order, finding, among other things, that the Variances were not required for the owner to make reasonable use of the Property.

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

FINDINGS OF FACT

1. The Commission heard testimony from staff, the Applicant, and members of the public interested in the matter.
2. Pursuant to City of Santa Fe (City) Land Development Code (Code) Section 14-2.3(C)(1) the Commission is authorized to review and approve or disapprove certain development plans in accordance with applicable Code provisions.
3. Code Section 14-3.8(A)(5) applies the provisions of Code Section 14-3.8, entitled "Development Plans", when the permits are for coordinated development of a project comprising multiple buildings.
4. Code Section 14-3.8(B) provides that preliminary and final development plans are combined into one development plan review, except where otherwise specifically required by other provisions of Code; and
5. Code Section 14-3.8(A)(7) sets out certain general submittal requirements for development plans.
6. The Applicant has met the general submittal requirements for development plans set out in Code Section 14-3.8(A)(7).
7. Code Section 14-3.8(A)(1) requires that early neighborhood notification (ENN), notice, and conduct of public hearings be provided for development plan approval pursuant to the general provisions of Code Sections 14-3.1(F), (H), and (I).
8. Code Section 14-3.1(F)(2)(a)(v) requires an ENN for final development plans where a preliminary development plan has not previously been approved and Code Section 14-3.1(F)(3), (4) and (5) establish procedures for the ENN.
9. The Applicant conducted an ENN meeting on January 27, 2009 in accordance with the notice requirement of Code Section 14-3.1(F)(3)(a) and the procedures of Code Section 14-3.1(F)(3), (4) and (5).

10. The ENN meeting was attended by representatives of the Applicant, City staff and approximately 20 other attendees from the neighborhood, and the discussion followed the guidelines set out in Code Section 14-5.3.1(F)(5).
11. Commission staff provided the Commission with a report dated "April 7 for April 16, 2009 [Commission] Meeting, supplemented by a Memo dated April 14, 2009 to Donna Wynant from John Romero (collectively, the Staff Report) evaluating the factors relevant to the proposed development plan.
12. Testimony at the public hearing included statements of concern from residents of the Casas del Cerro neighborhood south of the Property and from the representatives of the Fifth Street Condominium Association (FSCA), speaking through a single spokesperson, about increased traffic on Calle Sombra resulting from the use of a 30-foot access easement from the Property to Fifth Street as a right-out only and citing ongoing discussions between the Applicant and the neighbors and the FSCA, resulting in changes to the Project that were not reflected in the plans presented to the Commission for approval, as well as the possibility of an agreement regarding enhanced access rights to Fifth Street that would permit a two-lane configuration with the potential to accommodate right in/right out as well as left in/left out, so that Calle Sombra would not be the sole point of ingress to the Property and urging the Commission to postpone action. The Applicant testified that the Project is in compliance with applicable code and that while the Applicant was willing to continue to work with the neighborhood and if there is an opportunity to make a modification at Fifth Street, it will be done, the Applicant was seeking approval of the Project as submitted. The Applicant introduced for the Commission's consideration language embodying the changes to the Project agreed upon by the Applicant and representatives of the Casas del Cerro neighborhood for the Commission's adoption as conditions of approval.
13. The Project as designed and submitted complies with all applicable requirements of Code.

CONCLUSIONS OF LAW

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

1. The Commission has the power and authority under the Code to review and approve the Applicant's development plan.
2. The preliminary and final development plans for the Project are combined into one development plan.
3. The Applicant has complied with all applicable requirements of the Code with respect to the final development plan.
4. The final development plan for the Project is approved as submitted, subject to the conditions of staff set out in the Staff Report and to the following: that the layout of homes along the south boundary of the Property be primarily detached units to better mirror the single-family homes in the Casas del Cerro neighborhood; that the two duplexes east of Calle Sombra be moved further east, as shown on the sketch attached

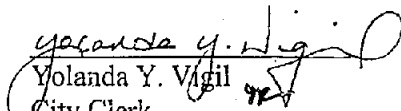
as Exhibit A, to provide an increased setback for the existing home on Calle Sombra; that the parking spaces proposed near the Fifth Street drive way be moved further into the site; and that the intersection at Calle Sombra and the drive way along the southern boundary be designed as a three-way stop in order to slow traffic traveling south onto Calle Sombra.

IT IS SO ORDERED ON THE _____ OF MAY 2009 BY THE PLANNING
COMMISSION OF THE CITY OF SANTA FE


Matthew O'Reilly
Chair

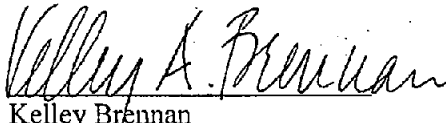
5/8/09
Date:

FILED:

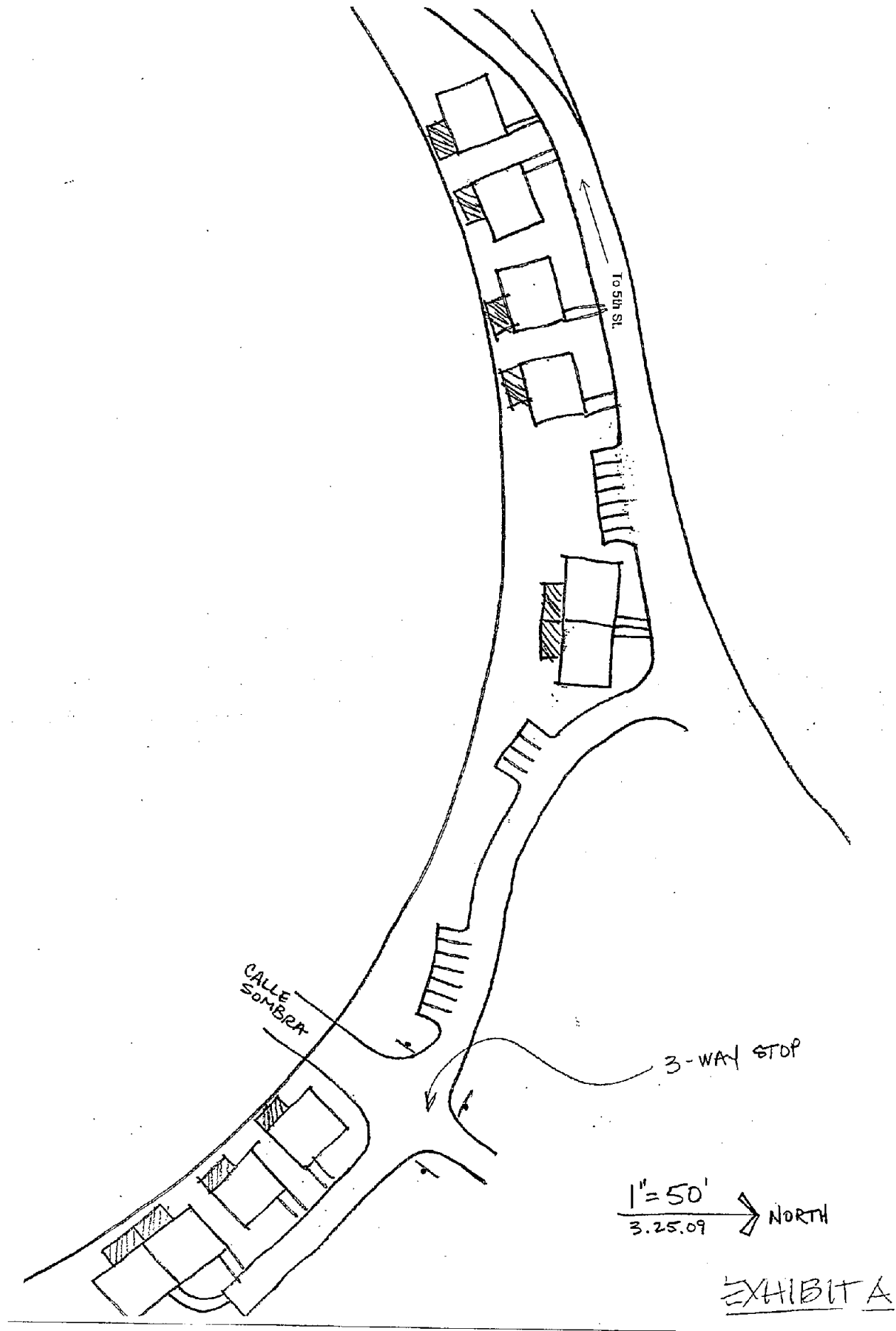

Yolanda Y. Vigil
City Clerk

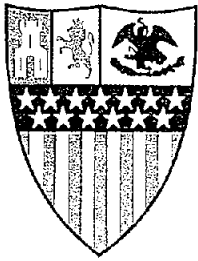
5-8-09
Date:

APPROVED AS TO FORM:


Kelley Brennan
Assistant City Attorney

5/8/09
Date:





City of Santa Fe, New Mexico

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

www.santafenm.gov

David Coss, *Mayor*

Councilors:

Rebecca Wurzbarger, Mayor Pro Tem, Dist. 2

Patti J. Bushee, Dist. 1

Chris Calvert, Dist. 1

Peter N. Ives, Dist. 2

Carmichael A. Dominguez, Dist. 3

Christopher M. Rivera, Dist. 3

Bill Dimas, Dist. 4

Ronald S. Trujillo, Dist. 4

June 10, 2013

Jennifer Jenkins
JenkinsGavin Design & Development, Inc.
130 Grant Avenue, Suite 101
Santa Fe, New Mexico 87501

RE: Plaza Piñones Final Development Plan (Case #M 2009-07)

Dear Ms. Jenkins,

The referenced case was approved by the Planning Commission on April 16, 2009. Based upon the provisions of SFCC 1987 §14-3.8(C), in effect at the time of approval, the Development Plan would have expired on April 16, 2011. However, in accordance with City of Santa Fe Resolution #2011-26, the expiration date was tolled for a period of three years. Therefore, the approval is valid until April 16, 2014. Prior to this expiration date, the applicant may request an additional one year administrative time extension in accordance with the provisions of SFCC 1987 §14-3.19(C).

Feel free to contact me at 955-6580 or at tbaer@santafenm.gov if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Tamara Baer", with a long, flowing horizontal line extending to the right.

Tamara Baer, Manager
Current Planning Division

Cc: File

BAER, TAMARA

From: Jennifer Jenkins <jennifer@jenkinsgavin.com>
Sent: Monday, February 17, 2014 4:55 PM
To: BAER, TAMARA
Cc: GURULE, GERALDINE A.
Subject: RE: Plaza Pinones

Yes, Mr. Raymond is still the owner.

Thank you.

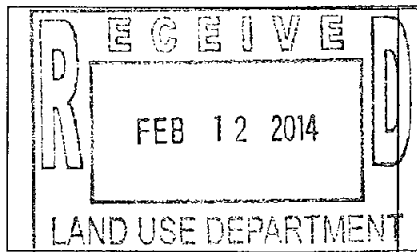
Jennifer Jenkins

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: BAER, TAMARA [<mailto:tbaer@ci.santa-fe.nm.us>]
Sent: Monday, February 17, 2014 4:49 PM
To: Jennifer Jenkins
Cc: GURULE, GERALDINE A.
Subject: Plaza Pinones

Jennifer – Regarding the time extension request for the Plaza Pinones Development Plan, I note that you have used the 2008 agent authorization from Ken Raymond. Please confirm by email that Mr. Raymond is currently the owner of the property. Thank you.

*Tamara Baer, ASLA
Manager, Current Planning Division
Land Use Department
City of Santa Fe
505-955-6580
tbaer@santafenm.gov*



PLAN OR PLAT AMENDMENT APPLICATION

Parcel Information

Project Name: Plaza Piñones Final Development Plan
Address: South of St. Michael's Dr, East of 5th St. Zoning: R-5
Previous Approvals: Final Development Plan
Planning Commission, 4/16/09 Purpose of Amendment: Time Extension

Property Owner Information

Company Name: Sañar LLC
Name: Raymond, Ken
Last First M.I.
Address: 2 O'Leary Ave
Street Address Suite/Unit #
Hanover, NH 03755
City State ZIP Code
Phone: () E-mail Address:

Applicant/Agent Information (if different from owner)

Company Name: Jenkins Garin
Name: Jenkins Jennifer
Last First M.I.
Address: 130 Grant Avenue, Suite 101
Street Address Suite/Unit #
Santa Fe NM 87501
City State ZIP Code
Phone: 1505-820-7444 E-mail Address: jennifer@jenkinsgarin.com
Correspondence Directed to: ☐ Owner ☒ Applicant ☐ Both

Agent Authorization (if applicable)

I am/We are the owner(s) and record title holder(s) of the property located at: _____
I/We authorize Please see attached to act as my/our agent to execute this application.
Signed: letter of authorization. Date: _____
Signed: _____ Date: _____

Signature

I hereby certify that the documents submitted for review and consideration by the City of Santa Fe have been prepared to meet the minimum standards outlined in the Land Development Code, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection of my application. I also certify that I have met with the City's Current Planning staff in a preapplication meeting to verify that the attached proposal is in compliance with the City's zoning and annexation requirements.

Signature: [Signature] Date: 2/10/14

SONAR LLC
513 E. 86th Street, Apt. 13
New York, N.Y. 10028

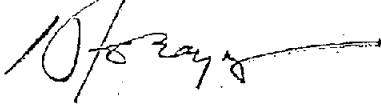
February 8, 2008

TO: The City of Santa Fe
Planning Department

RE: Authorization to Submit
1919 5th Street

As the owner of the above mentioned property, I hereby authorize Jenkins-Gavin Inc. to submit enclosed development application. Enclosed please find a copy of recorded Warranty Deed.

Thank you,

A handwritten signature in black ink, appearing to read "Ken Raymond", with a long horizontal flourish extending to the right.

Ken Raymond

Partner
SONAR LLC

Return to First American Title Insurance Company
File No. 921095-SF01 SJL

WARRANTY DEED

Robert L. Frank and Margaret E. Frank, Trustees of the Robert and Margaret Frank Revocable Trust, dated March 10, 1993, for consideration paid, grant(s) to Sonar, LLC, a New Mexico limited liability company whose address is 513 E. 86th Street, Apt. 1-B, New York, NY 10028, the following described real estate in Santa Fe County, New Mexico:

A tract of land as shown on "Plat of Boundary Survey for Sonar, LLC", filed in the office of the County Clerk, Santa Fe County, New Mexico on 10-15-07, in Plat Book 446 page 242 as Instrument No. 1502937.

Subject to patent reservations, restrictions, and easements of record and taxes for the year 2007 and subsequent years.

with warranty covenants.

WITNESS my/our hand(s) and seal(s) this Fifteenth day of October, 2007.

Robert L. Frank and Margaret E. Frank,
Trustees of the Robert and Margaret Frank
Revocable Trust

Robert L. Frank Trustee

Margaret E. Frank Trustee

Representative Capacity

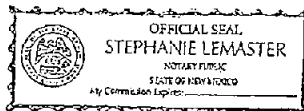
State of New Mexico)
County of Santa Fe)

This instrument was acknowledged before me on October 15, 2007, by Robert L. Frank and Margaret E. Frank as Trustees of Robert and Margaret Frank Revocable Trust

My commission expires: 10-12-09

Stephanie Lemaster
Notary Public

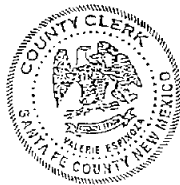
(Seal)



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

WARRANTY DEED
PAGES: 1

I Heraby Certify That This Instrument Was Filed for
Record On The 15TH Day Of October, A.D., 2007 at 15:25
And Was Duly Recorded as Instrument # 1503052
In The Records Of Santa Fe County



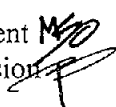
Witness My Hand And Seal Of Office
Valerie Espinoza
Deputy Stephanie Lemaster County Clerk, Santa Fe, NM


City of Santa Fe, New Mexico

memo

DATE: February 20, 2014 for the March 13, 2014 Meeting

TO: Planning Commission

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

FROM: Zach Thomas, Senior Planner, Current Planning Division 

Case #2014-14. 621 Old Santa Fe Trail, Wolf Subdivision, Preliminary Plat Time Extension. Report of the Land Use Director's approval of a one-year administrative time extension for a 3 lot subdivision on 1.056± acres, including a variance to street design standards. The time extension would extend approvals to March 3, 2015. Wayne Lloyd, AIA, agent for Orchard Metal Capital, David Lamb. (Tamara Baer, Case Manager)

I. RECOMMENDATION

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

II. APPLICATION OVERVIEW

The Wolf Preliminary Subdivision Plat and Variance were approved by the Planning Commission per their approval of the Findings of Fact and Conclusions of Law on March 3, 2011. The expiration date of the approval was March 3, 2014.

The approval consisted of a Preliminary Subdivision Plat for 3 lots on 1.056±/- acres and approval of a Variance from SFCC §14-9.2(E)(2), subdivision design standard requiring a 38-foot minimum width for a private lane. The Preliminary Subdivision located at 621 Old Santa Fe Trail, would be accessed from Old Santa Fe Trail for the existing commercial uses on Lot 1 and create two residential lots at the rear of the property with access from Halona Street. Accessed from Paseo de Peralta, Halona Street is a public street for the first 187 linear feet, at which point it becomes a private lane which would serve the two residential lots.

The agent for the owner of the property is requesting the one year extension of the development approvals due to the fact that the new property owner wants to keep his options open for future development of the property (See **Exhibit C**).

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

III. APPROVAL CRITERIA

Section 14-3.19(C) SFCC 1987 Time Extensions

(2) Administrative Extensions

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

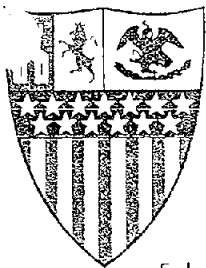
IV. ATTACHMENTS:

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

EXHIBIT B: Preliminary Subdivision Plat and Variance Approval

- 1. Findings of Fact
- 2. Staff Report

EXHIBIT C: Letter of Application



City of Santa Fe, New Mexico

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

www.santafenm.gov

David Coss, Mayor

Councilors:

Rebecca Wurzbarger, Mayor Pro Tem, Dist. 2

Patti J. Bushee, Dist. 1

Chris Calvert, Dist. 1

Peter N. Ives, Dist. 2

Carmichael A. Dominguez, Dist. 3

Christopher M. Rivera, Dist. 3

Bill Dimas, Dist. 4

Ronald S. Trujillo, Dist. 4

February 19, 2014

Wayne Lloyd, AIA
Lloyd & Associates Architects
100 N. Guadalupe St., Suite 201
Santa Fe, NM 87501

RE: Request for Time Extension
621 Old Santa Fe Trail, Wolf Subdivision, Case # 2010-177

Dear Mr. Lloyd,

I have reviewed the request you submitted on February 2, 2014 for a time extension of the development approvals that were granted for the 621 Old Santa Fe Trail Preliminary Subdivision Plat with a Variance to Street Standards. I have determined that no substantive changes have occurred to the regulations or policies that apply to the previous approvals, to the proposed development, or to the circumstances that apply to the site and vicinity, that would affect the validity of those approvals. Therefore, in accordance with SFCC 1987 Section 14-3.19, a one-year time extension is approved for the 621 Old Santa Fe Trail Preliminary Subdivision Plat with Variance, subject to the original conditions of approval as approved by the City of Santa Fe Planning Commission per their approval of the Findings of Fact and Conclusions of Law on March 3, 2011.

The time extension will allow development activities to commence prior to the extended deadline, as provided in Section 14-3.19 SFCC. The approvals will expire if you do not proceed with development of the property or file for another time extension prior to March 3, 2015.

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

- Case # 2010-177, Preliminary Subdivision Plat and Variance to Subdivision Regulations for 3 lots on 1.056+ acres located at 621 Old Santa Fe Trail.

SFCC Section 14-3.19 requires that the grant of this time extension be reported to the Planning Commission by placement on the commission's consent agenda. The Planning Commission may reverse this approval.

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

Sincerely,

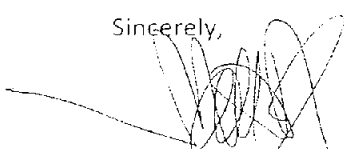

Matthew S. O'Reilly, P.E.
Land Use Department Director

EXHIBIT A

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

Case #2010-177 – Preliminary Subdivision Plat and Variance to Subdivision Regulations

Owners' Names – John and Mary Beth Wolf

Agent's Name – Monica Montoya

THIS MATTER came before the Planning Commission (Commission) for hearing on February 17, 2011 upon the application (Application) of Monica Montoya, as agent for John and Mary Beth Wolf (Applicant).

The Applicant seeks the Commission's approval of the preliminary subdivision plat for 3 lots on 1.056+/- acres of land located at 621 Old Santa Fe Trail (Property). The Property is zoned AC/RC 8 (Residential Compound – 8 dwelling units/acre; Arts and Crafts Overlay) and is in the Downtown and Eastside Historic District. The Applicant proposes to retain the existing commercial uses on Lot 1 with access via Old Santa Fe Trail and to create two residential lots (the Residential Lots) at the rear of the Property with access via Halona Street. The Application includes a request for a variance from City of Santa Fe (City) Land Development Code (Code) Section 14-9.2(E)(2) subdivision street design standards requiring a 38-foot minimum width for a private lane to allow existing road conditions to service the Residential Lots. Halona Street is a dead-end public/private road varying in width from a 30-foot public right-of-way accessed from Paseo de Peralta for the first 187 feet to a 20-foot private easement for the remaining 470+/- feet.

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

FINDINGS OF FACT

1. The Commission heard reports from staff and received testimony and evidence from the Applicant and members of the public interested in the matter.
2. Pursuant to Code Section 14-2.3(B) the Commission has the authority for approving subdivision plats within the corporate boundaries of the City.
3. Pursuant to Code Section 14-2.3(C)(3) the Commission is authorized to review and grant or deny requests for variances that are part of a subdivision request requiring Commission approval, including from terrain management regulations.
4. Code Section 14-3.7 sets out certain general principles governing the subdivision of land and establishes certain standards and procedures for the Commission's review and approval of a preliminary subdivision plat [Code Section 14-3.7(B)(3) and (4)] and criteria for the Commission's approval [Code Section 14-3.7(C)] (collectively, the Applicable Requirements).
5. Code Section 14-9 sets out subdivision design, improvement, and dedication standards and requirements, including a 38-foot minimum width requirement for a private lane established in Table 14-9.2.1.

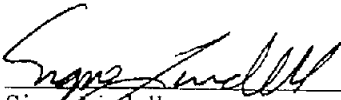
6. Code Section 14-3.7(B)(2) requires compliance with the early neighborhood notification (ENN) requirements of Code Section 14-3.1(F) for preliminary subdivision plats and provides for notice and conduct of public hearings pursuant to the general provisions of Code Sections 14-3.1 (H), and (I).
7. Code Section 14-3.16(A) authorizes the Commission to grant variance requests on matters properly before the Commission under Code Chapter 14 using procedures conforming to Code Section 14-3.16, unless otherwise specified for the Commission by Code Section 14-2.3(C)(3) and (4).
8. Code Section 14-2.3(C)(4) authorizes the Commission to grant or deny requests for variances from all subdivision regulations set forth in Code Section 14-9 using the criteria set forth in Code Section 14-3.7(F).
9. Code Section 14-3.1(F)(2)(a)(vi) requires an ENN for preliminary subdivision plats and Code Sections 14-3.1(F)(3)(a) and 14-3.1(F)(4) and (5) establish procedures for the ENN.
10. The Applicant conducted an ENN meeting on the preliminary subdivision plat on November 3, 2010 in accordance with the notice requirement of Code Section 14-3.1(F)(3)(a). The ENN meeting was attended by approximately 30 people, including the Applicant and City staff.
11. Code Section 14-3.1(F)(2)(a)(ix) requires early neighborhood notification (ENN) for variances.
12. The Applicant conducted an ENN meeting on the variance request on January 18, 2011 in accordance with the notice requirement of Code Section 14-3.1(F)(3)(a). The ENN meeting was attended by the Applicant and City staff and by two members of the public.
13. City Land Use Department staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable Code requirements and provided the Commission with a written report of its findings (Staff Report) together with a recommendation that the preliminary subdivision plat and variance to the subdivision street design standards be approved, subject to certain conditions (the Conditions) set out in such report.
14. The information contained in the Staff Report is sufficient to establish that the Applicable Requirements have been met.
15. The information contained in the Staff Report and the testimony and evidence presented at the hearing is sufficient to establish that (a) extraordinary hardship would result from strict compliance with the Code Section 14-9.2(E)(2) subdivision street design standards, in that existing development along Halona Street effectively prohibits increases in the width of the private portion of the street; (b) substantial justice would be done and the public interest secured by granting such variance, in that the variance would allow the property to be developed in conformance with existing zoning and the same density as surrounding properties with minimal impact on surrounding properties; and (c) granting the variance will not have the effect of nullifying the intent and purpose of the subdivision regulations.

CONCLUSIONS OF LAW AND ORDER

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

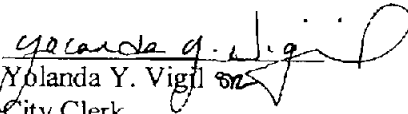
The preliminary subdivision plat, including the variance, is approved, subject to the Conditions.

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


Signe Lindell
Chair

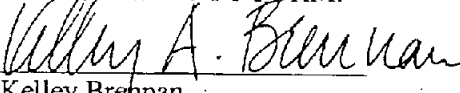
3/9/11
Date:

FILED:


Yolanda Y. Vigil
City Clerk

3/9/11
Date:

APPROVED AS TO FORM:


Kelley Brennan
Assistant City Attorney

3/3/11
Date:

City of Santa Fe, New Mexico

memo

DATE: Prepared January 26, 2011 for the February 3, 2011 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 *TB*

FROM: Dan Esquibel, Land Use Planner Senior *DE*

WOLF PRELIMINARY SUBDIVISION PLAT

Case #2010-177, Wolf Preliminary Subdivision Plat. Monica Montoya, agent for John and Mary Beth Wolf, requests Preliminary Subdivision Plat approval for 3 lots on 1.056 +/- acres located at 621 Old Santa Fe Trail. The application includes a variance to street design standards. The property is zoned AC/RC8 (Residential Compound/8 dwelling units per acre; Arts and Crafts Overlay) and is in the Downtown and Eastside Historic District. (Dan Esquibel, Case Manager)

RECOMMENDATION:

The Land Use Department believes that the standards for the requested variance have been addressed and recommends preliminary subdivision plat **approval** and variance approval subject to the following conditions:

1. The Applicant shall place a note on the plat stating that each lot will be served by a separate sewer service line.
2. The Applicant shall show on the plat appropriate private sewer services easements for Lots 2, and 3.
3. The Applicant shall submit as part of the Final Plat approval a signed Easement agreement for egress/ingress rights of the private portion of Halona Street.
4. Additional requirements per City Engineer for Land Use (reference 12/13/10 memo on Exhibit B5).

I. EXECUTIVE SUMMARY

The applicants are requesting preliminary subdivision plat approval to subdivide 1.06 ± acres into three (3) lots. Lot 1 will consist of 0.710 ± acres (30,907 square feet); Lot 2: 0.172 ± acres (7,513 square feet); and Lot 3: 0.173 ± acres (7,573 square feet).

Zoning for the property is AC/RC8 (Residential Compound/8 dwelling units per acre; Arts and Crafts Overlay) which allows Arts and Crafts and Residential uses on all lots subject to development standards and city approval. Existing commercial uses will remain on Lot 1, and 2 new residential lots will be created.

The applicants are requesting a variance from Article 14-9: SUBDIVISION DESIGN, IMPROVEMENT, AND DEDICATION STANDARDS, specifically the 38 foot minimum width Right-of-Way standards for a Private Lane per TABLE 14-9.2.1.

TABLE 14-9.2-1: Design Criteria for Street Types

Criteria	Major Arterial (6-Lane)	Major Arterial (4-Lane)	Secondary Arterial	Collector	Collector Mixed-Use	Subcollector		Lane	Private Driveway
						No Parking	With Parking		
Average Daily Traffic	Up to 60,000	Up to 40,000	5,000-15,000	1,000-5,000	1,000-5,000	300-1,000	300-1,000	0-300	Minimum
Dwelling Unit Access						30-100	30-1000	0-30	(0-8)
Minimum Right-of-way Width	120	98	70	50	50	42	46 or 52	38	20

Halona Street is a dead end public/private road which is accessed from of Paseo de Peralta. The total length of the street is approximately 657 feet, providing access to an estimated sixteen dwelling units. Existing widths vary from a thirty foot public right of way for the first 187 feet from Paseo de Peralta, to a twenty foot private easement. The proposed subdivision will increase dwelling units by two.

Chapter 14 subdivision design criteria for street types provide various road designs for subdivisions based on average daily traffic and number of dwelling units. The applicants are requesting a variance to allow the existing road conditions to service the proposed two lots. Easement and roadway width expansions of Halona Street are hindered by existing development along both sides of the street with potential development at virtually a maximum build out condition..

Early Neighborhood Notification

An Early Neighborhood Notification (ENN) meeting was held on November 3, 2010 to discuss the subdivision. There were approximately 30 people in attendance including the applicant, the applicant's agent and City staff. Concerns included construction traffic and other impacts of construction as well as access to the residential lots from Halona Street, which is a private street in that location.

An Early Neighborhood Notification (ENN) meeting was held on January 18, 2011 to discuss the variance request. Two neighbors attended the meeting at different times. Each left after their questions were addressed. One concern that was raised was the maintenance of the road. The applicants stated that the Applicant is willing to contribute his fair share toward maintenance.

II. SITE PLANNING AND SITE DEVELOPMENT PLAN EVALUATION

A. Density, Lot size, Lot Coverage, Use, Parking and Setbacks

The RC-8 zoning would allow a maximum of 8 dwelling units on the 1.06 acre lot. Three lots are proposed. The minimum Lot size is 4000 square feet where the smallest Lot proposed is Lot 2 at 7,513 square feet. The maximum lot coverage allowed without a compound¹ is 40%. Maximum lot coverage allows 12,370 square feet for Lot 1 and 3000 square feet for Lots 2 and 3. Existing lot coverage for Lot 1 has been calculated to be 39.40 % (total of existing buildings = 10,949 square feet) and Lots 2 and 3 are vacant. The existing sheds will be removed, and are not included in lot coverage calculations. Existing uses are permitted and will remain on the property.

The total number of parking spaces required for Lot 1 is 29, and 29 parking spaces are provided. Existing setbacks established on the property are considered legally nonconforming as the buildings were constructed prior to the effective date of the code. The existing buildings on the property have "contributing" status within the Downtown and Eastside Historic district. Setbacks for Lots 2 and 3 will comply with Chapter 14 Standards.

B. Traffic/Transportation, Roads

Lot 1 will continue to be accessed from Old Santa Fe Trail. Lots 2 and 3 will be accessed from Halona Street. Halona Street is accessed from Paseo de Peralta. It is a public street for approximately 187 linear feet, at which point it becomes a private street. The applicant is working with the owners of the street to allow access for the two additional units that would be constructed on Lots 2 and 3.

The City Traffic Division had no comments for the proposal.

C. Grading and Drainage

The property is basically flat with a 2% slope running west to east. The application provided no grading and drainage section to provide an analysis. Comments received from the City Engineer for Land Use require compliance with Article 14-8.2, Terrain and Stormwater Management as part of the final application review.

D. Infrastructure and Utilities

The subdivision will connect to City sewer and City water on Old Santa Fe Trail. Separate service lines and a public utility easement for Lots 2 and 3 are required. Comments received from City Solid Waste identify no issues with refuse collection.

¹ COMPOUND = Three or more attached or detached dwelling units on one Lot.

E. Fire

Comments received from the City Fire Marshal identify no issues with fire protection other than to meet the International Fire Code 2006 Edition.

III. VARIANCE

14-3.16(C)(1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same district, and which do not result from the actions of the applicant;

Applicant's Response:

"The subdivision design itself complies with design standards of the AC/RC8 zone district. It is Halona Street that does not meet the minimum width requirement. Halona Street has a long history as a 20' wide right of way. Even the City portion of Halona Street from Paseo de Peralta to the Acequia does not meet the minimum width criteria of 38'. According to survey records, this portion is only 30'. To attempt a reconstruction to meet current standards is not possible. Existing homes, vegetation, walls, fences and other structures are established all along Halona for many years. It is not possible to acquire the additional right of way because it does not exist. We ask the Commission to consider that the width requirement apply to developments creating 8 or more new units in newly constructed subdivisions."

Staff Response:

The applicant's statements identify existing development conditions along Halona Street that prohibit any expansion of easement widths to adhere to the standards as a special condition. While this condition is not unique to this district, it is not a condition created by the applicant. Halona Street is currently underdeveloped for the number of dwellings accessing on and off the street. However, the code would not prohibit the construction of the two dwellings on the property as a single lot. The City Traffic Division had no comments for this proposal. The Land Use Department believes that the addition of two dwellings units, given existing conditions will not impose significant impacts to Halona Street.

14-3.16(C)(2) Literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;

Applicant's Response:

"The literal interpretation of the code deprives the applicant and property of the right to use an existing usable right of way which is commonly used by other properties which access Halona Street. To acquire 38' is impossible as Halona Street is developed as a 20' wide

street. Technically, the net effect of the impact caused by the subdivision is 1 additional lot where 1 already exists."

Staff Response:

Literal interpretation of the code requires compliance with minimum standards designed to insure public health, safety and welfare. The Applicant is not denied the right to develop the property; rather, the right to develop the property must be consistent with City standards.

The Applicant is not deprived of development rights enjoyed by other properties in this district. Nothing prohibits the applicant from building the proposed two dwelling units on the tract.

14-3.16(C)(3) Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to owners of other lands, structures or buildings in the same district.

No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance;

Applicant's Response:

"The proposed variance will not confer a special privilege to the applicant or property. The proposed subdivision density is less than that which is allowed by the ACRC8 zone thereby causing little impact to the neighborhood of Halona Street. Only two single family residences have access to Halona Street. Granting the variance will also eliminate the potential for commercial traffic onto Halona Street from adjacent businesses."

Staff Response:

In reviewing a variance which may confer a special privilege on the Applicant, an analysis of the project is made by the Land Use Department to determine whether the property can support the project if the constraint(s) were not in place and whether the request confers more than what is commonly allowed to other properties in the district. The Land Use Department does not believe based on existing conditions that in granting a variance any special privilege will be granted.

14-3.16(C)(4) The variance is the minimum variance that will make possible the reasonable use of the land, building or structure;

Applicant's Response:

"Lots 2 and 3 now abut and have always abutted Halona Street. It is the creation of an additional lot that triggers the variance. There will be no visual difference to Halona Street and the 20' width is reasonable for the proposed single family residential use. Additionally, 20' is sufficient to the Fire Department for providing emergency service."

Staff Response:

The City Code does not define reasonable use aside from minimum standards for development for the specific zone in which the property is located. Therefore reasonable use

is subject to interpretation. The Planning Commission is asked to determine, based on the Applicant's submittal and public testimony, whether the addition or existing development on the property, or both, could be considered reasonable use of land, building or structure.

The question here is not whether the addition or perceived rights commonly enjoyed by other properties are being denied to the Applicant, but whether a minimum easing of the rules is necessary to allow reasonable use and development of the property.

The Commission must determine whether the request for variance meets the criteria for an easing of the regulations which are set up to protect the community for which the development is proposed.

14-3.16(C)(5) Granting the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Applicant's Response:

"The granting of the variance will allow Halona Street to maintain its quaint and historic character as well as provide no disturbance to a historic Santa Fe street. A high percentage of streets in the area surrounding Halona Street have similar circumstance of narrow streets. Very few streets in historic Santa Fe are 38' wide. The granting of the variance will maintain harmony with general purpose and intent of the Historic District and the many historic narrow streets."

Staff Response:

The general purpose of the code allows for variances which "will not be contrary to public interest, where owing to special conditions, a literal enforcement of the provisions of this chapter would result in an unnecessary hardship". The Applicant's responses identify non-self inflicted circumstances which define limitations for development. The five points presented have provided a clear and substantiated need based on existing conditions which may support an easing or variance of the regulations.

The Planning Commission is required to determine, if the Applicant's five points presented, Land Use analysis and public testimony, support an easing or variance of the regulations.

Different variance criteria are applicable under different circumstances.

Per 14-3.16 Variances, (A) Purpose and Applicability, "the Planning Commission has the authority to grant variance requests on matters properly before the Commission under this chapter, including but not limited to terrain management regulations, subdivisions, and development plans;... For all bodies, the procedure for granting the variance shall conform to this section, unless otherwise specified for the Planning Commission by §§14-2.3(C)(3) and (4)."

The applicant has addressed the variance criteria in 14-3.16.

14-2.3 (C) addresses the Powers and Duties of the Planning Commission. Subsections (3) and (4) read as follows:

(3) Variances as Part of Subdivision or Development Plan Review

The Planning Commission is the principal City administrative board reviewing and granting or denying requests for variances from zoning regulations in all areas except the Historic Districts and Archaeological Review Districts, provided that the request is also part of a development plan or subdivision request requiring the Planning Commission's review. When deciding such variances the Planning Commission shall use the criteria for deciding variances as set forth in §14-3.16, except variances in PUD, PRC, and PRRC districts shall be evaluated based upon their appropriateness in relation to the overall development and its purposes and their impact upon surrounding properties. (Ord. No. 2002-12 § 1)

(4) Variances of Subdivision Regulations

The Planning Commission is the principal City administrative board reviewing and granting or denying requests for variances from all subdivision regulations set forth in Article 14-9. When deciding variances the Planning Commission shall use the criteria for deciding variances as set forth in §§14-3.7(F) or 14-8.2(G), as applicable. (Ord. No. 2002-12 § 2)

Subsection (3) states that when the variance is a part of the Subdivision request, the Planning Commission shall use the criteria in 14-3.16.

Subsection (4) is specific to variances to the Subdivision regulations, which are found in 14-9, "Subdivision Design, Improvement, and Dedication Standards," and has a different set of criteria to be used for deciding these variance requests. Those criteria are found in 14-3.7 (F) or 14-8.2 (G).

14-3. is the "Review and Approvals section, of which 14-3.7 is specific to "Subdivisions of Land," and (F) is "Variances from Subdivision Regulations."

Subsection (F) reads as follows: Variances from Subdivision Regulations

(1) Where the Planning Commission finds that extraordinary hardship may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variation shall not have the effect of nullifying the intent and purpose of these regulations.

(2) In granting variances or modifications, the Planning Commission may require such conditions as will, in its judgment, assure substantially the objectives of the standards or requirements so varied or modified.

(3) The Planning Commission may grant variances to the requirements of the terrain management regulations as set forth in §14-8.2.

The variance requested in this application is a variance to Subdivision regulations. Item (1) in Subsection (F), above, states the criteria to consider when granting a variance to Table 14-9.2-1, Design Criteria for Street Types.

To aid the Planning Commission in determining whether “extraordinary hardship may result from strict compliance with these regulations,” Black’s Law Dictionary provides the following definition of “extraordinary”:

“EXTRAORDINARY. Out of the ordinary; exceeding the usual, average, or normal measure or degree; beyond or out of the common order or rule; not usual, regular, or of a customary kind; remarkable; uncommon; rare. (reference Exhibit D)”

In this case, the extraordinary hardship is related to the peculiar circumstances of the land as it has been developed restricting the availability of any expanded access. Substantial justice is served by allowing the property to be developed in conformance with the existing zoning and at the same density as surrounding properties. The intent and purpose of the regulations is preserved.

IV. ATTACHMENTS

Exhibit A – Graphics

1. Vicinity Map
2. Site Plan

Exhibit B – DRT Comments

1. Angelo Ortega, Fire Marshal (December 10, 2010)
2. Stan Holland, P.E., Waste Water Management Division (November 23, 2010)
3. Randall V. Marco, Solid Waste Division (December 20, 2010)
4. John J. Romero, Public Works Department/Traffic Engineering Division (December 13, 2010)
5. Noah Berke, Landscaping, Land Use Department/Technical Review Division (December 13, 2010)
6. R.B. Zaxus, P.E., Land Use Department/Technical Review Division (December 13, 2010)
7. Antonio Trujillo, P.E. – Water Division Engineer

Exhibit C ENN Material

1. ENN Notes (Subdivision)
2. ENN Notes (Variance)
3. Early Neighborhood Notification Guidelines

Exhibit D – Blacks Law Definition of “*Extraordinary*”

Attachments – Applicant Materials

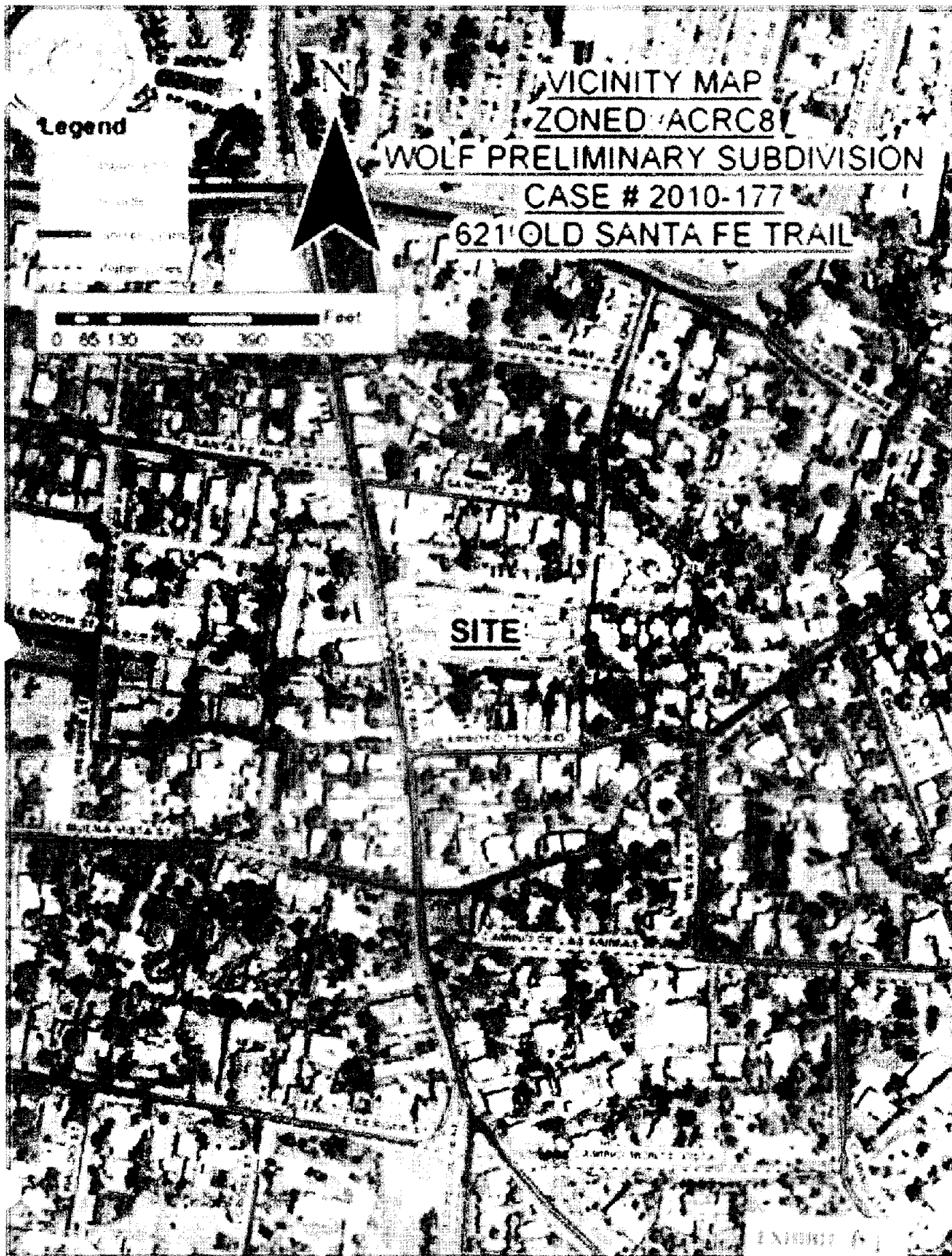
Legend

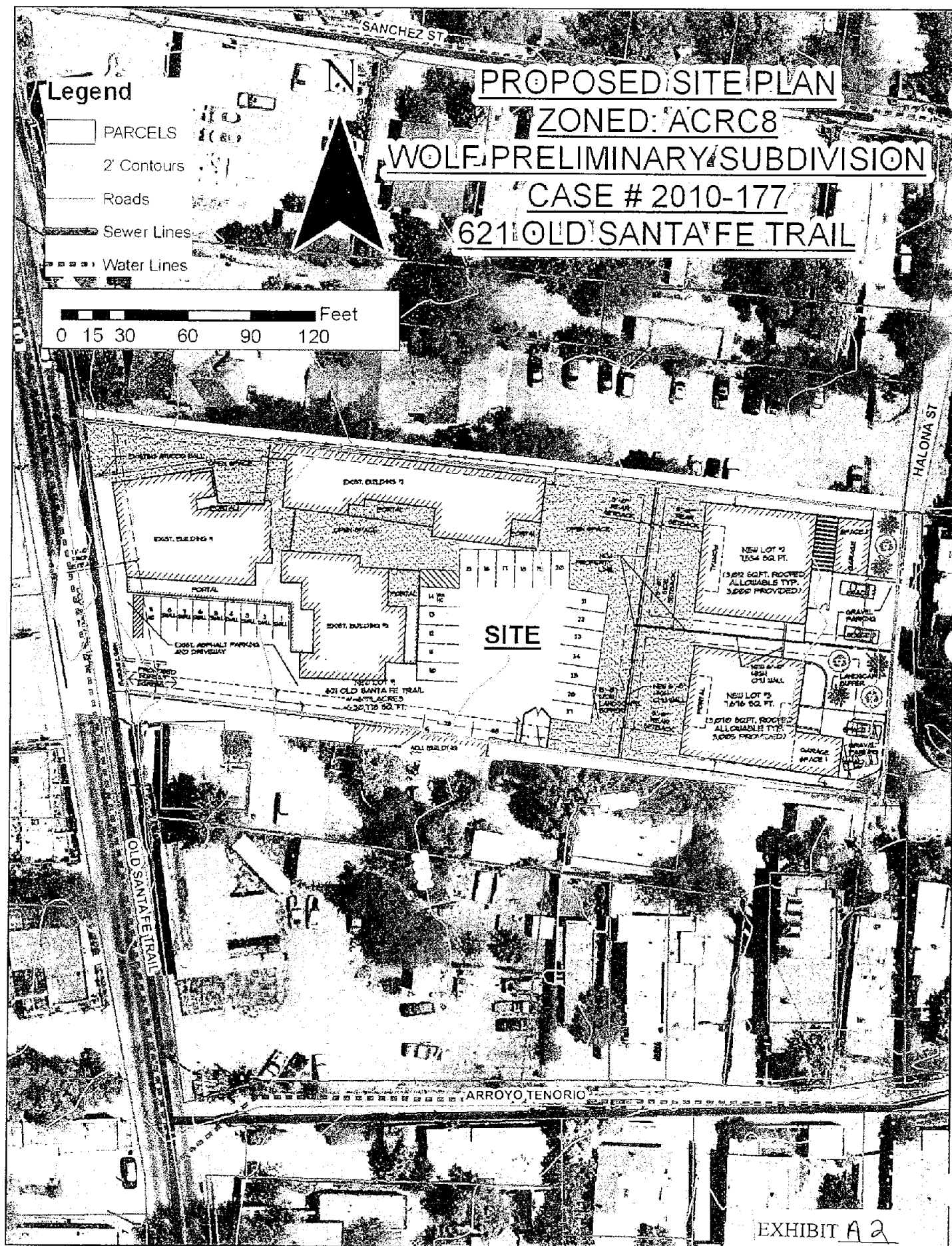


VICINITY MAP
ZONED ACRC8
WOLF PRELIMINARY SUBDIVISION
CASE # 2010-177
621 OLD SANTA FE TRAIL

0 66 130 260 390 520 Feet

SITE





City of Santa Fe, New Mexico

memo

DATE: December 20, 2010

TO: Dan Esquibel, Case Manager

FROM: Angelo Ortega, Fire Marshal A-C

RE: DRT Case # 2010-177 Wolf Preliminary Subdivision Plat

I have conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) 2006 Edition. Below are the following requirements which shall be addressed prior to approval by Planning Commission. If you have questions or concerns, or need further clarification please call me at (505) 955-3126.

1. No requirements at this time however all standards shall meet International Fire Code 2006 Edition.

EXHIBIT B1

City of Santa Fe



MEMO

Wastewater Management Division DEVELOPMENT REVIEW COMMENTS

E-MAIL DELIVERY

Date: November 23, 2010

To: Dan Esquibel, Case manager

From: Stan Holland, PE
Wastewater Management Division

Subject: Case #2010-177 Wolf Preliminary Subdivision Plat

A Utility Service Application for sewer service has been submitted by the applicant. The nearest available public sewer line is located within Old Santa Fe Trail. The Applicant shall:

1. Add note to the plat that each lot shall be served by a separate sewer service line.
2. Show on the plat the appropriate private sewer service easements for Lots 2 and 3.

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

cc: File

ESQUIBEL, DANIEL A.

From: MARCO, RANDALL V.
Sent: Monday, December 20, 2010 7:43 AM
To: ESQUIBEL, DANIEL A.
Subject: RE: Wolf Subdivision

Dan,
I do not see any solid waste issues at this time. We can pick up on either Halona or the Old Santa Fe trail for residential.

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

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

From: ESQUIBEL, DANIEL A.
Sent: Friday, December 17, 2010 4:09 PM
To: MARCO, RANDALL V.
Subject: FW: Wolf Subdivision

Dan Esquibel
Land Use Planner Senior
505-955-6587
daesquibel@santafenm.gov

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

From: Monica Montoya [mailto:monica@mnty.com]
Sent: Friday, December 17, 2010 12:33 PM
To: ESQUIBEL, DANIEL A.; MARCO, RANDALL V.
Subject: Wolf Subdivision

Hi Dan and Randall

I hope this answers all your questions.

Monica

Montoya Land Use Consulting, Inc.
726 Gregory Lane
Santa Fe, NM 87505
PH: (505) 412 1016
Efax: (505) 629 1555

12/20/2010

EXHIBIT B3

ESQUIBEL, DANIEL A.

From: ROMERO, JOHN J

Sent: Monday, December 13, 2010 2:32 PM

To: ESQUIBEL, DANIEL A.

Subject: Wolf Preliminary Subdivision Plat

I have no comments regarding the Wolf Preliminary Plat.

-jjr

12/21/2010

EXHIBIT B4

City of Santa Fe, New Mexico

memo

DATE: December 13, 2010

TO: Daniel Esquibel, Land Use Senior Planner

CC: R. B. Zaxus, P.E., CFM, City Engineer
Technical Review Division

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

RE: Landscaping Comments for case #2010-177, Wolf Preliminary
Subdivision Plat


Below are comments for Wolf Preliminary Subdivision Plat request. These comments are based on documentation and plans dated October 13, 2010:

Landscaping Improvements are not required as per Article 14-8.4(B), until Subdivision Plat approval, Development Plan approval, Master Plan approval or at time of Building Permit submittal. In addition, properties located in the Business Capitol District (BCD), shall comply with Article 14-4.3(E).

City of Santa Fe, New Mexico

memo

DATE: December 13, 2010
Dan Esquibel, Case Manager

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

RE: Case # 2010-177
Wolf Preliminary Subdivision Plat

I reviewed a four page set of plans dated 10/13/10, and have the following comments to be regarded as conditions of approval:

- At the time of Final Subdivision approval, provide engineering drawings showing compliance with Article 14-8.2, Terrain and Stormwater Management.
- Provide two NAD 83 State Plane Coordinates to identify one of the property corners.

City of Santa Fe
memo

DATE: December 21, 2010
TO: Dan Esquibel, Land Use Planner Senior, Land Use Department
FROM: Antonio Trujillo, Water Division Engineer
SUBJECT: Case #2010-117 Wolf Preliminary Subdivision Plat

The subject 3-lot subdivision will require service line easements to be served from Old Santa Fe Trail. An agreement for metered service will have to be executed with the Water Division before water service is provided.

Fire service requirements will have to be determined by the Fire Department before approval of a building permit.



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

<i>Project Name</i>	Wolf Preliminary Subdivision Plat
<i>Project Location</i>	621 Old Santa Fe Trail
<i>Project Description</i>	Three Lot Subdivision
<i>Applicant / Owner</i>	John and Mary Beth Wolf
<i>Agent</i>	Monica Montoya
<i>Pre-App Meeting Date</i>	September 23, 2010
<i>ENN Meeting Date</i>	November 3, 2010
<i>ENN Meeting Location</i>	Santa Fe Public Library (Main Branch Community Room)
<i>Application Type</i>	Preliminary Subdivision Plat
<i>Land Use Staff</i>	Dan Esquibel
<i>Other Staff</i>	
<i>Attendance</i>	Around 25 members of public and Applicant

Notes/Comments:

An Early Neighborhood Notification (ENN) meeting was held on November 3, 2010 to discuss the subdivision. There were approximately 30 people in attendance including the applicant, the applicant's agent and City staff. Concerns included construction traffic and other impacts of construction as well as access to the residential Lots from Halona Street, which is a private street in that location.



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

<i>Project Name</i>	Wolf Preliminary Subdivision Plat
<i>Project Location</i>	621 Old Santa Fe Trail
<i>Project Description</i>	Variance to Subdivision Regulations
<i>Applicant / Owner</i>	John and Mary Beth Wolf
<i>Agent</i>	Monica Montoya
<i>Pre-App Meeting Date</i>	September 23, 2010
<i>ENN Meeting Date</i>	January 18, 2010
<i>ENN Meeting Location</i>	Santa Fe Public Library (Main Branch Community Room)
<i>Application Type</i>	Preliminary Subdivision Plat
<i>Land Use Staff</i>	Dan Esquibel
<i>Other Staff</i>	
<i>Attendance</i>	2 members of the public and Applicant

Notes/Comments:

An Early Neighborhood Notification (ENN) meeting was held on January 18, 2010 to discuss the variance request. Two neighbors attend the meeting at different times. Each left after their questions were addressed. One concern was raised which was the maintenance of the road. The applicant's stated that the Applicant is will in to contribute his fair share toward that concern.

September 2010

EARLY NEIGHBORHOOD NOTIFICATION GUIDELINES

Wolf Subdivision Santa Fe, NM

An application will be made to the City Planning Commission to create a three lot subdivision on property located at the south end of Halona Street. Two of the three lots will be adjacent to Halona Street and the third will front Old Santa Fe Trail.

Responses herein are submitted to satisfy Chapter 14 requirements under the Early Neighborhood Notification Ordinance procedures of Section 14-3.1(F). Every effort is made to address each point in full and to note where a particular issue is not applicable to this submission or covered in another paragraph. This document is provided to serve the purpose of providing information regarding the project to neighbors and neighborhood associations in the vicinity as required by the ENN ordinance.

GUIDELINE CRITERIA RESPONSE

1. **Effect on character and appearance of the surrounding neighbors.**
The character of Halona Street is predominantly residential in nature. At the south end where the subdivision will occur, walls and fences abut the right of way. Homes are accessed from entrance gates located at the entrance to each property. Driveways are predominantly visible.

The visual effect of the subdivision will be minimal and similar to that which already exists. The subject property abuts Halona. One additional lot will abut Halona. It is intended that the existing streetscape continue. Designs for new homes are subject to zoning and Historic Design Guidelines.
2. **Effect on protection of the physical environment.**
The Wolf Subdivision is proposed within City code requirements including but not limited to density, minimum lot size, parking, open space, lot to roof area ratios, among others. The terrain is flat with no flood plain boundaries nearby. Little change to the terrain is anticipated.
3. **Impacts on any prehistoric, historic, archaeological or cultural sites or structures, including acequias and the historic downtown.**
Architecture of all new construction is subject to the Historic Design Review and archaeological regulations. All applicable ordinances will be applied prior to issuance of building permit.
4. **Relationship to existing density and land use within the surrounding area and with the land uses and densities proposed by the City General Plan.**
The Wolf Subdivision is surrounded by both high density residential and commercial uses. The North and South properties are both zoned AC RC-8 (Residential Compound 8du/ac with an Arts and Crafts Overlay). Commercial uses front and access off Old

LAA

Lloyd & Associates
ARCHITECTS

February 2, 2014

Matt O'Reilly
Land Use Department Director
City of Santa Fe
Santa Fe, NM 87501


Re: 621 Old Santa Fe Trail
Case no. 2010-177; Preliminary Subdivision Approval Extension

Dear Matt:

As agent for the owner of the property at 621 Old Santa Fe Trail I am requesting a one year Administrative Extension in accordance with Chp. 14-3.19(C)(2). This request is largely due to the fact that there is a new property owner and he wants to keep his options open for the future development of the property. The findings of fact were approved on March 3, 2011.

Please let me know if you require additional information or have any questions.

Best regards,


Wayne S. Lloyd, AIA
President

A I A

City of Santa Fe, New Mexico

memo

DATE: March 5, 2014 for the March 13, 2014 Planning Commission Meeting

TO: Planning Commission
Public Works, C.I.P., and Land Use Committee
Governing Body

VIA: Matthew S. O'Reilly, Land Use Department Director *MSO*

FROM: Edward J. Vigil, Property Manager *EV*

Case #2014-16. Sierra Vista Addition – Alleyway Vacation. David Schutz, agent for Two Doc Properties LLC, per Section 23-1.2 SFCC 1987, requests vacation of an existing city alley within the bounds of Sierra Vista Addition adjoining the boundaries of Lots 10 (a portion), 11, 12, 13, 14, 25 (a portion), 26, 27, 28, and Tract A, of the Sierra Vista Addition, a.k.a. 816, 818, 830, 832 Camino Sierra Vista and 901 and 903 Mercer Street. (Edward Vigil, Property Manager)

I. RECOMMENDATION

Staff recommends APPROVAL of the request to vacate the alley with the conditions listed in Section III of this memorandum.

II. OVERVIEW

This vacation of right-of-way is brought before the Planning Commission, Public Works Committee, and the Governing Body pursuant to Section 23-1.2 of the Municipal Code.

The property in question is a portion of a City alley (see Exhibit A) which was established within the bounds of the Sierra Vista Addition subdivision by plat filed for record in Plat Book 3, page 423, subsequently amended and recorded in 1954 in plat book 6, page 5 of the records of Santa Fe County, NM (see Exhibit B). Originally, the alley connected Alarid Street and Oñate Street (now Oñate Place). The construction of St. Francis Drive in the 1960s split the alley resulting in vestigial sections east and west of St. Francis Drive (see Exhibits C & D), the eastern remnant now having no connection to Alarid Street. The surface of the alley is undeveloped and the alley is blocked at both ends and along its length by fence lines (see Exhibit E). The City maintains a locked gate at the west end of 830 Camino Sierra Vista to prevent unwanted access to the alley and illegal dumping and trash accumulation.

As was common practice at the time it was created, the alley was not deeded in fee or dedicated by plat statement to the City but was identified as a public alley on the subdivision plat. The City of Santa Fe

Exhibit "5"

considers the alley a public right-of-way subject to §23-1.2 SFCC 1987 (See Exhibit H) and would claim a right-of-way for access and utility purposes if contested. The City also owns a subsurface water main within the alley and the Water Division would request that any vacation of alley right-of-way be subject to a 15-foot wide utility easement to benefit the City for future use and maintenance of the water line.

The applicant initiating the vacation request has gathered signed petitions of six of the seven adjacent property owners who are in favor of the vacation (see Exhibit F). The owner of 818 Camino Sierra Vista (and their tenant, La Familia Medical Center) is not in favor of the vacation (see Exhibit G). The six petitioning adjacent property owners do not constitute 100% of the adjacent owners but do constitute at least 75% (6 of 7 = 85.7%) of the total adjoining property owners and therefore pursuant to §23-1.2 SFCC 1987 the final decision to vacate the alley rests with the Governing Body. Should the vacation be approved, a Vacation Plat will be prepared by the applicant that will return a portion of the alley to each adjacent property owner in proportion to their respective frontages along the alley.

III. CONCLUSIONS AND CONDITIONS

Land Use staff has consulted with various city departments none of which have expressed a need for the alley except for the reservation of a utility easement for the existing water line mentioned above. The vacation of the alley would benefit the city by removing the city's liability for the alley and placing the property back on the tax rolls. The vacation of the alley would benefit the adjacent owners by giving them ownership of more property at no cost, allowing them increased lot coverage, and lessening any existing setback or lot coverage non-conformities. Staff therefore recommends approval of the vacation of the alley with the following conditions:

1. The applicant shall prepare a Vacation Plat for the alley for the city's review and recordation; and
2. The Vacation Plat shall include a 15-foot wide public utility easement for the city's existing water line; and
3. The Vacation Plat shall include a 15-foot wide ingress and egress easement for the purpose of repair and maintenance of structures for the benefit of all adjacent property owners; and
4. The applicant shall provide a recorded copy of the Vacation Plat to all adjacent property owners.

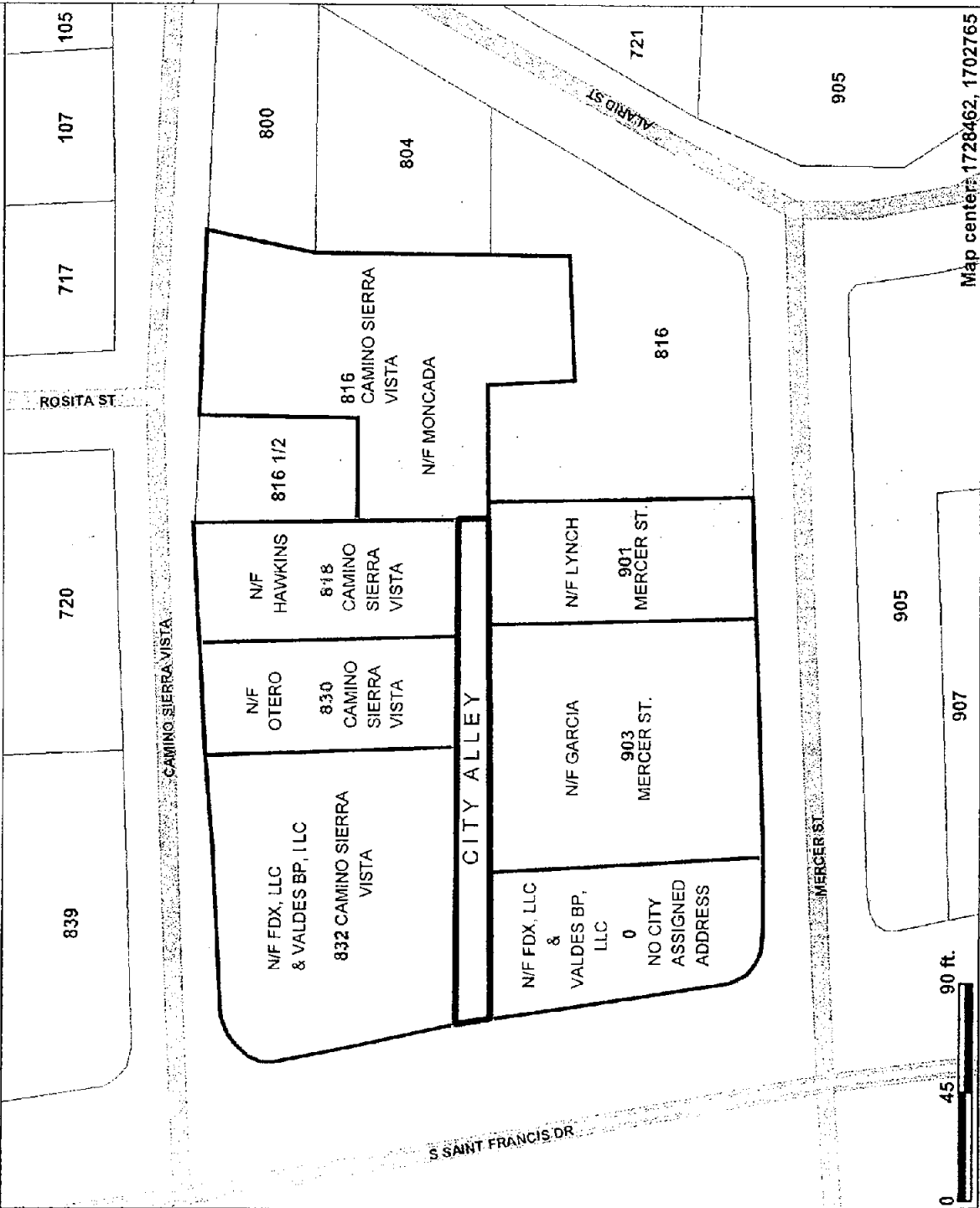
This request will be forwarded to the Public Works Committee and the Governing Body following the Planning Commission's consideration.

IV. ATTACHMENTS

- EXHIBIT A: Map of area showing alleyway in question
- EXHIBIT B: Subdivision plat of Sierra Vista Addition (Book 6, Page 5)
- EXHIBIT C: Right-of-Way Map of St. Francis Drive (circa 1968)
- EXHIBIT D: 2011 Aerial Photo (showing sections of Alley east and west of St. Francis Dr.)
- EXHIBIT E: Photos of Alley (ground-level)
- EXHIBIT F: Signed petitions of adjacent property owners requesting vacation
- EXHIBIT G: Letter from tenant at 818 Camino Sierra Vista
- EXHIBIT H: Municipal Code Section 23-1.2
- EXHIBIT I: Agent's letter of requesting vacation of City alley

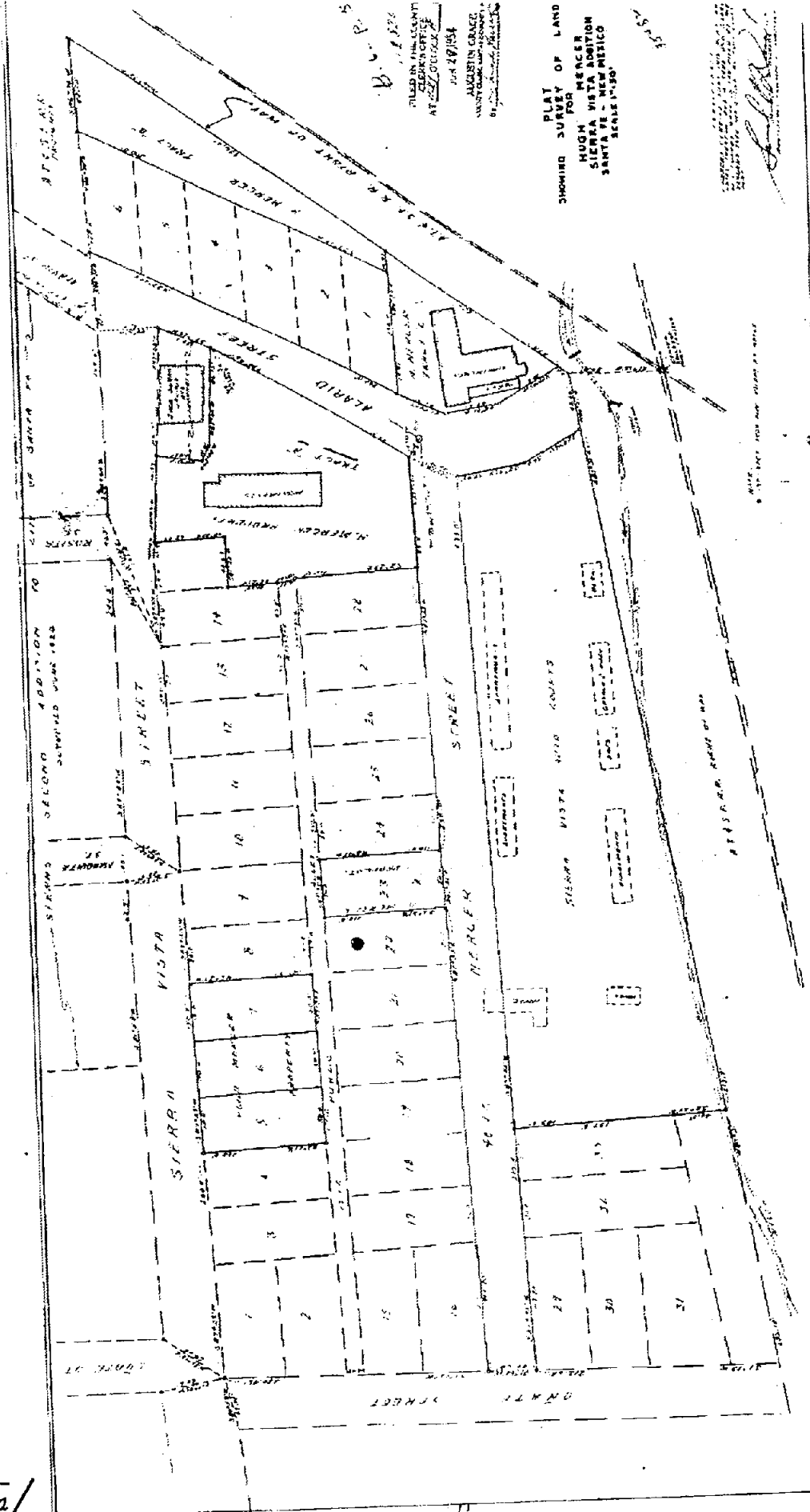


EXHIBIT "A" - For Vacation of City Alley



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.

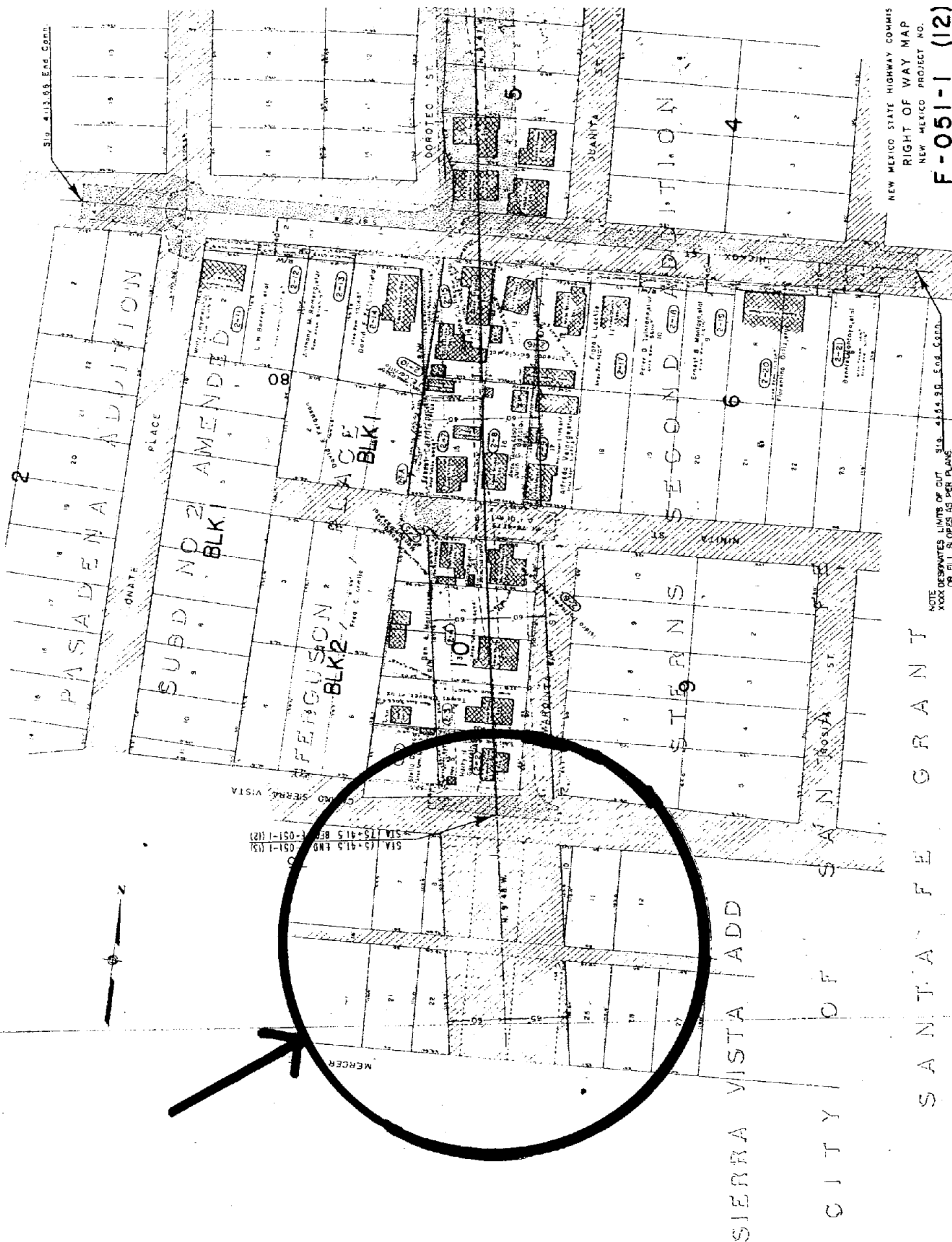
6/5



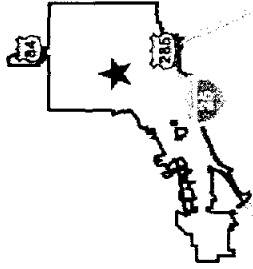
GANTA FE COUNTY
SCALE 1"=50'
SHEET 2 OF

1
 2
 3
 4
 5
 6
 7
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25
 26
 27
 28
 29
 30
 31
 32
 33
 34
 35
 36
 37
 38
 39
 40
 41
 42
 43
 44
 45
 46
 47
 48
 49
 50
 51
 52
 53
 54
 55
 56
 57
 58
 59
 60
 61
 62
 63
 64
 65
 66
 67
 68
 69
 70
 71
 72
 73
 74
 75
 76
 77
 78
 79
 80
 81
 82
 83
 84
 85
 86
 87
 88
 89
 90
 91
 92
 93
 94
 95
 96
 97
 98
 99
 100
 101
 102
 103
 104
 105
 106
 107
 108
 109
 110
 111
 112
 113
 114
 115
 116
 117
 118
 119
 120
 121
 122
 123
 124
 125
 126
 127
 128
 129
 130
 131
 132
 133
 134
 135
 136
 137
 138
 139
 140
 141
 142
 143
 144
 145
 146
 147
 148
 149
 150
 151
 152
 153
 154
 155
 156
 157
 158
 159
 160
 161
 162
 163
 164
 165
 166
 167
 168
 169
 170
 171
 172
 173
 174
 175
 176
 177
 178
 179
 180
 181
 182
 183
 184
 185
 186
 187
 188
 189
 190
 191
 192
 193
 194
 195
 196
 197
 198
 199
 200
 201
 202
 203
 204
 205
 206
 207
 208
 209
 210
 211
 212
 213
 214
 215
 216
 217
 218
 219
 220
 221
 222
 223
 224
 225
 226
 227
 228
 229
 230
 231
 232
 233
 234
 235
 236
 237
 238
 239
 240
 241
 242
 243
 244
 245
 246
 247
 248
 249
 250
 251
 252
 253
 254
 255
 256
 257
 258
 259
 260
 261
 262
 263
 264
 265
 266
 267
 268
 269
 270
 271
 272
 273
 274
 275
 276
 277
 278
 279
 280
 281
 282
 283
 284
 285
 286
 287
 288
 289
 290
 291
 292
 293
 294
 295
 296
 297
 298
 299
 300
 301
 302
 303
 304
 305
 306
 307
 308
 309
 310
 311
 312
 313
 314
 315
 316
 317
 318
 319
 320
 321
 322
 323
 324
 325
 326
 327
 328
 329
 330
 331
 332
 333
 334
 335
 336
 337
 338
 339
 340
 341
 342
 343
 344
 345
 346
 347
 348
 349
 350
 351
 352
 353
 354
 355
 356
 357
 358
 359
 360
 361
 362
 363
 364
 365
 366
 367
 368
 369
 370
 371
 372
 373
 374
 375
 376
 377
 378
 379
 380
 381
 382
 383
 384
 385
 386
 387
 388
 389
 390
 391
 392
 393
 394
 395
 396
 397
 398
 399
 400
 401
 402
 403
 404
 405
 406
 407
 408
 409
 410
 411
 412
 413
 414
 415
 416
 417
 418
 419
 420
 421
 422
 423
 424
 425
 426
 427
 428
 429
 430
 431
 432
 433
 434
 435
 436
 437
 438
 439
 440
 441
 442
 443
 444
 445
 446
 447
 448
 449
 450
 451
 452
 453
 454
 455
 456
 457
 458
 459
 460
 461
 462
 463
 464
 465
 466
 467
 468
 469
 470
 471
 472
 473
 474
 475
 476
 477
 478
 479
 480
 481
 482
 483
 484
 485
 486
 487
 488
 489
 490
 491
 492
 493
 494
 495
 496
 497
 498
 499
 500
 501
 502
 503
 504
 505
 506
 507
 508
 509
 510
 511
 512
 513
 514
 515
 516
 517
 518
 519
 520
 521
 522
 523
 524
 525

C



Sierra Vista Addition - Alley



Legend

City Limits

Parcels

Airport Clear Zones

Other Roads and Streets

2011 Aerial Photography - 1 foot resolution



Scale: 1:1,362

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.



PHOTO 1: VIEW OF ALLEY FROM ST. FRANCIS R/W (LOOKING EAST)



PHOTO 2: VIEW OF ALLEY FROM FENCE AT 830 CAMINO SIERRA VISTA (LOOKING EAST)

PETITION FOR VACATION OF RIGHT-OF-WAY

Per City of Santa Fe Municipal Code Section 23-1.2 SFCC 1987

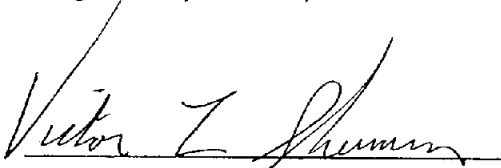
We, the undersigned owner(s) of the land adjacent to the fifteen (15') wide right-of-way (the "Alley") shown on the attached Exhibit "A", as grantors or successors in interest, approve of the vacation of the Alley and hereby request that the City of Santa Fe vacate the Alley.

We understand and agree that upon approval of the vacation of the Alley by the City of Santa Fe that:

- 1) At no cost to us, a Vacation Plat will be prepared and recorded that we as adjacent owners will be required to sign;
- 2) At no cost to us, our respective property lines will be extended approximately 7.5 feet to the centerline of the vacated Alley, resulting in an increase in the size of our respective properties in proportion to our current frontage on the Alley;
- 3) A City of Santa Fe water line exists within the Alley and that we will grant a fifteen (15') foot water line easement to the City of Santa Fe in place of the vacated Alley.

TWO DOC PROPERTIES, LLC (N/F FDX, LLC & Valdes BP, LLC)

Owner(s) of "Parcel A" - A portion Lot 10, Lot 11 & Lot 12, Sierra Vista Addition Subdivision (832 Camino Sierra Vista) and "Parcel B" - A portion of Lot 25, Sierra Vista Addition Subdivision (No assigned City address)

 1-3-14

Victor Sherman

Date

Managing Member

PETITION FOR VACATION OF RIGHT-OF-WAY

Per City of Santa Fe Municipal Code Section 23-1.2 SFCC 1987

We, the undersigned owner(s) of the land adjacent to the fifteen (15') wide right-of-way (the "Alley") shown on the attached Exhibit "A", as grantors or successors in interest, approve of the vacation of the Alley and hereby request that the City of Santa Fe vacate the Alley.

We understand and agree that upon approval of the vacation of the Alley by the City of Santa Fe that:

- 1) At no cost to us, a Vacation Plat will be prepared and recorded that we as adjacent owners will be required to sign;
- 2) At no cost to us, our respective property lines will be extended approximately 7.5 feet to the centerline of the vacated Alley, resulting in an increase in the size of our respective properties in proportion to our current frontage on the Alley;
- 3) A City of Santa Fe water line exists within the Alley and that we will grant a fifteen (15') foot water line easement to the City of Santa Fe in place of the vacated Alley.

Jerry J. & Mary Ann Lynch

Owner(s) of Lot 28, Sierra Vista Addition Subdivision (901 Mercer Street)

	10-9-13		10-9-2013
Jerry J. Lynch	Date	Mary Ann Lynch	Date

PETITION FOR VACATION OF RIGHT-OF-WAY

Per City of Santa Fe Municipal Code Section 23-1.2 SFCC 1987

We, the undersigned owner(s) of the land adjacent to the fifteen (15') wide right-of-way (the "Alley") shown on the attached Exhibit "A", as grantors or successors in interest, approve of the vacation of the Alley and hereby request that the City of Santa Fe vacate the Alley.

We understand and agree that upon approval of the vacation of the Alley by the City of Santa Fe that:

- 1) At no cost to us, a Vacation Plat will be prepared and recorded that we as adjacent owners will be required to sign;
- 2) At no cost to us, our respective property lines will be extended approximately 7.5 feet to the centerline of the vacated Alley, resulting in an increase in the size of our respective properties in proportion to our current frontage on the Alley;
- 3) A City of Santa Fe water line exists within the Alley and that we will grant 7.5 feet from the extended property line to the City of Santa Fe for a water line easement, meaning that fifteen (15') feet of the prior vacated Alley, of which 7.5 feet is our property, will contain a water line easement in place of the vacated Alley.

Thomas Garcia

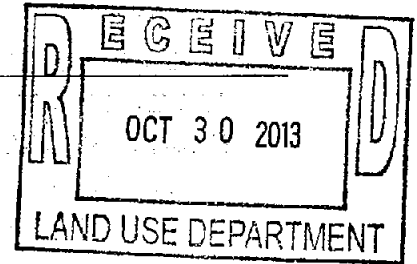
Owner(s) of Lots 26 & 27, Sierra Vista Addition Subdivision (903 Mercer Street)


Thomas Garcia

Date: December 14, 2013

La Familia
MEDICAL CENTER
SANTA FE, NEW MEXICO

October 16, 2013



To Whom It May Concern:

La Familia Medical Center leases the property at 818 Camino Sierra Vista. We operate our Health Care for the Homeless Program in this building.

It has come to our attention that there is an attempt to place the ownership of the alley behind this building in the hands of someone other than the City of Santa Fe.

The alley benefits the building in so far as it provides an alternate route for our staff and/or patients to vacate the premises in case of an emergency. Having this alternate vacate route is required by OSHA. We have already had some issues with an OSHA inspector because the neighbor to the immediate East will not allow La Familia staff or patients access to a vacate route. We have attempted, over a long period of time, to have this neighbor unlock the access gate, but he is unwilling to do so.

This alley is our only option to keep within OSHA requirements. As a result, La Familia Medical Center does not support a change in ownership of this alley.

Sincerely,


John Cassidy
Chief Executive Officer

Alto Clinic
1035 Alto Street
Santa Fe, NM 87501
[505] 982-4425
[505] 982-8440 Fax

Southside Clinic
2145 Caja del Oro Grant Road
Santa Fe, NM 87507
[505] 438-3195
[505] 424-5699 Fax

Dental Clinic
6401 Richards Avenue
Santa Fe, NM 87508
[505] 984-5048
[505] 983-4751 Fax

Health Care for the Homeless
818 Camino Sierra Vista
Santa Fe, NM 87505
[505] 988-1742
[505] 988-2184 Fax

La Familia Medical Center
P.O. Box 5395

EXHIBIT

G

23-1.2 Vacation or Partial Vacation of Plat; Approval of Governing Body; Duties of City Clerk.

Short Title. This subsection shall be known as the "Vacation of Plat Ordinance."

A. *Purpose.* The purpose of this subsection is to provide for the vacation or partial vacation of plats when vacation and reversion of such affected land is based on proper dedication of the subject property to the city of Santa Fe for public purposes, there are reversionary rights in the grantor(s) and it is deemed in the public interest to do so. It is intended by this subsection that important factors to be considered in vacation or partial vacation of a plat shall first be whether the public right of way continues to be a necessary part of the city's utility easements which should not be disturbed, whether the public right-of-way is a necessary and integral part of the city's traffic and neighborhood scheme for travel, balanced against other interests such as whether the public right-of-way is no longer needed or used as a public right-of-way or has become a public nuisance and no other reasonable remedy is available to abate the nuisance. It shall also be a considered factor whether at least seventy-five percent (75%) of the grantors or their successors in interest approve of the vacation when the city believes it is in the city's best interests to vacate or partially vacate the plat. In no circumstance shall any property be landlocked as a result or interpretation of this subsection.

B. *Definitions.*

(1) *Owners of the land* means all of the owners of adjacent properties to the affected right-of-way, unless the governing body determines that there is good cause relating to the public welfare to vacate or partially vacate the plat with at least seventy-five percent (75%) of the owners complying with paragraph C(1)(a) hereinbelow. A calculation of seventy-five percent (75%) of a total of owners of the affected adjacent right-of-way shall be rounded to the nearest whole number.

(2) *Plat* means the map, chart, survey, plan or replat certified by a licensed or registered surveyor which contains a description of subdivided land with ties to permanent monuments. In regard to vacation or partial vacation of a plat relating to a public right-of-way, a plat may not be vacated in whole or in part unless the grantor(s) dedicated the subject land for the right-of-way with reversionary rights to the grantor(s). Evidence of such reversionary rights must be clearly shown on the certified plat or in any deed of conveyance or incorporated in a properly adopted ordinance.

(3) *Public nuisance* means any activity, function, status, or the result of such activity, function, or status whether participated in by one person or several, whether caused by machines, persons, or other devices, which affects the health, safety, and

welfare of an individual, a neighborhood or community and degrades the quality of life for such individual, neighborhood or community.

(4) *Vacation of plat* means properly effected reversion of dedicated property to the grantors or their successors in interest and recording in the county real property records that the plat is vacated, i.e. that it is set aside, and including a reference to the **vacation** statement recording.

C. *Vacation of Plat.*

(1) Any plat filed in the office of the county clerk may be vacated or a portion of the plat may be vacated provided:

(a) The owners of the land in the territory proposed to be vacated sign a statement, duly acknowledged, declaring the plat or a portion of the plat to be vacated; and

(b) The statement is endorsed "Approved" by the planning authority of the municipality within whose platting jurisdiction the subdivision lies.

(c) The public works committee review each request for a **vacation** of plat or partial **vacation** of plat and make its recommendation for approval or denial of the request at a public hearing before the request proceeds to the planning commission for its review.

(2) In approving the **vacation** or partial **vacation** of a plat, the planning authority of the municipality shall consider if the **vacation** or partial **vacation** of a plat will adversely affect the interests or rights of persons in contiguous territory or within the subdivision being vacated. In approving the **vacation** or partial **vacation** of a plat, the planning authority of the municipality may require that streets dedicated to the municipality in the original plat shall continue to be dedicated to the municipality. The owners of lots on the vacated plat or on the portion of the plat being vacated may enclose in equal proportions the adjoining streets and alleys which are authorized to be abandoned by the planning authority of the municipality.

(3) The statement declaring the **vacation** or partial **vacation** of a plat and having the proper endorsements shall be filed in the office of the county clerk wherein the original plat is filed. The county clerk shall mark the applicable words "Vacated" or "Partially Vacated" across the plat and shall refer on the plat to the volume and page on which the statement of **vacation** or partial **vacation** is recorded.

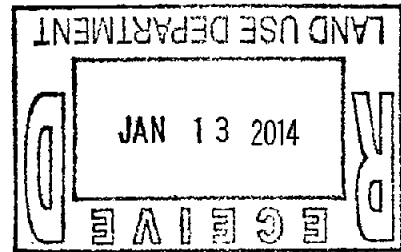
D. *Vacation Rights of Utility.* The rights of any utility already existing shall not be affected by any **vacation** or partial **vacation** of a plat.

Editor's Note: This section is based on §§ 3-20-12 and 13 NMSA 1978, §3-49-1 NMSA 1978 and a charter municipality's powers under the New Mexico State Constitution, Art. X, §6.D.

Municipalities are authorized in §3-49-1 NMSA 1978 to vacate alleys, regulate their use and use of structures under them, and to prohibit and remove encroachments or obstructions on them. Article X, §6.D, of the New Mexico State Constitution provides that a municipality which adopts a charter may exercise all legislative powers and perform all functions not expressly denied by general law or charter. There is no general law that denies municipalities the power to vacate plats, and statutes in fact expressly authorize municipalities to do so.
(Ord. #2000-19, §5)

January 13, 2014

Mr. Matt O'Reilly
Land Use Director
City of Santa Fe
200 Lincoln Avenue
Santa Fe, NM 87501




Re: Alleyway Vacation

Dear Matt:

As I mentioned to you at our last discussion, we have received signatures from 6 of the 7 adjacent property owners in the above referenced matter. The original signed petition forms are attached herewith. This represents 85.7% of the property owners who are requesting the vacation and meets the 75% threshold required under Section 23-1.2 of the City Code for the vacation of plats. Please process this request for approval by the appropriate reviewing bodies.

Please do not hesitate to contact me for any questions you may have or need additional information in this regard.

Sincerely,



David Schutz,

Agent for property owner, 2 Doc Properties, LLC
600 Cielo Grande
Santa Fe, NM 87505
505-316-6552
dave@dschutz.com

xc: Dr. Victor Sherman, Dr. Troy Watson
2 Doc Properties, LLC

EXHIBIT

I

City of Santa Fe, New Mexico

memo

DATE: February 25, 2014 for the March 13, 2014 Meeting

TO: Planning Commission

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

FROM: Zach Thomas, Senior Planner, Current Planning Division

Case # 2014-06. Aguafina Final Subdivision Plat. JenkinsGavin Design and Development, agent for Aguafina Development LLC, requests Final Subdivision Plat approval for a 23-lot single family residential subdivision. The property (currently 3 parcels) 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. (Zach Thomas, Case Manager)

I. RECOMMENDATION

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

II. HISTORY OF THE CASE

The Aguafina Final Subdivision Plat is the result of a rezone and variance request previously considered by the Planning Commission. At its meeting on December 6, 2012, the Commission considered and recommended that the City Council rezone 2 of the 3 parcels (Tracts B and C-2), totaling 5.86 acres, from R-1 to R-3. The City Council subsequently considered and initially denied the zoning request but rescinded the decision at the following meeting and ultimately approved the zone change on March 13, 2013.

Following approval of the rezone, the Commission considered and denied the Preliminary Subdivision Plat and Variance at its meeting on August 1, 2013. Approval of the Preliminary Plat was dependent upon granting of the Variance.

The Applicant appealed the Commission's decision to the Council, which considered the Variance request and Preliminary Subdivision Plat on January 8, 2014. The Appeal was approved by the Council, granting the Variance and approving the Preliminary Subdivision Plat. The

Findings of Fact and Conclusions of Law were adopted by Council on January 29, 2014 and can be found in **Exhibit A**. Along with granting the appeal, Council approved conditions presented at the meeting by the Las Acequias Neighborhood Association (See letter attached to **Exhibit A**).

III. DISCUSSION AND ANALYSIS

The Final Subdivision Plat is in substantial conformance with the Preliminary Subdivision Plat approved by the City Council. The final plat has been reviewed by the Development Review Team (DRT) whose comments are included as **Exhibit C**. Any necessary corrections or deficiencies that must be corrected prior to recordation of the final plat have been addressed by the proposed Conditions of Approval (See **Exhibit B**).

The following bullet points note primary features and details of the final subdivision plat:

- The subdivision will consist of 23 lots ranging in size from 0.16 to 0.71 acres.
- All lots will be accessed by 20 foot wide private driveways. Eight lots will be accessed from Agua Fria Street by a private driveway ending with a half hammerhead turnaround. The eight lots north and the seven lots south of Rufina Street will be accessed from Rufina Street by two private driveways that end in hammerhead turnarounds. In the event property to the south of Tract "B" is developed, a condition has been added to require a note be placed on the plat stating that the future residents of Tract "A" may use the private driveway within the Aguafina subdivision to access Rufina Street. (The approved variance allows for deviation from Code §14-9.2(D)(8), which would have otherwise required construction of a continuous subcollector street dedicated to the City connecting Agua Fria Street, Rufina Street and future development to Tract "A".)
- All private driveways will be unpaved and constructed of 6 inch compacted subgrade and 6 inch compacted base course. No curb and gutter, sidewalks or street trees will be provided.
- The applicant is proposing covenants for the maintenance of the private roads, trails, the park and drainage easements.
- The privately maintained open space has been modified from the preliminary plat to include a 6 foot wide looped trail and benches as requested for the Las Acequias Neighborhood Association (LANA).
- All requests by LANA have been added as conditions of approval (See **Exhibit B**).

Trails and connectivity

The final subdivision plat was reviewed by the Santa Fe Metropolitan Planning Organization (MPO) staff and the Roadway and Trails Engineering Division to ensure compliance with the Metropolitan Bicycle Master Plan (BMP). The BMP, which was adopted by the Santa Fe Metropolitan Planning Organization Transportation Policy Board in April 2012, identifies two multi-use trail alignments intersecting the Aguafina Subdivision. In accordance with that Master Plan, the MPO is recommending Conditions of Approval to ensure trail connectivity (See **Exhibit B**).

IV. CONCLUSION AND CONDITIONS OF APPROVAL

The Land Use Department recommends APPROVAL of the Final Subdivision Plat. The Planning Commission may amend the conditions of approval in keeping with the adopted

Findings of Fact and development standards and regulations.

V. ATTACHMENTS:

EXHIBIT A: City Council Approvals

1. Findings of Fact and adopted Conditions of Approval
2. Appeal Staff Memorandum
3. City Council Minutes

EXHIBIT B: Proposed Conditions of Approval

EXHIBIT C: Development Review Team Memoranda

1. Request for Additional Information, Zach Thomas
2. Follow-up letter to applicant, Zach Thomas
3. Traffic Engineering Comments, John Romero
4. Fire Marshal Comments, Reynaldo Gonzales
5. Technical Review Division Memorandum, Risana "RB" Zaxus
6. Affordable Housing Comments, Alexandra Ladd
7. Technical Review Division Memorandums (2), Noah Berke
8. Solid Waste Division Memorandum, Randall Marco
9. Wastewater Division Memorandum, Stan Holland
10. Water Division Memorandum, Antonio Trujillo
11. Santa Fe Metropolitan Planning Organization Memorandum, Keith Wilson

EXHIBIT D: Applicant Submittals

1. Transmittal Letter
2. Final Subdivision Plat

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

Case No. 2013-93

Appellant's Name – Aguafina Development, LLC

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

THIS MATTER came before the City of Santa Fe (City) Governing Body (Governing Body) for hearing on January 8, 2014 (Hearing), upon the appeal (Appeal) of JenkinsGavin Design and Development, Inc. as the agent for Aguafina Development, LLC (Appellant), from the September 12, 2013 decision (the Decision) of the City's Planning Commission (Commission) denying the Appellant's application (Application) for (1) preliminary subdivision plat approval to divide three parcels of land identified as Tracts B, C-1 and C-2 (collectively, the Property) into 23 single-family residential lots and (2) a variance (the Variance) from City Code (Code) §14-9.2(D)(8) to permit the construction of two private cul-de-sac Lot Access Driveways on Tracts C-1 and C-2 rather than a continuous subcollector street dedicated to the City connecting Agua Fria Street to Rufina Street.

The record on Appeal (the Record) includes the following documents:

1. The Verified Appeal Petition filed on September 30, 2013;
2. A sketch of the Property showing the proposed subdivision;
3. Those portions of the minutes of the March 13, 2013 meeting of the Governing Body pertaining to a request by the Appellant to rezone Tracts B and C-2 from R-1 (Residential – 1 dwelling unit/acre) to R-3 (Residential – 3 dwelling units/acre) (the Rezoning);
4. Findings of Fact and Conclusions of Law adopted by the Governing Body on March 27, 2013 and filed by the City Clerk with the records of the City as Item #13-0191;
5. The report of Land Use Department Current Planning Division staff prepared for the Commission dated July 15, 2013 for the August 1, 2013 meeting of the Commission (Staff Report);
6. Those portions of the minutes of the August 1, 2013 Commission meeting pertaining to the Application;
7. Findings of Fact and Conclusions of Law adopted by the Commission on September 12, 2013 and filed by the City Clerk with the records of the City as Item #13-0920, attached hereto and incorporated herein as **Exhibit A**;
8. Memorandum dated December 27, 2013 for the January 8, 2014 Meeting of the Governing Body to the Members of the Governing Body from Kelley Brennan, Interim City Attorney and Zachery Shandler, Assistant City Attorney, regarding the Appeal of the Appellant from the September 12, 2013 Decision of the Commission in Case #2013-58 Denying the Application, with Exhibits A-G;
9. Letter from the officers of the Las Acequias Neighborhood Association to The Honorable David Coss and Santa Fe City Council (the LANA Letter), attached hereto and incorporated herein as **Exhibit B**.

After conducting a public hearing and having reviewed the Record and heard from City staff and the Appellants' representative, the Governing Body hereby FINDS, as follows:

FINDINGS OF FACT

1. The Governing Body reviewed the Record and received testimony and evidence from the Appellant's representative and from interested members of the public.
2. Pursuant to Code §14-2.2(F), the Governing Body has the power and authority on appeals of final actions of any Land Use Board to hear *de novo* and decide the matter that is the subject of appeal after giving notice in accordance with the notice provisions of Code §14-3.1(H)(4).
3. Pursuant to Code §14-3.17(A)(1)(b), final actions of a Land Use Board include a decision made after a public hearing.
4. The Decision is a final action subject to appeal to the Governing Body to hear and decide the matter.
5. Notice of the Appeal was properly given in accordance with the notice provisions of Code §14-3.1(H)(4).
6. Commission Findings of Fact 2 through 10, 14 and 16 and Conclusions of Law 1 through 3 and 5 accurately reflect the facts in this matter as presented at the hearing.
7. Tract C-1 was not included in the Rezoning and was and is zoned R-5 (Residential – 5 dwelling units/acre).
8. The Rezoning was granted upon the Appellant's undertaking to (1) submit its request for subdivision and/or development plan approval to the Commission for both the Property and Tract C-1 as a single application; (2) develop Tract C-1 consistent with R-3 zoning, notwithstanding that it is zoned R-5; (3) not request to use Powerline Road as a primary or secondary access for either the Property or Tract C-1 as part of its application for such Commission approval, but to propose instead three base-course lot access driveways, each serving eight lots; and (4) grant an easement to Abe and Kathleen Tapia and their successors across Tract C-1 to permit them to access Powerline Road (collectively, the Applicant Undertakings)
9. The Record, together with the testimony and evidence offered at the Hearing is sufficient to establish with respect to the Appellant's request for the Variance that (a) special circumstances exist in that the Applicant Undertakings impose constraints on development that distinguish it from other properties in the vicinity that are similarly configured and are otherwise subject to the same development regulations; (b) the special circumstances make it infeasible to develop the Property in compliance with Code §14-9.2(D)(8) which requires the construction of a continuous subcollector street dedicated to the City connecting Agua Fria Street to Rufina Street; (c) the intensity of development will not exceed that which is allowed on other properties in the vicinity that are subject to same relevant provisions of the Code, in that the density of development will be less than the average density in the vicinity and Tract C-1 will be developed to R-3 density rather than the R-5 density permitted on Tract C-1; (d) the Variance is the minimum variance that will make possible the reasonable use of the Property, given the special circumstances; and (e) the Variance is not contrary to the public interest, in that it is responsive to the expressed needs of residents in the immediate vicinity and the Agua Fria Historic Village.
10. The Appellant has submitted a preliminary subdivision plat prepared by a professional land surveyor, together with improvements plans and other specified supplementary material in

accordance with the requirements of Code §14-3.7(B)(3)(b) and, with the approval of the Variance, in conformance with the standards of Code §14-9 (collectively, the Applicable Requirements), subject to those conditions set out in the Staff Report (the Conditions), modified so as not to conflict with the approved Variance (the Modified Conditions). The Conditions are attached hereto and incorporated herein as **Exhibit C**.

11. The Appellant agreed at the Hearing to three additional conditions set out in the LANA Letter (the Additional Conditions).

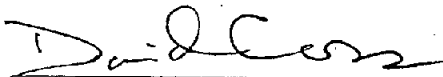
CONCLUSIONS OF LAW

Under the circumstances and based upon the Record and the evidence and testimony submitted at the hearing, the Governing Body CONCLUDES as follows:

1. The Governing Body has the power and authority to hear and decide the matter that is the subject of the Appeal.
2. The Appellant has met the criteria for the Variance set forth in Code §§14-3.16(C).
3. The Appellant has complied with the Applicable Requirements.

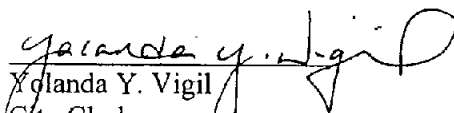
WHEREFORE, IT IS ORDERED ON THE 29th OF JANUARY 2014 BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

That the Variance is granted and the Plat is approved, subject to the Modified Conditions and to the Additional Conditions.


Mayor


2-4-14
Date:

FILED WITH THE CITY CLERK:


Yolanda Y. Vigil
City Clerk
cc mtg. 1-29-14

2-4-14
Date:

APPROVED AS TO FORM:


Kelley Brennan
Interim City Attorney

1/21/14
Date:

ITEM # 13-0920

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

Case #2013-58

Aguafina – Preliminary Subdivision Plat and Variance

Owner's Name – Aguafina Development LLC

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

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

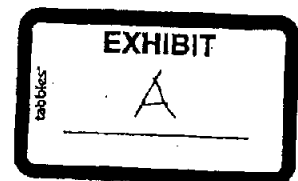
The Applicant seeks the Commission's approval of a preliminary subdivision plat to divide three parcels of land identified as Tract B, Tract C-1 and Tract C-2, totaling 11.47± acres located at 4702 Rufina Street (Tract B, at 2.42± acres), 4262 Agua Fria Street (Tract C-1, at 5.61± acres) and 4701 Rufina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

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

FINDINGS OF FACT

General

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



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

The Preliminary Subdivision Plat

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

The Variance

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

CONCLUSIONS OF LAW

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

General

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

The Preliminary Subdivision Plat

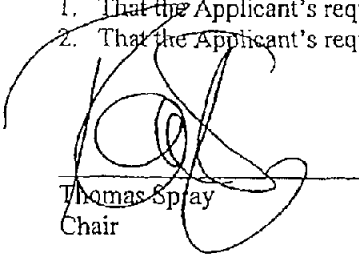
3. The Commission has the authority to review and approve the preliminary plat subject to conditions.
4. The Applicable Requirements have not been met.

The Variance

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

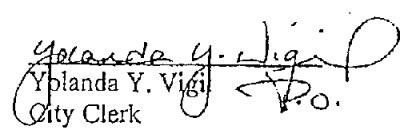
WHEREFORE, IT IS ORDERED ON THE 12TH OF SEPTEMBER 2013 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

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


Thomas Spray
Chair

9/12/12
Date:

FILED:


Yolanda Y. Vigil
City Clerk

9/13/13
Date:

A-3

Las Acequias Neighborhood Association
PO Box 28062
Santa Fe, New Mexico 87592
(505) 424-6929

The Honorable David Coss and
Santa Fe City Council
City Hall
Santa Fe, New Mexico 87501

RE: AGUAFINA APPEAL

Dear Mayor & Councilors:

The Las Acequias Neighborhood Association Board (LANA) held its regular Board meeting and after much discussion, our board voted support the above referenced Appeal before you by JenkinsGavin Design and Development, Inc. This support was also expressed to the developer by our community at the last ENN meeting.

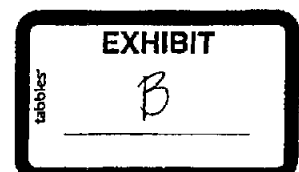
Our support is contingent upon the following items, which we have discussed with JenkinsGavin and for which we have received agreement:

- Street lights will be provided within the Aguafina property contingent to further discussion with the community of Las Acequias.
- Addressing the existing drainage problem, starting with the berm along the Las Acequias property line, thus allowing the natural acequia and water flow that starts in the field park to continue with proper drainage through the Aguafina property.
- A planned green space in Aguafina with walkways, benches, xeriscaping, etc. and not just allowing it to be just a "natural", sometimes, wet field area.

Thank you.

Sincerely,

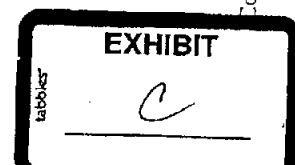
LANA Officers: Liddy Padilla, Pres., Joanna Nedboy, vice Pres., Cheryl Odem, Secretary and Larry Hudgins, Treas. and the Las Acequias Executive Board



Aguafina Preliminary Subdivision Plat-Conditions of Approval
 Planning Commission
 Case #2013-58 - Aguafina Preliminary Subdivision Plat

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

Conditions of Approval - Aguafina (Case #2013-58)

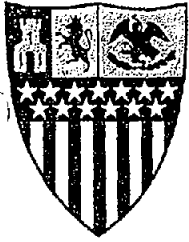


Aguafina Preliminary Subdivision Plat-Conditions of Approval
Planning Commission
Case #2013-58 -- Aguafina Preliminary Subdivision Plat

Conditions	Department	Staff
<p>Review comments are based on submittals received on June 24, 2013. The comments below should be considered as Conditions of Approval to be addressed prior to subsequent submittal unless otherwise noted:</p> <ol style="list-style-type: none"> 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 access granted onto Agua Fria. Although this portion of Agua Fria is within the County's jurisdiction, the Traffic Engineering Division does not feel that it will provide good access to what will be City residences. This area of Agua Fria has multiple access points and no medians to provide refuge for left-turners. 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. <p>The Fire Marshal conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) 2009 Edition. Below are the following requirements that shall be addressed prior to final approval of a subdivision plat.</p> <p>Shall comply with IFC requirements.</p> <ol style="list-style-type: none"> 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. 	<p>Traffic Engineering</p>	<p>John Romero/ Sandra Kassens</p>
	<p>Fire</p>	<p>Rey Gonzales</p>

Conditions of Approval -- Aguafina (Case #2013-58)

C-2



City of Santa Fe, New Mexico

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

www.santafenm.gov

David Coss, *Mayor*

Councilors:

Rebecca Wurzbarger, Mayor Pro Tem, Dist. 2

Patti J. Bushee, Dist. 1

Chris Calvert, Dist. 1

Peter N. Ives, Dist. 2

Carmichael A. Dominguez, Dist. 3

Christopher M. Rivera, Dist. 3

Bill Dimas, Dist. 4

Ronald S. Trujillo, Dist. 4

Memorandum

To: Members of the Governing Body

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

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

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

I. THE APPEAL

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

II. HISTORY OF THE CASE

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

EXHIBIT "29"

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

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

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

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

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

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

III. BASIS OF APPEAL

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

IV. RELIEF SOUGHT

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

V. ISSUES RAISED BY THE APPEAL; ANALYSIS

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

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

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

1. Code §§14-3.16(C)(1)(a)

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

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

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

2. Code §§14-3.16(C)(2)

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

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

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

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

VI. CONCLUSION

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



LUD Use Only

Time Filed: 3:25

Fee paid: \$ 100.00

Receipt attached:)

(date stamp)

RECEIVED

SEP 20 2013

3:25 pm

LAND USE DEPARTMENT

VERIFIED APPEAL

PETITION

#2013-93

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

Appellant Information

Name: Aguafina Development LLC

Last First M.I.

Address: 2A Los Tres Vecinos

Street Address Suite/Unit #

Santa Fe, NM 87507

City State ZIP Code

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

Additional Appellant Names: _____

Correspondence Directed to: ☐ Appellant ☒ Agent ☐ Both

Agent Authorization (if applicable)

I/We: Please see attached letter of authorization.

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

Signed: _____ Date: _____

Signed: _____ Date: _____

Subject of Appeal

Project Name: Aguafina Preliminary Subdivision Plat & Variance

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

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

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

Final Action Appealed:

☐ Issuance of Building Permit ☐ Other Final Determination of LUD Director

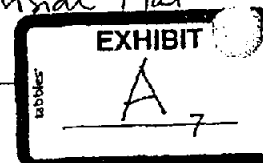
Final Action of Board or Commission (specify): ☒ Planning Commission ☐ Board of Adjustment ☐ BCD-DRC ☐ HDRB

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

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

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

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



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

A-28

Description of Harm

Describe the harm that would result to you from the action appealed from (attach additional pages if necessary):

The Planning Commission decision is contrary to the wishes of the neighborhood and the City Council, and would cause harm by mandating a higher density development. Please see attached letter.

Explain the Basis for Appeal

Please detail the basis for Appeal here (be specific):

Please see attached letter.

Signature and Verification

I hereby certify that the documents submitted for review and consideration by the City of Santa Fe have been prepared to meet the minimum standards outlined in the Land Development Code, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection or postponement of my application. I also certify that I have met with the City's Current Planning staff to verify that the attached proposal is in compliance with the City's zoning requirements.

Appellant Signature: _____ Date: _____

Agent Signature: [Signature] Date: 9.20.13

State of New Mexico)

) ss.

County of Santa Fe)

I/We Jennifer Jenkins, Agent, being first duly sworn, depose and say: I/We have read the foregoing appeal petition and know the contents thereof and that the same are true to my/our own knowledge.

Petitioner/s:

[Signature]
Signature

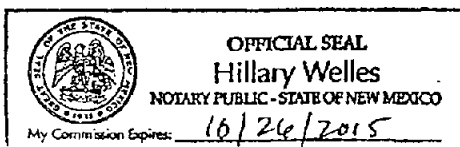
Jennifer Jenkins

Print Name

Signature

Print Name

Subscribed and sworn to before me this 20th day of September, 2013



[Signature]
NOTARY PUBLIC

My commission expires:

10/26/2015

A-3



jenkinsgavin
DESIGN & DEVELOPMENT INC

September 20, 2013

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

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

Dear Mr. O'Reilly:

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

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

Project History

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

A-4

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

City Council Rezone Approval

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

A-9

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

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

Basis for Appeal

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

A-6

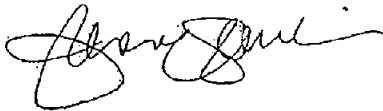
- The applicant submits that the Planning Commission acted against the intent of the City Council's decision, and therefore that the denial should be overturned.

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

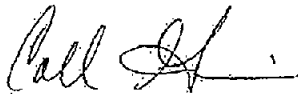
Thank you for your time and consideration in this matter. Please let us know if you have any questions or need additional information.

Sincerely,

JENKINS GAVIN DESIGN & DEVELOPMENT, INC.



Jennifer Jenkins



Colleen Gavin, AIA

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

MOTION: Councilor Rivera moved, seconded by Councilor Dimas, to adopt Ordinance No. 2014-4 as presented, with the amendments in the Council packet.

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 Mayor Pro-Tem Wurzbarger.

Against: None.

Absent for the vote: Councilor Bushee.

- 7) **CASE #2013-93. APPEAL JENNIFER JENKINS, FOR JENKINS GAVIN DESIGN & DEVELOPMENT, INC., AGENT FOR AQUAFINA DEVELOPMENT LLC, APPEALS THE SEPTEMBER 12, 2013 DECISION OF THE PLANNING COMMISSION IN CASE #2013-58, DENYING A REQUEST FOR PRELIMINARY SUBDIVISION PLAT APPROVAL TO DIVIDE THREE PARCELS OF LAND LOCATED AT 4701 AND 4702 RUFINA STREET AND 4262 AGUA FRIA STREET INTO TWENTY THREE LOTS AND DENYING A REQUEST FOR A VARIANCE TO PERMIT THE CONSTRUCTION OF TWO LOT ACCESS DRIVEWAYS INSTEAD OF A CONTINUOUS SUBCOLLECTOR STREET CONNECTING AGUA FRIA STREET TO RUFINA STREET. (ZACHARY SHANDLER AND KELLEY BRENNAN). (Postponed at December 11, 2013 City Council Meeting).**

A Memorandum prepared December 27, 2013, for the January 8, 2014 Meeting of the Governing Body, with attachments, to the Members of the Governing Body from Kelley Brennan, Interim City Attorney and Zachary Shandler, Assistant City Attorney, regarding *Appeal of JenkinsGavin Design & Development, Inc., Agent for Aguafina Development LLC, from the September 12, 2013 Decision of the Planning Commission in Case #2013-58, denying its Application for Preliminary Subdivision Plat Approval and a Variance from the City's Access and Traffic Calming Standards, in Case No. 2013-93*, is incorporated herewith to these minutes as Exhibit "29."

A letter to The Honorable David Coss and Santa Fe City Council, from Liddy Padilla, President, Las Acequias Neighborhood Association, regarding the Aquafina Appeal, in support of the appeal with 3 contingencies set out in the letter, is incorporated herewith to these minutes as Exhibit "30." *[STENOGRAPHER'S NOTE: The letter was not dated nor signed, but Liddy Padilla addressed the Governing Body during the Public Hearing and said she failed to sign the letter, but it was from her as the President of the Association.]*

A copy of maps and drawings used by Jennifer Jenkins, JenkinsGavin Development & Design, Inc., in her presentation to the Governing Body, is incorporated herewith collectively to these minutes as Exhibit "31."

Mayor Coss returned to the meeting

Public Hearing

Presentation by the Appellant

Mayor Pro-Tem Wurzburger gave Ms. Jenkins 10 minutes for her presentation, noting it has been through committees.

Jennifer Jenkins, JenkinsGavin Design & Development, agent for Aquafina Development was sworn. Ms. Jenkins introduced her partner Coleen Gavin, saying she and Ms. Jenkins are here on behalf of Aquafina LLC, in request for an appeal of a Planning Commission denial of a Preliminary Plat Application that occurred in September 2013.

Ms. Jenkins distributed copies of her presentation to the Governing Body [Exhibit "31"], because she was unable to make her presentation via power point because of technical issues.

Ms. Jenkins said, "The Aquafina properties are located on the west side of the Las Acequias Neighborhood, accessed via Rufina as well as Agua Fria as you can see on the front page of the packet that you have there. And the southern two properties that are adjacent to Rufina you rezoned recently from R-1 to R-3. As part of the rezone process, there was a strong desire among the Las Acequias Neighborhood, that we had been working with very closely on this project, to keep the density of the R-5 piece low. They were very concerned about the R-5 piece that has already been zoned R-5 for some time, and having that developed R-5 densities, they were very concerned about that in terms of the density next to them, in terms of potential traffic impacts. And so as part of the rezone of the southern two tracts, we agreed to develop that R-5

piece at R-3 densities or less, and it's actually quite a bit less, on the condition that these 3 tracts can be accessed via private lot access driveways. The City Code in the Subdivision Standards, says that you can access 8 lots or less with a private lot access driveway. It can be base course or you can do further than that. And the reasoning behind this is when you have very low traffic volumes, a very robust road section becomes somewhat unnecessary and cost prohibitive."

Ms. Jenkins continued, "So we agreed, as part of the rezone approval that, with the lot access driveway configurations, which you can see on the next sheet. And now, the sheet is oriented differently, so Agua Fria is to your left and you can see Rufina to the right, because of the linear nature of the site. So this is what was submitted, which is in accordance with our agreements with you as well as our agreements with the neighbors. We have an 8 lot subdivision, which is about 1½ lots per acre, accessing Agua Fria with an emergency turnaround at the end. And then the two parcels off Rufina are also accessed... there's 8 lots to the north, and then the southern tract to the far right, as 7 lots, and those are also accessed via lot access driveways."

Ms. Jenkins continued, "And in submitting this preliminary plat to City staff and with review by the Planning Commission.... and staff, I wish I could show you this...."

Mayor Pro-Tem said, "So far, everything you're saying, we've been able to follow without technology, so I would appreciate if you would just continue."

Ms. Jenkins said, "A condition from City Staff as part of the preliminary revision review is that the roadway coming north of Agua Fria, that in lieu of the two cul de sacs that kind of abut one another there, that would be one subcollector roadway that would be built all the way to Agua Fria with no access to Agua Fria, so all those homes would have access only to Rufina. And that is problematic for several reasons. One of the big issues is Power Line Road, and I think you all recalled that we had a lot of discussion about power line easement. And if you look at page 2, and you see the little blue house there, it is just to the west next to our property, that is the Tapia Family. They have an easement and that is their access to their home down the power line easement. And if there was a road that went all the way through there, it would be very challenging to prevent further access and cut-through traffic to the power line easement, and that was the wishes of this body. So, that ending, those roads, we protect that. We protect his access because he has a legal easement there, and we also protect, again, any undue cut through traffic through the power line easement which nobody wants."

Ms. Jenkins continued, "So this configuration accomplishes a lot of things. It keeps the density down. We have been asked since day 1 to keep the density as low as possible. It's 23 lots on 11.5 acres. It's the least dense neighborhood in this vicinity. And these lot access driveways enable us to do that."

Ms. Jenkins continued, "And if you look at page 4, this is what, in accordance with staff's request, what the project might look like if we developed the R-5 piece to its maximum density, developed the tract just next to that to 11 lots instead of 8 lots, and developed the last tract on the right to 8 lots instead of 11. It's 51 lots, instead of 23. It's a big difference. The neighbors have been clear, they don't want this. We've been clear, we don't want this. We've been working very hard to accommodate a lot of needs here. And with this application we submitted to the City, we accomplish that. And so with that, I would ask for your support of our appeal request this evening."

Speaking to the Request

Liddy Padilla, President, Las Acequias Neighborhood Association, was sworn. Ms. Padilla apologized for not signing the letter [Exhibit "30"], but she said did present the letter, and it is from her. Ms. Padilla said, "The Neighborhood Association does support the Aguafina project that Ms. Jenkins just presented. We do have 3 contingencies in the letter that we would like to address further with them as this proceeds. But at this point the neighborhood and the Board is very supportive of the 23 lots that are being presented."

Linda Flatt, 950 Vuelta del Sur, member of the Board for Las Acequias was sworn. Ms. Flatt said, "I just wanted to say ditto to what she said. But I also wanted to say it seems ironic to me, as I look at the plans. We have been fighting so hard for less density and we turn around and know now, that Cielo Azul is now going to build 222 houses one property away. Very sad. I just feel that we're one step forward and six back, because we really think the South Side needs to start thinking seriously about density, and we thought seriously about it, that's why we're going with what Jennifer is talking about."

William Mee, President, Agua Fria Village Association, 2073 Camino Samuel Montoya, was sworn. He said, "Usually, when you see someone from Agua Fria supporting a proposal like this, it is because it actually has access to Agua Fria Street, and so this would really set precedence for us. But because it is so low density, it just makes a lot more sense to let these 8 houses have access to Agua Fria, than to force them to go back through Rufina. This Christmas season, I happened to go a lot of the houses on the East side. And a lot of the multi-million dollar

homes with higher density than this are on base course roads, so if it's good enough for the East side, it's good enough for us out there."

Stephanie Beninato, no address given, was sworn. Ms. Beninato said, "I just wanted to talk about the idea that these driveways are 50 foot right-of-ways, at least from what I can see on the drawing, and that's a fairly big driveway, and I think emergency vehicles could get up that driveway and then have an ability to turn around. I've just been working with somebody who is in a subdivision where the road was supposed to be 32 feet wide, and wound up being 20 feet wide, and now they would like the City to maintain it, but the City never agreed to maintain it. So I think also that if these are driveways and the City does not intend to maintain it, that needs to be clearly stated, too, so people 20 years from now, don't have some unrealistic expectation. And that if you agree to a 50 foot right-of-way, and not something that shrinks down over time. Thank you."

The Public Hearing was closed

Councilor Bushee returned to the meeting.

Councilor Dominguez said, "First off, to the Applicant [Appellant], you've received the letter, and do you agree with these conditions."

Ms. Jenkins said, "Yes. We have worked with them and discussed these, and yes, we are in agreement to address their concerns about the lighting and the open space. And the drainage issue, we feel we already have addressed through the way we've engineered it, but we'll continue to dialogue with them as we prepare the final plat application, and make sure everything is working properly."

Councilor Dominguez said his additional question is about the process, and asked what is the next step.

Ms. Jenkins said, "If we are successful this evening, then we will proceed with preparing our Final Plat Application, and we will go back to the Planning Commission. So there is another public hearing, and there's more process yet to go."

Councilor Dominguez asked when they would address the details.

Ms. Jenkins said, "We would kick off on that right away, to finalize the plans and get them detailed."

Councilor Dominguez said, "So you're willing to do it at final..."

Ms. Jenkins said, "With respect to the final, yes, these items will be reflected on the final plat."

Councilor Rivera said, "This was approved by City Council several months ago, and obviously the Planning Commission had issues with it. Is this going to be the process that the Applicant has to follow from here on out, that the Planning Commission potentially rejects everything that the City Council had already approved, and then they have to come back for an appeal every time."

Ms. Baer said, "The Planning Commission read the conditions of the Council very closely, and as they read that condition specifically, it said that they should pay attention to the concerns of the neighborhood. And they felt that they did that, and they still could not support this application."

Councilor Rivera said, "Okay, so again, the process is the applicant still going to the Planning Commission with something that's already been approved by the Council could potentially delay them every time, if the Planning Commission decides..."

Ms. Baer said, "If the Council directs the Planning Commission to approve this, then I believe they would do that."

Ms. Brennan said, "If I may add to this Mayor, Councilors, Councilor Rivera, if you grant the appeal you essentially will be approving the variance and preliminary subdivision plat and the final subdivision plan follows the design approved for the preliminary subdivision plat."

MOTION: Councilor Dimas moved, seconded by Councilor Rivera, to uphold the appeal in Case #2013-93, with all conditions of approval as outlined in the letter from the Neighborhood Association, with direction to staff to come up with the Findings of Fact and Conclusions of Law.

DISCUSSION: Councilor Bushee said she is glad the Council approved what the neighbors are requesting, in terms of amenities. She said, "I just want to remind you. I believe it's still in the Code, that any new roads would require bicycle lanes to be striped, so make sure you make note of that."

Ms. Jenkins said, "The lot access driveway standard for just these little dead end roads would not mandate bicycle lanes."

Councilor Bushee said, "Okay. You're right. They've small. All right. Thank you."

[Councilor Calvert's question here is inaudible because his microphone was turned off]

Ms. Baer said, "The Fire Department did ask for secondary access, but specifically said that he would ask for compliance with Fire Code 2009 at the time of development plan or subdivision plat approval. Though he was not specific to that point, he did say that he supported.... He said a couple of things to the Planning Commission. One, was that the County probably would not respond from the Agua Fria side if there were an emergency, and that it would take longer for the City Department to respond if he didn't have access all the way through from Rufina. And then, secondarily, he said that it would take longer if he didn't have access all the way through, but he also didn't say that he wouldn't support this."

Ms. Jenkins said, "If I may just elaborate further, the threshold requiring secondary access is 30 lots, so obviously we're below that. But yes, Tamara is correct. So what is connecting those two cul de sacs are water lines and sewer lines which essentially have to be kind of drivable and accessible. So the idea that we had to accommodate, potentially, an emergency connection there for emergency purposes only, was to overlay that on the 25 foot easement that will be going through there to connect those two cul de sacs, so that would function as that purpose. I respect the Fire Marshal's concern about having to go all the way around and come in through Agua Fria to access that northern tract. So that is quite a doable thing."

Councilor Calvert asked if the Power Line Roadway would be a possibility.

Ms. Jenkins said, "It would be a possibility, but frankly, the Fire Department, if there's a fire they are allowed to go wherever they need to if there is a drivable area. But I think that would be a possibility, but it also would need to be gated and that has other ramifications in terms of Mr. Tapia and all of that. So I don't know if that is an ideal scenario."

[Councilor Calvert's remarks here are completely inaudible because his microphone was turned off]

Ms. Jenkins said, "We can definitely explore that option as we move forward with the final plat submittal, and we will explore and make sure we are accommodating emergency access the best way possible."

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Mayor Pro-Tem Wurzbarger.


Against: None.

I. ADJOURN

Mayor Coss said he has nothing to introduce this evening and said, "Thank you for finishing expeditiously, and we are adjourned."

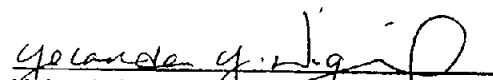
The meeting was adjourned at approximately 7:45 p.m.

Approved by:



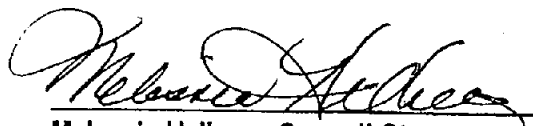
Mayor David Coss

ATTESTED TO:



Yolanda Y. Vigil, City Clerk

Respectfully submitted:



Melessia Helberg, Council Stenographer

Aguafina Final Subdivision Plat-Conditions of Approval

Planning Commission

Case #2014-06 - Aguafina Final Subdivision Plat

Conditions	Department	Staff
<p>The Traffic Engineer conducted a review of the final subdivision plat and provided the following comments which are noted as Conditions of Approval to be addressed prior to recordation of the Final Plat:</p> <ol style="list-style-type: none"> 1. The Developer shall obtain an access permit for access to Agua Fria Street from the County of Santa Fe. 2. The Developer shall provide full access onto Rufina Street from Tract B and Tract C-1 and shall submit the revised design of the Rufina Street Improvements for review and approval by the Traffic Engineering Division of the City of Santa Fe Public Works Department. 3. A note shall be placed on the plat the states, "upon development of Tract "A" to the south of the Aguafina Subdivision, residents of Tract "A" may utilize the private gravel road within the Aguafina Subdivision to access Rufina Street; and that the developer or residents of Tract "A" are under no obligation to improve said private road. 	Traffic Engineering	John Romero/ Sandra Kassens
<p>The Wastewater Engineer conducted a review of the final subdivision plat and provided the following comments which are noted as Conditions of Approval to be addressed prior to recordation of the Final Plat:</p> <ol style="list-style-type: none"> 1. Access and utility easements do not match in dimensions between the plan set drawing and the plat. 2. The minimum AUE shown on the plat and site plan is 30 foot. With a 25 foot sewer and water easement and a 10 foot public utility easement, would this not mean a minimum 35 foot AUE? Please clarify. 3. Show a dedicated 25 foot wide public water and sewer easement on the plat and plan set for the water and sewer lines. 4. Show dimensions and radius for the actual base course driving surface for the hammer head and turn outs. It does not appear the proposed driving surface dimensions will accommodate a SU design vehicle without the wheels leaving the drive surface. 5. 10 foot horizontal separation between the water and sewer lines is required at the sewer line/sewer manhole AF4. 6. The maximum length between manholes is 450 feet for an 8 inch sewer line. Additional manholes should be added at the downstream section of the proposed sewer lines. 7. The sewer line within Road B near Rufina Street appears to be encroaching on the ponding area and the easement boundary. 8. All new sewer line connections to the existing Rufina sewer line shall be made at the minimum of 1/2 pipe invert elevation. 9. What type of connection is proposed at the existing sewer manhole 1 for the proposed new sewer line? Include detail if required. 10. A 12 foot wide x 6 inch base course drive surface is required between proposed MH AF4 and existing manhole1. 11. Review the slope between proposed manholes AF5 and AF4 to increase to 1% slope. 12. Indicate the 4 foot minimum bury depth for the low pressure sewer line and confirm the minimum depth 	Wastewater Division	Stan Holland

EXHIBIT 12

Aguafina Final Subdivision Plat—Conditions of Approval

Planning Commission

Case #2014-06 --Aguafina Final Subdivision Plat

Conditions	Department	Staff
<p>at the connection to manhole AF7 on the plan set.</p> <ol style="list-style-type: none"> 13. Indicate on the P&P sheets that core drilling is required for a new connection to an existing manhole. 14. Indicate on the plan set that the sewer manholes are to be set flush with the road surface. 15. Indicate the type of sewer grinder pump required for lot 4. <p>The Fire Marshal conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) 2009 Edition. Below are the following requirements that shall be addressed prior to final approval of a subdivision plat.</p> <p>Shall comply with IFC requirements.</p> <ol style="list-style-type: none"> 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. 6. All private drive surfaces shall be verified by a registered engineer to be all weather surface and capable of supporting appropriate emergency vehicles. 	Fire	Rey Gonzales
<p>The subdivision plat has been reviewed to ensure consistency with the Metropolitan Transportation Plan (MTP) and the Metropolitan Bicycle Master Plan (BMP). The BMP identified two multi-use trail alignments intersecting the subdivision. As such, the following conditions are added to ensure connectivity with the trail alignments:</p> <ol style="list-style-type: none"> 1. In recognition of the regional importance of the Acequia Trail in providing a multimodal transportation network throughout Santa Fe, and in providing a safe route to the Ramirez Thomas School and neighborhood connectivity, the developer shall extend the 20-foot wide trail easement within the northern portion of lot 9 across the northern portion of Lot 13. The developer shall construct a 10 foot wide trail within the easement. In the event that the trail easement can be aligned across the Tapia property, north of lot 13, the easement across Lot 13 may be administratively vacated and the trail shall be built across the Tapia Property. In either case, The developer shall construct the 10-foot wide trail to City standards and connect to the existing trail easement along the southern border of the Cielo Azul Subdivision. 2. To provide connectivity between neighborhoods and the future park planned within Cielo Azul and Las Acequias Park Phase 4, the developer shall provide a 20 foot wide trail easement from Las Acequias Park Phase 4 to the western boundary of Aguafina. 	MPO / Roadway and Trails Division	Keith Wilson / Eric Martinez

Aguaфина Final Subdivision Plat-Conditions of Approval
 Planning Commission
 Case #2014-06 – Aguaфина Final Subdivision Plat

Conditions	Department	Staff
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. After June 8, 2014, the SFHP requirement will revert to 30% of total units. The City Engineer for the Land Use Department conducted a review of the final subdivision plat and provided the following comments which are noted as Conditions of Approval to be addressed prior to recordation of the Final Plat: 1. Provide an address table on the Plat, and indicate the affordable lots. 2. Add street names to the Plat. 3. Cover sheet vicinity map is outdated. Replace with more usable version, such as that provided on the Plat. Rufina Street should be shown. 4. Revise incorrect spelling of Beyeta Street on Sheet 7B. 5. Include stormwater pond maintenance in Homeowners' Association documents.	Affordable Housing	Alexandra Ladd
The final subdivision plat has undergone technical review ensure compliance with applicable sections of the Development Code. The following comments have been provided as Conditions of Approval: 1. At time of permit the street trees shall be planted in a planter strip that is located between the curb of the public right of way and the sidewalk. The planter strip shall be no less than 5 feet in width and have irrigation run to the plants. 2. The species indicated on the revised plan set shall be changed at time of permit per staff recommendations. 1. No parking shall be allowed on the street of the subdivision or in the turn around on the day of refuse service.	Land Use	Noah Berke
Conditions from the Las Acequias Neighborhood Association as adopted by Governing Body Findings of Fact on January 29, 2014 1. Street lights will be provided within the Aguaфина property contingent to further discussion with the community of Las Acequias. 2. Addressing the existing drainage problem, starting with the berm along the Las Acequias property line, thus allowing the natural acequias and water flow that starts in the field park to continue with proper drainage through the Aguaфина property. 3. A planned green space in Aguaфина with walkways, benches, xeriscaping, etc. and not just allowing it to be just a "natural", sometimes, wet field area.	Environmental Services N/A	Randall Marco N/A



City of Santa Fe Land Use Department Request for Additional Submittals

Project Name	Aguafina Final Subdivision Plat
Project Location	West of Rufina and Calle Atajo
Project Description	Case #2014-06. Aguafina Final Subdivision Plat. JenkinsGavin Design and Development, agent for Aguafina Development LLC, requests final plat approval 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. (Zach Thomas, Case Manager)
Applicant / Owner	Jennifer Jenkins, JenkinsGavin Design and Development (Agent)
Application Type	Final Subdivision Plat
Land Use Staff	Zach Thomas, Senior Planner

Comments:

The above project has been routed to the Development Review Team (DRT) for comment. Please find the resulting comments to date for the Aguafina Final Subdivision Plat. The information has been categorized as Requested Additional Submittals, Anticipated Conditions of Approval, or General Comments. Please review the information, provide requested additional submittals and otherwise familiarize yourself with the anticipated conditions of approval.

Requested Additional Submittals

Please submit additional submittals by **February 13, 2014**.

Landscape and Site Design SFCC §14-8.4:

1. Provide further details showing new and existing plants. Include species and size.
2. Provide detail showing how proposed project is in compliance with SFCC §14-8.4(G) "Street tree Standards". Provide street trees in 5 foot

wide planter strip adjacent to roads and a 5 foot wide sidewalk after planter strip along Agua Fria and Rufina.

3. Provide analysis and indicate number of street trees to be planted per requirements.
4. Provide details indicating compliance with SFCC §14-8.4(F)(2)(e), *plant material for storm water detention and retention ponds.*

Anticipated Conditions of Approval

Wastewater Division:

The following comments need not be addressed prior to consideration of the final plat. However, unless addressed prior to final plat approval, the following comments will be noted as conditions of approval and must be completed or demonstrated prior to recordation of the final plat:

1. Access and utility easements do not match in dimensions between the plan set drawing and the plat.
2. The minimum AUE shown on the plat and site plan is 30 foot. With a 25 foot sewer and water easement and a 10 foot public utility easement, would this not mean a minimum 35 foot AUE? Please clarify.
3. Show a dedicated 25 foot wide public water and sewer easement on the plat and plan set for the water and sewer lines.
4. Show dimensions and radius for the actual base course driving surface for the hammer head and turn outs. It does not appear the proposed driving surface dimensions will accommodate a SU design vehicle without the wheels leaving the drive surface.
5. 10 foot horizontal separation between the water and sewer lines is required at the sewer line/sewer manhole AF4.
6. The maximum length between manholes is 450 feet for an 8 inch sewer line. Additional manholes should be added at the downstream section of the proposed sewer lines.
7. The sewer line within Road B near Rufina Street appears to be encroaching on the ponding area and the easement boundary.
8. All new sewer line connections to the existing Rufina sewer line shall be made at the minimum of ½ pipe invert elevation.
9. What type of connection is proposed at the existing sewer manhole 1 for the proposed new sewer line? Include detail if required.
10. A 12 foot wide x 6 inch base course drive surface is required between proposed MH AF4 and existing manhole1.
11. Review the slope between proposed manholes AF5 and AF4 to increase to 1% slope.
12. Indicate the 4 foot minimum bury depth for the low pressure sewer line and confirm the minimum depth at the connection to manhole AF7 on the plan set.

13. Indicate on the P&P sheets that core drilling is required for a new connection to an existing manhole.
14. Indicate on the plan set that the sewer manholes are to be set flush with the road surface.
15. Indicate the type of sewer grinder pump required for lot 4.

Environmental Services:

1. No parking on the street of the subdivision or in the turn around on the day of refuse service.

General Comments

Santa Fe Homes Program:

1. Alexandra Ladd has shared the Santa Fe Homes proposal to illustrate that the project is in compliance with the City's affordable housing regulations. (See attached memo from Alexandra Ladd)

Please feel free to contact me at 955-6656 or zethomas@ci.santa-fe.nm.us regarding any questions.

Attachments:

1. Memo from Alexandra Ladd dated February 3, 2014



**City of Santa Fe
Land Use Department
Additional DRT Comments**

Date: February 24, 2014

Project Name	Aguafina Final Subdivision Plat
Project Location	West of Rufina and Calle Atajo
Project Description	Case #2014-06. Aguafina Final Subdivision Plat. JenkinsGavin Design and Development, agent for Aguafina Development LLC, requests final plat approval 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. (Zach Thomas, Case Manager)
Applicant / Owner	Jennifer Jenkins, JenkinsGavin Design and Development (Agent)
Application Type	Final Subdivision Plat
Land Use Staff	Zach Thomas, Senior Planner # 955-6656

Comments:

The above project has been routed to the Development Review Team (DRT) for comment. Please find the resulting comments to date for the Aguafina Final Subdivision Plat. The comments are in addition to those previously distributed in the February 6th letter. The information has been categorized as Anticipated Conditions of Approval and General Comments. Please review the information and familiarize yourself with the anticipated conditions of approval.

Anticipated Conditions of Approval

Land Use City Engineer

1. Provide an address table on the Plat, and indicate which are affordable lots.
2. Add street names to Plat.
3. Cover sheet vicinity map is outdated. Replace with more usable version, such as that provided on the Plat. Rufina Street should be shown.

4. Revise incorrect spelling of Beyeta Street on sheet 7B.
5. Include stormwater pond maintenance in Homeowners Association documents.

Traffic Engineer

1. The Developer shall obtain an access permit for access to Agua Fria Street from the County of Santa Fe.
2. The Developer shall provide full access onto Rufina Street from Tract B and Tract C-1 and shall submit the revised design of the Rufina Street Improvements for Review and approval by the Traffic Engineering Division of the City of Santa Fe Public Works Department.
3. A note shall be placed on the plat that states, "upon development of Tract "A" to the south of the Aguafina Subdivision, residents of Tract "A" may utilize the private gravel road within the Aguafina Subdivision to access Rufina Street; and that the developer or residents of Tract A are under no obligation to improve said private road.

Landscaping

1. At time of permit the street trees shall be planted in a planter strip that is located between the curb of the public right of way and the sidewalk. The planter strip shall be no less than 5 feet in width and have irrigation run to the plants.
2. The species indicated on the revised plan set shall be changed at time of permit per staff recommendations.

MPO and Trails

1. In order to ensure connectivity with the existing 15 foot trail easement along the southern border of the Cielo Azul Subdivision, and to provide Safe Routes to School, the project developer shall coordinate with the owner of the Tapia property to extend the 20 foot wide trail easement proposed immediately north of lot 9 across the Tapia property. In order to lessen the impact to the Tapia property, the easement may also be aligned across lot 13 and the southwest corner of the Tapia property such that connectivity is made with the trail easement within the Cielo Azul subdivision to the immediate west. Such alignment of the trail shall be made consistent SFCC § 14-8.15(D).
2. The developer shall construct the 10 foot wide paved multi-use trail along Power Line Road from Calle Atajo to the western boundary of Aguafina.
3. To provide connectivity between neighborhoods and the future park planned within Cielo Azul and Las Acequias Park Phase 4, the developer shall construct the 10 foot wide paved multi-use trail from Calle Atajo through Las Acequias Park Phase 4 to the western boundary of Aguafina.

General Comments

All comments noted as "Anticipated Conditions of Approval" in the February 6th letter, as well as this letter, may be addressed prior to consideration of the final plat. While not necessary, addressing comments prior to consideration of the final plat serves to reduce the overall number of conditions tied to the final plat.

Please feel free to contact me at 955-6656 or zethomas@ci.santa-fe.nm.us regarding any questions.

Attachments:

1. Memo from Land Use Engineer R.B. Zaxus
2. Memo from Traffic Engineer Assistant Sandra Kassens
3. Memo from Senior Planning Technician Noah Berke
4. Memo from MPO Senior Planner Keith Wilson

City of Santa Fe, New Mexico

memo

DATE: February 13, 2014

TO: Zach Thomas, Land Use Division

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

FROM: Sandra Kassens, Engineer Assistant *SK*

SUBJECT: Aguafina Final Subdivision Plat (Case# 2014-06.)

ISSUE:

JenkinsGavin Design and Development, agent for Aguafina Development LLC, requests Final Subdivision Plat approval for a 23-lot single family residential subdivision. The property (currently 3 parcels) 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:

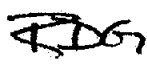
Review comments are based on submittals received on January 29, 2014 and pursuant to the City Council approval on January 8, 2014 of the applicant's appeal of a variance request that had been denied by the planning Commission on August 1, 2014. The comments below should be considered as Conditions of Approval to be addressed prior to final sign-off unless otherwise noted:

1. The Developer shall obtain an access permit for access to Agua Fria Street from the County of Santa Fe;
2. The Developer shall provide full access onto Rufina Street from Tract B and Tract C-1 and shall submit the revised design of the Rufina Street Improvements for Review and approval by the Traffic Engineering Division of the City of Santa Fe Public Works Department; and
3. A note shall be placed on the plat that states, "upon development of Tract "A" to the south of the Aguafina Subdivision, residents of Tract "A" may utilize the private gravel road within the Aguafina Subdivision to access Rufina Street; and that the developer of Tract A is under no obligation to improve said private road.

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

City of Santa Fe, New Mexico

memo

DATE: February 3, 2014
TO: Zach Thomas, Case Manager
FROM: Reynaldo Gonzales, Fire Marshal 
SUBJECT: Case #2014-06 Aguafina Final Subdivison

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 access shall not less than a 20 feet width.
2. Fire Department shall have 150 feet distance to any portion of the building on any new construction.
3. Shall have water supply that meets fire flow requirements as per IFC, (Shall include distance to a fire hydrant).
4. All Fire Department turn-arounds shall meet IFC requirements and have proper signage.
5. Shall provide a 20 feet emergency access easement or request a variance for automatic sprinkler systems installed.

DATE: February 7, 2014
TO: Zach Thomas, Case Manager
FROM: Risana "RB" Zaxus, PE
City Engineer for Land Use Department
RE: Case # 2014-06
Aguafina Final Subdivision Plat

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


- *Provide an address table on the Plat, and indicate which are affordable lots.
- *Add street names to Plat.
- *Cover sheet vicinity map is outdated. Replace with more usable version, such as that provided on the Plat. Rufina Street should be shown.
- *Revise incorrect spelling of Beyeta Street on Sheet 7B.
- *Include stormwater pond maintenance in Homeowners' Association documents.

City of Santa Fe, New Mexico

memo

DATE: February 3, 2014

TO: Zach Thomas, Senior Planner
Tamara Baer, Planning Manager
RB Zaxus, Engineer Supervisor

FROM: Alexandra Ladd 
Housing Special Projects Manager

RE: Applicability of SFHP requirements to the proposed "Aguafina" subdivision

The proposed subdivision, "Aguafina" will be composed of twenty-three (23) for-sale homes. The attached proposal, signed in July of 2013, outlines the requirement to provide four affordably priced homes as per the Santa Fe Homes Program (SFHP) pricing schedule. The developer will also pay a fractional fee for the unit fraction owed as a result of the calculation:

$$= 23 \times .20 = 4.6 \text{ homes}$$

The obligation is based on a 20% requirement, with 2 homes (10%) priced for homebuyers with Tier 2 incomes (50-65% of Area Median Income) and 2 homes (10%) priced for Tier 3 (65-80% Area Median Income). The fee for the 0.6 units is \$12,420. The fee must be paid when the final subdivision documents are recorded or in situations where these documents are not required, at the time of building permit application.

ACTION REQUIRED:

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

CITY OF SANTA FE
SANTA FE HOMES PROGRAM
P R O P O S A L

"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:

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

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)

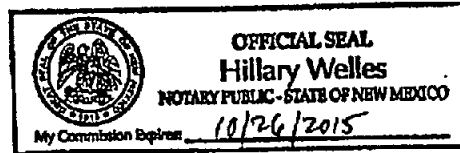
ACKNOWLEDGEMENT

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

Hillary Welles
NOTARY PUBLIC

My Commission Expires:

10/26/2015



REVIEWED BY:

Reynaldo Varela
OFFICE OF AFFORDABLE HOUSING

7/3/13
DATE

Attach:

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

Santa Fe Metropolitan Bicycle Master Plan



Las Acequias Park Trail
BMP_ID = 1.22 (Phase B, Table 9)
BMP Cost Estimate = \$132,000

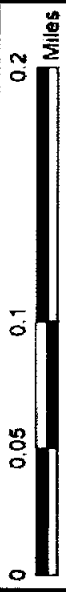
Acequia Trail
BMP_ID = 1.12 (Phase B, Table 9)
BMP Cost Estimate = \$82,500

Acequia Trail
BMP_ID = DD.9 (Developer Driven, Table 12)
BMP Cost Estimate = N/A
Existing 10ft Trail Easement as part of Cielo Azul

Legend

- BMP PROPOSED TRAILS
- Acequia Parcels
- Cielo Azul Parcel
- City Parks

Note: BMP Trail Alignments are conceptual



SANTA FE HOMES PROGRAM

HOME SALES PRICING SCHEDULE

Effective January 2013*

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

Prices reflect 2013 HUD median incomes.

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

FRACTIONAL FEE SCHEDULE - 2013

20% Requirement 2013

Based on Income Tier 2 three BR Home (\$138,000)

# of units in development	2	3	4	5	6	7	8	9	10
20% unit fraction	0.4	0.6	0.8	1	1.2	1.4	1.6	1.8	2
70% Reduced Fee	\$8,280	\$12,420	\$16,560	\$20,700	\$24,840	\$28,980	\$33,120	\$37,260	\$41,400

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

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

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.**

City of Santa Fe, New Mexico

memo

DATE: February 24, 2014
TO: Zack Thomas, Land Use Planner Senior
FROM: Noah Berke, CFM, Planner Technician Senior
SUBJECT: Request for Additional Submittals for Case #2014-06, Aguaфина Final Subdivision Plat

Below are comments for the Aguaфина Final Subdivision Plat request. These comments are based on documentation and plans dated January 24, 2014:

- 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. This should be street trees along Agua Fria and Rufina.
- 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.

City of Santa Fe, New Mexico

memo

DATE: February 19, 2014
TO: Zack Thomas, Land Use Planner Senior
FROM: Noah Berke, CFM, Planner Technician Senior
SUBJECT: Final Comments for Case #2014-06, Aguafina Final Subdivision Plat

Below are conditions of approval for the Aguafina Final Subdivision Plat request. These comments are based on documentation and plans dated January 24, 2014:

- 1.) At time of permit the street trees shall be planted in a planter strip that is located between the curb of the public right of way and the sidewalk. The planter strip shall be no less than 5 feet in width and have irrigation run to the plants.
- 2.) The species indicated on the revised plan set shall be changed at time of permit.

THOMAS, ZACHARY E.

From: MARCO, RANDALL V.
Sent: Tuesday, February 04, 2014 8:15 AM
To: THOMAS, ZACHARY E.
Subject: Case # 2014-06

Zach,

For Aguafina: No parking on the street of the subdivision or in the turn around on the day of refuse service.

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

DATE: February 3, 2014
TO: Zach Thomas, Case Manager
FROM: Stan Holland, Engineer, Wastewater Division
SUBJECT: Case #2014-06 Aguaфина Final Subdivision Plat

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

The following comments are for the plan set dated January 24, 2014:

1. Access and utility easements do not match in dimensions between the plan set drawings and the plat.
2. The minimum AUE shown on the plat and site plan is 30 foot. With a 25 foot sewer and water easement and a 10 foot public utility easement would this not mean a minimum 35 foot AUE? Please clarify.
3. Need to show a dedicated 25 foot wide public water and sewer easement on the plat and plan set for the water and sewer lines
4. Show dimensions and radius for the actual base course driving surface for the hammer heads and turns outs. It does not appear the proposed driving surface dimensions will accommodate a SU design vehicle without the wheels leaving the drive surface.
5. 10 foot horizontal separation between the water and sewer lines is required at the sewer line/sewer manhole AF4.
6. The maximum length between manholes is 450 feet for an 8 inch sewer line. Additional manholes should be added at the downstream section of the proposed sewer lines.
7. The sewer line within Road B near Rufina Street appears to be encroaching on the ponding area and the easement boundary.
8. All new sewer line connections to the existing Rufina sewer line shall be made at the minimum of $\frac{1}{2}$ pipe invert elevation.
9. What type of connection is proposed at the existing sewer manhole 1 for the proposed new sewer line? Include detail if required.
10. A 12 foot wide x 6 inch base course drive surface is required between proposed MH AF4 and existing manhole 1.

11. Review the slope between proposed manholes AF5 and AF4 to increase to 1% slope.
12. Indicate the 4 foot minimum bury depth for the low pressure sewer line and confirm the minimum depth at the connection to manhole AF7 on the plan set.
13. Indicate on the P&P sheets that core drilling is required for a new connection to an existing manhole.
14. Indicate on the plan set that the sewer manholes are to be set flush with the road surface.
15. Indicate the type sewer grinder pump required for Lot 4.
16. The plan set does not indicate if on street parking is allowed. On street parking could have an adverse impact on maintenance vehicle access. Please clarify.

City of Santa Fe
memo

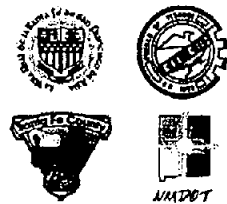
DATE: February 12, 2014
TO: Zach Thomas, Land Use Planner, Land Use Department
FROM: Antonio Trujillo, *A* Water Division Engineer
SUBJECT: Case # 2014-06. Aguafina Final Subdivision Plat

There are no issues with water service for the subject case. The water plan requires minor revisions before execution of water main extension contract. Fire protection requirements are addressed by the Fire Department.



Santa Fe Metropolitan Planning Organization

"Promoting Interconnected Transportation Options"



MEMORANDUM

Date: February 18, 2014
From: Keith Wilson, MPO Senior Planner
To: Zach Thomas, Planning and Land Use Department
Cc: Eric Martinez, Roadway & Trails Engineering Division Director
Ben Gurule, Parks Division Director
Tamara Baer, Planning Manager
Re: Case #2014-06, Aguafina Final Subdivision Plat

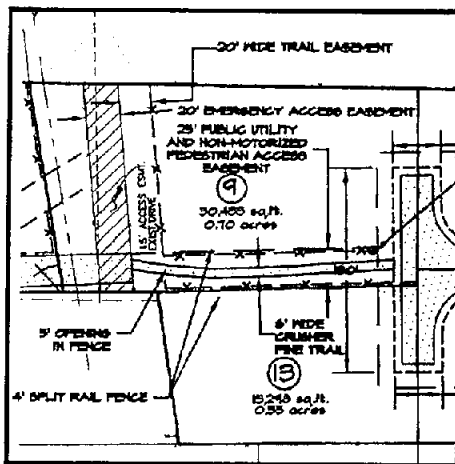
The following comments are based on MPO Staff's review of the Aguafina Final Subdivision Plans.

The Santa Fe MPO Transportation Policy Board adopted the 2010-2035 Metropolitan Transportation Plan (MTP) in October 2010 and the Metropolitan Bicycle Master Plan in April 2012. The overarching theme of both these documents is *"Moving the Santa Fe Region forward with a sustainable, interconnected, multimodal network that aims to provide safe and secure access for all users."*

Multi-Use Trails

The Metropolitan Bicycle Master Plan (BMP) identified two multi-use trail alignments cutting across the Aguafina Development (See attached Map).

The southern alignment from Lopez Lane to Rufina Street is part of the originally envisioned Acequia Trail in the 1983 Bikeways Master Plan. Due to already built developments it is unlikely to connect to the major Acequia Trail alignment further to the east. However, this section of the Acequia Trail will provide significant local connectivity. This trail will provide pedestrian and bicycle connectivity between neighborhoods and Parks. More importantly, this trail will provide a Safe Route to School for those children living in Las Acequias Neighborhood and attending Ramirez Thomas Elementary School.

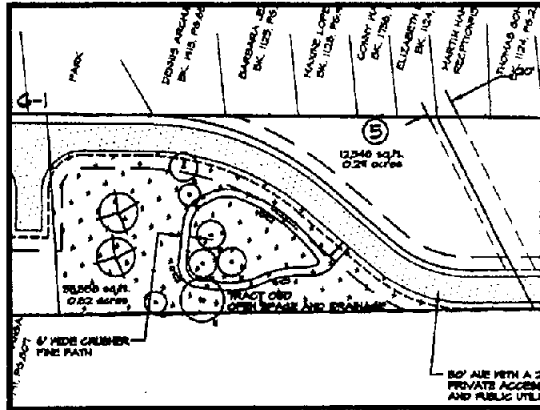


A 15ft Trail easement exists along the southern border of the Cielo Azul Development. The Aguafina Plans show a 20ft trail easement in the vicinity of the proposed Acequia Trail, but only half way across the property.

It is recommended that the applicant work with adjacent property owner to see if they would be willing to provide the City with an easement that would allow for the connection to the Cielo Azul easement. In the absence of such a commitment it is recommended that the applicant continue the 20ft easement across parcel 13 to the western boundary of the property.

Additionally, given the lack of connectivity of this development it is recommended that the applicant construct the 10ft wide paved Multi-use trail along Power Line Road from Calle Atajo to their western boundary and work with the Parks Division to provide a connection from the Trail into Las Acequias Park.

The second trail alignment through Las Acequias Park Phase 4 was identified again to provide pedestrian



and bicycle connectivity between neighborhoods and Parks. A future park is planned as part of the Cielo Azul Development and a small park is part of the Aguaфина development. These both line up with Las Acequias Park Phase 4 and the proposed BMP multi-use trail alignment.

It is recommended that the applicant provide a 20ft Trail Easement across their property in this area. Additionally, given the lack of connectivity of this development it is recommended that the applicant construct the 10ft wide paved Multi-use trail from Calle Atajo through Las Acequias Park Phase 4 to their western boundary.

Table 9. Phase B Recommended Improvements, with Anticipated Lead Agency and Cost Estimate

Phase B: 2017-2022, listed in order of Agency, and then type of project				
	Type of Improvement	Improvement	miles	Cost Estimate
(1) City-Lead Trail Construction (in rough order of priority)				
1	Multi-Use Trail	RIVER TRAIL: Connection to Closson St.	NA	\$ 22,000
2	Multi-Use Trail	ARROYO DE LOS CHAMISOS TRAIL: from Gov. Miles to Las Soleras	0.10	\$ 66,000
3	Multi-Use Trail	ARROYO DE LOS PINOS TRAIL: Fifth St. @ Cam. Lado to Llano St.	0.25	\$ 180,510
4	Multi-Use Trail	ARROYO DE LOS PINOS TRAIL: Llano St. to CSF Trail @ Yucca & Siringo	0.15	\$ 114,510
5	Multi-Use Trail	ARROYO CHAPPARAL TRAIL: from Arroyo Chamiso Trail to Chapparral E.S. (to ped bridge to north)	0.50	\$ 440,000
6	Multi-Use Trail	CANADA RINCON TRAIL: Alameda to Camino de las Crucitas	0.20	\$ 132,000
7	Multi-Use Trail	ACEQUIA TRAIL: Maclovio Park to Carmelita St. via Cielo Vista Park	0.10	\$ 121,000
8	Multi-Use Trail	RIVER TRAIL: Connection to Torreon Park (w/ bridge & crosswalk), and/or Ave de Torreon	0.10	\$ 341,770
9	Multi-Use Trail	TIERRA CONTENTA (N. Arroyo Chamiso): To Camino Entrada, via S. Meadows, School	0.40	\$ 284,000
10	Multi-Use Trail	ARROYO DE LOS PINOS TRAIL: Through Herb Martinez Park and west to Richards Ave. Extension Trail	1.00	\$ 660,000
11	Multi-Use Trail	MRC TRAIL: From NM599 frontage road to MRC entrance & paved path around soccer fields	1.30	\$ 913,000
12	Multi-Use Trail	ACEQUIA TRAIL: Atajo to Cielo Azul development (n. side of Las Acequias Park)	0.13	\$ 82,500
13	Multi-Use Trail	PUEBLOS DEL SOL TRAILS: Utility Line to Camino Carlos Rey	0.20	\$ 132,000
14	Multi-Use Trail	ST. FRANCIS DR. TRAIL: Continue south to Albertson's	0.10	\$ 66,000
15	Multi-Use Trail	ARROYO DE LOS CHAMISOS TRAIL: Connection north to Richards Ave.	0.25	\$ 170,500
16	Multi-Use Trail	MRC TRAIL: From Soccer Fields to Caja del Rio Rd.	0.20	\$ 132,000
17	Multi-Use Trail	MRC TRAIL: From Soccer Fields to Caja del Oro Rd.	0.20	\$ 132,000
18	Multi-Use Trail	RIVER TRAIL / Route, Patrick Smith Park to Hydroelectric Plant Park	0.05	\$ 178,310
19	Multi-Use Trail	ARROYO HONDO to ARROYO CHAMISO: Connector along north side of I-25 to Las Soleras	0.25	\$ 165,000
20	Multi-Use Trail	RAIL TRAIL: West Spur from Rodeo Rd. south along Galisteo Rd.	0.50	\$ 330,000
21	Multi-Use Trail	ARROYO DE LOS CHAMISOS TRAIL: Through SWAN Park to Tierra Contenta Trail & Plaza Central	0.50	\$ 330,000
22	Multi-Use Trail	Las Acequias Park Phase 4: E-W trail along acequia from Atajo to Cielo Azul Development	0.20	\$ 132,000
23	Multi-Use Trail	NM CENTRAL / KENNEDY LINE: Rodeo Rd. to Pinon ES	0.80	\$ 528,000
24	Multi-Use Trail	ARROYO DE LOS PINOS (Mus. Hill): Along SE branch of arroyo, Corrales Rd. to Camino Lejo	0.10	\$ 66,000
25	Multi-Use Trail	ARROYO MASCARAS TRAIL: Consider improvements from San Francisco St. to Paseo de Peralta	0.30	\$ 254,000
26	Soft-Surface Trail Easement	ARROYO VERDE TRAIL: Connecting Gonzales Rd. to La Vereda/Palace Ave.	NA	\$ -
27	Repave M-Use Trail	RAIL TRAIL Repave from St. Michael's Dr. and Siringo	0.50	\$ 220,000
TOTAL			8.38	\$ 6,183,100
(2) City-Lead Trail Crossing Improvements (in rough order of priority)				
1	Crossing	ACEQUIA TRAIL: Grade Separated St. Francis Crossing	0.10	\$ 3,300,000
2	Crossing	RIVER TRAIL: Underpass of St. Francis Dr. (per 2012 Bond)	NA	\$ 3,300,000
3	Crossing	RAIL TRAIL: Consider Underpass of St. Michael's Dr.	NA	\$ 3,300,000
4	Crossing	Cerrillos Rd. at Alarid/Early, with median refuge (St. Francis-Cerrillos Intersection Improvements Phase II)	0.10	\$ 21,780
5	Crossing	RAIL TRAIL: Consider Re-routing trail to cross east of Rodeo with median refuge, striping	0.05	\$ 44,770
TOTAL			NA	\$ 9,966,550
(3) City-Lead On-Road Bikeway Improvements (in rough order of priority)				
1	Bike Lanes	Widen Gov. Miles Rd. from Richards to Pueblos del Sol	0.50	\$ 275,000
2	Bike Lanes	Widen San Felipe Rd., Airport Rd. to Agua Fria St.	0.30	\$ 165,000
3	Bike Lanes	St. Michael's Road Diet, west of St. Francis Dr.: reconstruction with bike lanes, following road exchange to City	1.50	-
4	Bike Lanes	Cerrillos Rd., RR tracks to Early St. (St. Francis-Cerrillos Intersection Improvements, Phase II)	0.10	\$ 58,080
5	Bike Lanes	Widen W. Alameda: Calle Nopal to Siler Rd.	1.25	\$ 687,500
6	Bike Lanes	Widen Henry Lynch Rd.	0.50	\$ 275,000
7	Bike Lanes	Stripe bike lanes elsewhere as recommendable (e.g. consider Camino Alire; Osage s. of San I)	NA	\$ -
TOTAL			4.15	\$ 1,460,580
(4) County-Lead Trail Construction (in rough order of priority)				
1	Multi-Use Trail	NM CENTRAL/KENNEDY LINE: Rabbit Rd. to Burnt Water Rd. side path	0.50	\$ 605,000
2	Multi-Use Trail	ARROYO HONDO: NM14 to Rancho Viejo Blvd. / Fire Station Trailhead	1.00	\$ 660,000
3	Multi-Use Trail	ARROYO HONDO (south branch): Within RV Blvd. to w. of Richards Ave. / Section along Via Orilla Dorada	0.75	\$ 495,000
4	Multi-Use Trail	NM CENTRAL/KENNEDY LINE: E. of Richards Ave. Ave del Sur to trail head	0.10	\$ 66,000
5	Multi-Use Trail	RIVER TRAIL: Constellation to Water Treatment Plant	1.00	\$ 660,000
6	Multi-Use Trail	Rabbit Rd. ext. northside Sidewalk / Sidewalk: from Richards Ave. to NM Central RR	0.40	\$ 211,200
7	Multi-Use Trail	NM CENTRAL/KENNEDY LINE: Rancho Viejo "District Trail" to Eldorado	4.00	\$ 2,640,000
8	Multi-Use Trail	RIVER TRAIL: Connection to Calle Atajo (w/ bridge)	0.20	\$ 407,000
9	Multi-Use Trail	ARROYO HONDO: Connection NE to Dinosaur Trail, including bridge over arroyo	1.00	\$ 935,000
10	Multi-Use Trail	ARROYO HONDO @ Planned Ped. Bridge North to Dinosaur Trail @ I-25 / NM14 interchange	0.25	\$ 165,000
11	Multi-Use Trail	Richards Ave. West Side Sidewalk through Petchesky Ranch (Old Dinosaur Trail to roundabout at Santo Nino church)	0.75	\$ 495,000
12	Soft-Surface Trail	SARAH WILLIAMS TRAIL: Dale Ball Trails to 10,000 Waves along Hyde Park Rd.	0.25	\$ 12,375
13	Multi-Use Trail	ARROYO HONDO: From Old I-25 on-ramp to NM14 (including NM14 underpass)	0.25	\$ 275,000
14	Soft-Surface Trail	ARROYO HONDO: Through Petchesky Ranch and south to AH Trail	1.20	\$ 59,400
TOTAL			11.65	\$ 7,685,975

Continued on next page

Table 11. Phase D Recommended Improvements

D Phase D: Long-term, Long-range alignments				
	Type of Improvement	Improvement	miles	Cost Estimate
1	Multi-Use Trail	WEST: To La Bajada & Cochiti via Santa Fe River / Old 66 (as alternative to I-25)	NA	\$ -
2	Crossing	NM CENTRAL RAIL TRAIL: Under I-25 and Rail Runner	NA	\$ -
3	Multi-Use Trail	EAST: Canoncito to Glorieta via BNSF RR, Galisteo Creek, and/or Old 66 (as alternative to I-25)	NA	\$ -
4	Multi-Use Trail	NORTH: To Buckman / Otowi via Chili RR Line, Buckman Diversion, and/or Old Buckman Rd.	NA	\$ -
5	Multi-Use Trail	SOUTHWEST: To Waldo Canyon / Cerrillos / Madrid via Railrunner line and old rail bed to Madrid	NA	\$ -

Private development is a cornerstone of bikeway improvements in the city and the county. Improvements that are expected through private development are not included in Tables 8 through 11, but are critical to the determination of priorities and phases for relevant publicly-funded projects. Table 12 below provides a list of “developer-driven” bikeway segments that directly influence the implementation plan. The anticipated timing of these developments and of public initiatives such as river restoration, development of parks and open space, other major public projects, as well as planned annexation, has significant impact on phasing decisions for individual projects in Tables 8-11.

In addition to playing a role within the greater bikeway system, privately-funded facilities respond to needs generated by private developments themselves. Planning for and programming these improvements must therefore remain flexible. This list is *not* an attempt to reflect all bikeway needs that may be met through private developments but rather an illustration of expectations of the role that private development may play in creating, extending, or connecting into major bikeways in the MPO area.

Table 12: Bikeway Projects Anticipated through Private Development

DD: Developer Driven Improvements (selected)			
	Type of Improvement	Location	miles
1	Multi-Use Trail	ARROYO HONDO (south branch): E. of Amy Biehl School through private development to	0.25
2	Bike Lanes	Widen Ave del Sur east of Amy Biehl School	0.15
3	Multi-Use Trail	ACEQUIA TRAIL: Rufina to Atajo/Las Acequias Park (pending Cielo Azul development)	0.20
4	Multi-Use Trail	ARROYO DE LOS CHAMISOS TRAIL: from s. of Gov. Miles to Cerrillos Rd. (Las Soleras)	0.67
5	Multi-Use Trail	I-25 NORTH FRONTAGE: Richards Ave. to Las Soleras	1.00
6	Multi-Use Trail	I-25 NORTH FRONTAGE: Pueblos del Sol to Richards Ave.	0.50
7	Multi-Use Trail	ARROYO DE LOS CHAMISOS TRAIL: Extend connector trail from Santa Fe Place transit stop to Wagon Rd.	0.25
8	Multi-Use Trail	ARROYO DE LOS CHAMISOS TRAIL: West of Plaza Central to NM599	0.50
9	Multi-Use Trail	ACEQUIA TRAIL: Lopez Lane to Atajo	0.13
10	Multi-Use Trail	ARROYO DE LOS CHAMISOS TRAIL: West from Villa Linda Soccer Field to Office Complex	0.20
11	Multi-Use Trail	ARROYO DE LOS CHAMISOS TRAIL: Emblem Rd. through Grant Property to Gov. Miles Rd.	0.20
12	Multi-Use Trail	Richards Ave. East Side Sidewalk / Sidewalk: from I-25 underpass to Rabbit Rd. Ext.: By	0.25
13	Multi-Use Trail	ARROYO DE LOS CHAMISOS TRAIL: Under NM599 and west to La Cienega area (Pavilion Development)	2.00
14	Multi-Use Trail	ARROYO DE LAS GALLINAS: from NM599 underpass to a street with access to W. Alameda	1.00
15	Multi-Use Trail	Richards Ave. Westside Sidewalk, south of Beckner to I-25	0.20
16	Multi-Use Trail	ARROYO DE LOS CHAMISOS TRAIL: Entrada Contenta to SWAN Park	1.50
17	Multi-Use Trail	ACEQUIA TRAIL: from Henry Lynch Rd. to Ave. de Montoya	0.20
18	Multi-Use Trail	ARROYO HONDO @ NM599 to ARROYO CHAMISO near SWAN Park	1.25
19	Multi-Use Trail	NM CENTRAL/KENNEDY LINE: Rabbit Rd. north to I-25	0.50
20	Multi-Use Trail	NM CENTRAL/KENNEDY LINE: I-25 south frontage / arroyo, from rail bed west to Richards Ave.	0.50
21	Multi-Use Trail	ARROYO HONDO: NM599 Station to NM599 frontage road via I-25	0.25
22	Multi-Use Trail	ARROYO HONDO: under NM599 and west	0.25
23	Multi-Use Trail	NM CENTRAL/KENNEDY LINE: I-25 south frontage / arroyo, from rail bed east to Rabbit Rd.	0.50
TOTAL			12.45



jenkinsgavin
DESIGN & DEVELOPMENT INC

January 24, 2014

Tamara Baer, Planner Manager
City of Santa Fe Current Planning Division
200 Lincoln Ave.
Santa Fe, NM 87501

**RE: Letter of Application
Aguafina Final Subdivision Plat**

Dear Tamara:

This letter is respectfully submitted on behalf of Aguafina Development, LLC in application for Final Subdivision Plat approval for a 23-lot residential subdivision on 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 March 6, 2014. 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 History & Summary

On January 30, 2013, a rezone from R-1 to R-3 was approved for Tracts B and C-2. Although a rezone to R-5 was originally requested, the Planning Commission recommended R-3 zoning based on neighbor concerns about traffic and density. The City Council upheld this recommendation and approved the R-3 zoning. On June 24, 2013, a Preliminary Plat application for a 23-lot residential subdivision was submitted. A Variance was also 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 Variance was necessary to keep the project at an R-3 density rather than develop Tract C-1 to an R-5 density, as agreed upon in extensive neighbor negotiations and at the City Council hearing of January 30, 2013. However, at their meeting of August 1, 2013, the Planning Commission unanimously voted to deny the application. The applicant appealed the Planning Commission's decision based on the fact that it was contrary to the wishes of the neighborhood and the City Council, and that the decision would create harm for the neighborhood by mandating a higher density development. The appeal was heard by the City Council at their meeting of January 8, 2014. The Council unanimously approved the appeal, thereby approving the Preliminary Plat and Variance.

Consistent with the Preliminary Plat approval, the proposed Final Subdivision Plat comprises 23 single family lots on ± 11.47 acres. The 19 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. The Final Plat application is consistent with the Preliminary Plat submittal approved by the City Council on January 8, 2014. Some minimal changes are incorporated in the Final Plat; the primary modifications are outlined below.

- Emergency Access. A 20' wide emergency access easement is being created across Lot 9 and overlaid on a portion of the 25' waterline easement to provide an additional means of access to Tract C-1 only, as shown on the Emergency Vehicle and Pedestrian Access Plan.
- Pedestrian Access. A pedestrian access easement has been overlaid in the waterline easement to allow for pedestrian connection between the two cul-de-sacs via a 6' wide crusher fine trail.
- Open Space Amenities. Amenities for passive outdoor recreation are being provided in the open space area.
- Streetlights. A 12' solar streetlight will be placed at each of the two cul-de-sacs adjacent to the Powerline Road easement.

Access

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.
- Based on the decision of the City Council, only 15 lots will be accessed via Rufina Street. Therefore, per the request of John Romero, the applicant is conducting traffic counts to determine whether full access is feasible.

The Lot Access Driveways will be private and maintained by the Aguafina Homeowners Association. Vehicular access is prohibited between Lots 8 and 9 and to the Powerline easement east of the Project, except for the 20' basecourse emergency access easement that has been added across Lot 9 and overlaid across a portion of the waterline easement for access to Tract C-1, as

shown on the Emergency Vehicle and Pedestrian Access Plan. In addition, a pedestrian access easement has been overlaid in the waterline easement to allow for pedestrian connection between the two cul-de-sacs via a 6' wide crusher fine trail.

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 be 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 be 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.

§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. Per a modification to the Final Plat, amenities will now be provided in the open space area to encourage passive outdoor recreation.
- 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 approved 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.

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.

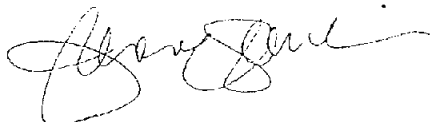
In support of these requests, the following documentation is submitted herewith for your review and consideration:

- | | |
|-----------------------------------|-------------------------------------|
| • Subdivision Application | • Warranty Deed |
| • Drainage Calculations Summary | • Lots of Record |
| • Archaeological Clearance Permit | • Final Subdivision Plans |
| • SFHP Proposal | • Application fees in the amount of |
| • Draft Restrictive Covenants | \$4,690, as follows: Subdivision |
| • Road Maintenance Agreement | \$4,600.00; Posters \$90.00 |
| • Letter of Owner Authorization | |

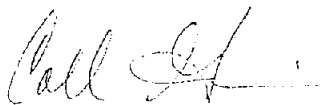
Please let us know if you have any questions or need additional information. Thank you.

Sincerely,

JENKINS GAVIN DESIGN & DEVELOPMENT, INC.



Jennifer Jenkins



Colleen C. Gavin, AIA