



APPELLANT INFORMATION

Name	Tierra Contenta Corporation		
Address:	PO Box 4931		
	Street Address		
	Santa Fe	NM	87502
	City	State	ZIP Code
Phone	Email Address	admin@tierracontenta.org	
Additional Appellant Names			
Correspondence Directed to	<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Appellant	<input type="checkbox"/> Both

RECEIVED DEC 03 2025

BY: [Signature] @ 2:04 PM

APPLICANT/AGENT INFORMATION (IF DIFFERENT FROM OWNER)

Company Name:	Homewise, Inc.		
Name (First, Last):	Lisa Gavioli, Real Estate Development Project Director		
Address:	1301 Siler Rd	Bldg D	
	Street Address	Suite/Unit #	
	Santa Fe	NM	87507
	City	State	ZIP Code
Phone: 505-629-6715	E-mail Address: lgavioli@homewise.org		

AGENT AUTHORIZATION (IF APPLICABLE)

I am/We are the owner(s) and record title holder(s) of the property located at:
 Tract 55A, Tierra Contenta Master Plan

I/we authorize Homewise, Inc. to act as my/our agent to execute this application.

Signed: [Signature] Date: 12/8/2025

Signed: _____ Date: _____

SUBJECT OF APPEAL

Project Name:	7205 Plaza Central (Zorro Blanco) Development Plan		
Applicant or Owner Name:	Zydeco LLC		
Location of Subject Site:	7205 Plaza Central, Santa Fe, NM 87507		
Case Number:	2024-9320	Permit Number (if applicable):	
Final Action Appealed:	<input type="checkbox"/> Issuance of Building Permit	<input type="checkbox"/> Other Final Determination of LUD Director	
Final Action of Board or Commission:	<input checked="" type="checkbox"/> Planning Commission	<input type="checkbox"/> BCD-DRC	
	<input type="checkbox"/> Board of Adjustment	<input type="checkbox"/> Historic District Review Board	

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

LAND USE STAFF ONLY

Time Filed:	Fee Paid: \$ 200.00	(Receipt Attached)
Date Filed:	Staff Signature: [Signature]	12-8-2025 @ 2:04 PM



BASIS OF STANDING (SECTION 14-3.17 SFCC)

Basis for Appeal: The facts were incorrectly determined Ordinance/laws were violated and/or misrepresented

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

The subject of this appeal is the final action taken by the Planning Commission on October 16, 2025, in which the referenced Development Plan was approved with no affordable housing requirements.

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

A. DESCRIPTION OF HARM Describe the harm that would result to you from the action appealed (attach additional pages if necessary):

See attached Exhibit A.

B. EXPLAIN THE BASIS FOR APPEAL Please detail the basis for Appeal here (be specific):

See attached Exhibit A.

SIGNATURE & 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: [Signature] Date: 12/8/2025

Agent Signature: [Signature] Date: 12/8/2025

I/We Dion Silva on behalf of Tierra Contenta Corporation, 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.

Appellant's Signature: [Signature]
Signature
A. DION SILVA
Print Name

Signature

Print Name

Subscribed and shown to before me this 8th day of December, 2025.

[Signature]
NOTARY PUBLIC

My commission expires:
March 14, 2029

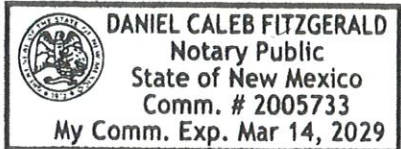


Exhibit B

Exhibit A

Petition to Appeal Final Action on Case #2024-9320

Final Action

The subject of this appeal is the Final Action taken by the Planning Commission at their hearing on October 16, 2025, in which the 7205 Plaza Central (Zorro Blanco) Development Plan, in Case #2024-9320, was approved with no affordable housing requirements. Findings of Fact and Conclusions of Law for the case were adopted by the Planning Commission on November 5, 2025, and are attached as Exhibit B.

Basis of Standing

Tierra Contenta Corporation (TCC) has standing required to appeal the Final Action, per SFCC §14-3.17(B):

(2) TCC is a “person” that was required to be mailed notice for the application giving rise to the Final Action being appealed.

(3) TCC is an organization that was duly organized at the time the decision appealed was rendered and for whom the Final Action will cause injury to its economic and organizational interests.

(5) TCC is a “person” who has a recognized legal interest under New Mexico law. TCC has contractual obligations under the “Restated Annexation Agreement Tierra Contenta, Wolgamood Subdivision and Contiguous Lands” (“Annexation Agreement”), and must ensure that development in Tierra Contenta complies with the terms of the Annexation Agreement and the Tierra Contenta Master Plan (“Master Plan”).

Description of Harm

The Final Action of the Planning Commission to approve the 7205 Plaza Central (Zorro Blanco) Development Plan with no affordable housing requirements causes the following harm:

- 1) The Final Action prevents the Applicant from participating in the Santa Fe Homes Program (“SFHP”) as proposed in the application, thereby denying the City the opportunity to either a) receive the public benefit of the production of affordable housing units or b) receive \$684,619.20 in fee-in-lieu contributions to its Affordable Housing Trust Fund. This action undermines efforts by the City and local affordable housing providers to address Santa Fe’s deep and worsening housing crisis.
- 2) The Final Action inhibits Tierra Contenta Corporation (TCC) from fulfilling its obligations under the Annexation Agreement to a) ensure that approximately 40% of “units” planned in Tierra Contenta are affordable and b) to implement the Tierra Contenta Master Plan. Because the Planning Commission neither required

compliance with the Annexation Agreement and Master Plan nor with the Santa Fe Homes Program, additional burden is placed on remaining development tracts in Phase 2C, such that a greater percentage of affordable housing will be required in order for TCC to maintain compliance with Article 7 of the Annexation Agreement. TCC itself owns Tract 55 – one of the last properties remaining to be developed in Phase 2C. The imposition of any additional affordability requirements negatively impacts the value and developability of this and other undeveloped properties in Phase 2C. Furthermore, if TCC fails to ensure that 40% of the homes developed in the first two phases of Tierra Contenta are affordable, they will be out of compliance with the Annexation Agreement. Increased affordable housing obligations will potentially be imposed upon Homewise as the successor in interest to TCC’s contractual obligations under the Annexation Agreement, such that more than 40% of homes in Phase 3A would need to be affordable to ensure compliance with Article 7 of the Annexation Agreement.

Basis for Appeal

The basis for the appeal is “to contest the application of Chapter 14,” per SFCC §14-3.17(A)(2)(b). The Final Action relies on an incorrect interpretation of Chapter 14 that was made by the City Attorney and applied by Planning and Land Use (PLU) staff to the detriment of the public benefit to be gained by the applicant’s proposal to participate in the SFHP and to the hinderance of the implementation of the Tierra Contenta Master Plan.

At issue is the interpretation of SFCC §14-8.11(D)(3) which states:

“The SFHP does not apply to: a) a development or portion of a development that is subject to a formal written and binding agreement entered into prior to August 15, 2005 with the city or Santa Fe County in which the signatories agreed to provide affordable housing or payment in lieu thereof...”

The intent of this code provision is that either a prior written agreement imposes affordable housing requirements on a project or the Santa Fe Homes Program (SFHP) applies. In no circumstances, therefore, should a conclusion be drawn that there are no affordable housing requirements for a project, as the City Attorney and PLU staff incorrectly determined.

In Case #2024-9320, the City Attorney and PLU staff advised the Planning Commission that the SFHP does not apply to the Zorro Blanco Development Plan because it is subject to affordable housing requirements under the Annexation Agreement (See Exhibit C, Page 9 of 16). Staff’s claim is incorrect. Tract 51, where the Zorro Blanco project is located, does not have affordable housing requirements under the Annexation Agreement and Master Plan

because its land use designation is “Office/Business Incubator,” for which no housing units were contemplated or assigned at the time of the Master Plan’s adoption (See Exhibit G). Article 7 of the Annexation Agreement requires that “*approximately 40% ... of the units planned,*” as identified in the Tierra Contenta Master Plan, be affordable homes (See Exhibit F, Page 5). Because residential development was not contemplated for Tract 51 and no units were planned, the affordable housing requirements of the Annexation Agreement do not apply to the portion of the Tierra Contenta development where the Zorro Blanco development is located. Therefore, the Santa Fe Homes Program does apply to the project, in accordance with SFCC §14-8.11(D).

Further, PLU staff incorrectly determined that TCC had already satisfied affordable housing requirements under the Annexation Agreement for Phases 1 and 2 (See Exhibit C, Page 10 of 16). Development in Phase 2 is not yet complete. Every new development that comes forward impacts TCC’s ability to meet its affordable housing obligations under the Annexation Agreement. According to TCC, although roughly 41% affordability had been achieved in Tierra Contenta as of the last approved development in Phase 2C, this percentage would drop to approximately 35% if no new affordable housing is required for the remainder of that sub-phase. Therefore, the affordable housing requirements under the Annexation Agreement have not been fully satisfied for Phase 2. Each new residential development must contribute affordable housing in some manner in order to meet these requirements for Tierra Contenta overall.

The implications of staff’s faulty math are significant. It risks putting TCC out of compliance with the Annexation Agreement. Moreover, as stated above, there are still tracts of land remaining to be developed in Phase 2C. The addition of the Zorro Blanco project’s 165 market-rate units to Phase 2C without regard for affordable housing will reduce the level of affordability achieved to-date, such that the remaining tracts will have to increase their percentage of affordable housing over and above the 40% requirement, resulting in financial harm to TCC, other Phase 2C landowners, and potentially to the development of Phase 3A if 40% affordability is not maintained.

In a May 8, 2025 letter to the Tierra Contenta Corporation (TCC) Board and shared with PLU staff, Karl Sommer, attorney for the Applicant, states: “*...it is our opinion that the [Zorro Blanco] property is not subject to an agreement that would exempt it from the Santa Fe Homes Program and that the strictures of the Santa Fe Homes Program apply to the TCVP development plan application*” (See Exhibit E). TCC agrees with this statement. By inappropriately denying the developer the ability to participate in the SFHP as proposed by the Applicant (See Exhibit D), the City Attorney and PLU staff have violated the purpose of

the SFHP and prevented the public good that the program is intended to create as defined in its stated purpose.

As stated above, the intent of SFCC §14-8.11(D)(3) is to invoke the authority of prior formal written agreements that require an applicant to provide affordable housing, such that SFHP does not apply when a developer must provide affordable housing under a prior agreement. The converse of this is therefore also true – when a developer is not compelled to provide affordable housing by a prior written agreement, the SFHP does apply. In this case, the City Attorney and PLU staff determined that because the Tierra Contenta Annexation Agreement requires affordable housing, the SFHP did not apply. However, they also concluded that the Annexation Agreement and Master Plan did not require affordable housing on Tract 51 and that affordable housing requirements had been fully satisfied for Phase 2. As a result, they incorrectly concluded that there was no affordable housing requirement for the project and misled the Planning Commission about the applicability of the SFHP to the project, stating that they “*were unable to identify a legal mechanism*” for the SFHP to apply except through a text amendment to Chapter 14 (See Exhibit C, Page 10 of 16). Despite staff’s incorrect determinations with respect to affordable housing requirements, the Applicant continued to affirm their willingness to do the right thing and participate in the SFHP (See Exhibit D, Page 20-21). Meanwhile, the Planning Commission was misled, resulting in an incorrect and detrimental outcome.

The City Attorney and PLU staff should have done one of the following in order to properly apply Chapter 14 in this case:

- 1) They should have concluded that the SFHP does apply to the project because the Tierra Contenta Annexation Agreement and Master Plan did not include an affordable housing requirement for Tract 51 due to its land use designation as “Office/Business Incubator.”
- 2) Alternatively, they should have required that the Tierra Contenta Master Plan be amended to allow residential development and assign “units” to Tract 51, which would have then compelled the applicant to provide affordable housing, subject to the requirements of Article 7 of the Annexation Agreement.

Considering all that has happened to-date, for the City to require an amendment to the Tierra Contenta Master Plan at this stage in the project would represent an undue burden and cause many months of delay to the development. In order to avoid further delay to the Zorro Blanco development, we submit that applying the Santa Fe Homes Program to the project aligns with requirements of Chapter 14 and the simplest and most straightforward path towards compliance with SFCC 14-8.11(D)(3), the Santa Fe Homes Program, and the

Annexation Agreement. To be clear, we are supportive of the Zorro Blanco project and do not wish to halt or impede its development. We simply ask the Governing Body to correct the Final Action, avoiding detrimental impacts to the City and to remaining development in Tierra Contenta.

Exhibit C

ITEM #25-0545

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

Case #2024-9320

7205 Plaza Central Development Plan

Owner's/Applicant's Name - Zydeco, LLC

Agent's Name - Pax Consulting

THIS MATTER came before the Planning Commission (“Commission”) for public hearing on October 16, 2025 (“Hearing”) upon the application (“Application”) of Pax Consulting, as agent for Zydeco, LLC. (“Applicant”).

The Applicant requests final development plan (“Development Plan”) approval for a 165-unit multi-family residential development located at 7205 Plaza Central totaling approximately 7.9 acres (Property) in size. The Property is zoned C-1 (Office and Related Commercial).

After conducting a public hearing (“Hearing”) and having heard from City Planning and Land Use Staff (“Staff”) and all interested persons, the Commission hereby FINDS, as follows:

FINDINGS OF FACT

1. Pursuant to SFCC 1987 Section 14-2.3(C)(1) and Section 14-3.8(B)(4), the Commission has the authority to review and approve development plans.
2. SFCC 1987 Section 14-3.1 sets out the following procedures for a development application: (a) a pre-application conference [SFCC § 14-3.1(E)]; (b) an Early Neighborhood Notification (ENN) meeting [SFCC 1987 § 14-3.1(F)(2)(a)(iv)]; and (c) compliance with notice and public hearing requirements [SFCC 1987 § 14-3.1(H)-(I)].
3. Applicants for development plans are required to attend pre-application conferences with Staff under SFCC 1987 Section 14-3.1(E)(1).
4. The Applicant attended a pre-application conference on June 27, 2024.
5. Pursuant to SFCC 1987 Section 14-3.1(H), applicants are required to give notice of ENN meetings.
6. The Applicant gave notice of the ENN meetings by posting signs on three (3) locations on the property, and mailing notice to all tenants and property owners within 300 feet of the property. No neighborhood associations were located within 300 feet of the property, and none were mailed notice.
7. Pursuant to SFCC 1987 Section 14-3.1(F), the Applicant held virtual ENN meetings on the Application on August 20, 2024, and September 30, 2024. The Project team, members of Staff, and members of the public attended the ENN meeting. Members of the public voiced concerns about construction impacts, traffic impacts, affordable housing, architectural design, neighborhood amenities, and gentrification.
8. Staff reviewed the Application, related materials, and other information that the Applicant submitted for conformity with applicable SFCC requirements. Staff also provided the Planning Commission a written report of Staff’s findings (Staff Report) that evaluated the factors relevant to the Application.
9. Staff recommended that the Commission approve the Application subject to certain conditions (“Conditions”) and technical corrections set out in the Staff Report and exhibits.
10. At the Hearing, the Commission received reports from Staff, testimony and evidence from the Applicant, and testimony offered by any interested members of the public prior to making a

decision.

11. The project proposed in the Development Plan exceeds 30,000 square feet. Pursuant to SFCC 1987 Section 14-3.8(B)(3)(a), a new development with a gross floor area of thirty thousand (30,000) square feet or more requires the Commission to approve a development plan.
12. SFCC 1987 Section 14-3.8 establishes procedures for development plan approval including, without limitation, a public hearing by the Commission and a decision based on the criteria set out in SFCC 1987 Section 14-3.8(D).
13. SFCC 1987 Section 14-3.8(C)(1) requires the Applicant to submit plans and other documentation that demonstrates conformance with applicable provisions of the SFCC (“Submittal Requirements”).
14. SFCC 1987 Section 14-3.8(D)(1) sets out approval criteria and requires the Commission to make complete findings of fact sufficient to show that these criteria have been met before approving a development plan.
15. Pursuant to SFCC 1987 Section 14-3.8(D)(2), the Commission “may specify conditions of approval that are necessary to accomplish the proper development of the area and to implement the policies of the general plan.”
16. The Commission finds that the Conditions and technical corrections set forth in the Staff Report and exhibits are necessary to accomplish the proper development of the area and to implement the policies of the general plan.


CONCLUSIONS OF LAW

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

1. Pursuant to SFCC 1987 Section 14-2.3(C)(1) and Section 14-3.8(B)(4), the Commission has authority to review and approve this final development plan.
2. Pursuant to SFCC 1987 Section 14-3.1, all procedural requirements regarding the pre-application conference, ENN meeting, and notice of public hearing have been met.
3. The information contained in the Staff Report and exhibits is sufficient to establish that the Submittal Requirements have been met. Pursuant to SFCC 1987 Section 14-3.8(C)(1), the Applicant met the applicable Submittal Requirements.
4. Pursuant to SFCC 1987 Section 14-3.8(D)(1)(a), the Commission finds that it has the authority to review the Development Plan under SFCC 1987 Sections 14-2.3(C)(1), 14-3.8(B)(4), and Table 14-2.1-1.
5. Pursuant to SFCC 1987 Section 14-3.8(D)(1)(b), the Commission finds that the Development Plan will not adversely affect the public interest. The Governing Body has implemented the General Plan and ordinances to establish minimum standards for health, safety and welfare affecting land uses and developments as a means to protect the public interest. This project serves the public interest through the provision of much-needed housing.
6. Pursuant to SFCC 1987 Section 14-3.8(D)(1)(c), the Commission finds that the residential use and any associated buildings are compatible with and adaptable to buildings, structures, and uses of the abutting property and other properties in the vicinity of the premises under consideration.
7. The Commission approves the Development Plan subject to the conditions and technical corrections recommended by staff, with the addition of the following condition imposed by the Commission: “Applicant shall work with Staff on the use of highlight colors that Staff find compatible with the design and surrounding context, and the architectural design points. If the Applicant and Staff disagree, the Applicant may come before the Planning Commission on the matter.”

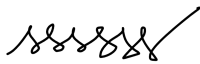

WHEREFORE, IT IS ORDERED ON THE 6TH DAY OF NOVEMBER 2025 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

The Development Plan for the Project is approved, subject to the conditions of approval and technical corrections set forth in the Staff Report and exhibits. The Development Plan shall expire three years after issuance of this final action unless actual development of the site or off-site improvements has begun and is continued pursuant to SFCC 1987 Subsection 14-3.19(B)(6), or a time extension is granted pursuant to SFCC 1987 Section 14-3.19(C).


Janet Clow, Chair


12/1/2025
Date

FILED:


Geraldyn F. Cardenas
Deputy City Clerk 

12/02/2025
Date

APPROVED AS TO FORM:


Rebecca Mnuk-Herrmann
Assistant City Attorney

11/25/2025
Date

Exhibit D



City of Santa Fe

MINUTES

REGULAR MEETING OF THE
PLANNING COMMISSION
October 16, 2025, AT 6:00 PM

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

Commissioners Present:

- Chair Janet Clow
- Vice Chair Peter Smith-zoom
- Commissioner Thomas (TJ) Rieland
- Commissioner Piper Kapin
- Commissioner Gurushabad Mirando
- Commissioner Scott Barber
- Commissioner Kelly McReynolds
- Commissioner Matt Embry

4. **APPROVAL OF AGENDA**

MOTION: Commissioner McReynolds moved, seconded by Commissioner Kapin, to approve the agenda.

VOTE: The motion was approved on the following Roll Call vote:

For:
Vice Chair Peter Smith Yes
Commissioner Kelly McReynolds Yes
Commissioner Gurushabad Mirando Yes
Commissioner TJ Rieland Yes
Commissioner Piper Kapin Yes
Commissioner Scott Barber Yes
Commissioner Matt Embry Yes

Against: None

Abstain: None



City of Santa Fe

MINUTES

REGULAR MEETING OF THE
PLANNING COMMISSION
October 16, 2025, AT 6:00 PM

5. APPROVAL OF CONSENT AGENDA

6. APPROVAL OF MINUTES

a. September 18, 2025 and October 2, 2025 Minutes rejected

MOTION: Commissioner Kapin moved, seconded by Commissioner McReynolds to reject the minutes from Planning Commission meeting on September 18 and October 2, 2025.

VOTE: The motion was approved on the following Roll Call vote:

For:
Vice Chair Peter Smith Yes
Commissioner Kelly McReynolds Yes
Commissioner TJ Rieland Yes
Commissioner Piper Kapin Yes
Commissioner Gurushabad Mirando Yes
Commissioner Scott Barber Yes
Commissioner Matt Embry Yes

Against: None

Abstain: None

b. September 18, 2025 and October 2, 2025 Minutes (APPROVAL MOVED TO NOVEMBER 6, 2025)

MOTION: Commissioner Rieland moved, seconded by Commissioner Barber to move the approval of the minutes from Planning Commission meetings on September 18 and October 2, 2025 to November 6, 2025.



City of Santa Fe

MINUTES

REGULAR MEETING OF THE
PLANNING COMMISSION
October 16, 2025, AT 6:00 PM

VOTE: The motion was approved on the following Roll Call vote:

For: Vice Chair Peter Smith Yes
Commissioner Kelly McReynolds Yes
Commissioner TJ Rieland Yes
Commissioner Piper Kapin Yes
Commissioner Gurushabad Mirando Yes
Commissioner Scott Barber Yes
Commissioner Matt Embry Yes

Against: None

Abstain: None

7. APPROVAL OF FINDINGS/CONCLUSIONS

8. CONSENT

9. OLD BUSINESS

10. STAFF COMMUNICATIONS

Presentations on Governmental Ethics and Procedure by Assistant City Attorney
Rebecca Minuk-Hermann

11. NEW BUSINESS

a. CONSIDERATION OF BILL NO.2024-17. ADOPTION OF ORDINANCE NO. 2025
(Mayor Alan Webber and Councilor Jamie Cassutt)

PUBLIC COMMENTS: Nine (9) members of the public were sworn in and gave
comment in favor of Bill No. 2024-17 and Ordinance 2025.

MOTION: Commissioner Mirando moved, seconded by Commissioner Kapin to
approve Bill No 2024-17. Adoption of Ordinance Nol 2025

VOTE: The motion was approved on the following Roll Call vote:



City of Santa Fe

MINUTES

REGULAR MEETING OF THE
PLANNING COMMISSION
October 16, 2025, AT 6:00 PM

For: Vice Chair Peter Smith Yes
Commissioner TJ Rieland Yes
Commissioner Piper Kapin Yes
Commissioner Gurushabad Mirando Yes
Commissioner Kelly McReynolds Yes
Commissioner Scott Barber Yes
Commissioner Matt Embry Yes

Against: None

Abstain: None

- b. **Case #2024 – 9320. 7205 Plaza Central Development Plan.** Pax Consulting Agent, for Zydeco LLC, owner and applicant (“Applicant”), requests approval of a Development Plan for up to 165 units, a clubhouse, swimming pool and neighborhood coffee shop a property address located at 7205 Plaza Central and is zoned C-1 (office and related commercial). It consists of a 7.9 -acre lot as the result of a lot line adjustment, zoned C-1 (Alexa Hempel, Case Manager, anhemple@santafenm.gov). (POSTPONED FROM JULY 17, 2025, SEPTEMBER 4, 2024 and OCTOBER 2, 2024)

PUBLIC COMMENT: Two (2) members of the public were present (1 in person and 1 via zoom) and after being sworn in voiced their concerns regarding 7205 Plaza Central Development Plan.

MOTION: Commissioner Mirando moved, seconded by Commissioner Kapin to approve Case #2024-9320, subject to conditions of approval and technical corrections.

VOTE: The motion was approved on the following Roll Call vote:

For: Vice Chair Peter Smith Yes
Commissioner TJ Rieland Yes
Commissioner Piper Kapin Yes
Commissioner Kelly McReynolds Yes
Commissioner Gurushabad Mirando Yes
Commissioner Scott Barber Yes
Commissioner Matt Embry Yes

Against: None



City of Santa Fe

MINUTES

REGULAR MEETING OF THE
PLANNING COMMISSION
October 16, 2025, AT 6:00 PM

Abstain: None

12 . MATTERS FROM THE COMMISSION

**13. ADJOURNMENT
9:17 P.M.**

Liaison

Chair

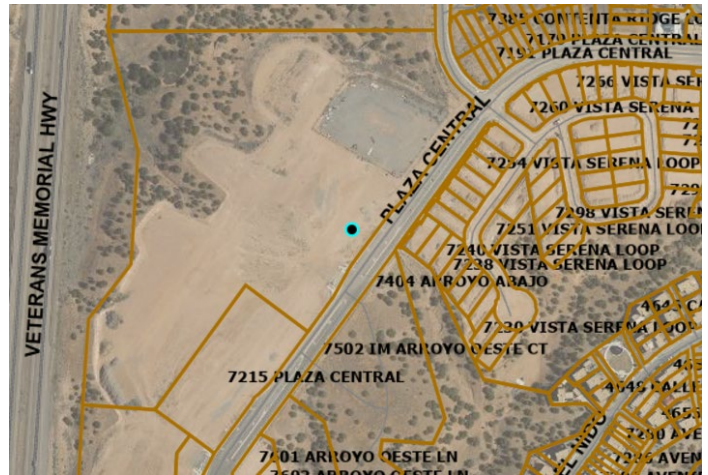
Exhibit E



CITY OF SANTA FE
PLANNING & LAND USE

Planning and Land Use Department
 Planning Commission Staff Report
AMENDED for Planning Commission Meeting 10/16/25

Case Number	#2024-9320
Hearing Date	October 16, 2025
Agent	Pax Consulting
Applicant	Zydeco LLC
Request	Development Plan
Location	7205 Plaza Central, Santa Fe, NM 87507
Case Manager	Alexa Hempel
Zoning	C-1 (Office and Related Commercial)
Overlay	Suburban Archeological Review District
Pre-App Meeting	June 27, 2024
ENN Meeting	August 20 & September 30, 2024
Proposal	The Applicant requests approval of a development plan for up to 165 multi-family units with a clubhouse, swimming pool, and neighborhood coffee shop on a 7.9-acre parcel.



Site Map

Case #2024-9320. 7205 Plaza Central Development Plan. Pax Consulting, Agent, for Zydeco LLC., Owner and Applicant (“Applicant”), requests approval of a Development Plan for up to 165 multifamily residential units, a clubhouse, swimming pool, and neighborhood coffee shop located at 7205 Plaza Central. The property consists of a 7.9-acre lot as the result of a future lot line adjustment, zoned C-1 (Office and Related Commercial). (Alexa Hempel Case Manager, anhempel@santafenm.gov).

I. RECOMMENDATION:

Staff recommends the Planning Commission **APPROVE** Case #2024-9320, “7205 Plaza Central Development Plan,” subject to the Conditions of Approval and Technical Corrections outlined in Attachment A of this report.

One motion will be required for this case:

- **APPROVE** or **DENY** Case #2024-9320, “7205 Plaza Central Development Plan,” subject to the Conditions of Approval and Technical Corrections outlined in Attachment A of Staff’s report.

II. EXECUTIVE SUMMARY

The subject property is located at 7205 Plaza Central, northwest of the Jaguar Drive and Veterans Memorial Highway intersection, at the corner of Plaza Central and Contenta Ridge. The Property is a vacant, undeveloped parcel along the western side of Plaza Central.

The Applicant requests approval of a development plan for up to 165 multi-family units in addition to a clubhouse, swimming pool, and neighborhood coffee shop. The Property is within the Tierra Contenta planned residential community created through an annexation with a master plan by the Tierra Contenta Corporation. This area was annexed by the City of Santa Fe in November 1985 (Ordinance 1985-58) as 1,479.6 acres. The Tierra Contenta Master Plan was created in 1994 and has undergone multiple phases of development, 1A to 2C, since. 7205 Plaza Central is part of Phase 2C, pictured in Attachment B, and must comply with applicable requirements within the Tierra Contenta Master Plan as well as the City of Santa Fe Code of Ordinances.

This property is currently 14.24-acres but is planned to be reduced to 7.9-acres through an administrative lot line adjustment, Case #2024-9319. The Applicant’s development plans currently show the development on 6.9-acres, however, this size would make the development exceed the density allowed in C-1 zoning, 21 dwelling units per acre. The Applicant has a Condition of Approval in Attachment A to amend the lot size and all relevant calculations prior to recordation and they have acknowledged this requirement via a notarized letter found in Attachment C-14.

The Applicant has complied with Subsections 14-3.1(E) “Pre-Application Conferences”, 14-3.1(F) “Early Neighborhood Notification Procedures,” and 14-3.1(H) “Notice Requirements.”

Staff’s analysis finds that the Applicant has addressed the necessary findings per Subsection 14-3.8(D) “Approval Criteria and Conditions” and recommends **APPROVAL** subject to conditions identified in in Attachment A “Conditions of Approval” & “Technical Corrections.”

III. PROJECT ANALYSIS: DEVELOPMENT PLAN

Project Description

The proposed development (“Project”) includes seventeen (17) buildings composed of eleven (11) studio apartments, ninety-three (93) one-bedroom apartments, fifty-eight (58) two-bedroom apartments, and two (2) three-bedroom apartments along with an office, community space, pool, gym and a coffee shop. Open space is proposed throughout the site as internal courtyards, and parking is provided along the west and northwest of the site between the structures and the Veteran’s Memorial Highway. In addition to the

seventeen buildings, the project features streetscape, landscaping, and drainage improvements.

Project Zoning

The Property is zoned C-1, Office and Related Commercial. Multi-family dwelling unit developments and restaurants, including fast service and takeout, are permitted under this zoning category. For multi-family dwellings, a density of 21 dwelling units per acre is allowed and is proposed with this development plan (See lot size adjustment letter in Attachment C-14). Setback standards in a C-1 zoned district have been met by this project. The proposed development plan meets all minimum dimensional criteria below.

Table 1 C-1 Dimensional Standards

Requirement	C-1	Proposed*
Height	36' Maximum	18' – 34'1.5" (Dependent on building type)
Lot Coverage	40% Maximum	25%
Open Space	Residential: 250 square feet x 165 units = 41,250 Sq ft Commercial: 20% of Lot = 18,958 Sq ft Total Required = 60,208 Sq ft	64,000 Sq ft

**The proposed lot coverage will decrease and open space provided will increase once the development plans are amended to reflect the increased acreage required to meet density standards.*

Surrounding Zoning and Land Use

7205 Plaza Central is outlined in yellow in Figure 1. The property is zoned C-1, Office and Related Commercial. Surrounding uses include Planned Residential Community (PRC) to the east, which houses much of Tierra Contenta. North of the property is an R-7 (Residential, 7 dwellings per acre) district with existing townhomes and condominiums. South of the property is currently vacant but zoned C-2, General Commercial. West of the property is the right-of-way for State Highway 599 and adjacent to that is I-1, Light Industrial, which houses the Santa Fe Regional Airport and related light industrial uses.

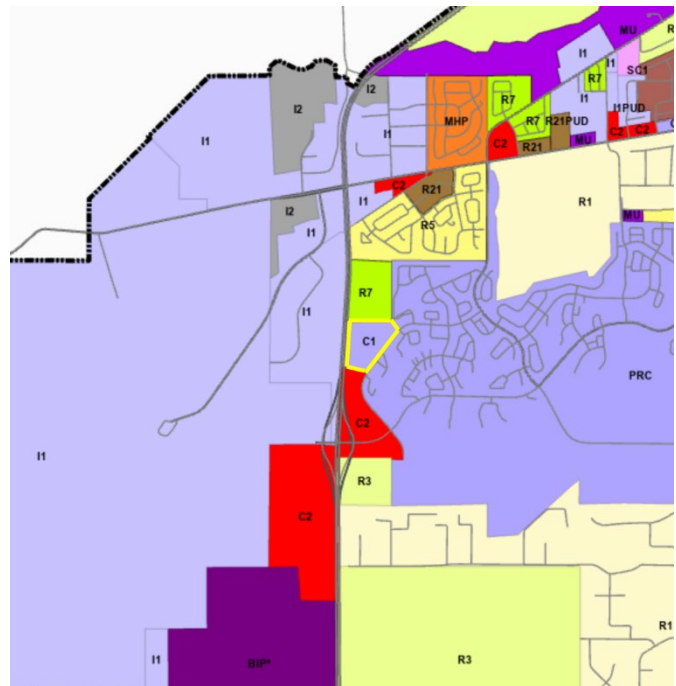


Figure 1: Surrounding zoning. 7205 Plaza Central is outlined in yellow.

General Plan Future Land Use

The General Plan's Future Land Use Map ("FLUM") proposes Office Use for 7205 Plaza Central. For the surrounding properties, designated land uses described in the FLUM include multi-unit developments of 7-12 dwellings per acre and 12-29 dwellings per acre, along with a neighborhood center and parks. These uses identified in the FLUM support the commercial and community needs of the southside neighborhood.

Architecture and Continuance of Original August 7, 2025 Hearing

Certain architectural elements of the Project that led staff to recommend denial at the time of the August 7, 2025 hearing have since been remedied. The Project is composed of seventeen (17) buildings with heights between 18 and 34 feet. Balconies, garages, and internal courtyards are featured throughout and will limit large massing. All buildings have a textured, stucco finish and flat roof design.

The Applicant originally proposed that the exterior stucco be painted a high-intensity colonial white with accent colors of green, gray, pink, and yellow. The Tierra Contenta Architectural Review Committee approved this proposed design, acknowledging that it deviated from the design guidelines for Phase 2C, while still meeting the intent of those guidelines. However, development plans within Tierra Contenta must go through additional City review to meet the requirements of SFCC Ch.14, which may only be interpreted by the Land Use Director after consultation with the City Attorney (SFCC 14-1.10).

SFCC 14-1.7(B) states that in the event conflicts arise between Chapter 14 and any other ordinance, resolution, or regulation, the more restrictive limitation or requirement shall prevail. In this case, Chapter 14 imposed more restrictive requirements. Staff determined that the proposed high-intensity colors did not meet the following, and therefore recommended denial for the August 7, 2025 hearing:

- Minimum 205 architectural points required for C-1 zoning;
- Development Plan Approval Criteria #3, which calls for adaptability and compatibility to properties in the vicinity; and
- Findings and Purpose of the Architectural Design Review (SFCC 14-8.7(A)), which calls for architecture outside the historic districts to maintain a degree of compatibility with architecture inside the historic districts.

Due to technological issues that led to a lack of quorum, the August 7, 2025 Planning Commission meeting was rescheduled to September 4, 2025. During that time, the Applicant changed the predominant color of the exterior stucco from colonial white to zona rosa – a terracotta color (See Figure 2). The Applicant also omitted the use of accent colors and submitted revised architectural drawings to reflect the exterior color changes (Attachment C-12).

The new design exceeds the 205 architectural points required for C-1 zoning and is compatible with the surrounding neighborhood as well as the architecture found within the City's historic districts. Staff are now recommending approval as the application meets the required architectural points, development plan approval criteria #3, and the purpose of the architectural review guidelines.



Figure 2: Drawing of the new proposed exterior of one building type on the property. See full plan sets in Attachment C-11.

Access and Traffic

The Project includes three (3) entry points: the primary entry is located at the southern end of the parcel along Plaza Central with a deceleration lane off Plaza Central, with secondary entry situated midway between the primary entry and the intersection with Contenta Ridge, and one additional entry on Contenta Ridge. Site access and mobility was designed with most of the parking around the perimeter of the residential structures to separate pedestrian and automotive traffic and create sense of community around the interior of the buildings. Figure 3 depicts details of site access, traffic flow, and parking.

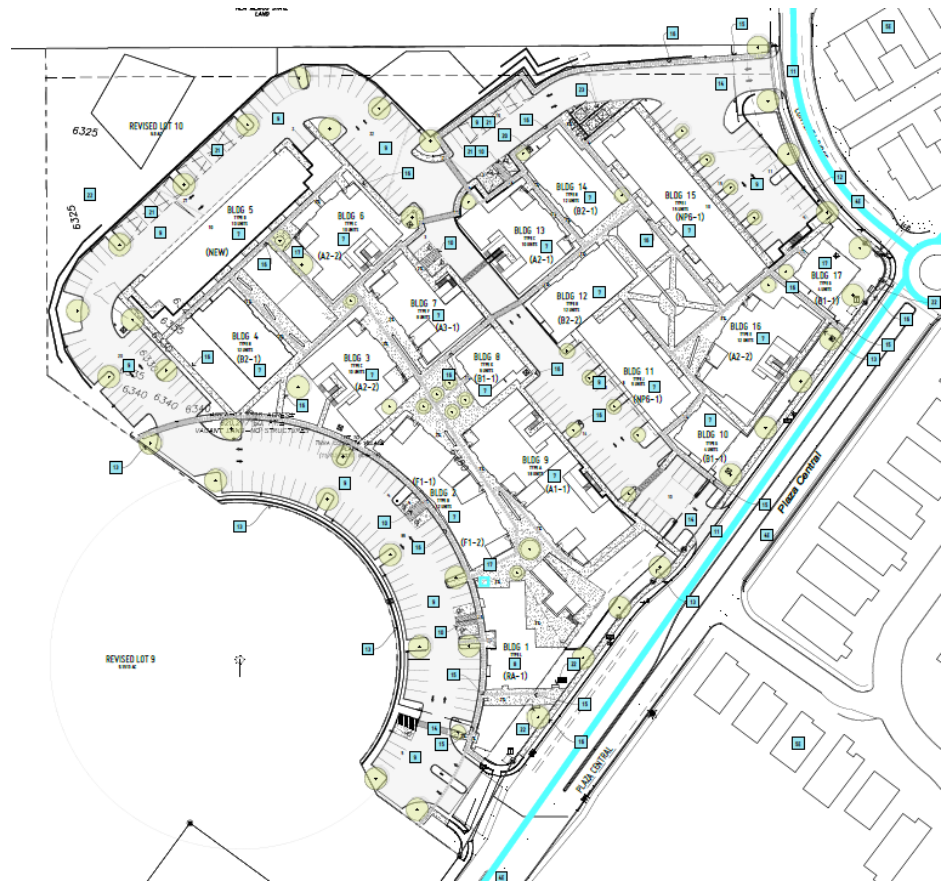


Figure 3: Zorro Blanco Pedestrian, Bicycle, Vehicular Plan

A Traffic Impact Analysis (TIA) (included in Attachment C-4) conducted by Tierra West for this Project determined that all area intersections are projected to operate at Level of Service (“LOS”) ‘A’ during both AM and PM peak hours, with the exception of the southern (main) driveway access which will operate at LOS ‘B’. LOS ‘A’ is defined as free-flowing traffic conditions with minimal delays. LOS ‘B’ is defined as traffic conditions where drivers experience stable flow with only slight delays.

These results indicate that the area intersections will function effectively, with LOS A and B being classified as well-operating conditions. As requested by the Metropolitan Planning Organization and supported in the Traffic Impact Analysis, the right-turn lane off Plaza Central will be the shortest necessary length at 250 feet. The TIA does not recommend any roadway design revisions. Conditions of Approval and Technical Review comments can be found in Attachment A.

Both the City of Santa Fe City Code and the Tierra Contenta Phase 2C Design Standards (Ch. 3.B.8.3) mandate the installation and maintenance of sight visibility triangles at all driveway entries. Within these triangles, no visual obstructions between 3 and 6 feet in height are permitted, ensuring safe sightlines for vehicles entering and exiting the property. These triangles are defined by 5 feet along the project driveway and 15 feet along street frontages. Per the Tierra Contenta Phase 2C Design Standards, all driveway connections to public streets will adhere to drive width requirements and sight triangle requirements, including a driveway width of no less than 12 feet and no greater than 22 feet at the edge of the street pavement. Additionally, pads between the curb and the right-of-way line will be constructed using concrete, in compliance with the standards.

Pedestrian access along the Project frontage will connect to the existing Plaza Central and Contenta Ridge infrastructure. Plaza Central is equipped with dedicated bike lanes for cyclists and a set-back sidewalk on the east side of the road. Contenta Ridge has existing sidewalks on both sides of the street. Zorro Blanco will enhance the existing pedestrian infrastructure by adding a 5 ft wide sidewalk along the western side of Plaza Central and one (1) concrete crosswalk across each street. The development will also include 12 inverted U bike racks, as required.

The Project includes a mix of fences and retaining walls. Fencing proposed along the perimeter will be 6 ft high metal (See Figure 4), with 3 vehicular gates at the entrances. Six (6) pedestrian gates will be placed along the perimeter of the property offering open access during the day and restricted access to residents only at night. A 43-inch-high fence will serve as a guardrail to the stormwater detention ponds and some sidewalk locations.

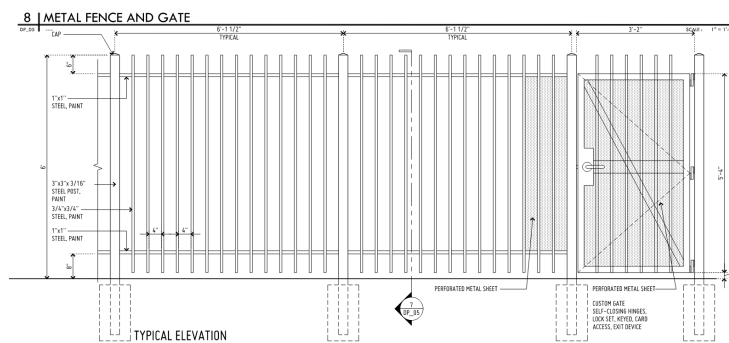


Figure 4: Fencing design for perimeter of property

Parking

The development plan includes 245 parking spaces, exceeding the 238 required. Resident parking has been designed to be along the exterior perimeter of the buildings so that internal walkable courtyards can be maintained.

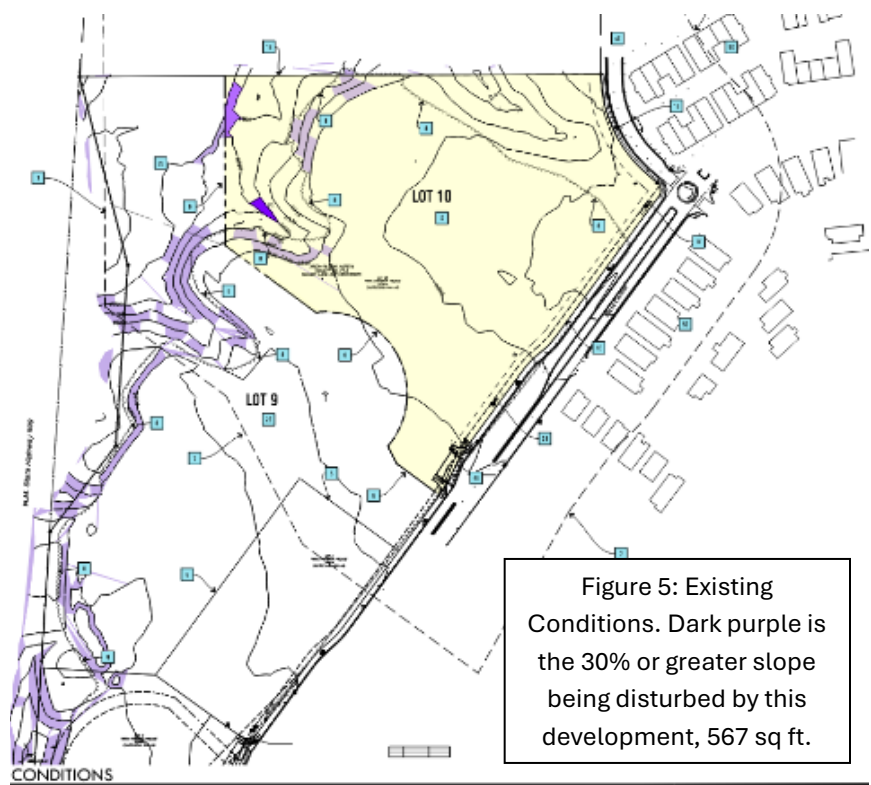
Of the 245 parking spaces, 26 will be in individual garages and 8 will be ADA accessible. The Applicant has stated that residents of the property whose unit has a garage will be required to agree to use the garage for parking, not storage, so the development does not run short on parking spaces.

The Land Use Technical Review Division has reviewed the development plan for parking compliance with ADA. Conditions of Approval and Technical Review comments can be found in Attachment A.

Grading and Drainage/Terrain Management

The site slopes down and away from Plaza Central and Contenta Ridge from east to northwest with an overall grade change of approximately fifty (50) feet from the eastern to the western boundary.

There are five locations of 30% or greater slopes within the development site (see Figure 5). Three of these are **manmade** and previously disturbed, totaling 7,140 sq ft. The remaining two areas are **natural** 30% or greater slopes. The natural sloped area in the northwest corner of the development site, totaling 1,381 sq ft, will remain undisturbed, while the other 567 sq ft area near the western boundary of the development site will be



disturbed for utility purposes, as allowed without the need for variance. The areas of 30% or greater slopes can be found on the existing conditions sheet of the development plan (see Attachment C-11).

There are no floodplains on site and the proposed development plan includes passive storm water harvesting systems. Conditions of Approval and Technical Review comments can be found in Attachment A.

Open Space, Lighting, and Signage

SFCC 14-7.5(D) sets the Open Space standards for development. The Code requires 250 square feet of common open space for each proposed dwelling unit and 20% of the lot area for commercial common open space. Due to the presence of up to 165 units and a neighborhood café under 1,000 square feet, the proposed development requires a minimum of 60,208 square feet of common open space. The Project currently provides 64,000 square feet of open space, above the minimum Code requirement, but will be further increased with the added acre to meet the zoning density standards. A minimum of 50% of the common open space provided shall be usable for active and passive recreation per 14-7.5(B)(2). The applicant has a Condition of Approval to clearly demonstrate this on the development plans.

The Applicant provided a lighting plan which included building mounted outdoor lights and pole lights to illuminate parking areas and pedestrian pathways. Staff reviewed the photometric data and determined that the lighting plan will need to be revised to reduce maximum illuminations prior to recording the Development Plan to comply with outdoor lighting requirements in SFCC 14-8.9.

Signage included in this proposed development plan will not be considered with this approval, staff will review proposed individual signs during the permitting process. Technical review comments including open space and the photometrics review can be found in Attachment A.

Utilities

The Applicant has an approved site water plan by the City of Santa Fe Water Utility Division with Conditions of Approval (Attachment A). The Project will connect to existing public water lines on Plaza Central (10-inch diameter) and Contenta Ridge (8-inch diameter). New public water service lines, irrigation water service lines, fire main water line, and domestic water line will be installed. A new private main water line and fire service line will also be installed for service to buildings.

The proposed development will connect to the existing 8-inch diameter public sewer lines along Plaza Central and Contenta Ridge. The Applicant will install private 8-inch and 4-inch diameter sewer lines for service to buildings. New public sanitary sewer lines will also be installed to connect to new and existing manholes in rights-of-way. Conditions of Approval and Technical Review comments for water and wastewater can be found in Attachment A.

Telephone and cable service will be coordinated by general contractors with local utility providers. Electricity and natural gas can be accessed along Plaza Central.

Water Budget

The Applicant has submitted a preliminary water budget shown in Table 2 with additional details for the landscape irrigation shown in the development plans in Attachment C-6. The water budget for the 997 sq ft commercial space is included in the calculation for multi-family residential use, as this space has potential to be converted into a dwelling unit. The Applicant has a Condition of Approval to work with the Water Resources Division to obtain an approved water budget prior to recordation of the plans.

Table 2 Water Budget

Multi-family Residential Use		26.4 AFY
Landscape Irrigation		0.71 AFY
DEVELOPMENT WATER BUDGET		27.11 AFY
9.8% CONTINGENCY per SFCC §14-8.13(E)(1)		2.7 AFY
TOTAL		29.8 AFY

Fire Prevention and Emergency Access

Fire and emergency access requirements will be satisfied by the project’s compliance with the International Fire Code 2021. All structures within the proposed development plan include fire alarm systems and sprinklers. The site access road is capable of supporting the load of a 75,000 lb fire apparatus and provides two remote exits. Six (6) fire hydrants (1 existing, 5 new) are dispersed throughout the site to support fire suppression and fire flow across the development. Conditions of Approval and Technical Review comments for fire prevention can be found in Attachment A.

Archaeology

The Project is within the Suburban Archaeological Review District, but the 7.9-acre lot within the scope of this development plan was granted an archaeological clearance as part of the Tierra Contenta Subdivision. The archaeological clearance for the Tierra Contenta Subdivision is included in Attachment C-9.

Affordable Housing

The Applicant’s development plans at time of submittal detailed 165 units on 6.9-acres. The proposed density depicted in the development plans assumed the inclusion of a 15% density bonus available for projects complying with the Santa Fe Homes Program (SFHP) via a fee-in-lieu application (SFCC 14-8.11). Given that this property is located within Tierra Contenta, which was annexed into the City before 2005 with affordability requirements, the SFHP and associated density bonus were incorrectly applied by the Applicant. Staff determined the Applicant is not subject to the SFHP per SFCC 14-8.11(D)(3)(a), which states:

The SFHP does not apply to a development or portion of a development that is subject to a formal written and binding agreement entered into prior to August 15, 2005 with the city or Santa Fe County in which the signatories agreed to provide affordable housing or payment in lieu thereof;

The Applicant provided a notarized letter adding 1-acre to the property to meet the 21 dwelling units per acre density based upon the City’s legal determination that the SFHP did not apply to their project (Attachment C-14).

This property, being under the umbrella of the Tierra Contenta Annexation Agreement (“Agreement”), is therefore subject to the Affordable Housing provisions found in Section 7 (Attachment D). This requires approximately 40% of the 3,700 lots or units planned for Tierra Contenta to be developed for affordable housing. The Agreement does not provide Tierra Contenta an option for a fee-in-lieu or the ability to grant density bonuses.

As of 2021, when the last construction of residential properties was built/platted in Tierra Contenta, 41% of 3,193 built/platted units were affordable. Phase 3 of Tierra Contenta will add over 1,000 units at 40% affordability.

The Applicant’s Attorney has stated that they do not have a written agreement obligating the requirement for affordable housing. According to the Applicant’s Attorney, when the Applicant purchased the property at 7205 Plaza Central, Tierra Contenta Corporation did not impose any affordable housing requirements on the property. It should be noted that the Tierra Contenta Master Plan does identify the area of 7205 Plaza Central intended for office/business incubator use (See Tierra Contenta May 15 letter in Attachment C-13). However, a C-1 zoned District allows multi-family use at 21-dwelling units per acre.

Given that Tierra Contenta did not impose affordability requirements onto this property, the Applicant requests to opt-in to the SFHP by paying a fee-in-lieu to the City and receive the 15% density bonus incentive. Staff, in consultation with and the City Attorney’s Office, were unable to identify a legal mechanism in SFCC 14-8.11 or 26-1.8 that allows for such an action. Therefore, the only way the Applicant could opt-into the SFHP would be through a Text Amendment to Ch. 14 (SFCC 14-3.3).

Landscaping

The proposed development plan includes passive storm water harvesting, irrigation zoned by plant type, and street trees adequately spaced along Plaza Central and Contenta Ridge. A total of 42 significant trees currently on the property will be retained on site, while an additional 38 significant trees will be removed.

The Applicant is required by City code to plant 148 trees within interior parking lots, open space, and stormwater detention ponds, as well as along Plaza Central and Contenta Ridge. The proposed planting plan includes 164 trees planted on the property (Attachment C-11).

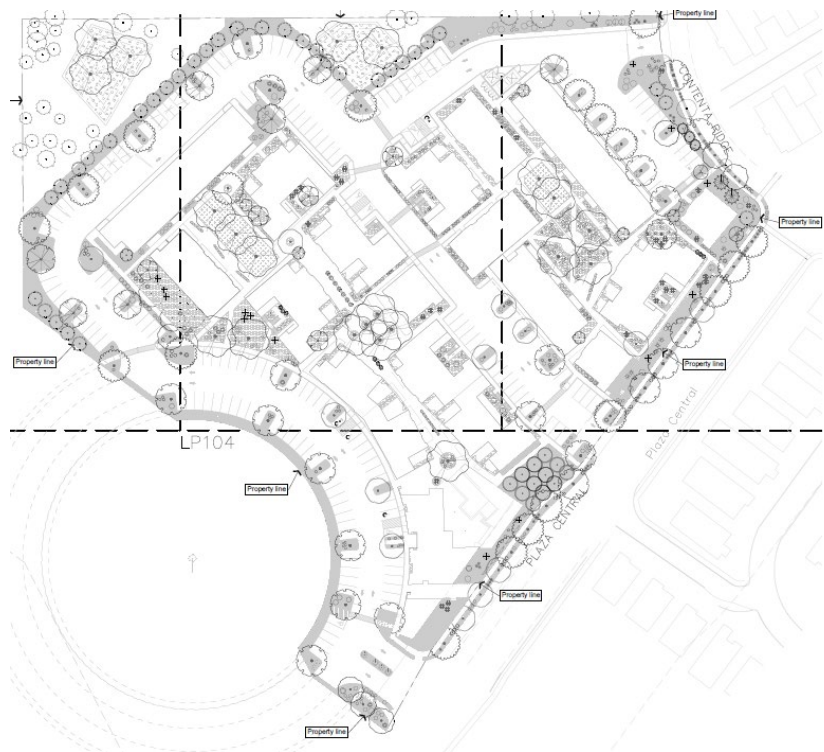


Figure 6: Overall Planting Plan

Prior to recording the Development Plan, the Applicant has Conditions of Approval and Technical Corrections to meet for landscaping and irrigation, found in Attachment A.

IV. DEVELOPMENT PLAN APPROVAL CRITERIA SECTION 14-3.8(D)(1)

SFCC Section 14-3.8 governs the authority, procedures, and restrictions for development plans. Prior to approving a Development Plan, the Planning Commission must make certain findings based off the approval criteria, or impose Conditions of Approval to ensure compliance with Chapter 14 and other applicable rules and regulations. The Criteria for approval of Development Plans are detailed below:

<p>Criterion 1: that the Planning Commission has the authority and is empowered to approve the development plan under the section of Chapter 14 described in the application;</p>	<p>Criterion Met: (Yes/No) YES</p>
<p>Applicant Response: SFCC §14- 2.3 (C)(1) states, “...the planning commission shall review and approve or disapprove various specific development plans, requests, and subdivision plats. When specifically authorized by Chapter 14, the decision of the planning commission is final, subject to any appeal right provided in this chapter.”</p>	
<p>Staff Response: Santa Fe City Code (SFCC) Subsection 14-2.3(C)(1) authorizes the Planning Commission to review and approve or disapprove development plans.</p>	

<p>Criterion 2: that approving the development plan will not adversely affect the public interest; and</p>	<p>Criterion Met: (Yes/No) YES</p>
<p>Applicant Response: Approval of the proposed project will benefit the public interest by providing needed market-rate housing. The City’s recently published draft 5-Year Affordable Housing Strategic Plan found “The gap shown for renters with income over 120% AMI in 2021 suggests those renters are spending less than 30% of their income on housing. This points to an income mismatch in the market in which higher income households are occupying homes affordable to lower income households.” Creation of more market-rate apartments will allow those residents other options, freeing up the lower income apartments for lower income residents.</p>	
<p>Staff Response: The term “Public Interest” is not specifically defined in Chapter 14; however, the Governing Body has implemented the General Plan as stated in Subsection Section 14-1.3 (General Purposes). The resulting ordinances establish minimum standards for health, safety and welfare affecting land uses and developments as a means to protect the public interest from within the municipality. Staff reviewed the development plan application in accordance with these ordinances and has found that the development plan will not adversely affect the public interest as detailed in Staff’s report.</p>	

Criterion 3: that the use and any associated buildings are compatible with and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity of the premises under consideration.	Criterion Met: (Yes/No) YES
<p>Applicant Response:</p> <p><i>The abutting property to the west is owned by the State Department of Transportation and includes right-of-way for state route 599. The abutting property to the northwest is undeveloped land owned by the NM State Lands Office. The abutting land to the south is owned by the Applicant but there are no current plans for its development. Across Contenta Ridge to the northeast are recently constructed townhomes and across the Plaza Central to the east are single family homes. This development would represent a transition between lower-density residential development to the north and east and land further south that is zoned C-2, Community Commercial, which allows for a range of non-residential as well as multi-family residential uses.</i></p> <p><i>There are no abutting buildings, structures, or uses as this project is the first development within the Village Commercial Area of the Tierra Contenta Phase 2C master plan. There are existing residential buildings across both streets that abut the project, both single-family and multi-family. This site represents a transition from less dense residential uses to future commercial and retail uses anticipated to the south.</i></p> <p><i>The building facing Contenta Ridge is 3-stories and is across the street from newly constructed two-story townhomes. This building is set back a minimum of 78 feet from the property line. Also, relative to Contenta Ridge, the townhomes are uphill from the street level and the 3-story building proposed is downhill from the street level such the apparent height of the two buildings will be similar. This building also includes portals on each floor facing Contenta Ridge, reducing the visual impact of the massing of the building.</i></p> <p><i>The buildings facing the street are limited to one- and two-stories along Plaza Central where one- and two-story single-family homes are across the street. The apartments will be distributed into 17 buildings across the site rather than being located in fewer, larger buildings as is more typical of apartment complexes. This reduces the apparent density of the project and better integrates with the massing pattern of the neighborhood. The proposed buildings are designed in a Pueblo-style massing that echo the neighboring architectural style and the broader regional Santa Fe Style.</i></p> <p><i>The proposed project will create a transition to the C-2, General Commercial District, to the south which allows a greater range of commercial and retail uses in denser development patterns.</i></p> <p><i>The Tierra Contenta Design Standards for Phase 2C designates the project site as being Village Commercial. A now-expired master plan for the area envisioned office buildings and multi-family housing for the subject property. Of those two uses, multi-family is more compatible with the surrounding residential uses. The office and multi-family housing was envisioned as a transition from the townhomes to the north, the single-family homes across the street, and the future retail uses to the south.</i></p> <p><i>Additionally, the TC Guidelines include design criteria for the site. These have been incorporated into the project design and approved by the Tierra Contenta Architectural Review Committee. These design standards include:</i></p> <p><i>Chapter 1, Introduction, Section C2, Foster Architectural Variety states:</i></p>	

Variety in the architecture of Tierra Contenta is an important characteristic of the community. These standards are intended to produce coherent, pedestrian oriented neighborhoods, not to limit the creativity of innovative designers. Like the Tierra Contenta Master Plan, these standards apply to all property in Tierra Contenta and are intended to provide a measure by which all aspects of improvements- whether for streets and infrastructure, residences, commercial or civic buildings - are evaluated in comparison to the Tierra Contenta Master Plan.

Chapter 1, Introduction, Section C3, Encourage Innovation states:

Notwithstanding the specific requirements of these design standards and the city code, the designer, developer, and reviewer are to be guided by the TC vision and goals. Innovative design is encouraged within the Tierra Contenta development, and strict adherence to the design standards and/or city code may tend to inhibit innovation. These design standards have been written with the intent of balancing the standards necessary for providing a measure of conformance with the flexibility necessary to allow innovation. The vision and goals of Tierra Contenta are provided in the design standards to give designers, developers and reviewers a basis for assessing innovative features that might be proposed, and an arbiter for conflicts that might arise between an innovative proposal and health and safety issues.

Developers are encouraged to discuss aspects of design that may be at variance with these standards or city code with city staff, TCC staff, and the TC Architectural Review Committee as early in the process as possible. When variances are requested due to an innovative design concept, recognition of the innovation as having a positive effect on Tierra Contenta may serve as a basis of variance approval, however, the developer must clearly demonstrate the innovation is the basis for the variance.

Chapter 1, Introduction, Section D.2.c, Visual & Aesthetic Goals states the following:

- The development will reflect traditional development patterns in Santa Fe.*
- The development will contain a wide variety of housing types that are fully integrated into each tract.*
- The development will create viewsapes that take advantage of the natural and built environment.*
- The development will not have a "cookie cutter" appearance. Variation must be emphasized.*
- The development will create an inviting and attractive streetscape.*

Chapter IV of the Tierra Contenta Phase 2C Design Standards, Village Commercial Center, addresses the area that includes the subject site and the commercial/retail area to the south. Section C.2, Architectural Review Committee (ARC) Specifications provides specific architectural and design standards for the subject site. The subsections that apply to this project are:

C.2.c, Facades: No facade may consist of an undifferentiated blank wall when facing a public street central plaza or other public or common open space, or non-motorized vehicle path. Frequent windows, displays and landscaping are appropriate measures that add interest to the building. A building with an articulated wall facing the street that does not have at least 60% of its primary facade on the front property line may be approved by the ARC if continuity of the street or plaza frontage is not disrupted. Recessed

entries, small plazas and courtyards are encouraged.

C.2.d, Portals and Porches: A continuous portal across must be built across at least sixty percent (60%) over the main entrance at the front of the building facing street, plaza(s) or other public space. Secondary entrances facing parking areas must have a covered porch or portal across at least thirty percent (30%) of the facade.

C.2.e, windows: Rather than being flush with the exterior wall finish, window frames shall be inset at least one inch (1”) to provide a distinct shadow.

C.2.f, Roof form: Flat roofs entirely concealed from public view by parapets are the preferred roof forms. Other roof forms, including vaulted roofs, compound roofs, or sloping roofs, may be considered for approval especially if a positive effect on the building interior, such as improved day lighting, can be demonstrated. False mansard roofs are prohibited. The ARC may require the screening of any mechanical equipment visible from public areas. If terrain makes screening rooftops impractical this requirement may be waived.

Staff Response:

The proposed multi-unit residential development on the western side of Tierra Contenta intends to serve as a transitional use between adjacent single-family homes and townhomes to the east and the vacant parcel to the south which is zoned C-2 (General Commercial Use). The plan includes a neighborhood café as well as pedestrian and bicycle infrastructure, designed to integrate the Property with the existing community. The proposed architecture meets the architectural points required in SFCC 14-8.7(1), blends in color and design with neighboring properties, and complies with Tierra Contenta’s Design Standards for Phase 2C. The design of the apartments includes many small buildings as opposed to a few large buildings to reduce large massing and better adapt to the surrounding properties. The design also includes features like porches and patios to further break up large massing.

V. EARLY NEIGHBORHOOD NOTIFICATION

The Applicant conducted two (2) Early Neighborhood Notification (ENN) meetings one on August 20th, 2024 and another on September 30, 2024, in addition to two (2) prior neighborhood activation meetings at the Southside Library in the summer of 2024. Meetings for the Zorro Blanco development highlighted key community concerns and aspirations. Residents expressed a mix of excitement for addressing Santa Fe’s housing needs and concerns about the project’s fit with the neighborhood. Community members also wrote letters to the Governing Body and Land Use Director expressing concerns over this project.

Themes during the ENNs included the potential to attract quality retail and amenities through higher-density housing, concerns about gentrification and the lack of affordable housing, skepticism about the project benefiting local residents, and worries about property management and infrastructure. Many supported increased housing to spur local retail but emphasized the need for thoughtful community engagement, better integration of neighborhood desires, and transparency in the planning process. The development team clarified timelines and zoning considerations while committing to further outreach and updates. Meeting notes from the Early Neighborhood Notification meetings can be found in Attachment C-10.

VI. EXPIRATION

Per SFCC Section 14-3.19(B)(4) *“Approval of a final development plan, or any development plan for which no preliminary development plan was required, shall expire three years after final action approving it unless actual development of the site or offsite improvements has begun and is continued pursuant to SFCC 14-3.19(B)(6).”*

VII. ATTACHMENTS

ATTACHMENT A: Conditions of Approval & Technical Corrections

1. Table of Conditions of Approval
2. Table of Technical Corrections
3. Development Review Team Compiled Comments

ATTACHMENT B: Maps & Photos

1. Aerial View
2. Existing Condition photos
3. Current Zoning Map
4. Future Land Use Zoning Map
5. Tierra Contenta Phase 2C Master Plan

ATTACHMENT C: Applicant Submittals & Development Plan

- C-1: Application Letter
- C-2: Legal Lot of Record
- C-3: Compliance Report of Annexation and Rezoning Conditions of Approval
- C-4: Traffic Impact Study
- C-5: Prairie Dog Clearance letter
- C-6: Water Budget
- C-7: Water Utility Service Application
- C-8: Public School Notification Form
- C-9: Archaeological Clearance
- C-10: Early Neighborhood Notification Meeting Notes & Affidavits
- C-11: Development Plan
- C-12: Letter Acknowledging Architectural Changes
- C-13: Affordable Housing Correspondance
- C-14: Letter Acknowledging Lot Size Adjustment

ATTACHMENT D: Tierra Contenta Annexation Agreement

1. Restated Annexation Agreement
2. Tierra Contenta Revised Annexation Agreement and Master Plan 1993 Sheets

APPROVED AS TO FORM BY THE PLANNING AND LAND USE DEPARTMENT:

Title	Name	Initials
Department Director	Heather Lamboy	<i>HLL</i>
Assistant Department Director	Maggie Moore	<i>MRM</i>
Planner Manager	Daniel A Esquibel	<i>DAE</i>
Planner Senior	Alexa Hempel	<i>ANH</i>

City of Santa Fe, New Mexico

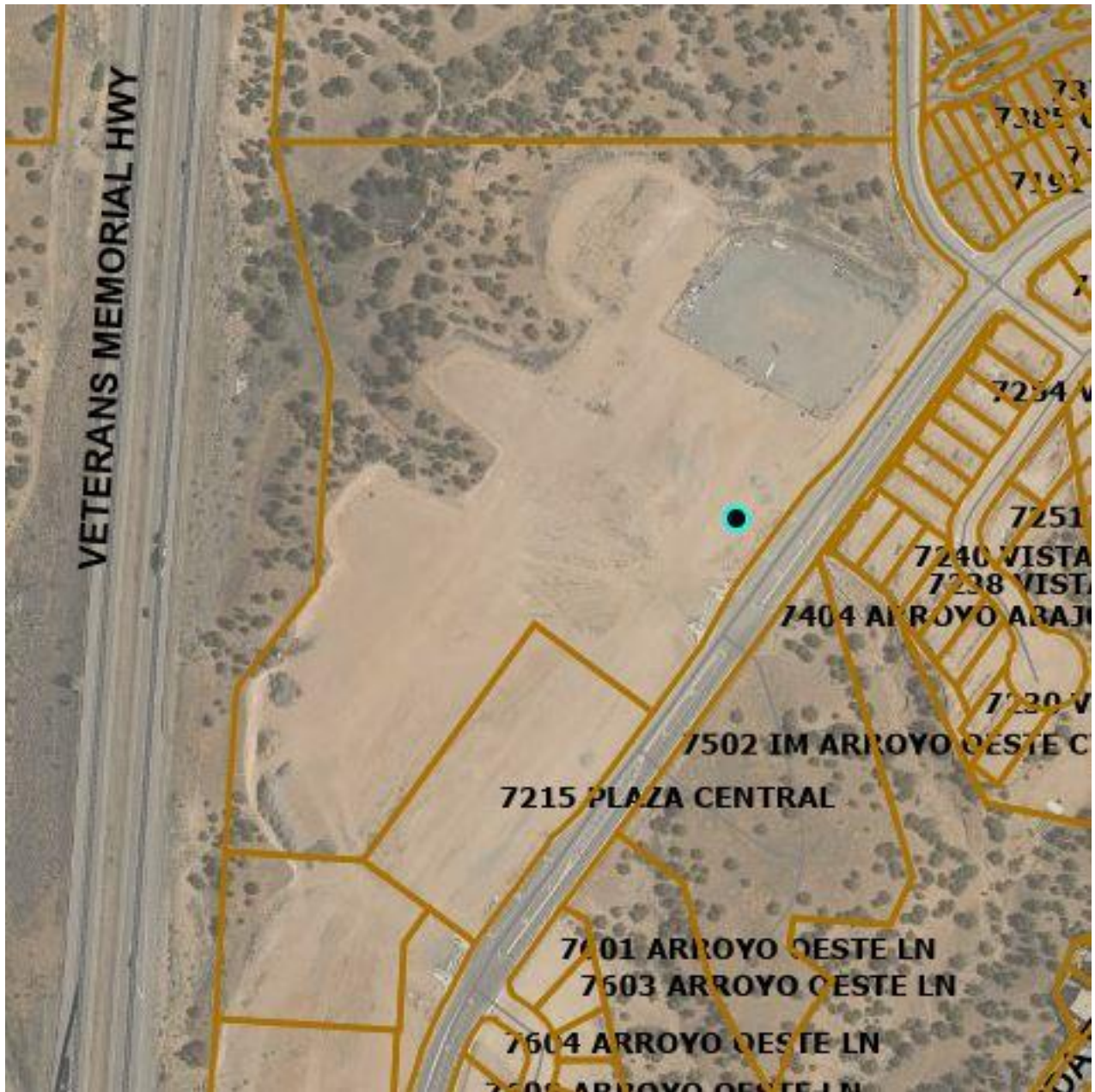
Attachment B

Maps and Photos

- 1. Aerial View**
- 2. Existing Conditions Photos**
- 3. Current Zoning Map**
- 4. Future Land Use Zoning Map**
- 5. Tierra Contenta Phase 2C Master Plan**

Aerial Photo

The property is within Tierra Contenta, located near the southwestern corner of the City of Santa Fe limits. It is bordered by two existing roads, Plaza Central and Contenta Ridge, which will house 3 entrances to the development. The property has easy access to State Highway 599 via Jaguar Dr and Airport Rd.



Existing Conditions

The property is currently vacant and has been graded by previous owners.



Photo taken on Plaza Central, 6/30/25, looking west at the property. A small, paved driveway exists providing access to the property.



Photo taken standing on the property looking east to Plaza Central. Note the surrounding residential development.



Photo taken standing on the property, looking north towards the existing R-7 townhome and condominium development.



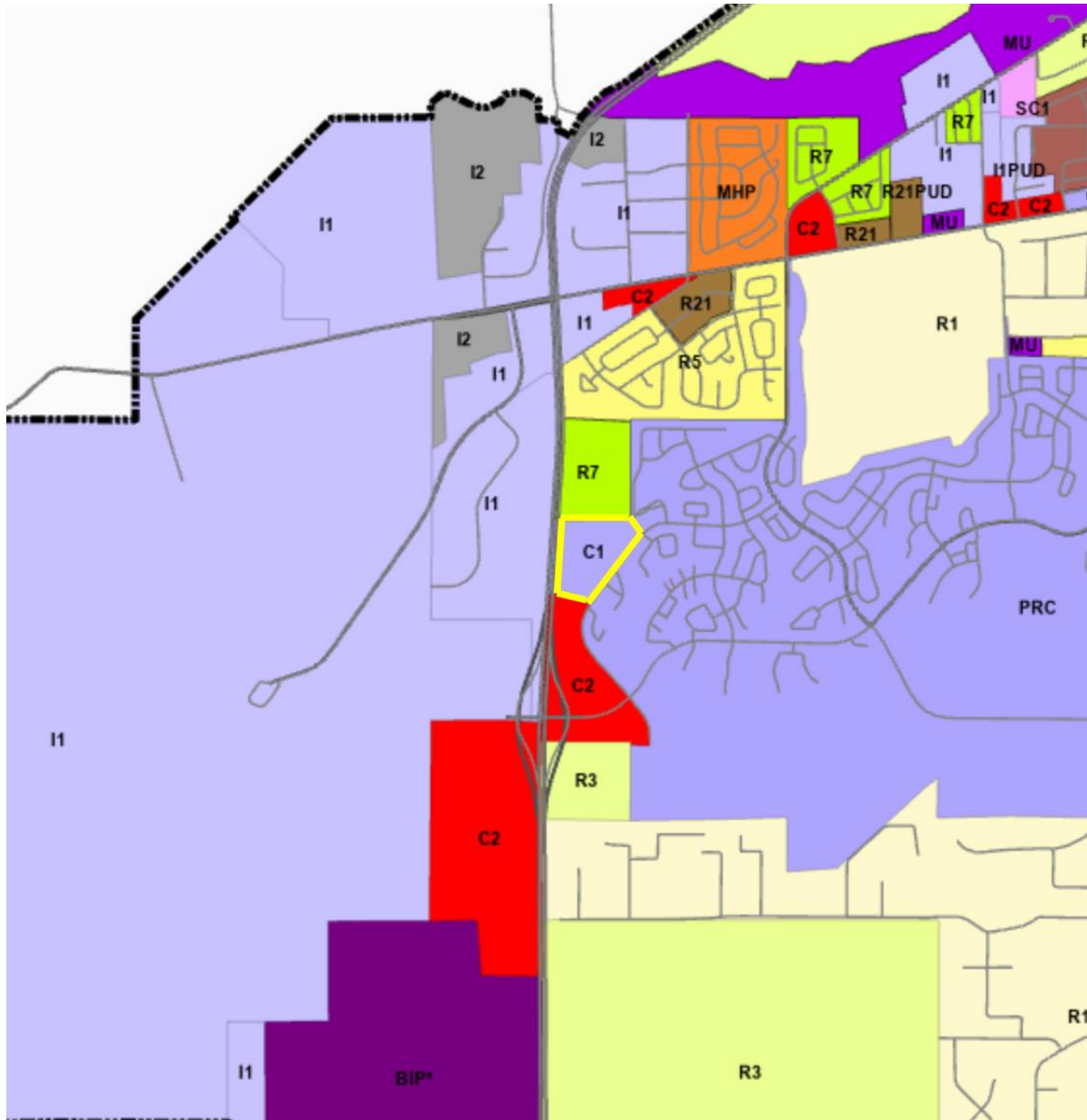
Photo taken standing on the eastern edge of the property near Plaza Central, looking west at the proposed development site.



Photo taken standing on the property looking south. The parcel south of the proposed development is under the same ownership but currently has no plans for future development.

Current Zoning Map

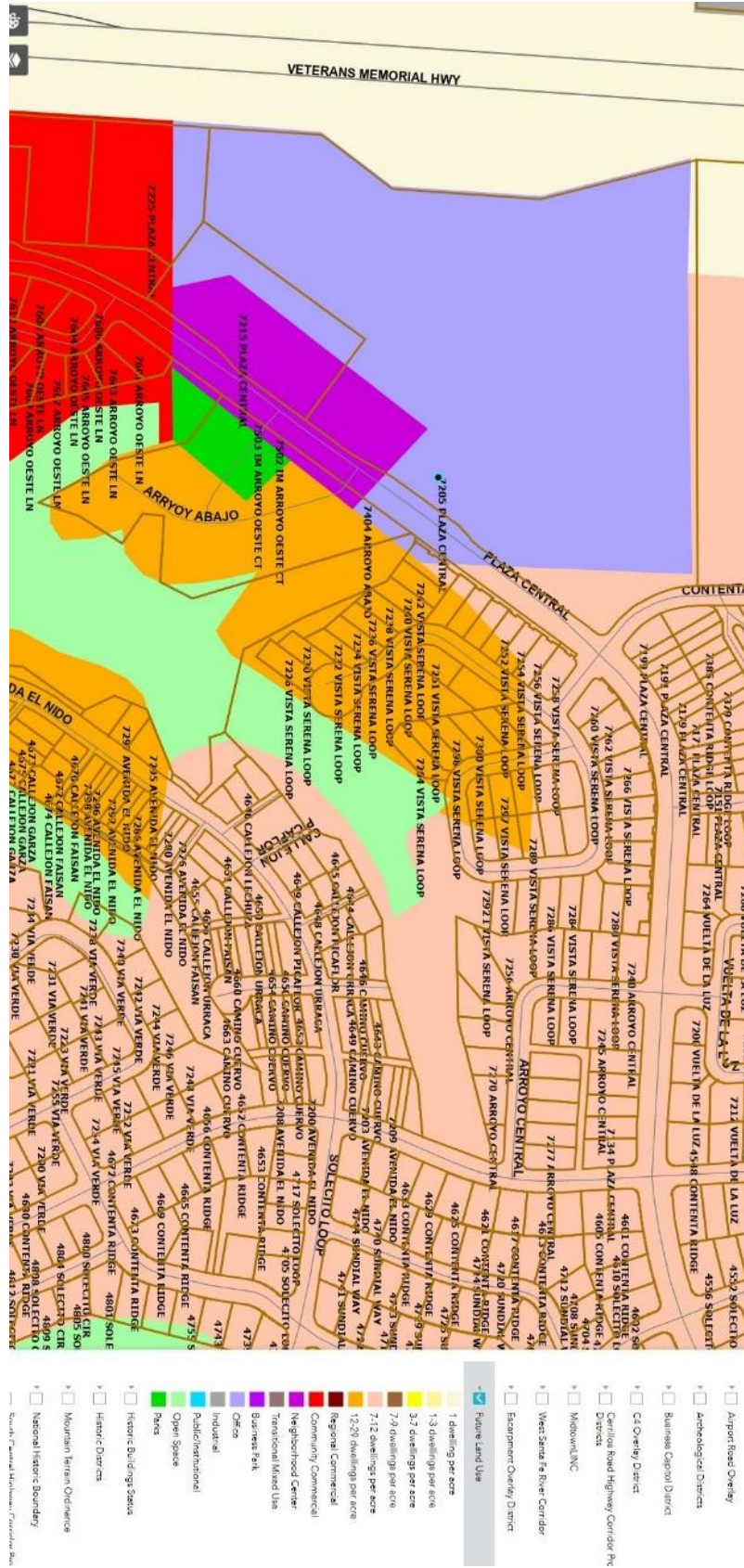
7205 Plaza Central is outlined in yellow and zoned C-1, Office and Related Commercial. Surrounding uses include PRC, Planned Residential Community, to the east, which houses much of Tierra Contenta. North of the property is a developed R-7 district with many townhomes and condominiums. South of the property is currently vacant but zoned C-2, General Commercial. West of the property is the right-of-way for State Highway 599 and adjacent to that are I-1, Light Industrial, zones.



7205 Plaza Central is outlined in yellow.

Future Land Use Map

The future land use of this property is intended to be office space, shown in light purple. The future land use of the surrounding properties to the north and east, in light pink, is residential 7-12 dwelling units per acre, while the dark orange to the east is 12-29 residential dwelling units per acre. The red to the south of the property is to be community commercial. The dark purple and lime green southeast of the property are intended to be a neighborhood center and park respectively.



Tierra Contenta Phase 2C Master Plan

7205 Plaza Central is on the western edge of this map, in dark pink, labeled Office/Business Incubator.



City of Santa Fe, New Mexico

Attachment C

Applicant Submittals and Development Plan

1. Application Letter



PAX CONSULTING
paxconsulting.biz

October 10, 2024

Planning Division
City of Santa Fe
Santa Fe, NM 87504


Subject: Application for Development Plan and Lot Line Adjustment for Zorro Blanco

Pax Consulting, agent for Zorro Blanco, is pleased to submit this application to the City of Santa Fe Planning Division. The project consists of a 165-unit multi-family rental housing complex and a coffee shop at 7205 Plaza Central in the western end of Tierra Contenta.

Project Valuation: \$28,000,000

The list below includes the required submittals and where they can be found:

- Application letter, including valuation (this document)
- Statement addressing approval criteria (Report attached to this document)
- Legal lot of record, legal description (Exhibit A of Report)
- Development Plan (Plan set – separate email attachment)
- ENN Meeting Notes (Exhibit I of Report)
- Existing site conditions (Plan set – Sheet DP-000)
- Sewer plan (Plan set – Sheet C-102)
- Water plan (Plan set – Sheet C-102)
- Water Utility Service Application (Exhibit F of Report)
- Signage specifications (Plan set – Sheets AL-201 & AG-201)
- Dimensional color elevations (Plan set – Sheets AA-201 through AL-201)
- Architectural points analysis (Report section “Architectural Design Review”)
- Fire and emergency access plan per IFC (Plan set – Sheet Fire 1)
- Terrain management plans (Plan set – Sheets C-101A & C-101B)
- Landscape plans (Plan set – Sheets LP-101 through LP-104 & LP-501)
- Photometric plan (Plan set – Sheet C-104)
- Pedestrian, bicycle, and vehicular plan (Plan set – Sheet DP-03)
- Site Section (Plan set – Sheet DP-04)
- Traffic Impact Analysis (Exhibit C of Report)
- Archaeological clearance (Exhibit H of Report)
- Affordable housing proposal (Not ready yet – working with staff)



Please call me with any questions you have or additional information you need.

Thank you,

Katherine Mortimer

Katherine Mortimer
Pax Consulting
7 Vista Grande B-7 #230
Santa Fe, NM 867508
(505) 577-4553



Is this an amendment to a previously approved Development Plan? Yes No

PARCEL INFORMATION

Project Name: Zorro Blanco
Address: 7205 Plaza Central, Santa Fe, NM
Property Size: 14.24 (to be reduced to 6.9 with LLA)
Zoning: C-1
Current Use of Land: Vacant
Proposed Use of Land: Multi-family Rental + Coffee Shop
Does a rezoning application accompany this application? Yes No
Are any variances required? Yes No
Pre-application Conference Date: 6/27/24
Early Neighborhood Notice (ENN) Meeting Date: 8/20/24 + 9/30/24
Estimated Total Cost of Development: \$28,000,000

PROPERTY OWNER INFORMATION

Name (First, Last): Zydeco TCVP Land, LLC (Richard Yates)
Address: 428 Sandoval Street Ste. 200
Street Address Suite/Unit #
Santa Fe NM 87501
City State ZIP Code
Phone: 505-670-2375
E-mail Address: Aaron@Zydeco66.com

APPLICANT/AGENT INFORMATION (IF DIFFERENT FROM OWNER)

Company Name: Pax Consulting, LLC
Name (First, Last): Katherine Mortimer
Address: 31 Encantado Loop
Street Address Suite/Unit #
Santa Fe NM 87508
City State ZIP Code
Phone: 505-577-4553
E-mail Address: Kat@PaxConsulting.biz
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:
7205 Plaza Central, Santa Fe, NM
I/we authorize Richard Yates to act as my/our agent to execute this application.
Signed: Date: 10/09/24
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 1987. Failure to meet these standards may result in the rejection of my application. I also certify that I have met with the City's Current Planning staff in a pre-application meeting to verify that the attached proposal is in compliance with the City's zoning and development plan requirements.
Signature: Date: 10/10/24

Application Report

Statement Addressing Approval Criteria

ZORRO

BLANCO

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Project Description

Zorro Blanco is a 165* unit multi-family housing complex and a coffee shop. The development will include 17 buildings ranging from 1- to 3-stories. The site slopes down away from the adjacent roadways. The development is intended to create a transition from lower-density residential development to the north and east to future commercial development to the south. The buildings form open spaces that will be landscaped to create different outdoor spaces, plazas, and courtyards connected by pedestrian paths between the buildings.

*The plan includes 164 residential units, however, should viability of the coffee shop change, the space could be used as either an amenity for Zorro Blanco or a two-bedroom residential unit. Therefore, this analysis includes all of these possible uses.

Project Location

The property is located at 7205 Plaza Central, Santa Fe, NM. It is at the southwest corner of Plaza Central and Contenta Ridge. It is also adjacent to the NM 599 right-of-way to the west. (The legal lot of record is included as Exhibit A of this document.)

Vicinity Map



Requested Approvals

This application includes a request for a lot line adjustment and a development plan. The application is being submitted on behalf of the property owners, Zydeco TCVP Land, LLC, for Development Plan for a multifamily apartment complex with a coffee shop and a Lot Line Adjustment for consideration by the Planning Commission. The application includes 165 market-rate dwelling units in 17 buildings including a clubhouse. The subject parcel is currently approximately 14.24 acres which is requested to be reduced to 7.9 acres through a lot line adjustment.

Tierra Contenta

This project is located within Tierra Contenta (TC) and is subject to the Master Plan, adopted in 1994. The Tierra Contenta Corporation (TCC) was created by the City of Santa Fe to implement the Tierra Contenta Master Plan on behalf of the City. TCC is charged with ensuring that development occurs in a way that meets the original goals and objectives for Tierra Contenta, as well as goals that have emerged since its creation. For each phase of development, a set of design standards is developed and approved by the City of Santa Fe. This project is located within Phase 2C. Where the design standards include requirements for development, those standards apply. Where the design standards are silent, the City Development Code applies.

Code Compliance Summary

Topic	Applicable Document(s) (COSF/TC2C)*	Code/Design Standard Reference
Zoning	COSF	14-7
Density & Dimensional Standards	COSF	14-7.2-1
Dimensional Standards	COSF	14-7.3-1
Open Space	COSF	14-7.5
Access & Traffic	COSF & TC2C	14-7.1 & 14-9 & 3.A&B
Terrain Management	COSF	14-8.2
Stormwater	COSF & TC2C	14-8.2 & 3.D
Flood Regulations	COSF	14-8.3
Landscaping	COSF & TC2C	14-8.4 & 4.B.2.j
Walls/Fences	COSF & TC2C	14-8.5 & 3.C.3
Parking	COSF & TC2C	14-8.6 & 4.B.2.j
Architectural Design	COSF & TC2C	14-8.7 & 2.C.2
Outdoor Lighting	COSF & TC2C	14-8.9 & 3.E.9
Signs	COSF & TC2C	14-8.10 & 3H
Affordable Housing	fCOSF	14-8.11 & 26
Prairie Dogs	COSF	14-8.12
Water Budget	COSF	14-8.13 & 26
Impact Fees	COSF	14-8.14
Land Dedication	COSF	14-8.15
School Requirements	COSF	14-8.16
Archaeology	COSF	14-3.13
Accessibility	COSF	14-8.6(B)(1)(c)
Early Neighborhood Notification	COSF	14-3.1(F)

*The two applicable documents are the City of Santa Fe Development Code (COSF) and the Tierra Contenta Phase 2C Design Standards (TC2C).

Village Plaza Master Plan

A master plan was approved as part of the annexation and rezoning for the Tierra Contenta Village Plaza in 2011 (Santa Fe Ordinances #2011-33 and #2011-34). The master plan has expired as more than 5 years have elapsed with no on- or off-site improvements continuing per SFCC §14-3.19(B(1)(b)). The northern portion of the plan area, including the subject property, was proposed to be developed with multi-family housing and offices. Some of the housing was proposed to be live/work. The southern portion of the plan area is zoned C-2 and was proposed to be developed with a range of neighborhood-serving retail and office uses. The project complies with all of the annexation and rezoning conditions of approval. See Exhibit B.


Development Plan

The application for development plan will include 19 buildings per the Table below:

Building Areas and Unit Mix

Bldg #	HUD Gross Floor Area (SF)	# Studios	# 1 BR	# 2 BR	# 3 BR	TOTAL UNITS
1	4,319			1		1
2	11,244			12		12
3	7,326	2	5	3		10
4	8,908		12			12
5	12,169			9	1	10
6	7,326	2	5	3		10
7	6,566		5	3		8
8	4,454		6			6
9	13,892	2	10	6		18
10	2,930		4			4
11	8,838		3	6		9
12	8,908		12			12
13	7,326	2	5	3		10
14	8,908		12			12
15	15,104		4	10	1	15
16	8,316	3	6	3		12
17	2,930		4			4
TOTAL	139,464	11	93	59	2	165

Building 1 includes a manager's office, community space, and gym and a coffee shop. However, should the coffee shop use cease, this analysis includes a 2-bedroom unit to allow it to be repurposed as a residential unit. Outside, adjacent to this building is a courtyard with a swimming pool.



The spaces between the buildings create outdoor spaces for gathering, recreation, and contemplation connected to each other by walkways between building that create a walkable, car-free internal complex. This is similar to the development of Spanish colonies that followed the Law of the Indies, like Santa Fe. It has one larger courtyard which harkens to downtown Santa Fe's Plaza which is connected to smaller courtyards and open spaces as the Law of the Indies calls for. Most of the units face towards these internal spaces.

Construction Schedule

This project is proposed to be built in overlapping phases that would start several weeks apart. This will allow for different trades to complete their work and move on to the next group of buildings, keeping the construction crews working and moving quickly through the process. As each group of buildings are completed, it is planned that those buildings will start to be occupied while the remainder continue in the construction process. The phases of construction are shown on Plan DP-002 of the drawings submitted with this application.

Utility Access

Sewer

Sewer lines of sufficient capacity to serve the project are located within both Contenta Ridge and Plaza Central. Their locations are shown on the Development Plan drawings.

Water

Municipal water lines with sufficient capacity to serve the project are also located within Contenta Ridge and Plaza Central. Their locations are shown on the Development Plan.

Electricity

Electricity is accessed by 3 power boxes along Plaza Central and run underground to the project buildings.

Natural Gas

Natural gas is accessed on Plaza Central.

Lot Line Adjustment

The lot line adjustment is requested to allow for the land needed for the Zorro Blanco development. The landowner owns both this lot (lot 10) which is currently 14.24 acres and lot 9 which is currently 1.84 acres. The lot line adjustment will move the boundary between these two lots such that lot 10 will be 719.9 acres and lot 9

will be 9.18 acres. Lot 9 will be developed in the future, however, at this time the landowner does not have specific plans for its development.

Zoning

The property is zoned C-1, Office and Related Commercial. Per Table 14-7.2-1, multifamily residential development is permitted in the C-1 zoning district if it meets the density and open space requirements of the R-21 zoning district which are:

Required	Provided
Density of 21 units per acre	7.9 acres X 21 = 165 units

The project also meets the following dimensional criteria:

- Minimum 10-foot street setback
- Minimum 5-foot side setback
- Maximum 40% lot coverage
- Maximum 36-foot building height

Development Plan Approval Criteria (per SFCC §14-3.8(D)(1))

(a) that it is empowered to approve the plan under the section of Chapter 14 described in the application

SFCC §14- 2.3 (C)(1) states, “...the planning commission shall review and approve or disapprove various specific development plans, requests, and subdivision plats. When specifically authorized by Chapter 14, the decision of the planning commission is final, subject to any appeal right provided in this chapter.”

(b) that approving the development plan will not adversely affect the public interest.

Approval of the proposed project will benefit the public interest by providing needed market-rate housing. The City’s recently published draft 5-Year Affordable Housing Strategic Plan found “The gap shown for renters with income over 120% AMI in 2021 suggests those renters are spending less than 30% of their income on housing. This points to an income mismatch in the market in which higher income households are occupying homes affordable to lower income households.” Creation of more market-rate apartments will allow those residents other options, freeing up the lower income apartments for lower income residents.


(c) that the use and any associated buildings are compatible with and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity of the premises under consideration.

The abutting property to the west is owned by the State Department of Transportation and includes right-of-way for state route 599. The abutting property to the northwest is undeveloped land owned by the NM State Lands Office. The abutting land to the south is owned by the applicant but there are no current plans for its development. Across Contenta Ridge to the northeast are recently constructed townhomes and across the Plaza Central to the east are single family homes. This development would represent a transition between lower-density residential development to the north and east and land further south that is zoned C-2, Community Commercial, which allows for a range of non-residential as well as multi-family residential uses.

There are no abutting buildings, structures, or uses as this project is the first development within the Village Commercial Area of the Tierra Contenta Phase 2C master plan. There are existing residential buildings across both streets that abut the project, both single-family and multi-family. This site represents a transition from less dense residential uses to future commercial and retail uses anticipated to the south.

The building facing Contenta Ridge is 3-stories and is across the street from newly-constructed two-story townhomes. This building is set back a minimum of 78 feet from the property line. Also, relative to Contenta Ridge, the townhomes are uphill from the street level and the 3-story building proposed is downhill from the street level such the apparent height of the two buildings will be similar. This building also includes portals on each floor facing Contenta Ridge, reducing the visual impact of the massing of the building.

The buildings facing the street are limited to one- and two-stories along Plaza Central where one- and two-story single-family homes are across the street. The apartments will be distributed into 17 buildings across the site rather than being located in fewer, larger buildings as is more typical of apartment complexes. This reduces the apparent density of the project and better integrates with the massing pattern of the neighborhood. The proposed buildings are designed in a Pueblo-style massing that echo the neighboring architectural style and the broader regional Santa Fe Style.



The proposed project will create a transition to the C-2, General Commercial District, to the south which allows a greater range of commercial and retail uses in denser development patterns.

The Tierra Contenta Design Standards for Phase 2C designates the project site as being Village Commercial. A now-expired master plan for the area envisioned office buildings and multi-family housing for the subject property. Of those two uses, multi-family is more compatible with the surrounding residential uses. The office and multi-family housing was envisioned as a transition from the townhomes to the north, the single-family homes across the street, and the future retail uses to the south.

Additionally, the TC Guidelines include design criteria for the site. These have been incorporated into the project design and approved by the Tierra Contenta Architectural Review Committee. These design standards include:

Chapter 1, Introduction, Section C2, Foster Architectural Variety states:

Variety in the architecture of Tierra Contenta is an important characteristic of the community. These standards are intended to produce coherent, pedestrian-oriented neighborhoods, not to limit the creativity of innovative designers. Like the Tierra Contenta Master Plan, these standards apply to all property in Tierra Contenta and are intended to provide a measure by which all aspects of improvements- whether for streets and infrastructure, residences, commercial or civic buildings - are evaluated in comparison to the Tierra Contenta Master Plan.

Chapter 1, Introduction, Section C3, Encourage Innovation states:

Notwithstanding the specific requirements of these design standards and the city code, the designer, developer, and reviewer are to be guided by the TC vision and goals. Innovative design is encouraged within the Tierra Contenta development, and strict adherence to the design standards and/or city code may tend to inhibit innovation. These design standards have been written with the intent of balancing the standards necessary for providing a measure of conformance with the flexibility necessary to allow innovation. The vision and goals of Tierra Contenta are provided in the design standards to give designers, developers and reviewers a basis for assessing innovative features that might be proposed, and an arbiter for conflicts that might arise between an innovative proposal and health and safety issues.

Developers are encouraged to discuss aspects of design that may be at variance

with these standards or city code with city staff, TCC staff, and the TC Architectural Review Committee as early in the process as possible. When variances are requested due to an innovative design concept, recognition of the innovation as having a positive effect on Tierra Contenta may serve as a basis of variance approval, however, the developer must clearly demonstrate the innovation is the basis for the variance.

Chapter 1, Introduction, Section D.2.c, Visual & Aesthetic Goals states the following:

- The development will reflect traditional development patterns in Santa Fe.
- The development will contain a wide variety of housing types that are fully integrated into each tract.
- The development will create viewsapes that take advantage of the natural and built environment.
- The development will not have a "cookie cutter" appearance. Variation must be emphasized.
- The development will create an inviting and attractive streetscape.

Chapter IV of the Tierra Contenta Phase 2C Design Standards, Village Commercial Center, addresses the area that includes the subject site and the commercial/retail area to the south. Section C.2, Architectural Review Committee (ARC) Specifications provides specific architectural and design standards for the subject site. The subsections that apply to this project are:

C.2.c, Facades: No facade may consist of an undifferentiated blank wall when facing a public street central plaza or other public or common open space, or non-motorized vehicle path. Frequent windows, displays and landscaping are appropriate measures that add interest to the building. A building with an articulated wall facing the street that does not have at least 60% of its primary facade on the front property line may be approved by the ARC if continuity of the street or plaza frontage is not disrupted. Recessed entries, small plazas and courtyards are encouraged.

C.2.d, Portals and Porches: A continuous portal across must be built across at least sixty percent (60%) over the main entrance at the front of the building facing street, plaza(s) or other public space. Secondary entrances facing parking areas must have a covered porch or portal across at least thirty percent (30%) of the facade.

C.2.e, windows: Rather than being flush with the exterior wall finish, window frames shall be inset at least one inch (1") to provide a distinct shadow.

C.2.f, Roof form, Flat roofs entirely concealed from public view by parapets are the preferred roof forms. Other roof forms, , including vaulted roofs, compound roofs, or sloping roofs, may be considered for approval especially if a positive effect on the building interior, such as improved day lighting, can be demonstrated. False mansard roofs are prohibited. The ARC may require the screening of any mechanical equipment visible from public areas. If terrain makes screening rooftops impractical this requirement may be waived.

Open Space

Open space required in the C-1 zone for residential development follows the requirements of the R-21 zone. R-21 zoning requires 250 SF of common open space for each dwelling unit. Common open space is defined in the City Code as “The outdoor area accessible to all residents within a development, which may be owned in undivided interest by all the residents of the development, and it may remain in its natural state or may be landscaped or improved for passive or active recreational activities.” Additionally, due to the addition of the coffee shop, the project must also meet the open space requirements for commercial development of 25% of the lot area. Commercial open space is defined in the City Code as “An outdoor area that permanently provides light and air and that satisfies, in whole or in part, the community's visual, psychological and recreational needs.” The requirement is reduced to 20% when using passive water harvesting techniques as this project does by the inclusion of swales and stormwater detention ponds. The open space is shown on the Landscape Drawings LP101-LP1-5 on the drawings submitted with this application.

Required Open Space

Type of Open Space	How Calculated	Required	Provided
Common Open Space	250 SF x 165 Units	41,250 SF	42,000 SF
Commercial Open Space with Passive Water Harvesting	301,040 SF x .20 = 60,208 SF minus Common OS	18,958 SF	22,000 SF
TOTAL Common and Commercial OS		60,208 SF	64,000

Access & Traffic

The project will have three entries. The primary entry is on the southern end of the parcel on Plaza Central. Secondary entries are located about halfway between the primary entry and the intersection with Contenta Ridge and one on Contenta Ridge.

Tierra Contenta Phase 2C Design Standards require that driveway connections to public streets have a driveway width (curb cut) that shall not be less than 12 feet or greater than 22 feet in width at the edge of the street pavement. Drive pads between curb and the right-of-way line must be concrete.

A traffic impact study was done for this project which showed that all area intersections would operate at Level of Service (LOS) A at both AM and PM peak traffic hours with the exception of the southern (main) driveway access to the project which would operate at LOS B both at buildout of the project and 10 years later. The study does not have any recommendations for revisions to the design. LOS are used to describe how well an intersection works with A being the Best and E being the worst, similar to school grades. LOS A and B are both considered well working intersections. The Traffic Study is included as Exhibit C of this document.

The Tierra Contenta Phase 2C Design Standards outline the types of streets and travel routes to be developed. This project does not propose to construct any offsite streets or travel routes so the standards described in TV2C Design Standards do not apply. However, the landscaping standards do apply. See the section on Landscaping and Site Design below.

Both the City of Santa Fe Development Code and the Tierra Contenta Phase 2C Design Standards (Ch.3.B.8.3) require sight triangles be installed and maintained. Sight visibility triangles are required at driveway entries. The triangles are formed by 5 feet along project driveway and 15 feet along street frontages. In these triangles there can be no visual impediments between 3 and 6 feet in height.

Terrain and Stormwater Management

Sheets C101 of the submitted plans shows the terrain and stormwater management provisions of this project. This project complies with the standards in SFCC §14-8.2 which include:

Cut and Fill Slopes:

- Exposed cut slopes shall not exceed 10 feet in height

Grading:

City of Santa Fe Development Code §14-8.2(D)(2)(b) states “Natural slopes thirty percent or greater shall remain undisturbed, except for arroyo crossings and for no more than three isolated occurrences of sloped areas where each individual disturbance shall not exceed one thousand (1,000) square feet, as approved by the city engineer. . . This provision applies solely to the construction of roads, driveways and utility placement and is not intended to allow development on natural slopes exceeding thirty percent.”

This project includes development of driveways or utility placement on three occurrences of sloped areas greater than 30%, each less than 1,000 SF.

- Fill slopes shall not exceed 10 feet in height (SFCC §14-8.2(D)(1)(a))
- Retaining wall for fill slopes shall not be greater than 6 feet in height
- Fill slopes shall be no steeper than 3:1
- Cut or fill slopes for roadways shall not exceed 15 feet in height
- Cut slopes shall be no steeper than 2:1
- Grading for buildings is limited to 15 feet beyond outer edge of building
- Natural slopes greater than 30% shall remain undisturbed except for arroyo crossing and for no more than three isolated occurrences of up to 1000 feet each for construction of roads, driveways, and utility placement only

Topography:

- At least one-half of any building footprint has a natural grade of less than 20% and the remainder may have a natural grade of between 20 and 30%.
- The finished floor elevation at any point of a building built on a natural slope of 20% or greater shall not exceed five feet above the natural slope at that point.
- A structure shall not be built on a natural slope of 30% or more

Stormwater Management:

City of Santa Fe Development Code §14-8.2(4)

- Stormwater runoff peak flow rate discharged from the site shall not exceed pre-development conditions for storms up to the One percent (100-year), 24-hour storm event at each discharge point
- Runoff control measures may include detention or retention basins, active and passive water harvesting, swales, berms check dams, vegetative ground cover, permeable pavements, tree wells, dry walls, cisterns and other techniques.

- Stormwater shall not be discharged into any watercourse or drainage channel without adequate reduction of flow velocity
- Detention basins shall accommodate 24-hours of a one-percent (100-year) storm with an outflow structure that limits outflow to pre-development rates; shall empty within 24 hours; and shall be landscaped in accordance with SFCC §14-8.4
- A Storm Water Pollution Prevention Plan is included on Sheet C105 to control erosion during and after construction.

Arroyo, Stream, and Watercourse Standards: Fences, *walls* and similar *structures* may not be constructed in or across an arroyo, stream or watercourse.

Site Restoration:

- Soil stabilization and erosion control measures shall be completed for all disturbed land within 21 days after construction completion by one or more of the following:
 - Revegetation with drought-tolerant plants
 - Bioengineering stabilization techniques
 - Stabilization with stones, terracing, or similar techniques
- All trees and shrubs shall be mulched and irrigated until established, grass shall be hydroseeded or covered with biodegradable material or synthetic soil erosions control blankets or matting and irrigated until established.

Flood Regulations

There are no 100- nor 500-year flood zones on or near the project site.

Landscaping and Site Design

The project conforms to SFCC §14-8.4 including all of the following items that apply to this project and are shown on Sheets LD101 & LP100 – LP104 & LP501 of the submitted plan set.

Water harvesting is required. This project proposes to use passive water harvesting techniques including the use of swales and detention ponds,

Water Features:

Water features are limited in area to 1650 for this project. Water features shall use re-circulated water and shall be designed to prevent seepage and leaks. The water feature included in this project complies with these requirements.

Street Trees:

Street trees are required on all property lines along streets. On major and secondary arterials, like Plaza Central, one street tree is required an average of every thirty (30) to forty (40) feet along the street frontage. On all other streets, like Contenta Ridge, one tree an average of every twenty-five (25) to thirty-five (35) feet. This project includes street trees that meet this standard.

Irrigation:

Irrigation is required to be zoned by each plants watering needs. Additionally, several standards apply to the irrigation system. Those that apply to this project include:

- Backflow prevention device
- Automatic, digital, multi-programmable controller
- Irrigation systems operation information, including monthly and seasonal schedules and water budgets are provided on the landscape plan on sheet LP100 of the submitted plan drawings
- Designed for site topography, orientation, microclimate, prevailing winds, soil type, and to prevent water waste.
- Planting beds shall be swaled, sloped, or recessed
- Irrigation systems shall be zoned by levels of water use
- Overhead spray irrigation can only be used on turf and ground cover

Walls and Fences

The project includes both fences, and parking lot screening walls. The walls and fences meet the requirements of SFCC §14-8.5 and TC2C Ch.3.C.3. The fences will be 6-feet high and made of wrought iron. The screening walls will be 4-feet high and made of concrete and stucco. These meet the requirements of both documents. TC2C states that Continuous unbroken walls are not allowed adjacent to public streets. All fences if constructed by the developer along street right-of-way must be made visually discontinuous by one or more of the following means:

- Changes in material
- Articulation of height with respect to the adjacent ground or sidewalk on the street side.
- Articulation of horizontal alignment with respect to the adjacent right-of-way.
- Openings defined by pilasters, arches, lintels horizontal or vertical tapers, etc.

- Landscaping planters, bancos, gates or other features between the right-of-way line and the proposed wall

The proposed project's fences will be connected to the buildings where feasible so that they are discontinuous. Additionally, the fences will be wrought iron allowing views into the site rather than a solid fence.

Retaining walls:

The project contains several retaining walls than meet the requirements of SFCC§14-8.5(B) which include:

- Maximum of 6 feet in height
- Stepped or terraced retaining walls shall be separated by a distance equal to the height of the retaining wall

Gates:

This project includes traffic control gates at all three vehicular access driveways. There will also be pedestrian gates.

Off-Street Parking

SFCC Table 14-8.6-1 provides the parking requirements for multifamily housing over 5 units. The calculations of required parking are included on Sheet DP 01 and show that 238 spaces are required and 245 are provided, an excess of 7 spaces. Of those spaces, 8 are required to be accessible, 2 of which must be van accessible.

Twelve bicycle parking spaces are required and 12 are provided. Bicycle Rack Standards and Dimensions are provided in SFCC § 14 Appendix D including allowable rack types, distance to other racks, distance from wall, curb, and pedestrian aisle, and parking and maneuvering areas. This project meets all of those requirements.

Parking Lot Screening

Tierra Contenta Phase 2C requires that any off-street parking area provided for four (4) or more vehicles on a single lot, or continuous parking areas on more than one lot having space for six (6) or more vehicles must be screened from view from a public street or non-motorized vehicle easement. Screening by a ten-foot-wide landscaping screen or buffer is preferred, however, a wall at least four feet (4 ft.) high may be used if landscaping is impractical.

Parking Lot Trees

Tierra Contenta Phase 2C requires parking areas contain 1 tree for every 6 parking spaces. The City of Santa Fe requires 10 SF of landscape area per parking space and a minimum of one deciduous tree per 90 SF of landscape area. These are

provided and shown on Sheet LP 100 of the plans submitted with this application.

Architectural Design Review

Per Table 14-8.7-1, projects in the C-1 zoning district must achieve 205 points in the Architectural Design Standards and Point Allocations Table 14-8.7-2.

Table 14-8.7-2: Architectural design Standards and Point Allocations			
Architectural Design Standards		Points Possible	Points Taken
WALLS			
Predominant Exterior Surface Material	Stucco, adobe	30	30
	Brick, natural stone, and integrally colored unit masonry	25	
	Concrete and non-integrally colored unit masonry	20	
	Metal siding, glass curtainwall systems, glass block, wood siding, and simulated materials	10	
	Mirrored glass curtainwall systems	-10	
Color of Predominant Exterior Surface Material	Earthtones, creams, and pastels of earthtone hues including but not necessarily limited to rose, peach, and terra cotta colors	30	30
	Pastel colors of non-earthtone hues, whites, grays, and grayish greens	15	
	High-intensity colors	-10	
	Metallic colors, glass and black	-10	
Exterior Surface Treatment	(A) Wall surfaces appear monolithic with at least 75 percent of the total wall area one material and one color. Differing shades of the same general hue shall not be considered different colors. Non-solar fenestration, window and door awnings, applied trim, and accent materials, colors, and decorative bands, with the exception of stucco, masonry or concrete control joints, are used in such a way that they do not give a panelized or prefabricated appearance, produce striped or checkerboard patterns, or exceed 25 percent of the surface area of any façade. Fenestration and/or accent colors on wall surfaces under portals or canopies having	10	10

	a horizontal depth of at least six feet shall be exempt from area calculations		
	(B) Wall surfaces do not meet the criteria set forth in paragraph (A) above	-10	
ROOFS			
Form	(A) Flat roof surfaces entirely concealed from public view by parapets	20	20
	(B) Flat roof surfaces not entirely concealed from public view by parapets, uniformly sloping roofs, or any combination of flat and uniformly sloping roofs, having a height, from springline to peak, that does not exceed the average height of the supporting walls and having a slope with greater than or equal to four feet of vertical rise for every 12 feet of horizontal run and less than or equal to 12 feet of vertical rise for every 12 feet of horizontal run	15	
	(C) Uniformly sloping roofs or any combination of flat and uniformly sloping roofs, having a height, from springline to peak, that does not exceed the average height of the supporting walls and having a slope with less than four feet of vertical rise for every 12 feet of horizontal run or having a slope with greater than 12 feet of vertical rise for every 12 feet of horizontal run	10	
	(D) Any type of sloping roof having a height, from springline to peak, that exceeds the average height of the supporting walls; non-uniformly sloping roofs; or any combination of flat and non-uniformly sloping roofs	-10	
	(E) Wood shingles or shakes and other materials including but not necessarily	-10	
Predominant Material	(A) All surfaces are concealed from public view	20	20
	(B) Standing, flat, or batten seam metal roofing, or membrane, asphalt or gravel surfaces exposed to public view	15	
	(C) Flat tiles of clay, concrete or slate	10	
	(D) Barrel tiles of clay, concrete, or slate; and asphalt shingles	5	
	(E) Wood shingles or shakes and other materials including but not necessarily	-10	

	limited to plastic, fiberglass or metal roof tiles		
Predominant Color	(A) All surfaces are concealed from public view	15	15
	(B) Dark reds, browns, and earthtones, and natural metals including aluminum, zinc, tin, and lead	10	
	(C) Low-intensity colors other than those stated above	5	
	(D) White	0	
	(E) Bright, non-fading, high-intensity colors and any use of multiple colors	-15	
BUILDING FORM			
	(A) One-story buildings with over 10,000 square feet of gross floor area and multi-story buildings with over 20,000 square feet of gross floor area which are designed with wall plane projections or setbacks on each publicly visible façade having a depth of at least three percent of the length of the façade and extending at least 20 percent of the length of the façade	30	30
	(B) One-story buildings with less than or equal to 10,000 square feet of gross floor area and multi-story buildings with less than or equal to 20,000 square feet of gross floor area which are designed with either offsetting wall planes or upper story stepbacks of at least four horizontal feet, or a recessed entry space or projecting canopy or portal having a depth of at least six horizontal feet, on at least one publicly visible façade	30	
	(C) Buildings not utilizing the massing techniques described in paragraphs (A) or (B) above	0	
DOORS AND WINDOWS			
Treatment	(A) More than 50 percent of doors, windows and glazed surfaces, which are not located under portales or canopies having a horizontal depth of at least six feet, have either frames recessed a minimum of two inches, are cased with trim, have divided lites, or have exposed or otherwise articulated lintels	20	20

	(B) More than 50 percent of doors, windows and glazed surfaces do not meet the requirements set forth in paragraph (A) above	0	0
Area	(A) All wall surfaces which are not located under portales or canopies having a horizontal depth of at least six feet, and which do not include solar fenestration, have less than or equal to 50 percent openings consisting of doors, windows, glazing and other penetrations	20	20
	(B) Wall surfaces do not meet the requirements as set forth in paragraph (A) above	0	
Location	(A) All doors, windows and glazed surfaces, on structures having a gross floor area greater than 150 square feet, are located at least two feet from outside building corners	20	20
	(B) All doors, windows and glazed surfaces, on structures having a gross floor area less than or equal to 150 square feet, have at least a two-inch mullion at inside and outside building corners	20	
Glazing	(A) All glazing is clear or tinted neutral gray	10	10
	(B) Any use of colored glazing	0	
	(C) Any use of mirrored glazing	-10	
EQUIPMENT			
Screening	(A) All roof and wall mounted mechanical, electrical, communications, and service equipment, including satellite dishes and vent pipes, are screened from public view by parapets, walls, fences, dense evergreen foliage, or by other means	10	
	(B) All building mounted equipment set forth in paragraph (A) above is either screened; and/or painted to match visually adjacent surfaces	5	5
	(C) All building mounted equipment set forth in paragraph (A) above is not screened and/or painted to match visually adjacent surfaces	-10	

TOTAL **230**

TC2C Design Standards include requirements for exterior finished and colors. Appropriate surface materials include stucco, adobe, brick, split face block, and

stone. Zorro Blanco Apartments shall be finished with stucco. Exterior colors shall be predominantly earth tones, browns, tans, and soft pastels. . . Brighter accent colors may be used, but should not detract from the overall continuity of the local scheme. It is the responsibility of the ARC to review and approve colors not otherwise subject to the City's Architectural Design Review process.

Solar Access

TC2C Design Standards includes a "goal of Tierra Contenta to provide solar access to all buildings in the development. . . Building placement must provide as much solar access as possible within the constraints of density, setback limits, and other site planning criteria." Zorro Blanco Apartments will have many south-facing units with windows allowing natural lighting. Additionally all buildings will all have flat roofs allowing for future installation of solar panels.

Outdoor Lighting

Tierra Contenta Phase 2C requires Building-mounted outdoor light sources (bulbs, elements, and sources of glare) shall be designed and placed to minimize visibility from adjacent property, streets, pedestrian and non-motorized vehicle connections, and open space. Freestanding outdoor lighting sources, such as those used to illuminate parking areas, shall be shielded from public view and designed to minimize spillover onto private or public property.

Signs

Tierra Contents Phase 2C requires that Permanent signage or monumentation demarcating the entrance to a specific subdivision is permissible. Designs for such signs should have an aesthetic relationship to other such signs or monumentation within the Tierra Contenta project. No permanent subdivision signs shall be placed within public right-of-way.

City of Santa Fe Development Code §14-8.10 includes regulations regarding the number and design of signs that are intended to be read from off the premises including illumination, setbacks, number of colors and lettering styles, and surface area.

The project signs are shown on the building elevations where they occur on sheets AL201 and AG201 of the submitted plans showing compliance with these requirements.

Affordable Housing

Zorro Blanco is located within Tierra Contenta. City Staff has determined that the project is not subject to the City's Santa Fe Homes Program (SFHP) and that Zorro

Blanco has no requirement to provide affordable housing because Tierra Contenta has met its obligations to provide affordable housing under the applicable provisions of the Amended and Restated Annexation Agreement. Zorro Blanca disagrees with City Staff and proposed to pay a fee-in-lieu on-site housing as allowed by the SFHP. Zorro Blanco's proposal to pay the fee-in-lieu of the Santa Fe Homes Program was rejected by City Staff.

Relocation of Gunnison's Prairie Dogs

SFCC § 14-8.12 requires that sites developed with anything other than single-family residences be examined by a city-approved prairie dog relocater and if they are determined to exist on the site, that they be removed to a city-approved location. City of Santa Fe staff inspected the project site and found no evidence of prairie dogs. See Exhibit D.

Development Water Budget

SFCC § 14-8.13 requires that a water budget be developed for development plans and that a project with a water budget greater than 5 acre-feet, such as this one, must purchase, and dedicate to the City, water rights through the City's water rights transfer program to meet the development's water budget. The water budget calculation form is included as Exhibit E and the Utility Service Application is included as Exhibit F.

Impact Fees

SCFF § 14-8.14 provides the requirements for impact fees for Roads, Parks, Fire, and Police based on the number of residential units being developed. The table below shows those fees for this project which includes 165 units.

Impact Fee Category	Fee per Unit	Fee Assessed
Roads	\$1,373	\$226,545
Parks	\$880	\$145,200
Fire	\$168	\$27,720
Police	\$53	\$8,745
TOTAL		\$408,210

Land Dedication

Section 14-8.15 requires dedication of land for parks and trails. Since this project is within the Tierra Contenta Master Plan, the parks and trails land dedication is addressed by that Master Plan and not additional land dedication is required for this project.

School Requirements

Notice of this project was sent to the Santa Fe Public School District by certified mail on 7/18/24 per SFCC §14-8.16 and is included as Exhibit G. As of submission of this application, no response has been received in response to that notification.

Archaeology

Archaeological clearance was approved by the City of Santa Fe Architectural Review Board on 09/03/1998 for this site as part of the Tierra Contenta Subdivision. The clearance document is included as Exhibit H.

Accessibility

The Americans with Disabilities Act (ADA) requires multifamily developments to be accessible by people with mobility disabilities. The accessible paths in this project are shown on the ADA Access Plan, Sheet C101 of the drawings submitted for this project. For accessible parking, please see the section on Off-Street Parking above.

Early Neighborhood Notification

Two Early Neighborhood Notification meetings were held on August 20, 2024 and September 30, 2024 via zoom. The notes of the meetings are included as Appendix I and the affidavits of posting and mailing are included as Appendix J.

Additionally, two public gatherings to present the project to the neighbors and discuss it with them were held on July 27th and August 3rd 2024 at the Southside Library. As a result of those meetings, a neighborhood coffee shop was added to the project in response to desires for community-serving retail development which is anticipated on the C-2 zoned property to the south of the project site.

Exhibits

Exhibit A: Legal Lot of Record

Exhibit B: Compliance Report of Annexation and Rezoning Conditions of Approval

Exhibit C: Traffic Impact Study

Exhibit D: Prairie Dog Clearance Letter

Exhibit E: Water Budget

Exhibit F: Water Utility Service Application

Exhibit G: Public School Notification Form

Exhibit H: Archaeological Clearance

Exhibit I: Early Neighborhood Notification Meeting Notes

Exhibit J: Affidavits of ENN Notification Postings and Mailings

City of Santa Fe, New Mexico

Attachment C
Applicant Submittals and
Development Plan

11. Development Plan

EXISTING CONDITIONS
ZORRO BLANCO DEVELOPMENT PLAN. LUD CASE NUMBER
 City of Santa Fe – Section 14, Township T16N, Range R8E

PROPERTY INFORMATION

ZONING: C-1
 OVERLAYS: NONE
 HISTORIC STATUS: NONE
 NATIONAL REGISTRY: NONE
 LOT(S) SIZE: LOT LINE ADJUSTMENT, PROPOSED LOT TO (6.51 ACRES) AND PROPOSED LOT 9 (8.17 AC)
 EXISTING STRUCTURE: NONE
 EXISTING UTILITIES: ADJACENT TO SITE: PNM ELECTRICAL, CITY OF SANTA FE WASTE WATER AND WATER AND NEW MEXICO GAS COMPANY NATURAL GAS
 FLOOD ZONE: X

LEGAL LOT INFORMATION

1. LOTS 9 AND 10 ARE SHOWN AND BASED ON THE CALIFORNIA SLOPE CONTROL, SUBDIVISION MAP FOR ZORRO BLANCO VALLEY PLANNED DEVELOPMENT AND REPEAT OF PERMITS CONTROL AND SUBDIVISION, ETC. PROJECTS 2014-10-17. SANTA FE COUNTY, NEW MEXICO. RECORD NUMBER: 2014-10-17-100. INSTRUMENT NO. 100888 IN LOT BOOK 888 BY PAGE 14-20. RECORD OF SANTA FE COUNTY, NEW MEXICO.

SITE KEY:

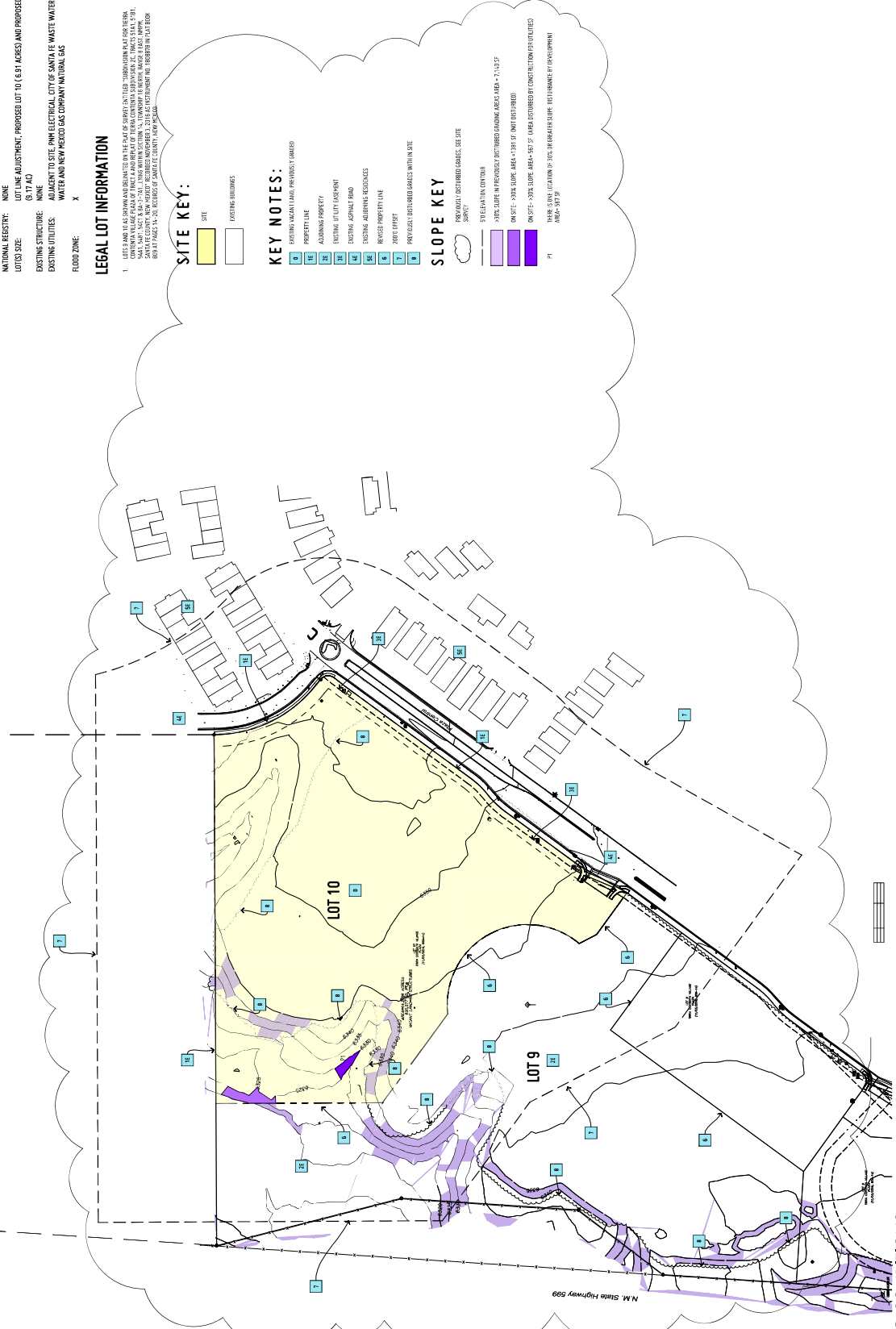
- SITE
- EXISTING BUILDINGS

KEY NOTES:

- EXISTING CASUAL LAND PRODUCT BARRIERS
- PROPERTY LINE
- ADJACENT PROPERTY
- EXISTING UTILITY EXCEPT
- EXISTING ADJACENT ROAD
- EXISTING ADJACENT ROADSIDES
- REVEGET PROPERTY LINE
- ROAD IMPACT
- PROPOSED DISTURBED AREAS WITH IN SITE

SLOPE KEY

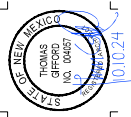
- PREVIOUSLY DISTURBED AREAS, SEE SITE SURVEY
- STEEP SLOPE CENTRAL
- 3% TO 5% SLOPE IN PREVIOUSLY DISTURBED GRADING AREA AREA = 7,140 SF
- ON SITE - 3% TO 5% SLOPE AREA = 334 SF, NOT DISTURBED
- ON SITE - 3% TO 5% SLOPE AREA = 465 SF, AREA DISTURBED BY CONSTRUCTION RELATED
- THIS SITE IS LOCATION OF THIS DISTURBED AREA, DISTURBED BY DEVELOPMENT AREA = 348 SF



1 | EXISTING CONDITIONS

SCALE 1" = 800'

JURISDICTION: CITY OF SANTA FE
 PROJECT NAME: ZORRO BLANCO
 DRAWING TYPE: EXISTING CONDITIONS
 DRAWING DATE: 1 JUL 2025
 SHEET NUMBER: DP_000



SHEET TITLE: EXISTING CONDITIONS
 DATE: 10 OCTOBER 2024
 REVISION: 19 FEBRUARY 2025
 1 JAN 2025
 1 MAR 2025

PLAZA CENTRAL
 Zorro Plaza Central, Santa Fe, New Mexico 87508
 THOMAS GIFFORD ARCHITECTS
 ARCHITECTURE URBAN DESIGN
 1000 BROADWAY, SUITE 1400, SANTA FE, NEW MEXICO 87501
 TEL: 505.833.1111 FAX: 505.833.1112
 WWW.TGAD.COM

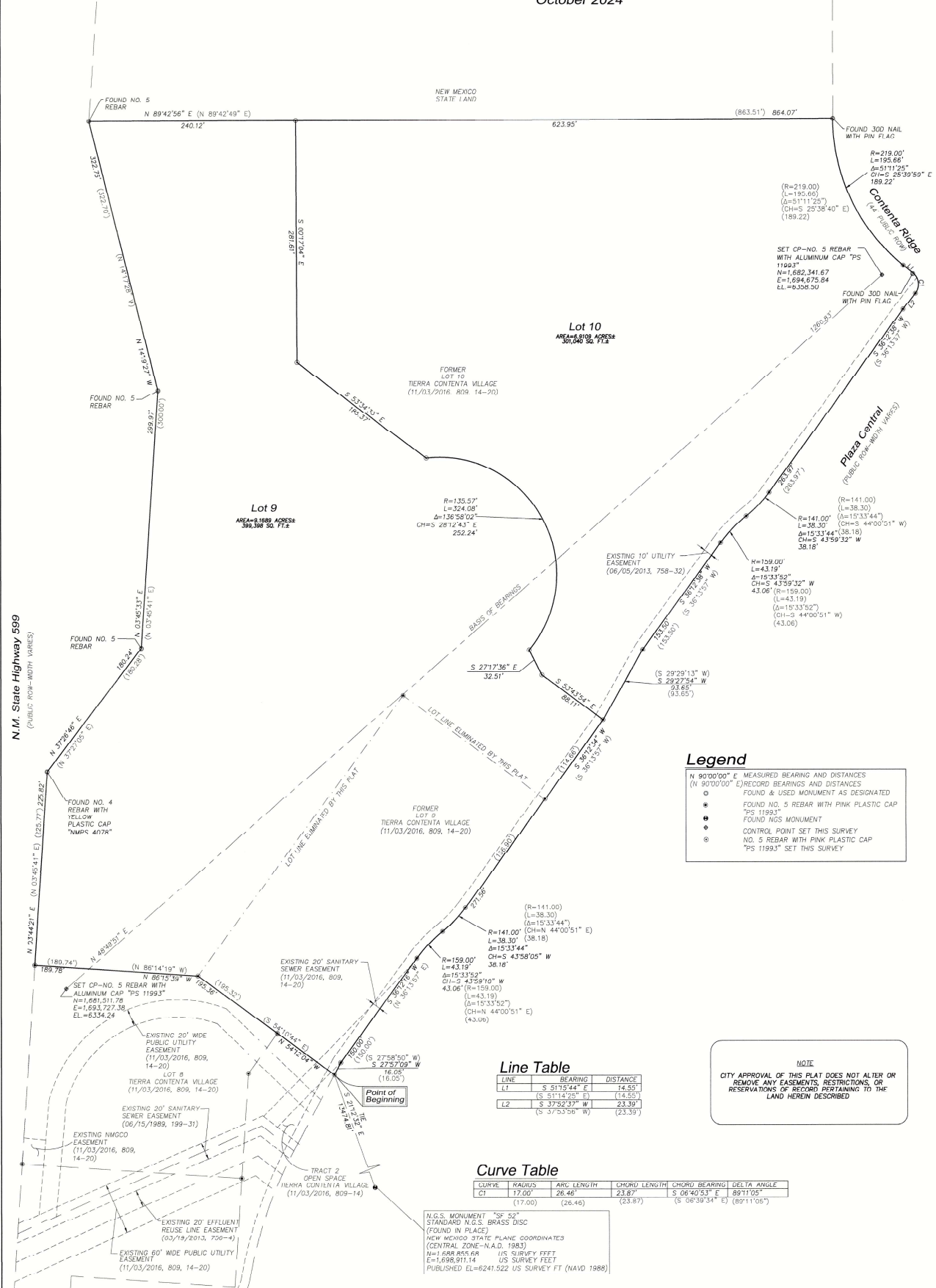
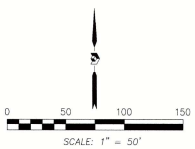
DP_000

Lot Line Adjustment Plat of

Lots 9 and 10

Tierra Contenta Village Plaza

Lying in Section 14, T. 16 N., R. 8 E., N.M.P.M.
City of Santa Fe, Santa Fe County, New Mexico
October 2024



Legend

- N 90°00'00\" E MEASURED BEARING AND DISTANCES
- (N 90°00'00\" RECORD BEARINGS AND DISTANCES)
- FOUND & USED MONUMENT AS DESIGNATED
- FOUND NO. 5 REBAR WITH PINK PLASTIC CAP
- PS 11993
- FOUND NGS MONUMENT
- CONTROL POINT SET THIS SURVEY
- NO. 5 REBAR WITH PINK PLASTIC CAP
- PS 11993
- SET THIS SURVEY

NOTE
CITY APPROVAL OF THIS PLAT DOES NOT ALTER OR REMOVE ANY EASEMENTS, RESTRICTIONS, OR RESERVATIONS OF RECORD PERTAINING TO THE LAND HEREIN DESCRIBED.

Line Table

LINE	BEARING	DISTANCE
L1	S 51°14'25\" E	14.55'
L2	S 51°14'25\" E	14.55'
L3	S 37°52'37\" W	23.39'
L4	S 37°52'37\" W	23.39'

Curve Table

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	17.00'	26.46'	23.87'	S 06°40'53\" E	89°11'05\"
C2	17.00'	(26.46)	(23.87)	(S 06°39'34\" E)	(89°11'05\"

N.G.S. MONUMENT "S 52\" STANDARD N.G.S. BRASS DISC (FOUND IN PLACE)
NEW MEXICO STATE PLANE COORDINATES (CENTRAL ZONE-N.A.D. 1983)
N=1,698,911.14 US SURVEY FEET
E=1,698,911.14 US SURVEY FEET
PUBLISHED EL=6241.522 US SURVEY FT (NAVD 1988)

COORDINATE AND DIMENSION INFORMATION STATE PLANE ZONE: NM-C DATUM: NAD83 GRID: GEOID 18 ELEVATION: 0.00'± DISTANCE AROUND: 0.00' GRID TO GROUND: 0.9995488		FILED INFORMATION LAND GRANT: N/A SECTION: 14 TOWNSHIP: 16 NORTH RANGE: 8 EAST MERIDIAN: NMPM COUNTY: SANTA FE STATE: NM		PROPERTY INFORMATION PROPERTY OWNER: TIERRA CONTENTA VILLAGE PLAZA ADDRESS: 7219 & 7200 PLAZA CENTRAL UIC: LOT 9: 10470407842800000 LOT 10: 10470408380000000		PROJECT INFORMATION OFFICE LOCATION: 8200 San Mateo Boulevard, NE Albuquerque, NM 87113 CREW/TECH: MCVW/RSR DATE OF SURVEY: 06/20/2024 DRAWN BY: LAM CHECKED BY: LAM PS: JOB NO. 222528P SHEET NUMBER V002	
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ELEVATION KEY NOTES

- 1 STUCCO SYSTEM
- 2 STUCCO OVER GYPSUM
- 3 STUCCO OVER GYPSUM, STEEL, FORM AND PAINT
- 4 STUCCO OVER GYPSUM, STEEL, FORM AND PAINT
- 5 CONCRETE BRICK AND CONCRETE, METAL
- 6 STUCCO, STEEL, 4" TALL GROUNDWALL, FORM AND PAINT, METAL, STUCCO AND BRP
- 7 STUCCO, STEEL, 4" TALL GROUNDWALL, FORM AND PAINT, METAL, STUCCO AND BRP
- 8 STUCCO, STEEL, 4" TALL GROUNDWALL, FORM AND PAINT, METAL, STUCCO AND BRP
- 9 STUCCO, STEEL, 4" TALL GROUNDWALL, FORM AND PAINT, METAL, STUCCO AND BRP
- 10 STUCCO, STEEL, 4" TALL GROUNDWALL, FORM AND PAINT, METAL, STUCCO AND BRP
- 11 STUCCO, STEEL, 4" TALL GROUNDWALL, FORM AND PAINT, METAL, STUCCO AND BRP
- 12 STUCCO, STEEL, 4" TALL GROUNDWALL, FORM AND PAINT, METAL, STUCCO AND BRP
- 13 STUCCO, STEEL, 4" TALL GROUNDWALL, FORM AND PAINT, METAL, STUCCO AND BRP
- 14 STUCCO, STEEL, 4" TALL GROUNDWALL, FORM AND PAINT, METAL, STUCCO AND BRP
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- 49 STUCCO, STEEL, 4" TALL GROUNDWALL, FORM AND PAINT, METAL, STUCCO AND BRP
- 50 STUCCO, STEEL, 4" TALL GROUNDWALL, FORM AND PAINT, METAL, STUCCO AND BRP

FILE #/ DRAWING NO. / PROJECT NO. / SHEET NO. / DATE

REVISIONS

DATE

BY

10/10/24

10 OCTOBER 2024

7 MARCH 2025

1 JULY 2025

17 MAY 2025

10 OCTOBER 2024

10 OCTOBER 2024

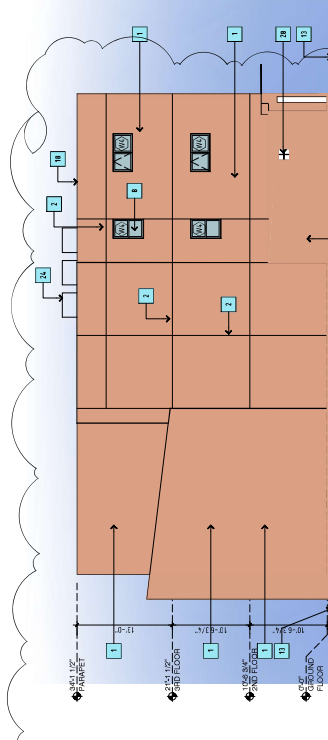
10 OCTOBER 2024

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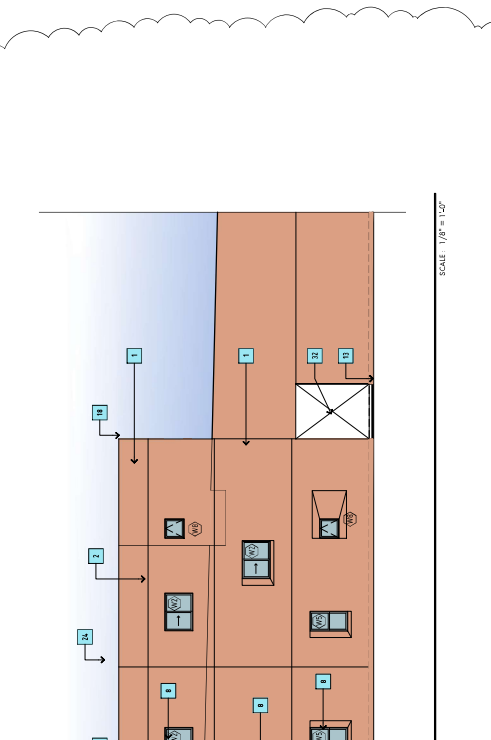
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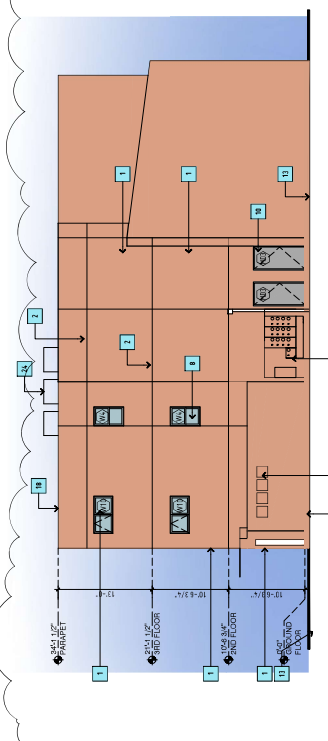
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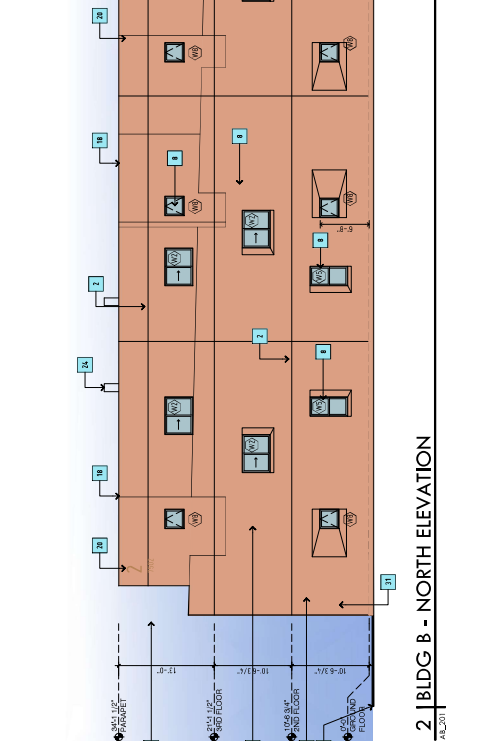
3 | BLDG B - EAST ELEVATION
SCALE: 1/8" = 1'-0"



4 | BLDG B - WEST ELEVATION
SCALE: 1/8" = 1'-0"



2 | BLDG B - NORTH ELEVATION
SCALE: 1/8" = 1'-0"



1 | BLDG B - SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

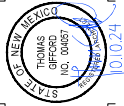
ELEVATION NOTES

1. REFER TO ALL NOTES ON ALL ELEVATIONS.
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KEY PLAN

CITY OF SANTA FE
ZORRO BLANCO
EXTERIOR ELEVATION
12 AUGUST 2025
AB_AB_201



ELEVATION KEY NOTES

- 1 STUCCO SYSTEM
- 2 STUCCO OVER JAMB
- 3 COMBINATION METAL, STEEL, STONE AND PAINT
- 4 STUCCO OVER WALL, WOOD FRAME
- 5 CONCRETE BRICK AND WOOD FRAME
- 6 CONCRETE BRICK AND WOOD FRAME, METAL
- 7 STUCCO, CLAS STAINLESS STEEL, 42" TALL GROUNDWALL, PINK AND PAINT, METAL, TISSA AND BRP
- 8 WARDING BRICK, STAINLESS STEEL, METAL, TISSA
- 9 WARDING BRICK, STAINLESS STEEL, METAL, TISSA
- 10 WARDING BRICK, STAINLESS STEEL, METAL, TISSA
- 11 DOOR METAL, PAINT
- 12 GARAGE FLOOR, PAINT
- 13 CONCRETE, TERRAZZO, WITH METAL OTHER
- 14 FINISH GARAGE, SEE CIVIL PLANS FOR ELEVATIONS
- 15 ELECTRICAL, FABR
- 16 FIRE RATED ASSEMBLY
- 17 8" TYPICAL VOLUME ROOM
- 18 METAL RAILING CASE
- 19 STUCCO OVER CONCRETE TO MATCH WALL
- 20 BRICK WITH METAL, TISSA AND BRP ROOF
- 21 BRICK, CONCRETE, TERRAZZO, STAINLESS STEEL, 1" STAINLESS STEEL, BRP
- 22 BRICK, CONCRETE, TERRAZZO, STAINLESS STEEL, 1" STAINLESS STEEL, BRP
- 23 BRICK, CONCRETE, TERRAZZO, STAINLESS STEEL, 1" STAINLESS STEEL, BRP
- 24 BRICK, CONCRETE, TERRAZZO, STAINLESS STEEL, 1" STAINLESS STEEL, BRP
- 25 BRICK, CONCRETE, TERRAZZO, STAINLESS STEEL, 1" STAINLESS STEEL, BRP
- 26 BRICK, CONCRETE, TERRAZZO, STAINLESS STEEL, 1" STAINLESS STEEL, BRP
- 27 BRICK, CONCRETE, TERRAZZO, STAINLESS STEEL, 1" STAINLESS STEEL, BRP
- 28 BRICK, CONCRETE, TERRAZZO, STAINLESS STEEL, 1" STAINLESS STEEL, BRP
- 29 BRICK, CONCRETE, TERRAZZO, STAINLESS STEEL, 1" STAINLESS STEEL, BRP
- 30 BRICK, CONCRETE, TERRAZZO, STAINLESS STEEL, 1" STAINLESS STEEL, BRP
- 31 BRICK, CONCRETE, TERRAZZO, STAINLESS STEEL, 1" STAINLESS STEEL, BRP
- 32 BRICK, CONCRETE, TERRAZZO, STAINLESS STEEL, 1" STAINLESS STEEL, BRP
- 33 BRICK, CONCRETE, TERRAZZO, STAINLESS STEEL, 1" STAINLESS STEEL, BRP
- 34 BRICK, CONCRETE, TERRAZZO, STAINLESS STEEL, 1" STAINLESS STEEL, BRP
- 35 BRICK, CONCRETE, TERRAZZO, STAINLESS STEEL, 1" STAINLESS STEEL, BRP
- 36 BRICK, CONCRETE, TERRAZZO, STAINLESS STEEL, 1" STAINLESS STEEL, BRP
- 37 BRICK, CONCRETE, TERRAZZO, STAINLESS STEEL, 1" STAINLESS STEEL, BRP
- 38 BRICK, CONCRETE, TERRAZZO, STAINLESS STEEL, 1" STAINLESS STEEL, BRP
- 39 BRICK, CONCRETE, TERRAZZO, STAINLESS STEEL, 1" STAINLESS STEEL, BRP
- 40 BRICK, CONCRETE, TERRAZZO, STAINLESS STEEL, 1" STAINLESS STEEL, BRP

FILE #/ DRAWING NO.
 24
 101024

THOMAS GIFFORD ARCHITECT
 2700 ALAMO BLVD, SUITE 100
 ALBUQUERQUE, NM 87102
 505.263.1111
 10 OCTOBER 2024
 2 MARCH 2025
 1 JULY 2025
 17 MAY 2025

PROJECT: PLAZA CENTRAL
 2700 ALAMO BLVD, SUITE 100, ALBUQUERQUE, NM 87102
 ARCHITECT: THOMAS GIFFORD ARCHITECT
 2700 ALAMO BLVD, SUITE 100, ALBUQUERQUE, NM 87102
 505.263.1111

CLIENT: ZORRO BLANCO
 2700 ALAMO BLVD, SUITE 100, ALBUQUERQUE, NM 87102
 505.263.1111

DATE: 10 OCTOBER 2024
 DRAWING NO.: 24
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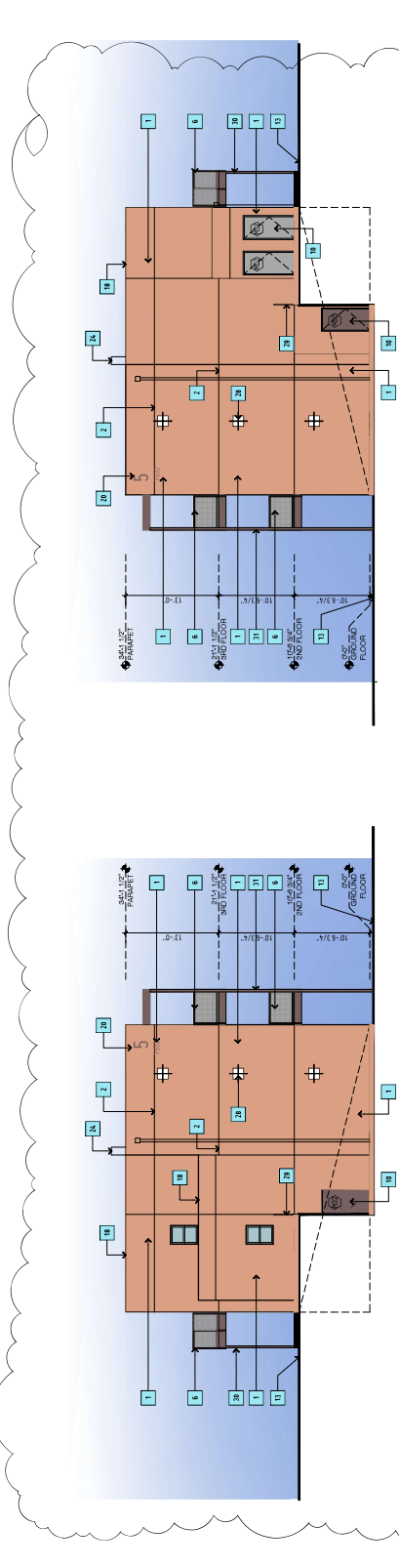
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PROJECT: PLAZA CENTRAL
 2700 ALAMO BLVD, SUITE 100, ALBUQUERQUE, NM 87102
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 2700 ALAMO BLVD, SUITE 100, ALBUQUERQUE, NM 87102
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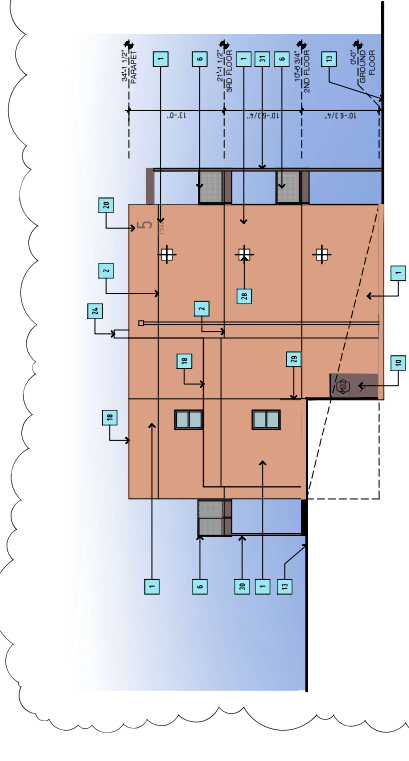
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 DRAWING NO.: 24
 SHEET NO.: 101024

1 | BLDG D - SOUTH ELEVATION



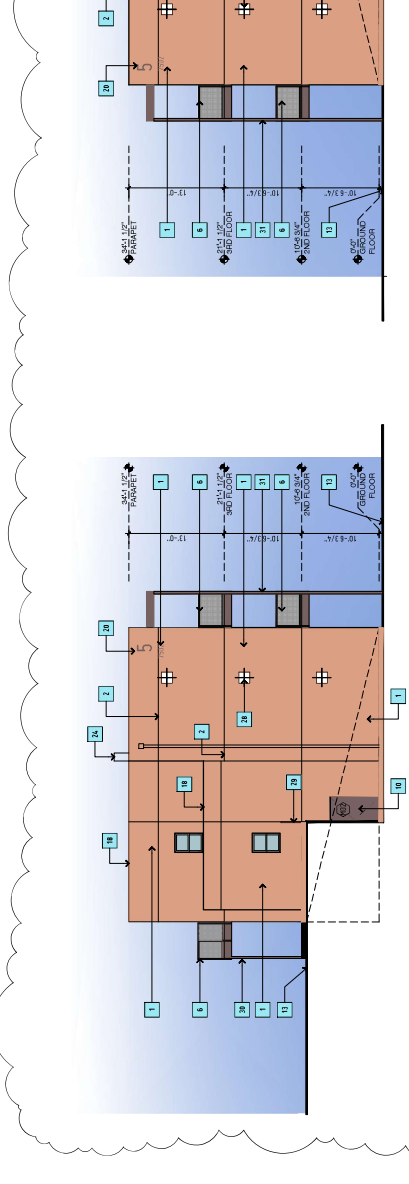
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 SCALE: 1/8" = 1'-0"

2 | BLDG D - NORTH ELEVATION



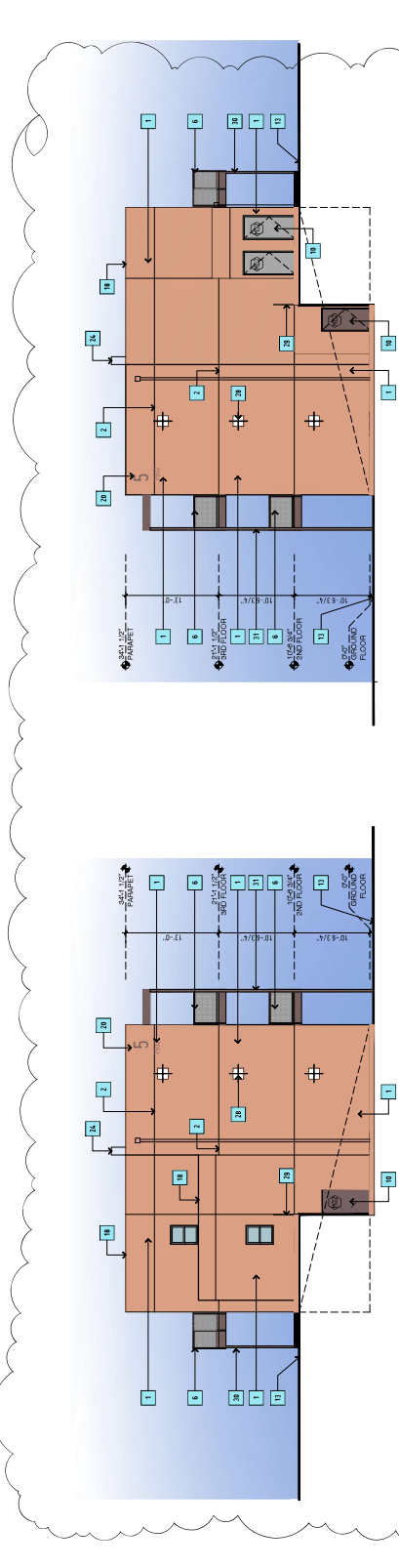
2 | BLDG D - NORTH ELEVATION
 SCALE: 1/8" = 1'-0"

3 | BLDG D - EAST ELEVATION

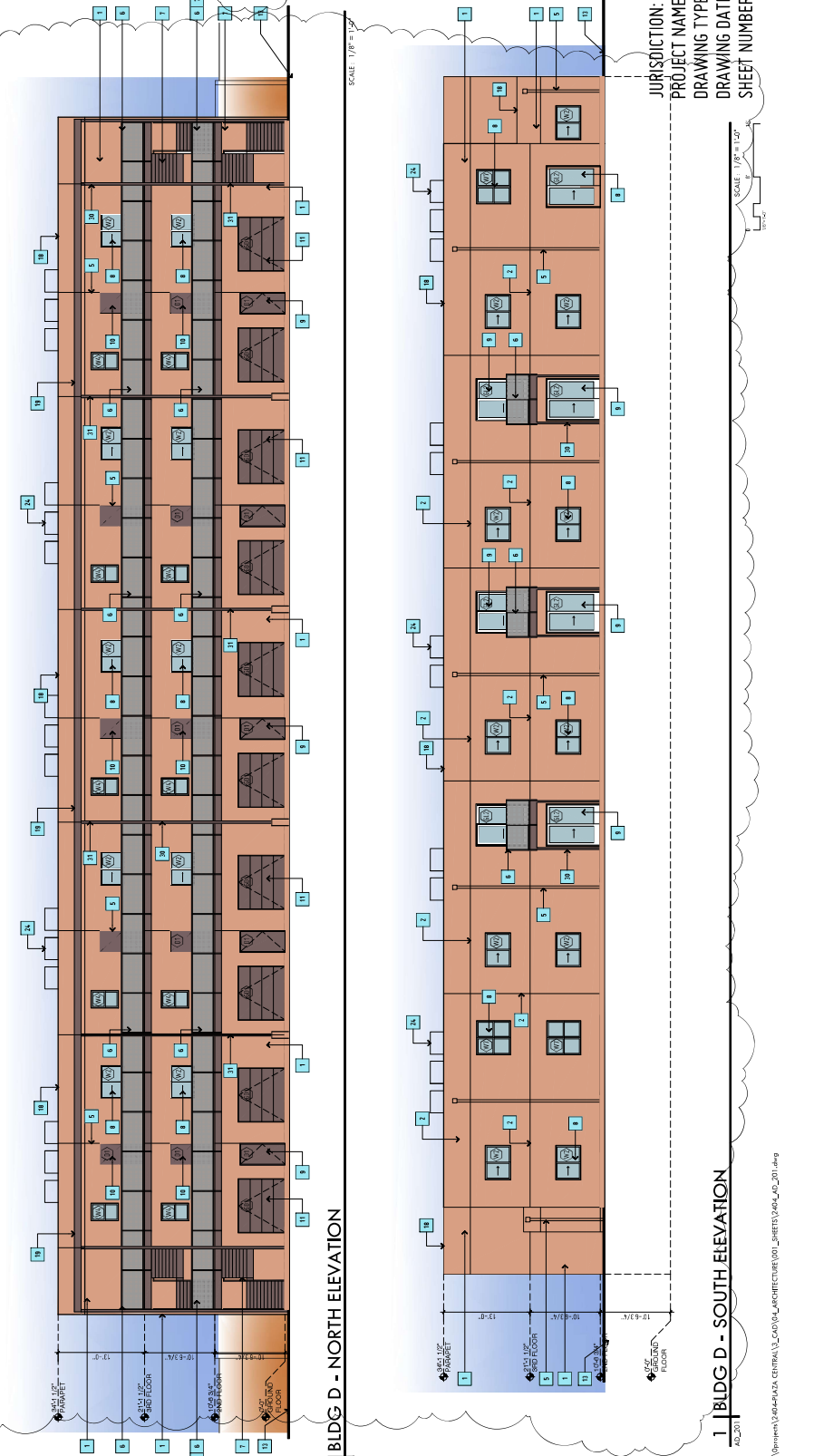


3 | BLDG D - EAST ELEVATION
 SCALE: 1/8" = 1'-0"

4 | BLDG D - WEST ELEVATION



4 | BLDG D - WEST ELEVATION
 SCALE: 1/8" = 1'-0"



KEY PLAN
 SCALE: 1/8" = 1'-0"

JURISDICTION: CITY OF SANTA FE
 PROJECT NAME: ZORRO BLANCO
 DRAWING TYPE: EXTERIOR ELEVATION
 DRAWING DATE: 12 AUGUST 2025
 SHEET NUMBER: AD_201

THOMAS GIFFORD ARCHITECT
 2700 ALAMO BLVD, SUITE 100
 ALBUQUERQUE, NM 87102
 505.263.1111

PROJECT: PLAZA CENTRAL
 2700 ALAMO BLVD, SUITE 100, ALBUQUERQUE, NM 87102
 ARCHITECT: THOMAS GIFFORD ARCHITECT
 2700 ALAMO BLVD, SUITE 100, ALBUQUERQUE, NM 87102
 505.263.1111

CLIENT: ZORRO BLANCO
 2700 ALAMO BLVD, SUITE 100, ALBUQUERQUE, NM 87102
 505.263.1111

DATE: 10 OCTOBER 2024
 DRAWING NO.: 24
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 2700 ALAMO BLVD, SUITE 100, ALBUQUERQUE, NM 87102
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 2700 ALAMO BLVD, SUITE 100, ALBUQUERQUE, NM 87102
 505.263.1111

CLIENT: ZORRO BLANCO
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 505.263.1111

CLIENT: ZORRO BLANCO
 2700 ALAMO BLVD, SUITE 100, ALBUQUERQUE, NM 87102
 505.263.1111

ELEVATION KEY NOTES

- 1 STUCCO SYSTEM
- 2 EXTERIOR WALL
- 3 EXTERIOR WINDOW
- 4 EXTERIOR DOOR
- 5 EXTERIOR BALCONY
- 6 EXTERIOR STAIR
- 7 EXTERIOR ROOF
- 8 EXTERIOR SIGNAGE
- 9 EXTERIOR LIGHTING
- 10 EXTERIOR VENTILATION
- 11 EXTERIOR MECHANICAL
- 12 EXTERIOR ELECTRICAL
- 13 EXTERIOR PLUMBING
- 14 EXTERIOR PAINT
- 15 EXTERIOR FINISH
- 16 EXTERIOR MATERIAL
- 17 EXTERIOR DETAIL
- 18 EXTERIOR SECTION
- 19 EXTERIOR CONNECTION
- 20 EXTERIOR ANCHOR
- 21 EXTERIOR FASTENER
- 22 EXTERIOR JOINT
- 23 EXTERIOR GROUNDING
- 24 EXTERIOR PROTECTION

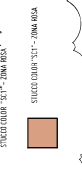


DATE: 10 OCTOBER 2024
 REVISION: 2 MARCH 2025
 1 JULY 2025
 2 MARCH 2025

SHEET TITLE: BLDG TYPE E EXTERIOR ELEVATIONS

ELEVATION NOTES

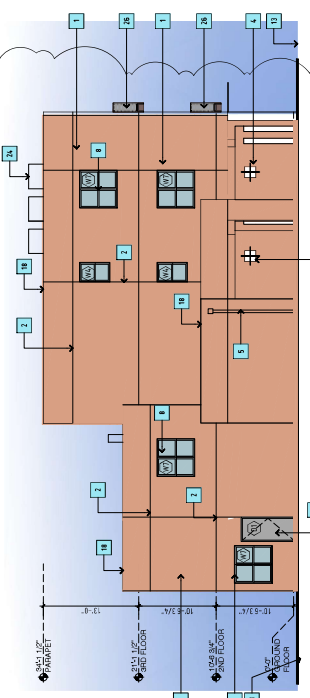
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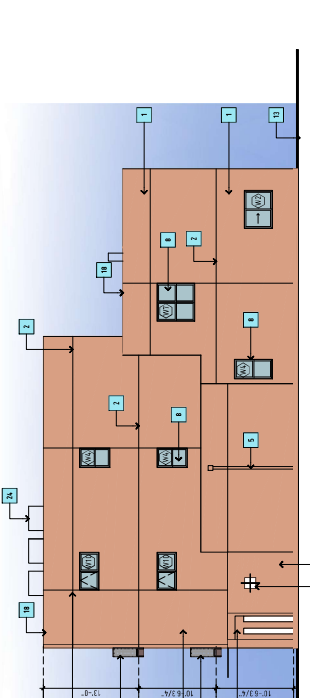
PLAZA CENTRAL
 ZORRO BLANCO LLC
 7255 PLAZA CENTRAL, SANTA FE, NEW MEXICO 87508
 ARCHITECT
 THOMAS GIFFORD ARCHITECT
 10000 UNIVERSITY BLVD, SUITE 100, SANTA FE, NEW MEXICO 87505
 AE_201

CITY OF SANTA FE
 ZORRO BLANCO
 EXTERIOR ELEVATION
 12 AUGUST 2025
 AE_201

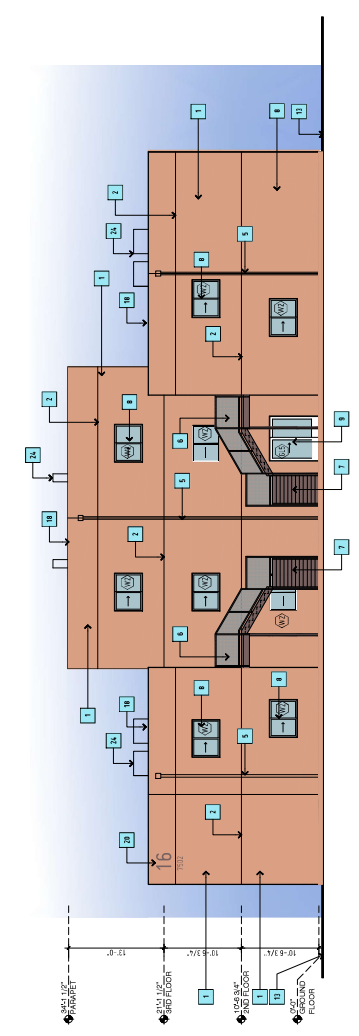
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 PROJECT NAME:
 DRAWING TYPE:
 DRAWING DATE:
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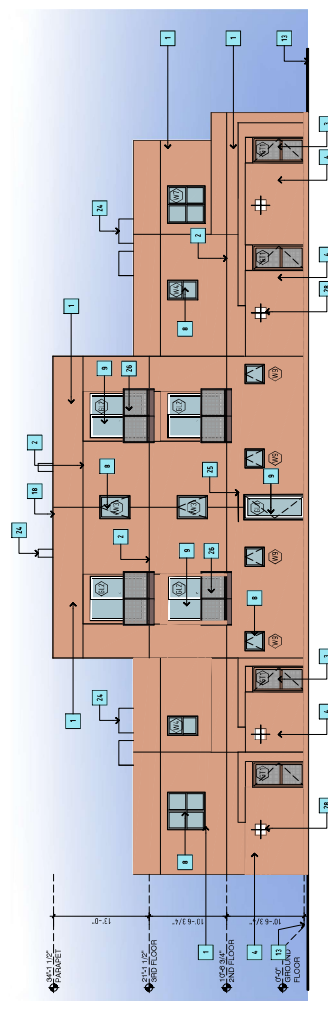
3 | BLDG TYPE E EAST ELEVATION
 SCALE: 1/8" = 1'-0"



4 | BLDG TYPE E WEST ELEVATION
 SCALE: 1/8" = 1'-0"



2 | BLDG TYPE E NORTH ELEVATION
 SCALE: 1/8" = 1'-0"



1 | BLDG TYPE E SOUTH ELEVATION
 SCALE: 1/8" = 1'-0"

ELEVATION KEY NOTES

- 1 STUCCO SYSTEM
- 2 EXTERIOR WALL, STUCCO AND PAINT
- 3 STUCCO OVER METAL STUDS
- 4 STUCCO OVER WOOD FRAME
- 5 CONCRETE BLOCK AND WINDOW SILL
- 6 CONCRETE BLOCK AND WINDOW SILL
- 7 STUCCO OVER METAL STUDS
- 8 STUCCO OVER WOOD FRAME
- 9 CONCRETE BLOCK AND WINDOW SILL
- 10 STUCCO OVER METAL STUDS
- 11 STUCCO OVER WOOD FRAME
- 12 CONCRETE BLOCK AND WINDOW SILL
- 13 STUCCO OVER METAL STUDS
- 14 STUCCO OVER WOOD FRAME
- 15 CONCRETE BLOCK AND WINDOW SILL
- 16 STUCCO OVER METAL STUDS
- 17 STUCCO OVER WOOD FRAME
- 18 CONCRETE BLOCK AND WINDOW SILL
- 19 STUCCO OVER METAL STUDS
- 20 STUCCO OVER WOOD FRAME
- 21 CONCRETE BLOCK AND WINDOW SILL
- 22 STUCCO OVER METAL STUDS
- 23 STUCCO OVER WOOD FRAME
- 24 CONCRETE BLOCK AND WINDOW SILL
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- 26 STUCCO OVER WOOD FRAME
- 27 CONCRETE BLOCK AND WINDOW SILL
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- 95 STUCCO OVER WOOD FRAME
- 96 CONCRETE BLOCK AND WINDOW SILL
- 97 STUCCO OVER METAL STUDS
- 98 STUCCO OVER WOOD FRAME
- 99 CONCRETE BLOCK AND WINDOW SILL
- 100 STUCCO OVER METAL STUDS

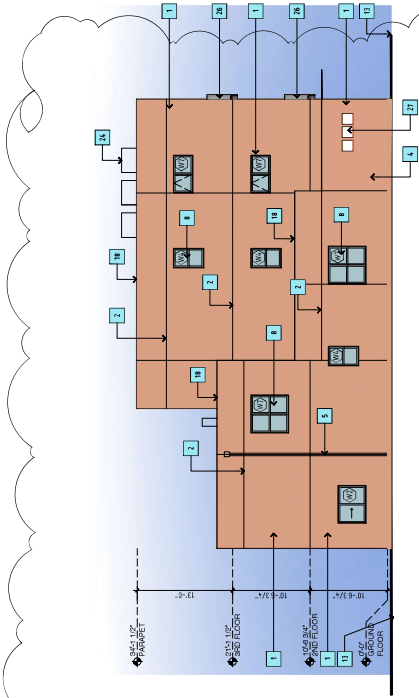


DATE: 10 OCTOBER 2024
 REVISION: 2 MARCH 2025
 1 JUL 2025
 2 MARCH 2025
 3 FEBRUARY 2025

SHEET TITLE: BLDG TYPE EXTERIOR ELEVATIONS

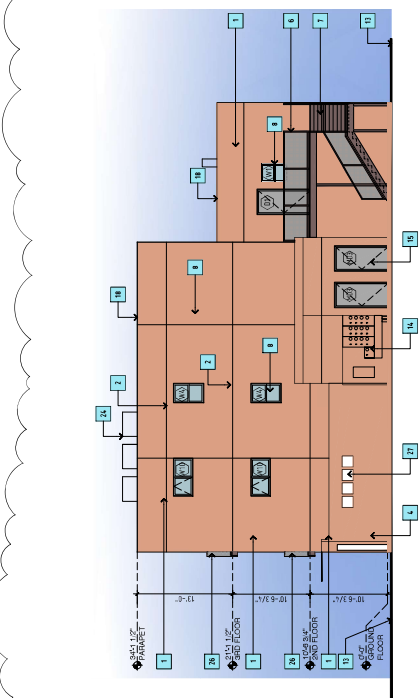
4 | BLDG F - WEST ELEVATION

SCALE: 1/8" = 1'-0"



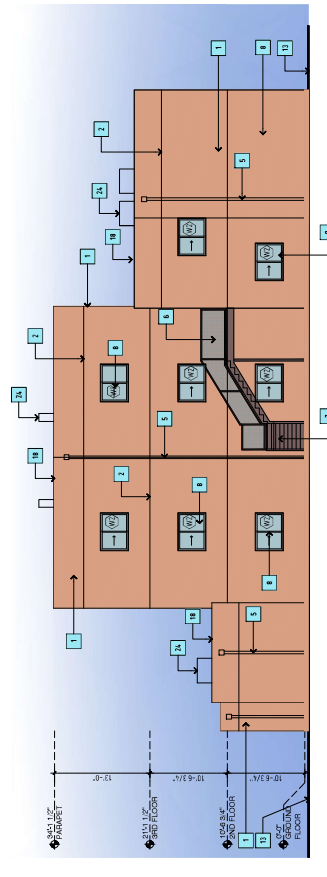
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SCALE: 1/8" = 1'-0"



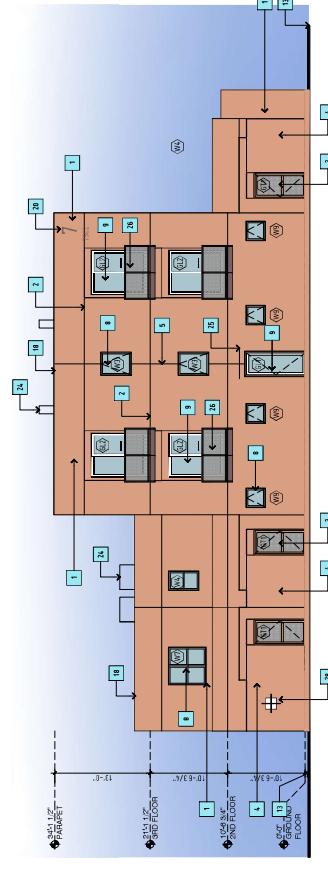
2 | BLDG F - NORTH ELEVATION

SCALE: 1/8" = 1'-0"



1 | BLDG F - SOUTH ELEVATION

SCALE: 1/8" = 1'-0"



ELEVATION NOTES

1. REFER TO ALL SCHEDULES FOR MATERIALS AND FINISHES.
2. REFER TO ALL SCHEDULES FOR WINDOW TYPES AND SIZES.
3. REFER TO ALL SCHEDULES FOR DOOR TYPES AND SIZES.
4. REFER TO ALL SCHEDULES FOR STAIR TYPES AND SIZES.
5. REFER TO ALL SCHEDULES FOR ELEVATION TYPES AND SIZES.
6. REFER TO ALL SCHEDULES FOR ELEVATION TYPES AND SIZES.
7. REFER TO ALL SCHEDULES FOR ELEVATION TYPES AND SIZES.
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KEY PLAN



CITY OF SANTA FE
 ZORRO BLANCO
 EXTERIOR ELEVATION
 12 AUGUST 2025
 AF_201

JURISDICTION:
 PROJECT NAME:
 DRAWING TYPE:
 DRAWING DATE:
 SHEET NUMBER:

City of Santa Fe, New Mexico

Attachment C

Applicant Submittals and Development Plan

13. Affordable Housing Correspondence

SOMMER KARNES & ASSOCIATES LLP

Mailing Address

Post Office Box 2476
Santa Fe, New Mexico 87504-2476

Street Address

125 Lincoln Ave
Suite 221
Santa Fe, NM 87501

Telephone:(505) 989-3800
Facsimile:(505) 288-3601

Karl H. Sommer, Attorney at Law
khs@sommerkarnes.com
Joseph M. Karnes, Attorney at Law
jmk@sommerkarnes.com

John R. Fox Attorney at Law
johnf@sommerkarnes.com
Of Counsel

February 14, 2025

Board of Directors
Tierra Contenta Corporation
c/o Lisa Gavioli
Project Manager | NV5
1807 Second Street, Ste. 40
Santa Fe, NM 87505

Re: Project: "Zorro Blanco"
Owner: ZYDECO TCVP LAND LLC
Address: 7205 Plaza Central, Santa Fe, New Mexico 87507
No. Units: 164 Market Rate Rental Units
Legal Description: TIERRA CONTENTA VILLAGE PLAZA S/D
PHASE 2-C, LOT 10

Dear Members of the Board of Directors:

This firm represents ZYDECO TCVP LAND LLC ("Zydeco"), which company has applied for a development plan approval from the City of Santa Fe Planning Commission for a 164-unit multifamily residential apartment complex ("Zorro Blanco"). The Architectural Review Committee of the Tierra Contenta Corporation ("TCC-ARC") reviewed and approved the Zorro Blanco development on December 17, 2024. Zydeco must comply with the affordable housing requirements as set by Tierra Contenta Corporation Board of Directors (the "Board"). We submit this letter application for the Board's consideration of an alternative means of compliance with the affordable housing requirements for Zorro Blanco.

Zydeco proposes to donate a parcel of land in lieu of providing on-site affordable rental units, which donation would be to a qualified and experienced non-profit company that would undertake to develop the parcel into twelve (12) affordable housing units for sale to qualified home buyers. Here are the specifics of the proposal:

- 1. Land to be Donated:** Zydeco would create a .689 acre parcel adjacent to Zorro Blanco.
- 2. Description of Units:** The parcel will accommodate twelve (12) fee simple units having three bedrooms, a single car garage, and approximately 1,800 square feet per unit, front yards, an exterior deck, as well as required on-site parking (in addition to garages), and required open space.

SOMMER, KARNES & ASSOCIATES, LLP

Tierra Contenta Corporation

February 14, 2025

Page 2 of 3

3. **Partner:** Zydeco is in communication and negotiations with several local non-profit home builders, one of which would take the land and enter into agreements to complete the buildout and meeting the affordable housing standards for income qualified families. Zydeco's desire is to partner with a non-profit serving families at sixty percent of the Area Median Income. As the Board is aware, affordable housing for such families is not generally available in Santa Fe.
4. **Aspects of the Plan:** Attached are graphic depictions of the proposed affordable housing, including (a) Site Plan, (b) Renderings of the buildings, and (c) Floor Plans for all three (3) levels of the Units. The proposed site is located astride Plaza Central and just south of the Zorro Blanco multifamily development and leverages an existing curb cut for access, existing street infrastructure, and existing utilities, which are or will be brought to the property line. The site is suitable for residential development and does not possess any environmental challenges, such as slope or sensitive terrain. The site has been graded. A recent traffic study considered an additional twenty-five (25) units to the multifamily development traffic study, which concluded there would be no negative impact on the traffic. Additionally, the subject site is well situated to take advantage of the full benefits of future retail development, per the Tierra Contenta master plan.

We believe that this alternative means of compliance is in keeping with and best serves Tierra Contenta's overall mission and purpose to provide affordable housing of all types to the families most in need of housing. Additionally, Zydeco would be amenable to providing a partial "fee in lieu" to provide additional housing resources, which partial "fee in lieu" would be in addition to the proposed donation of land. If the Board finds that the proposal is not acceptable, Zydeco proposes to pay the "fee in lieu" required by the City's Santa Fe Homes Program. Attached is a form for a "fee in lieu" provided by the City of Santa Fe pursuant to which any "fee in lieu" would be made. By separate correspondence, I will provide a link to a Dropbox containing all of the submittals made to the City of Santa Fe for the application for a development plan approval.

SOMMER, KARNES & ASSOCIATES, LLP

Tierra Contenta Corporation

February 14, 2025

Page 3 of 3

We understand that the Board meets virtually. Please give us the date for the Board meeting and let us know if more information is needed at this time.

Sincerely,

A handwritten signature in blue ink that reads "Karl H. Sommer" with a horizontal flourish at the end.

Karl H. Sommer

cc: Zydeco TCVP
Daniel Alvarado, City Staff

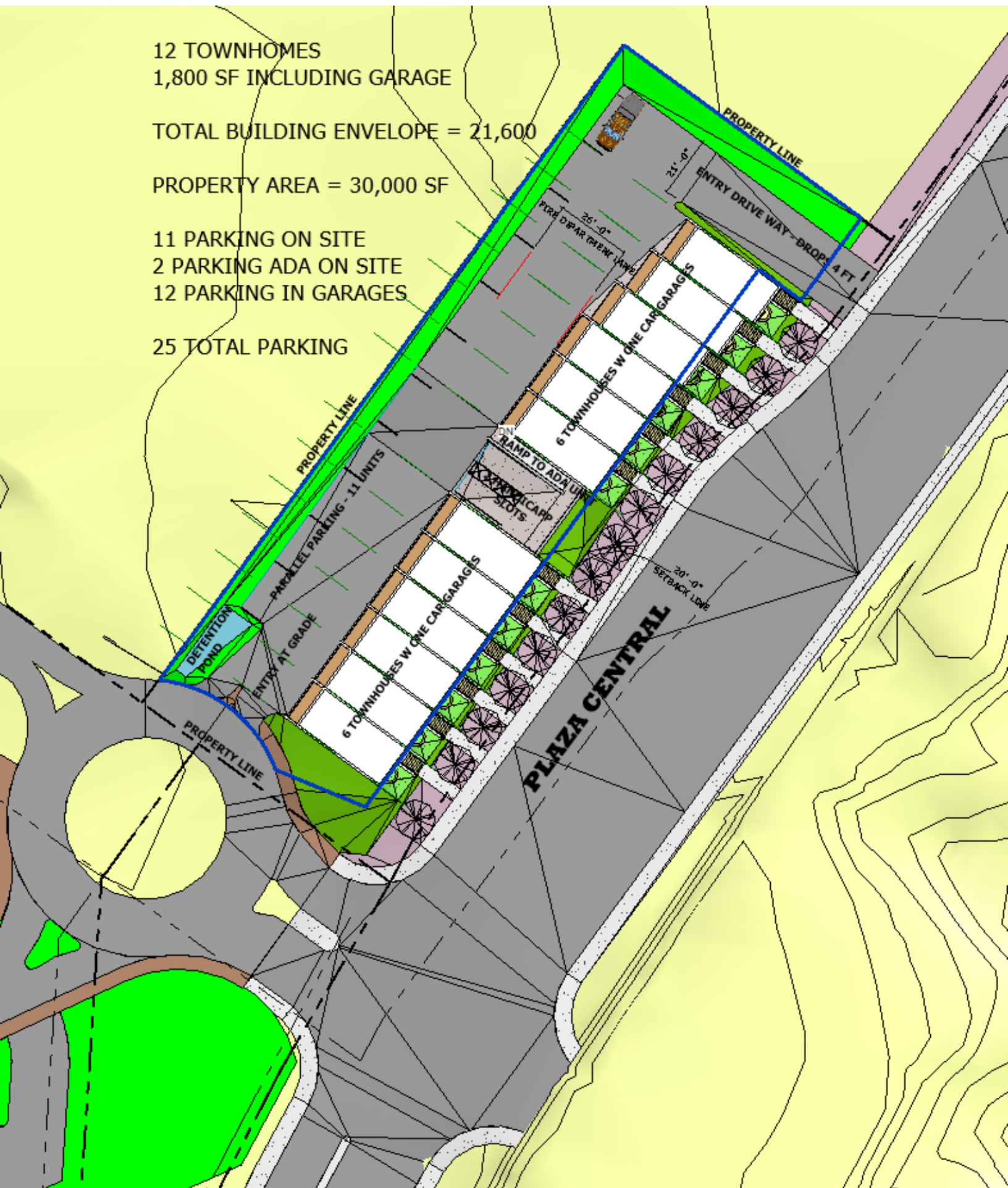
12 TOWNHOMES
1,800 SF INCLUDING GARAGE

TOTAL BUILDING ENVELOPE = 21,600

PROPERTY AREA = 30,000 SF

11 PARKING ON SITE
2 PARKING ADA ON SITE
12 PARKING IN GARAGES

25 TOTAL PARKING



**CITY OF SANTA FE
SANTA FE HOMES PROGRAM
FEE-IN-LIEU OF RENTAL AGREEMENT**

*“Zorro Blanco”
7205 Plaza Central, Santa Fe, New Mexico*

This Santa Fe Homes Program (“SFHP”) Agreement (“Agreement”) is made and entered into this _____ day of _____, 2025, by and between the City of Santa Fe, New Mexico, a New Mexico Municipal Corporation (“City”) and Zydeco TCVP Land, LLC, a New Mexico limited liability company (“SFHP Developer”).

RECITALS

- A. **WHEREAS**, the City has duly adopted the Santa Fe Homes Program and administrative procedures (collectively, the “SFHP”) and other regulatory structures in order to ensure that private development bears its fair share of the burden of housing affordability in the Santa Fe community.
- B. **WHEREAS**, in accordance with the requirements of the SFHP, the SFHP Developer has submitted an SFHP proposal (“SFHP Proposal”), which provides the procedural prerequisite for this Agreement;
- C. **WHEREAS**, the SFHP Developer is the developer of Zorro Blanco, and in its SFHP Proposal, the SFHP Developer has proposed to develop the property as described in the document attached hereto as **Exhibit 1** (development plan), incorporated herein by reference, and hereinafter referred to as the “Property”.
- D. **WHEREAS**, the SFHP Developer desires to develop the Property subject to and upon the terms and conditions hereinafter set forth and in compliance with Sections 14-9.11 and 26-1 *et seq.* Santa Fe City Code (SFCC) 1987.
- E. **WHEREAS**, pursuant to Ordinance 2016-09, the Governing Body approved amending the Santa Fe Homes Program requirement to allow developers of rental housing to pay a fee-in-lieu instead of seeking an alternate means of compliance. Incentives for SFHP developers, as set forth in subsection 14-8.11 SFCC 1987, will not be available for these projects.

F. **WHEREAS**, 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.

AGREEMENTS

NOW, THEREFORE, in consideration of the premises, the following agreements and undertakings of the parties, the City and the SFHP Developer, for themselves and their heirs, successors and assigns, hereby agree to be bound by the following terms in order to ensure SFHP compliance, and hereby agree as follows:

1. DEVELOPMENT REQUEST

A. SFHP Developer is in the process of receiving final development plan approval to build 165 rental units, priced at market rates.

B. The Developer agrees to comply with the Santa Fe Homes Program Ordinance through the payment of a fee, established on an “affordability gap” measure as per SFHP Administrative Procedures.

2. OBLIGATIONS

A. No SFHP Homes Required. Because the project meets the criteria outlined in Ordinance 2016-09, the SFHP does not require construction of any SFHP Homes on-site.

B. Fee Agreement. The SFHP Developer agrees to make a payment of **###,###** (the SFHP Payment), as calculated pursuant to the SFHP and as described in **Exhibit 2**. The payment shall be made payable to the City of Santa Fe and dedicated to the Affordable Housing Trust Fund (AHTF). The fee revenues will be used to provide tenant based, scattered site rental assistance to income-qualified renters or to provide capital support for an off-site affordable rental housing project.

C. Payment Deadline. The amount set forth in paragraph 2.B above shall be made to the City’s Office of Affordable Housing as follows:

1) The amount due will be calculated according to the SFHP pricing schedule in place when payment is made. The full payment is due at the time of building permit application.

2) If none of the previous documents are required, a copy of this Agreement and a receipt that the fee has been paid shall be included with the application for a building permit.

3. ENFORCEMENT

A. Remedies. Failure to make the full payment required under this agreement by the time of building permit issuance will result in any or all of the following sanctions, depending upon which the Office of Affordable Housing judges to be the most effective and appropriate given the circumstances:

- a) Withholding the recording of plats or plans,
- b) Withholding or revoking building permits,
- c) Issuing stop work orders, and
- d) Withholding or revoking certificates of occupancy.

B. Other Remedies Available. It is understood and agreed by the SFHP Developer that the remedies provided under Section 4.1 of this Agreement are non-exclusive. This Agreement shall not restrict the City's recourse to any remedy available under the law including, but not limited to, liens and litigation.

C. Notice. The City agrees to provide written notice pursuant to the SFHP of any violation or alleged violation of the terms and conditions of this Agreement. The SFHP Developer will give the City written notice of any violation or alleged violation of the terms and conditions of this Agreement. Both parties will give the other party thirty days to cure any violation or alleged violation of this Agreement.

City of Santa Fe:
Office of Affordable Housing
PO Box 909
Santa Fe, NM 87504-0909

SFHP Developer:
Zydeco TCVP Land, LLC
428 Sandoval St.
Santa Fe, NM 87501

4 SUCCESSORS IN TITLE/COVENANTS TO RUN

In the event that SFHP Developer sells, assigns, leases, conveys, mortgages, or encumbers the Property to any third party, the third party shall be provided with a copy of this Agreement and shall be required to comply with this Agreement. The terms and conditions of this Agreement run with the land and are binding upon all heirs, successors, and assigns.

5. RECORDATION

The SFHP Developer agrees to put into escrow a check payable to the Santa Fe County Clerk's office to pay for recording this Agreement in the amount of \$25.00. The City will record the Agreement within ten days after the date of the last signature obtained unless the SFHP Developer pays in full the required SFHP Payment. If paid in full, the City will not record the Agreement and will return the check.

6. CITY'S ZONING AUTHORITY UNIMPAIRED

The City's rights to enforce any and all provisions of the Santa Fe City Code shall be the same as its rights generally to enforce any other ordinance, which shall in no way be diminished by this Agreement. The SFHP Developer acknowledges that this Agreement is included within the zoning authority and charter authority of the City, which is, and is hereby, accepted by the SFHP Developer as a sufficient but additional basis for this Agreement.

7. CAPTIONS

The captions and paragraph headings of this Agreement are not necessarily descriptive or intended or represented to be descriptive, of all the provisions thereunder, and in no manner shall such captions and paragraph headings be deemed or interpreted to limit the provisions of this Agreement.

8. FURTHER ASSURANCES

The parties agree to execute such documents as may be required to show the satisfactory compliance with SFHP Ordinance (SFCC 26-1) and this Agreement.

9. SEVERABILITY

If any provision of this Agreement, or the application of such provisions to any person or circumstances, shall be held invalid, the remainder of this Agreement, or the application of such provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

10. NO WAIVER

No actions taken by the parties following a breach of any of the terms contained in this Agreement shall be construed to be a waiver of any claim or consent to any succeeding breach of the same or any other term.

11. NUMBERS AND GENDERS

Whenever used herein, unless the context shall otherwise provide, the singular number shall include the plural, the plural the singular, and the use of any gender shall include all genders.

12. GOVERNING LAW; VENUE; INTERPRETATION

SFHP Developer shall abide by all applicable federal and state laws and regulations, and all ordinances, rules, and regulations of the City of Santa Fe. In any action, suit or legal dispute arising from this Agreement, the SFHP Developer agrees that the laws of the State of New Mexico shall govern. The parties agree that any action or suit arising from this Agreement shall be commenced in a federal or state court of competent jurisdiction in New Mexico. Any action or suit commenced in the courts of the State of New Mexico shall be brought in the First Judicial District Court.

This Agreement shall be enforceable according to its terms and New Mexico law. This Agreement is subject to the general principles of equity, fairness and reasonableness irrespective of whether such enforcement or interpretation is considered in a proceeding at equity or in law and shall be construed according to its purpose of fostering and preserving affordable housing. Any benefit to private parties arising under this Agreement is purely incidental to the purpose of creating affordable housing.

13. SCOPE OF AGREEMENT

This Agreement incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements, and understandings have been merged into this written Agreement. No prior agreement or understanding, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this Agreement. This Agreement shall not relieve the SFHP Developer from complying with present or future City ordinances, duly adopted resolutions, or regulations applicable to the development.

14. AMENDMENTS

This Agreement shall not be altered, changed, or amended except by instrument in writing executed by the parties hereto. Any amendments to this Agreement shall be reviewed by the Office of Affordable Housing and sent, if applicable, to the appropriate review body as set forth in

the SFHP Ordinance and then to the City Manager for approval.

15. TERM

This Agreement shall remain in force until the full payment of the SFHP Payment obligation set forth herein.

16. PUBLIC PURPOSE

The City declares, and the SFHP Developer acknowledges, that this Agreement as well as all restrictions contained in this Agreement are for public purposes.

WHEREFORE, the parties set their hands and seals this ____ day of _____, 2025.

ATTEST:

CITY OF SANTA FE:

GERALYN CARDENAS,
INTERIM CITY CLERK

CITY MANAGER

APPROVED AS TO FORM:

CITY OF SANTA FE:

ASSISTANT CITY ATTORNEY

EMILY OSTER,
FINANCE DIRECTOR

Zydeco TCVP Land, LLC

By: _____
Richard Yates

Its: Manager

ACKNOWLEDGEMENTS

STATE OF NEW MEXICO)

) ss.

COUNTY OF SANTA FE)

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

NOTARY PUBLIC

My Commission Expires:

Attach: Exhibit 1 - Development plan
Exhibit 2 – SFHP Pricing & Rental schedule

SFHP RENTAL UNIT CALCULATION WORKSHEET

The project has C-1 zoning district, permitting 165 units with applicable 15% density bonus. The project has an area of approximately 6.9 acres. The project is proposing 165 rental homes; 11 studio, 93 one-bedroom units, 59 two-bedroom units, and 2 three-bedroom units. There **are not** additional land use requirements for this site as identified in Ch. 14.

The SFHP requirement is calculated below:

= Total # of units multiplied by (0.15) = the # of SFHP rental units required
 = 165 total units x 0.15 = 24.75 SFHP unit(s) is/are required.

In lieu of providing affordable rental units, the Developer proposes to comply with SFHP through the payment of a fee as per Ordinance 2016-09.

2024 Affordability Gap Voucher

	HUD FMR	SFHP Avg	Base Gap	Base Gap before 6/30/23	Base Gap as of 7/1/24
Studio	\$ 1,171	\$ 764	\$ 396	\$ 714	\$ 793
1 BR	\$ 1,317	\$ 764	\$ 542	\$ 976	\$ 1,085
2 BR	\$ 1,535	\$ 885	\$ 650	\$ 1,170	\$ 1,300
3 BR	\$ 1,960	\$ 1,005	\$ 955	\$ 1,719	\$ 1,911
4 BR	\$ 2,044	\$ 1,137	\$ 907	\$ 1,632	\$ 1,814

Proposed Project

Unit Type	% of Total	# of Units
Studio	6.67%	11
1 BR	56.36%	93
2 BR	35.76%	59
3 BR	1.21%	2
	100%	

Steps for Calculation

1. enter # of each unit type
2. multiply # of units by 15%
3. multiply # of affordable units by fee/unit/month
4. multiply fee/month by 24 (months) = Project Fee
5. Sum Project Fee to get Total Project Fee

2024 Affordability Gap Voucher Calculation

Bedrooms	# Units	Aff'd Units	Fee/Unit	Total Fee	Fee After 7/1/24
Studio	11	1.65#	\$ 714	\$ 28,274.40	\$31,402.80
1	93	13.95#	\$ 976	\$ 326,764.80	\$363,258
2	59	8.85#	\$ 1,170	\$ 248,508.00	\$276,120
3	2	0.3#	\$ 1,719	\$ 12,376.80	\$13,759.20
	165	24.75		\$ 615,923	\$684,540

Total Fee = \$684,540

Fee per market rate unit = \$4,179

NOTE: The rental fee schedule is 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 current SFHP prices that are in effect at the time the SFHP fees are paid determines the actual amount of the fee. The prices are updated annually.



April 29, 2025

Zydeco TCVP Land LLC
c/o Karl Sommer
Sommer Karnes & Associates LLP
PO Box 2476
Santa Fe, NM 87504-2476

RE: Response to Zorro Blanco Affordable Housing Proposal

Dear Karl and Zydeco Development Team,

Thank you for your continued engagement with the Tierra Contenta Corporation. The Board appreciates Zydeco's willingness to explore alternative-compliance pathways and recognizes the project's potential contribution to Santa Fe's housing inventory.

After carefully reviewing your March 14, 2025, cash-in-lieu offer of \$684,619.20, the Board has unanimously determined that the proposal does not satisfy TCC's affordability aspirations or community benefit standards and cannot be accepted. Below, we'd like to review and invite further collaboration to explore possible alternatives.

TCC's 40% Affordability. Tierra Contenta's annexation agreement has 40% affordability community-wide, far exceeding the City of Santa Fe's 15% minimum. Accepting a fee aligned with the City's lower standard would undermine our mission to serve Santa Fe's workforce and families equitably. TCC's master plan calls for roughly 40 percent of all homes in the community to be affordable. A fee keyed to the City's 15 percent minimum falls well short of that target.

Tangible Housing Production/ Need for Actual Homes. Alternatives are welcome, especially if they result in tangible new affordable units—either on the *Zorro Blanco* site or elsewhere where construction is assured.

Board's Willingness to Consider a Stronger Package. The Board remains open to alternatives. We invite Zydeco to resubmit a revised proposal. TCC and our technical advisors are prepared to review potential parcels, infrastructure scenarios, or other creative solutions that can credibly deliver additional affordable homes. We liked the spirit of donating land to Habitat for Humanity, yet the parcel offered was too small and lacked a clear path to homes on the ground.

Tierra Contenta

We remain open to stronger ideas, for example:

1. *A larger—or more build-ready—parcel (on-site or off-site) donated to a qualified nonprofit builder that commits to delivering homes.*
2. *In-kind work that lowers the cost of producing affordable units (infrastructure, park improvements, trail connections, etc.).*
3. *A higher fee that reflects the gap between 15 percent and our 40 percent community goal, with funds earmarked for unit production.*
4. *A mixed approach combining land, in-kind improvements, and/or a supplemental fee.*

Next Steps. Please submit a revised affordable-housing compliance plan by the 20th of the Month so that the Board may place it on the agenda for the next month's meeting. We encourage you to coordinate with Lisa Gavioli of NV5. We value Zydeco's interest in developing within Tierra Contenta. We remain optimistic that we can achieve a solution that advances both the Zorro Blanco project and the community's long-term affordability objectives.

Sincerely,



Alexandra Ladd, Board Chair
Tierra Contenta Corporation

SOMMER KARNES & ASSOCIATES LLP

Mailing Address

Post Office Box 2476
Santa Fe, New Mexico 87504-2476

Street Address

125 Lincoln Ave
Suite 221
Santa Fe, NM 87501

Telephone:(505) 989-3800
Facsimile:(505) 288-3601

Karl H. Sommer, Attorney at Law
khs@sommerkarnes.com
Joseph M. Karnes, Attorney at Law
jmk@sommerkarnes.com

John R. Fox Attorney at Law
johnf@sommerkarnes.com
Of Counsel

May 8, 2025

VIA EMAIL TO: lisa.gavioli@nv5.com

Tierra Contenta Corporation (“TCC”)
Board of Directors
c/o Lisa Gavioli, AICP
Senior Project Manager
NV5
1807 Second Street, Ste. 40
Santa Fe, NM 87505

Re: Zorro Blanco
Proposed 165 Apartment Project
Parcels Zoned C-1
7205 Plaza Central
Santa Fe, N.M.
Owner: TCVP LLC

Dear Members of the Board:

We received Ms. Ladd’s letter of April 29, 2025, with the Board’s response to TCVP LLC’s proposal to provide affordable housing or a fee in lieu of for our apartment project, Zorro Blanco. Thank you for your time in reviewing our proposals.

Our application for development plan approval was submitted in October 2024 to the Planning Department of Santa Fe with required documents for approval or denial by the City of Santa Fe Planning Commission. In the initial submittal, TCVP elected to pay a “fee in lieu” to meet the requirements of the Santa Fe Homes Program. Since the property resides in the Tierra Contenta PUD, we could not get clarification from the City of Santa Fe about the affordable housing requirements for this parcel. Our inquiries were met with inconsistent answers. Early in our inquiries, City Staff indicated we had to comply with the Santa Fe Homes Program. After months of inquiry, we were told that the Restated Annexation Agreement for Tierra Contenta (recorded 12/13/94 at Book 1122, Page 756) (the “Annexation Agreement”) obligated TCC to certain affordability standards which exempted lands within Tierra Contenta from the Santa Fe Homes Program under Section 26-1.8B.1 of the Code¹. We were instructed that the Annexation

¹ Section 26-1.8B.1 of the Santa Fe Homes Program does not apply to “a development or portion thereof

SOMMER, KARNES & ASSOCIATES, LLP

TCC Board

May 8, 2025

Page 2 of 3

Agreement provides TCC with jurisdiction and the authority to impose affordable housing requirements on residential projects. However, the Annexation Agreement does not impose specific affordable housing requirements on any particular applicant or parcel of land, i.e., there is no 40% affordability on all housing projects. Rather, TCC agreed (in the Annexation Agreement) to maintain 40% affordability *across the totality of 3,700 planned residential units*.

In a meeting on May 21, 2021, with Daniel Werwath, the previous Executive Director of TCC, Mr. Werwath confirmed that TCC accepted projects that went from 100% to 0% affordable units and had accomplished or exceeded the 40% mandate for affordability for Phase 1 and Phase 2. Historically, TCC imposes requirements on an *ad hoc* basis. It is not clear to us what mechanism is utilized to impose the affordability requirements on other properties, i.e., affordable housing agreements, covenants, etc.

The TCVP property was shown as commercial in the 2005 Master Plan and must not have been contemplated as contributing any housing to TCC's 40% obligation. The land was sold to Commercial Center @599, Inc in 2010 and was annexed and zoned for commercial uses. If housing had been contemplated, TCC would presumably have sold the property with a covenant or other written agreement requiring any housing to meet TCC's affordable mandate. If TCC has met its 40% overall affordability mandate, we wonder why the TCVP property is subject to any affordability requirement. No restrictive covenants or other agreements were imposed when TCC sold the TCVP property.

We have concluded that the Annexation Agreement imposes a general requirement upon TCC to ensure that the 40% affordability be maintained on the residential uses. The imposition is upon TCC, and TCC was in a legal position to impose the requirements on the landowners to whom property was sold. The Annexation Agreement did not vest TCC with the ability to impose requirements on properties after it sold properties, no matter how TCC operated in the past. The Annexation Agreement does not vest – nor could it vest – the power to TCC to make zoning exactions (like affordable housing) during a development approval process. Only the City of Santa Fe has that authority, which it exercised when it enacted the Santa Fe Homes Program. Again, TCC has the authority to impose requirements only when it sells properties in Tierra Contenta in order to meet its obligations under the Annexation Agreement. The Annexation Agreement's requirements for affordable housing are expressly between the City and TCC; it does not require any particular property owners who buy from TCC to do anything after the sale. Therefore, it is our opinion that the TCVP property is not subject to an agreement that would exempt it from the Santa Fe Homes Program and that the

that is subject to any formal, written, and binding agreement entered into prior to August 15, 2005, with the city or Santa Fe County in which the signatories agreed to provide affordable housing or payment in lieu thereof", and we were told the Restated Annexation Agreement qualifies as such a prior existing agreement.

SOMMER, KARNES & ASSOCIATES, LLP

TCC Board

May 8, 2025

Page 3 of 3

strictures of the Santa Fe Homes Program apply to the TCVP development plan application.

TCVP has expended a significant sum in the development approval process, and TCVP is prepared to test the legal authority of TCC to impose an affordable housing requirement on property it has sold without an affordable covenant. The proposed requirements beyond those required by the Santa Fe Homes Program has jeopardized the project's viability.

TCVP is willing to proceed with its proposal of March 14, 2025, to pay TCC an affordable housing fee in the amount \$ \$684,619.20 for the project and forego the challenge to TCC's authority (assuming the City of Santa Fe accepts the agreement between TCC and TCVP as meeting the affordable housing requirements for the TCVP property.) The \$684,619.20 represents the fee that would be paid under the Santa Fe Homes Program. We prefer to see TCC receive the "fee in lieu of" rather than the City of Santa Fe, which will be the result should our position regarding TCC's authority prove correct, or the project is abandoned.

We will appreciate your reply by May 16, 2025. If we are unable to agree by that time, TCVP will have to press the challenge outlined above and request that its project proceed before the City Planning Commission.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Karl H. Sommer" with a horizontal flourish extending to the right.

Karl H. Sommer

cc: TCVP, LLC



May 15, 2025

Zydeco TCVP Land LLC
c/o Karl Sommer
Sommer Karnes & Associates LLP
PO Box 2476
Santa Fe, NM 87504-2476

RE: Response regarding Zorro Blanco “fee in lieu” proposal

Dear Karl and Zydeco TCVP Development Team,

In response to your letter dated May 8, 2025, the Tierra Contenta Corporation Board of Directors has determined to accept your offer to pay TCC an affordable housing fee in the amount of \$684,619.20 for the Zorro Blanco project, in lieu of providing affordable housing units.

The Tierra Contenta Corporation acknowledges that Tract 51 was originally designated as “Office/Business Incubator” and was contemplated as part of a Village Center in the Tierra Contenta Master Plan and Restated Annexation Agreement (1994). When the tract was sold, non-residential uses were likely still anticipated for this tract, and as a result it is assumed that no affordable housing requirements were discussed. Since that time in response to market demand and Santa Fe’s deepening housing crisis, residential uses have been planned for Tract 51, including the proposed Zorro Blanco development.

TCC accepts Zydeco TCVP’s affordable housing fee offer, which is equivalent to the fee-in-lieu option as an alternative means of compliance required by the Santa Fe Homes Program for multifamily developments. As the TCC Board has had additional time to consider the offer, we feel it represents an effort by Zydeco TCVP to meet the spirit of the Tierra Contenta Annexation Agreement and Master Plan and to exceed the affordable housing requirements that were originally contemplated for Tract 51 when it was anticipated to be non-residential in use.

Again, we value Zydeco's interest in developing within Tierra Contenta, and we feel that this solution allows for the Tierra Contenta Master Plan and Annexation Agreement obligations to be met, for TCC to further its mission, and for the Zorro Blanco project to progress.

Sincerely,

Alexandra Ladd

Alexandra Ladd, Board Chair
Tierra Contenta Corporation



August 7, 2025

Heather Lamboy, Director
Dan Esquibel, Current Planning Division Manager
Alexa Hempel, Senior Planner
Planning and Land Use Department
City of Santa Fe
Delivered via email to: hllamboy@santafenm.gov, daesquibel@santafenm.gov,
anhempel@santafenm.gov

RE: Affordable Housing Fee In-Lieu for proposed Zorro Blanco Development

Dear Heather, Dan, and Alexa,

On behalf of the Tierra Contenta Corporation (TCC), we thank you for your dedication to expanding housing opportunities in Santa Fe. As longtime partners in this work, we recognize the complex balancing act that staff must perform—between housing supply, community expectations, planning horizons, and resource allocation. We are writing today to express concerns over the proposed Zorro Blanco development proposal and to make a request.

In reviewing the staff report and application materials for the proposed Zorro Blanco development, which is slated for review by the Planning Commission this evening, we noted that there is no affordable housing proposal or draft affordable housing agreement included. Further, the staff report references that the Santa Fe Homes Program does not apply to the development and that instead the tract is subject to the Tierra Contenta Annexation Agreement and affordable housing provisions therein but does not indicate how the development complies with these.

We respectfully disagree with the City's conclusion that affordable housing requirements don't apply to this parcel. Over nearly a year, TCC has been in communication with Zydeco TCVP Land, LLC (the Applicant). During this time, the Tierra Contenta Architectural Review Committee voted to approve the design of the project and the Board of Directors negotiated with the Developer to ensure compliance with affordable housing requirements. The outcome of such negotiations was that the Applicant would pay a fee-in-lieu of setting aside rent-restricted units. This fee would be calculated according to the City's inclusionary zoning requirement (the Santa Fe Homes Program – SFHP – SFCC 26-1.22(B)). The Developer agreed to pay the in-lieu fee and it was the Board's understanding that this requirement would be executed by the City and the fee deposited into the Affordable Housing Trust Fund.

While the SFHP would not typically apply in Tierra Contenta, the Board concluded that the SFHP requirement was triggered at the time the parcel was rezoned for residential uses, as described in SFCC Chapter 14(D)1. This trigger was not enforced at the time of rezoning and so the Board proceeded to negotiate compliance, according to the SFHP. That said, we respectfully request that the Planning Commission declare that the SFHP applies to this project as a condition of approval. The terms of this approval are mutually agreed upon by the Applicant and TCC. The Board also requests that said fee be earmarked for use in Tierra Contenta as a priority in the next AHTF application cycle.

This approach (following the competitive AHTF process) would yield a high-impact outcome aligned with both City goals and community needs. An in-lieu fee paid by the Applicant would strengthen the City's ability to maintain momentum on key infrastructure and affordability goals, especially for the remaining development tracts in Tierra Contenta, which currently lack critical infrastructure. It would also demonstrate a commitment to continuity—building on existing community trust, public investment, and the decades-long effort to make Tierra Contenta a model for inclusive and sustainable growth.

Importantly, this request does not seek to alter the City's procedures, but rather to make efficient and meaningful use of funds in a place already primed for success. The City, Homewise, and TCC each have a stake in ensuring the next and final chapter of development in Tierra Contenta delivers not only housing units, but a strong, connected neighborhood that reflects the full cultural and economic fabric of Santa Fe.

The TCC Board has unanimously voted to support this request. We appreciate your consideration and stand ready to collaborate on any follow-up needed to move this forward.

Sincerely,

Alexandra Ladd

Alexandra Ladd, Chair
Tierra Contenta Corporation Board of Directors

cc. Elisa Montoya, Community Development Director
Johanna Nelson, Acting Affordable Housing Director

City of Santa Fe, New Mexico

Attachment C

Applicant Submittals and Development Plan

14. Letter Acknowledging Lot Size Change

July 25, 2025

VIA HAND DELIVERY

City of Santa Fe
Planning and Land Use Department
c/o Alexa Hempel
Senior Planner
200 Lincoln Avenue
Santa Fe, NM 87501

Re: Project: "Zorro Blanco"
Owner: ZYDECO TCVP LAND LLC
Address: 7205 Plaza Central, Santa Fe, New Mexico 87507
No. Units: 165 Market Rate Rental Units
Legal Description: TIERRA CONTENTA VILLAGE PLAZA S/D
PHASE 2-C, LOT 10

Dear Ms. Hempel,

Pursuant to your request, ZYDECO TCVP LAND, LLC ("**Owner**") hereby submits this letter affidavit to confirm the following commitments related to the above-referenced Development Plan Application.

In light of the City of Santa Fe's recent legal determination that the proposed development is not subject to the City's Santa Fe Homes Program ("SFHP") and, therefore, is not eligible for the associated "density bonus" afforded to developments governed by the SFHP, the Owner makes the following commitments:

1. **Density Compliance:** In order to maintain the proposed unit count of 165 units, the Owner will add one (1) acre of land to the subject property to ensure compliance with the R-21 density standards set forth by the City of Santa Fe.
2. **Amendment to Site Plan:** The Owner agrees to a Condition of Approval for the Development Plan, requiring amendment of the Site Plan drawings to reflect the additional acreage. This amendment will be completed prior to recordation of the final development plan.

7/29/25 [Signature]

Thank you for your attention and assistance in this matter.

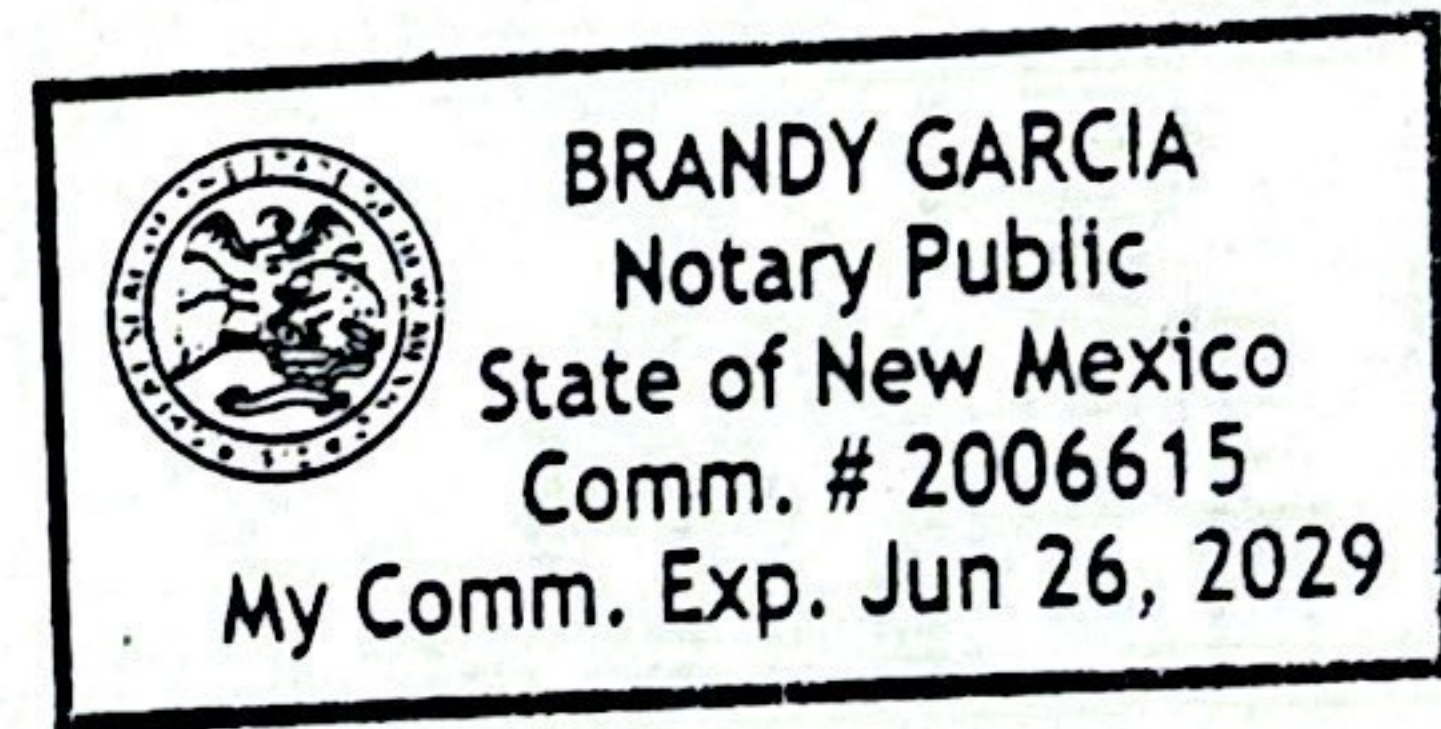
Sincerely,

Zydeco TCVP Land, LLC,
a New Mexico limited liability company

By: *Richard Yates*
Richard Yates
Its Manager

SUSCRIBED AND SWORN TO before me by Richard Yates, in his capacity as
Manager of Zydeco TCVP Land, LLC, a New Mexico limited liability company this 25
day of July 2025.

Brandy Garcia
Notarial Officer



7/25/25 RJG

City of Santa Fe, New Mexico

Attachment D

Tierra Contenta Annexation Agreement

- 1. Restated Annexation Agreement**
- 2. Tierra Contenta Revised Annexation Agreement and Master Plan 1993 Sheets**

**RESTATED ANNEXATION AGREEMENT
TIERRA CONTENTA, WOLGAMOOD SUBDIVISION
AND CONTIGUOUS LANDS (EAST)**

1122756

This Restated Annexation Agreement ("Agreement") is made and entered into by and between the City of Santa Fe, New Mexico, a New Mexico municipal corporation ("City"), Tierra Contenta Corporation, a New Mexico non-profit corporation, ("Tierra"), Elisia Partnership, a New Mexico general partnership ("Elisia"), Kenneth Prater ("Prater"), New Mexico School for the Deaf ("School for the Deaf"), Santa Fe Board of Education ("Board of Education"), Herrera Associates, a New Mexico general partnership ("Herrera"), and Dr. Joe L. Hernandez, ("Hernandez"). Tierra, Elisia, Prater, School for the Deaf, Board of Education, Herrera and Hernandez, are hereinafter sometimes collectively referred to as "Landowners." This Agreement shall be effective as of the date set forth in paragraph 27 ("Effective Date").

RECITALS

A. Landowners are the collective owner of certain real property in Santa Fe County, New Mexico consisting of approximately 1,421 acres of land situate in Township 16 North, Ranges 8E and 9E, as more fully described on Exhibit 1 attached (the "Property").

B. On November 1985, the Governing Body adopted Resolution No. 1985-107 amending the Santa Fe Urban Area General Plan pursuant to Case # 1985-32 and Ordinance No. 1985-58, thereby annexing the Property to the City under the terms and conditions of an annexation agreement ("Original Annexation Agreement"). The Original Annexation Agreement, dated November 5, 1985, was approved by the Landowners and the City and filed for record in Book 544 at page 530, records of Santa Fe County, New Mexico.

C. Pursuant to Ordinance No. 1985-59, approximately 1,391 acres of the Property owned by Tierra, School for the Deaf, Santa Fe Board of Education, Elisia and Prater were rezoned from a "R-1 Residential District" ("R-1") to "PRC Planned Residential Community" ("PRC"), now governed by §14-31 SFCC (1987), pursuant to a master plan ("Original Master Plan") approved by the City and the Landowners.

D. Those portions of the Property owned by Herrera and Hernandez ("Adjoining Owners") remained zoned as R-1 and are now governed by §14-17 SFCC (1987). An application for rezoning is concurrently under consideration by the City, and, prior to the Effective Date of this Agreement these properties may have been rezoned by the City.

E. It is the intention of the parties to this Agreement that the Original Annexation Agreement and Original Master Plan shall be superseded in their entirety and that this Agreement and attached exhibits shall substituted therefor, and further, that the Original Annexation Agreement and Original Master Plan shall be deemed to be of no further force and effect and shall not be binding upon any owner of any portion of the Property.

F. Certain provisions of this Agreement shall apply only to the properties owned by Tierra, Elisia, Prater, Board of Education, and the successors and assigns of the School for the Deaf, excluding any successor or assign that is a state or local governmental entity or agency governed by restrictions set forth in the New Mexico Constitution ("NMSD Assigns"). Collectively Tierra, Elisia, Prater, the Board of Education and NMSD Assigns are identified as the "PRC Owners".

1122757

G. The City approved this Agreement in a duly called meeting on February 23, 1994.

AGREEMENTS

NOW, THEREFORE, in consideration of the premises, the following agreements and undertakings, the parties incorporate the foregoing recitals and further agree as follows:

1. **ANNEXATION PLAT.** The Property, previously annexed to the City, is fully described on the annexation plat titled *Annexation Plat for Tracts 1 Thru 9, Tierra Contenta, Wolgamood Subdivision and Contiguous Lands (East) within Township 16 North, Ranges 8 & 9 East, New Mexico Principal Meridian, Santa Fe County, New Mexico, June 1985*, ("Annexation Plat") a true and correct copy of said Annexation Plat is attached hereto as Exhibit 1. The Annexation Plat complies with §14-9.6(D) SFCC (1987).

2. **THE MASTER PLAN.** Landowners have approved a revised master plan for uses of the Property and as described on the plat of survey titled *Master Plan PRC and Annexation* (the "Master Plan"). Landowners have further approved a revised phasing plan as described on the plat of survey titled *Phasing Master Plan* (the "Phasing Plan"). Both the Master Plan and Phasing Plan comply with §§14-9.6(D) SFCC (1987). True and correct copies of the Master Plan and Phasing Plan are attached as Exhibit 2.

3. **CITY APPROVAL OF MASTER PLAN AND PHASING PLAN; SUBSEQUENT APPROVALS.** The Master Plan and Phasing Plan contemplate a variety of housing types and additional commercial, institutional, industrial, and recreational land uses for the Property. The City hereby approves the Master Plan and Phasing Plan and agree that each comply with the SFCC (1987). The City agrees to approve rezonings, preliminary development plans and preliminary subdivision plats for individual tracts within the Property, provided such rezonings plats and plans conform to the Master Plan and Phasing Plan, the SFCC 1987, as amended, and the provisions of this Agreement. The City agrees to approve final development plans and final subdivision plats that substantially conform to previously approved preliminary plats and plans.

4. **MODIFICATION OF URBAN AREA GENERAL PLAN; MODIFICATION OF MASTER PLAN.**

A. The Master Plan, including its designations of the PRC district, shall become part of the Santa Fe Urban Area General Plan. Modifications of the Master Plan, including, without limitation, relocations or modifications of improvements as shown on the Master Plan, must be approved by the City, as provided below.

B. Minor relocations and modifications, such as relocation of utility lines, roadways and minor variations of the Phasing Plan, otherwise consistent with the general intent of the Master Plan, shall be approved administratively by the director of the technical review division of the City or such other division later charged with the authority to review development proposals ("Technical Review Division") 1122758

C. Major modifications and relocations shall be approved by the development review committee or such other committee delegated the authority by the governing body of the City to grant final approval of final subdivision plats and final development plans ("Development Review Committee"). The determination as to whether any proposed modification is "major" or "minor" shall be made by the members of the "Development Review Team", comprised of members of City staff and the interdepartmental team charged with the responsibility to review development projects. Only major modifications to the Master Plan shall require an amendment to the Master Plan and approval by the Development Review Committee.

D. Notwithstanding the foregoing, any increase in the number of dwelling units or area of commercial use must be reviewed first by the Development Review Committee and thereafter, the Committee shall forward its recommendations to the Governing Body.

5. DEVELOPMENT OF THE PROPERTY.

A. The Property shall be developed in accordance with the Master Plan.

B. The Master Plan includes the following categories of land uses:

(1) Those portions of the Property owned by the PRC Owners, currently zoned as PRC, shall be developed in accordance with the PRC zoning ordinance outlined in §14-31 SFCC (1987). To the extent then required by the Santa Fe City Code, specific developments within these properties shall meet the standards for all individual tract development as required under §14-31.7 SFCC (1987), and if applicable, any ordinance governing approval of final subdivisions plats. In lieu of standards set forth in the PRC Zoning Ordinance, specific development standards that vary from the PRC Zoning Ordinance may be proposed by any PRC Owner for individual tract development within the PRC district as part of any application for preliminary and final subdivision plat approval or preliminary and final development plan approval to the Development Review Committee. Should any development standards be proposed that materially vary from the PRC development standards, the PRC Owner shall comply with the procedures for notification prior to adoption of specific design standards for each phase as set forth in Section 14-5.4(C)(2), SFCC 1987.

(2) Property currently zoned PRC and owned by the PRC Owners that is proposed on the Master Plan for a village center and office/business incubator uses shall be rezoned to a zoning district or districts that will permit use of the lands for such other uses.

(3) The use of the Adjoining Owners' properties for uses other than R-1 permitted uses shall require rezoning from R-1 to appropriate zoning districts that will permit use of these properties for the multi-family, commercial and industrial uses as such sites are shown on the Master Plan.

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C. Prior to any development of any portion of the Property owned by the PRC Owners, all preliminary and final subdivision plats and preliminary and final development plans shall conform to the Master Plan, this Agreement, and the Santa Fe City Code. If such plats and plans conform to the Master Plan, this Agreement, and the Santa Fe City Code the plats and plans of the PRC Owners shall be approved by the Development Review Committee.

D. The Adjoining Owners shall develop their property in accordance with this Agreement, the Master Plan, the Santa Fe City Code, and any conditions of rezoning.

6. **PHASING.**

A. The phases currently scheduled for development of the Property by PRC Owners are set forth in the Phasing Plan. Only those portions of the Property owned by PRC Owners and subject to the PRC zoning designation are governed by the Phasing Plan. Changes in the phasing timetable may be reviewed and revised from time to time as conditions change.

B. The Schedule of Improvements for PRC Owners and Adjoining Owners is attached hereto as Exhibit 3.

C. The designated improvements for water, sanitary sewers, storm drainage, streets, dedication of parks and other items as set forth in the Master Plan shall be substantially completed by a PRC Owner, to the satisfaction of the City, for each phase within the Phasing Plan before the construction of such improvements in succeeding phases may be commenced. However, two phases may be undertaken concurrently provided that the PRC Owner can demonstrate to the City a satisfactory timetable for completion of required improvements.

D. At such time as a PRC Owner proposes a particular phase for construction, the City shall determine which improvements for water, sanitary sewers, storm water drainage, streets and dedication of parks and open space are required for that particular phase. Any PRC Owner proposing a phase to be developed shall be required to present a plan to the City which shall include plans for completion of the required improvements in that phase.

E. Any approvals required under this paragraph 6 shall be obtained as provided in paragraph 4.

7. AFFORDABLE HOUSING.

A. Tierra shall develop approximately forty percent (40%) of the 3,700 lots or units planned for Tierra's property for families earning at or below eighty percent (80%) of the median family income of the City and for single person households earning under one hundred percent (100%) of the City median household income. The minimum sizes and types of these affordable units in the PRC will be determined by the City and Tierra by separate agreement.

1122760

B. Affordable units in the below eighty percent (80%) of median family income category are exempt from impact fees as set forth in this Agreement.

C. The provision of affordable units shall be reviewed on a phase-by-phase basis by the City.

8. LAND DEDICATED TO THE CITY BY TIERRA.

A. Tierra agrees to dedicate parcels totalling approximately two hundred fourteen (214) acres of land to the City for City use as parks. The land shall be dedicated according to the Phasing Plan.

B. In addition, an estimated one hundred fourteen (114) acres will be dedicated by Tierra to the City for roadways and drainage, and 2.8 acres for community use. These dedications will occur consecutively with development and upon acceptance by the City.

C. These dedications completely fulfill and satisfy the required land dedication for parks and open space of the Santa Fe City Code and this Agreement for all development of the Tierra property.

9. PARKS, OPEN SPACE AND OTHER DEDICATIONS.

A. Concurrently with approval of any final development plan and prior to any development of the Property, each Landowner agrees to dedicate park land and open space to the City as shown on the Master Plan.

B. Such dedications shall be made under the following Schedule:

(1) Tierra will dedicate to the City an estimated 214 acres for parks and open space according to the Phasing Plan.

(2) Elisia agrees to dedicate to the City no less than forty-five (45) acres for park and open space the same being all of the land in the open space system and the neighborhood park (Tract 27) on the Elisia property, at the time Elisia obtains its approval of a Phase I final subdivision plat.

(3) The School for the Deaf, or if applicable, NMSD Assigns, agrees to dedicate to the City no less than sixty (60) acres, for park and open space, such land being described as part of the open space system during Phase 2. Such dedication will occur after the City has acquired right-of-ways for the construction of the Arroyo Chamiso bike and pedestrian trail system through the PRC Owners' properties.

1122761

(4) The Adjoining Owners agree to dedicate to the City no less than ten (10) acres in Arroyo Chamiso for park and open space, such land being described as part of the open space system. Such dedication will occur after the City has acquired right-of-ways for the construction of the Arroyo Chamiso bike and pedestrian trail system through the PRC Owners' properties or application for a final development permit, whichever occurs first.

(5) The dedications described in this paragraph 9 will completely fulfill and satisfy the required land dedication for parks and open space of the Santa Fe City Code and this Agreement for all development of the School for the Deaf property, if applicable, the NMSD Assigns' property, the Elisia' property, and the Adjoining Owners' property.

C. Concurrently with submission of any preliminary development plan by a PRC Owner or in the case of an Adjoining Owner, a final development plan, and prior to development, the PRC Owner or Adjoining Owner shall contribute to the cost of the multipurpose trail system in the urban park as shown on the Master Plan. The contribution shall be based on the number of residential units approved for that owner's respective property. The cost per residential unit shall be computed by dividing the total cost of the trail system by the total number of residential units approved in the Master Plan. Each contribution for the trail system may be proportionately reduced in the event the City receives City, State or Federal funds for the development of the trail system. The reduction of each contribution shall be in proportion to the ratio of government funds received to total cost of the trail system.

D. At the time of development, the Board of Education shall develop ball fields and/or soccer fields on the two (2) elementary school sites shown on the Master Plan. These fields shall be open for public use subject to the scheduling of school related events by the Board of Education. The City shall maintain these fields according to a separate agreement between the City and the Board of Education.

E. At the time of development, each of the PRC Owners and Adjoining Owners shall be solely responsible for tree plantings, enhanced medians and other landscaping areas along the major roads shown on the Master Plan within each owner's property. The landscape areas and enhanced medians shall be dedicated to the City, after which the City shall maintain these areas.

F. At the time of development, each PRC Owner and Adjoining Owner of any portion of the Property shall develop the park plazas on their respective property as shown on the Master Plan, if any.

G. All parks, trail systems, and open space dedicated to the City shall thereafter be maintained by the City.

10. **CITY SERVICES.**

A. **Fire and Police Protection.** Fire and police protection for development of the Property will be provided by City Police and Fire Department facilities and personnel.

B. **Refuse.** Refuse collection and disposal services within the Property shall be provided by the City or its agents in accordance with the Santa Fe City Code.

C. **Water Service.**

(1) As a condition of development of the Property, each PRC Owner and Adjoining Owner shall connect the proposed development to the Sangre de Cristo Water Company water delivery system using dedicated easements and right-of-way which shall allow extension of water mains through the Property as required by the Sangre de Cristo Water Company and the City. Individual PRC Owners and Adjoining Owners shall dedicate easements or rights-of-way through their portions of the Property as shown on the final subdivision plat to insure the water lines can be built accordingly through the Property.

(2) Each PRC Owner and Adjoining Owner shall construct water lines, as shown on the Master Plan, that run through or adjacent to their property. Each PRC Owner and Adjoining Owner is responsible for constructing the entire water line across that owner's property. In the event that a water line, as shown in the Master Plan, runs adjacent to two or more property boundary lines, then each adjacent PRC Owner or Adjoining Owner will share proportionately in the cost, according to the ratio of each owner's lineal foot frontage adjacent to the water line.

(3) In the event a Landowner constructs a water line on property other than that owner's property, the City will require reimbursement be paid to the owner constructing the line from the property owner across whose property the water line was built prior to any development on that property. Upon completion of improvements for which reimbursement is required, the party constructing the improvements shall file a certified schedule of actual costs reasonably incurred in installing the improvements dedicated to the City ("Reimbursement Schedule") with the Technical Review Division.

(4) Reimbursement shall include payment of interest at a rate corresponding to the increase, if any, in the U.S. Bureau of Labor Statistics, All-Urban Consumer Price Index (CPI-U) for all items (the composite of all CPI components) published for the U.S. City Average, West Region, using the index base of the 1982-1984 = 100 or its succeeding index ("CPI") computed by using the CPI as of the month of the date of delivery of the Reimbursement Schedule to the City, as the base figure ("Base Month") compared with the CPI for the same Base Month in the year reimbursement is due ("CPI Interest Rate"). For example: If a Reimbursement Schedule is delivered to

the City in December, 1994 and the CPI for December, 1994 was 150.0 and the reimbursement is due in December 1995, and the CPI for December, 1995 is 157.5, the increase in the CPI would be five percent (5%) resulting in an annual interest rate of five (5%). Notwithstanding the foregoing, the annual CPI Interest Rate shall not be greater than eight percent (8%).

1122762

(5) In exchange for receiving water service, no well shall be drilled on any property owned by the PRC Owners or Adjoining Owners after the Effective Date of this Agreement. No water rights shall be transferred to permit a diversion of water from the properties of PRC Owners and Adjoining Owners.

D. Wastewater Collection and Sewer Service.

(1) Wastewater improvements are specified in the Schedule of Improvements attached as Exhibit 3.

(2) It is understood by the parties that the City intends to construct wastewater improvements within the Property that will provide service to areas located outside of the boundary of the Property.

(3) The City and each PRC Owner and Adjoining Owner will contribute a proportionate share of the cost of the south branch Arroyo Chianiso sewer line constructed to serve development within the Property. Such proportionate share shall be based on the cost of an eight inch (8") line and shall be a fraction based on the total developable acreage in the specific tract served by the sewer line, divided by the total developable acreage of all properties served by the sewer line, or such other equitable means of cost distribution as agreed to by each PRC Owner and Adjoining Owner. Payment to the City shall be made at the earlier of recordation of a final subdivisions plat or final development plan ("Sewer Construction Assessment").

(4) Only one Sewer Construction Assessment for construction of the sewer line within the Property shall be levied against any PRC Owner and Adjoining Owner.

(5) In lieu of the procedure set forth in subparagraph 10.D.(3) above, the City and PRC Owners and Adjoining Owners may agree to establish an assessment district for construction of storm water, wastewater collection and sewer service improvements to serve the Property.

(6) Each PRC Owner and Adjoining Owner shall dedicate sewer easements on that owner's tract of the property as shown on a final subdivision plat or final development plan if not already dedicated under paragraph 14. The School for the Deaf will make such dedication of sewer easements as provided in paragraph 14.

(7) The City agrees to complete the engineering and construction of the south branch of the Arroyo Chamiso sewer line, as shown in the Master Plan, within three (3) years from the Effective Date of this Agreement.

1122763

(8) The PRC Owners and Adjoining Owners shall construct and pay for all sewer lines on their property other than the Arroyo Chamiso Line.

(9) In the event a Landowner constructs a sanitary sewer line on property other than that Landowner's property, the City will require reimbursement be paid to the owner constructing the line from the property owner across whose property the sewer line was built prior to any development on that property. Upon completion of improvements for which reimbursement is required, the party constructing the improvements shall file a Reimbursement Schedule of actual costs reasonably incurred with the Technical Review Division of the City. Reimbursement shall include payment of interest at the CPI Interest Rate as described in paragraph 10.C.(4).

E. Streets and Other Rights of Way.

(1) All streets and roads built by PRC Owners and Adjoining Owners will be designed and constructed in accordance with the Santa Fe City Code (1987).

(2) The PRC Owners and Adjoining Owners shall construct off-site roadway improvements as specified below (a) through (e) related to development of the Property as established by the Master Plan and the detailed Traffic Impact Analysis prepared for the Property pursuant to paragraph 10.F of this Agreement (the "TIA"). The offsite roadway improvements shall exclusively consist of:

Meadows Road;

- (a) three intersections with Airport Road, exclusive of South

- (b) Three intersections with Cerrillos Road;

- (c) one at-grade intersection with the Santa Fe By-Pass;

and

- (d) Ocate Road from the Hernandez property to Cerrillos Road;

- (e) Country Club Road From Elisia property to Airport Road.

The roadway improvements listed under subparagraphs (a) through (e) above are shown on Exhibit 2 attached hereto and incorporated herein as if fully set out.

(3) The PRC Owners and Adjoining Owners shall contribute a proportionate share of the cost of building the offsite roadway improvements specified above 2 (a) through (e) based upon the traffic contribution established by the TIA as provided in this paragraph 10.E.

(4) Tierra will be entirely responsible for the cost of the at-grade intersection and signalization at Academy and the Santa Fe Bypass and the cost of two intersection improvements at Airport Road and Paseo del Sol and Golf Club Road, not including the intersection of Airport and Country Club Road.

1122764

(5) Elisia and Tierra will be jointly responsible for the construction of Country Club Road and its intersection with Airport Road. NMSD Assigns and Tierra will be jointly responsible for the intersection of Academy Road with Cerrillos Road.

(6) The relative responsibilities for financing these improvements will be determined by the TIA prepared as part of the Phase I preliminary plat submittal and as approved by the Landowners or their then assigns.

(7) The road known as "Ocate Road" commencing at the School for the Deaf's property and running through the Hernandez property to Cerrillos Road and this road's intersection with Cerrillos Road will be the responsibility of NMSD Assigns and the Adjoining Owners although other owners along Ocate Road may also be asked to contribute. Cost sharing among these owners will be determined through separate agreement among these owners and based upon the TIA and an allocation of "service units" to each property based upon the developable acreage within each owner's property and the permitted use of the property. The term "service unit" shall mean a standardized measure of consumption, use, or generation attributable to an individual unit of development calculated in accordance with generally accepted engineering or planning standards for a road improvements and based upon use of the properties benefitted by the road, that is, single family residential, multifamily, commercial or industrial uses.

(8) Herrera will be responsible for the cost of intersection improvements and signalization which will serve the Property at the intersection of the south bound lane of Cerrillos Road and the road which runs across the Herrera property south of Ocate Road to be known as "Herrera Road".

(9) All roadway rights-of-way within the Property which are shown on the Master Plan shall be dedicated to and maintained by the City.

(10) Other road network improvements for a north/south street extending north of Airport Road to connect with either Alameda or Rufina and for one east/west street extending across Cerrillos Road to Richards Avenue and Academy Road from South Meadows to Cerrillos Road are the responsibility of the City.

F. **Traffic Impact Analysis.** Concurrent with the submittal of the Phase I preliminary subdivision plat, the City shall prepare the TIA for the Property and shall allocate service units for each proposed development as provided in subparagraphs 10.E.(7) above. The TIA shall address the traffic impacts which will be generated by each proposed phase of development under consideration. The TIA shall be conducted according to the City of Santa Fe Public Works Department traffic analysis standards and shall be approved by the Landowners, or their assigns.

G. **Schedule of Improvements.** The Schedule of Road Improvements is attached hereto as Exhibit 3.

H. **Financial Guarantees.**

1122765

(1) Prior to recordation of a final subdivision plat or any phase thereof, or a final development plan with the County Clerk of Santa Fe County, the PRC Owners or Adjoining Owners shall provide a letter of credit or other financial guarantee acceptable to the City for the required improvements. The amount of the financial guarantee shall be based on a certified engineer estimate acceptable to the director of the Technical Review Division.

(2) All improvements required in any final subdivision plat or final development plan must be constructed by PRC Owners or Adjoining Owners in accordance with the Santa Fe City Code, and when completed to the satisfaction of the City, said improvements may be dedicated to and thereafter maintained by the City.

I. The provisions of this paragraph 10 do not apply to developments or improvements by the School for the Deaf as a state agency or any other federal and state governments and their political subdivisions. If the School for the Deaf elects to develop any portion of its property and to connect to any portion of the City services described in this paragraph 10, or to have the right under this Agreement to use any portion of the roads described in this paragraph 10 (collectively "Improvements"), the School for the Deaf shall be entitled to do so upon payment of the proportional sums otherwise required to be paid by NMSD Assigns for such Improvements. Any duty of the New Mexico School for the Deaf to pay any funds or consideration required by or resulting from the terms of this Agreement shall be contingent upon and subject to prior sufficient appropriations and authorization by the New Mexico Legislature for such development, including proportional payments due for such Improvements, and funding of such legislative appropriation. In the event sufficient funds are not so appropriated, authorized or available, then the corresponding duty of the School for the Deaf to make payments will automatically abate upon written notice from the School for the Deaf to the City and the affected Landowners. Likewise any right provided under this Agreement to use the Improvements shall abate until sufficient appropriation or funding can be obtained by the School for the Deaf.

11. **ARCHAEOLOGICAL REVIEW ORDINANCE.** Prior to approval of any final development plan or subdivision plat proposed by PRC Owners and Adjoining Owners, an Archaeological Clearance Permit ("Clearance Permit") shall be obtained from the City's Archaeological Review Committee, as required in §14-75 of the SFCC, 1987. These Clearance Permits may be obtained for each phase of development.

12. **UTILITIES.** The Property shall be served only with underground utilities.

13. **IMPACT FEES.** Subject to the enforceability of any City ordinance under the provisions of the Development Fee Act, §§5-8-1 *et seq.* NMSA, 1978, and after offsetting any fee with the contributions and offsite improvements made or to be by any PRC Owners or Adjoining Owners, the PRC Owners and Adjoining Owners shall pay impact fees as required by Santa Fe City Code (1987), as amended.

14. **EASEMENTS AND RIGHTS-OF-WAY.** Each Landowner, its then assigns, including NMSD Assigns shall dedicate all required access and utility easements and rights-of-way to the City within corridors shown on the Master Plan to allow orderly development of all tracts within the Property. Tierra in cooperation with the Landowners will prepare a dedication plat of survey in conjunction with Tierra's final subdivision plat or final development plan for Phase I as shown on the Phasing Plan. The Landowners and their then assigns, including NMSD Assigns, and the City agree to approve the Dedication Plat if it substantially conforms to the Master Plan. In the case of PRC Owners and Adjoining Owners, such dedication shall be in compliance with the Santa Fe City Code.

15. **CONFORMANCE WITH TERRAIN MANAGEMENT AND DRAINAGE STANDARDS.** Prior to development of Property, the PRC Owners and Adjoining Owners shall demonstrate compliance with the Terrain Management provisions of Santa Fe City Code. Dip sections shall not be allowed on designated arroyos without prior administrative approval of the director of the Technical Review Division of the City.

16. **ASSIGNMENTS.** Each Landowner shall be entitled to sell, transfer or assign all or any portion of that Landowner's rights and obligations under this Agreement provided the Landowner or the Landowner's assignee delivers to the City an agreement executed by Landowner and Landowner's assignee, acknowledging such assignment, describing the portion of the real property to which the assignment applies, and evidencing the assignee's acceptance of the rights and obligation under this Agreement. Such agreement shall be deemed effective as of recordation with the Clerk of Santa Fe County, New Mexico. Any assignee shall have the same rights and obligations under this Agreement as that of the Landowner as to that portion of the Property described in any assignment.

17. **CAPTIONS.** The captions and paragraph headings of this Agreement are not necessarily descriptive, or intended or represented to be descriptive, of all the provisions thereunder, and in no manner shall such captions and paragraph headings be deemed or interpreted to limit the provisions of this Agreement.

18. **EXECUTION OF DOCUMENTS.** The parties agree to execute all documents contemplated expressly or impliedly by this Agreement or necessary to effectuate the terms of this Agreement.

19. **SEVERABILITY.** If any provision of this Agreement, or the application of such provisions to any person or circumstances, shall be held invalid, the remainder of this

Agreement, or the application of such provisions to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

1122767

20. **WAIVER.** No waiver of a breach of any of the covenants contained in this Agreement shall be construed to be a waiver of any succeeding breach of the same or any other covenant.

21. **CONSENT AND OBLIGATIONS.** Wherever the approval or consent of the City is required by this Agreement, it is understood that such approval or consent shall not be unreasonably withheld. Whenever it is stated in this Agreement that the Landowners or any individual Landowner shall undertake any particular act or be responsible for a particular reimbursement, cost, contribution or assessment, it shall be understood to mean that each Landowner shall be responsible only for that owner's undertaking as set forth in the Landowner's development plan or subdivision plat presented to the City. It shall be understood that the obligations of any Landowner under this Agreement arise only to the extent that a Landowner applies to the City for approval of a final subdivision plat or final development plan for that portion of the Property owned by a particular Landowner. No obligations arise in the absence of such application or development.

22. **GOVERNING LAW.** This Agreement and the rights of the parties hereunder shall be governed by and interpreted in accordance with the laws of the State of New Mexico. Notwithstanding the inclusion of the School for the Deaf and the Board of Education as "Landowners" in the recitals of this Agreement, no covenant or agreement contained in this Agreement, whether referring specifically to the Landowners or not, shall be applicable to, binding on or enforceable against the School for the Deaf or the Board of Education, their respective property within the Property, their respective Board members, the State of New Mexico or any of their successors or assigns, unless a City Ordinance containing said covenant or agreement would be enforceable against the State of New Mexico, the School for the Deaf or the Board of Education under New Mexico law. Nothing in this Agreement shall enlarge the authority of the City to regulate the use or development of land now owned by the School for the Deaf or the Board of Education within the Property beyond the authority granted to or residing in the City under the existing laws and constitution of the State of New Mexico.

23. **NUMBERS AND GENDERS.** Whenever used herein, unless the context shall otherwise provide, the singular number shall include the plural, the plural the singular, and the use of any gender shall include all genders.

24. **BINDING EFFECT.** This Agreement shall be binding upon, and inure to the benefit of, the parties and their respective heirs, successors and assigns.

25. **AGREEMENT.** This Agreement states the entire agreement of the parties. The provisions of this Agreement shall be severable and may be modified only in a subsequent amendment duly approved as provided in paragraph 26. This Agreement shall not relieve the owners from complying with present or future City ordinances, resolutions or regulations.

26. **AMENDMENTS.** This Agreement may be amended with the consent of the City and the Landowners, or their then successors and assigns. Any amendments to this Agreement shall be reviewed by the Development Review Committee, thereafter, the Committee shall forward its recommendations to the Governing Body. Each amendment, to be effective, must be in writing, executed in the manner of this Agreement and filed for record with the Clerk of Santa Fe County, New Mexico.

27. **EFFECTIVE DATE.** This Agreement is effective as of the date of recordation of this Agreement in the land records of Santa Fe County, New Mexico.

CITY OF SANTA FE, a New Mexico municipal corporation



By *Sam Pick*
SAM PICK, MAYOR

ATTEST:

Frances C. Romero
FRANCES C. ROMERO, CITY CLERK



APPROVED AS TO FORM:

Dianne DeLayo
DIANNE DeLAYO, DEPUTY CITY ATTORNEY

888,260
COUNTY OF SANTA FE)
STATE OF NEW MEXICO) SS
I hereby certify that this instrument was filed
for record on the 13 day of Dec A.D.
19 94 at 11:50 o'clock A m
and was duly recorded in book 722
page 76-78 of the records of
Santa Fe County.

Witness my Hand and Seal of Office
Jona G. Armillo
County Clerk, Santa Fe County, N.M.
Jona G. Armillo
Deputy

LANDOWNERS:

1122769

Tierra Contenta Corporation,
a New Mexico non-profit
corporation

By [Signature]
TERESA TEJAS its President
(name printed) (title)

New Mexico School for the Deaf

By Maria B. B. G. G.
Maria B. B. G. G. its President
(name printed) (title)

Elisia Partnership, a New Mexico
general partnership [Signature] HENRY PICK

By _____,
its general partner
(name printed)

Herrera Associates, a New Mexico
general partnership

By [Signature]
WILLIAM R. HERRERA, its general partner
(name printed)

Santa Fe Board of Education

By [Signature]
MIKE MIER, its Asst. Supt
(name printed) (title)

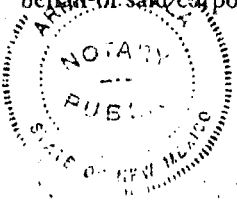
[Signature]
Dr. Joe L. Hernandez

[Signature]
Kenneth Prater

ACKNOWLEDGMENTS

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

This instrument was acknowledged before me on March 7, 1994, by Sam Pick, Mayor, of the City of Santa Fe, a New Mexico municipal corporation, for and on behalf of said corporation.



Arrida Villa
Notary Public
My commission expires: 9-16-96

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

This instrument was acknowledged before me on April 18, 1994, by Patricia C. Laramente, of Tierra Contenta Corporation, a New Mexico non-profit corporation, for and on behalf of said corporation.



OFFICIAL SEAL
Elizabeth M. Fresquez
ELIZABETH M. FRESQUEZ
NOTARY PUBLIC - NEW MEXICO
NOTARY BOND FILED WITH SECRETARY OF STATE
My Commission Expires 4/6/95

Elizabeth M. Fresquez
Notary Public
My commission expires: 4/6/95

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

This instrument was acknowledged before me on May 11, 1994, by Mitzy Baker - Garland, Guillermo S. Delgado of New Mexico School for the Deaf.



Marie Bernadette Stampa
Notary Public
My commission expires: 11/14/95

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

This instrument was acknowledged before me on August 4, 1994, by Henry Pick of Elisia Partnership, a New Mexico general partnership, for and on behalf of said partnership.



OFFICIAL SEAL

Elizabeth W. Fresquez
ELIZABETH W. FRESQUEZ

NOTARY PUBLIC - NEW MEXICO
SECRETARY OF STATE

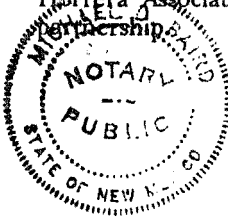
My Commission Expires 4/4/95

Elizabeth W. Fresquez
Notary Public

My commission expires: April 6, 1995

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

This instrument was acknowledged before me on APRIL 21, 1994, by William R. Herrera of Hortela Associates, a New Mexico general partnership, for and on behalf of said partnership.



William R. Herrera

Notary Public

My commission expires: 9-15-95

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

This instrument was acknowledged before me on October 24, 1994, by Mike Mier of Santa Fe Board of Education.

OFFICIAL SEAL
Shirley J. Padilla
NOTARY PUBLIC
STATE OF NEW MEXICO
My Commission Expires: 3-3-98

SEA.
Padilla
PUBLIC
NEW MEXICO
My Commission Expires: _____

Shirley J. Padilla
Notary Public

My commission expires: 3-3-98

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

This instrument was acknowledged before me on July 19, 1994, by Dr. Joe L. Hernandez.



OFFICIAL SEAL
Elizabeth M. Fresquez
ELIZABETH M. FRESQUEZ
NOTARY PUBLIC - NEW MEXICO
NOTARY BOND FILED WITH SECRETARY OF STATE
My Commission Expires 4/6/95

Elizabeth M. Fresquez
Notary Public
My commission expires: April 6, 1995

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

This instrument was acknowledged before me on May 13, 1994, by Kenneth Prater.



OFFICIAL SEAL
Elizabeth M. Fresquez
ELIZABETH M. FRESQUEZ
NOTARY PUBLIC - NEW MEXICO
NOTARY BOND FILED WITH SECRETARY OF STATE
My Commission Expires 4/6/95

Elizabeth M. Fresquez
Notary Public
My commission expires: April 6, 1995

Exhibit 1
Annexation Plat

1122773

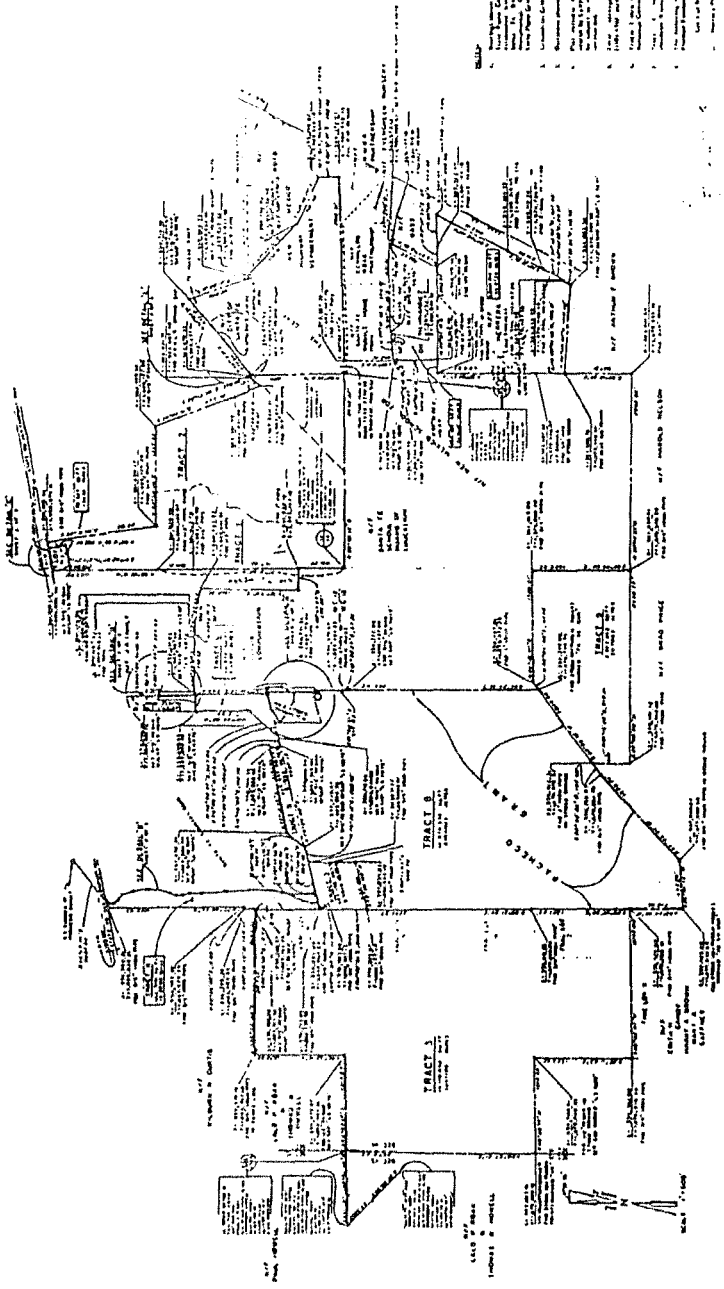
Exhibit 2
Master Plan (single Sheet) and Phasing Plan (single sheet)

Exhibit 3
Master Plan for the annexed area and the PRC district
Schedule of Road Improvements

1122775

EXHIBIT 1

ANNEX A-3 A
 FOR
 TRACTS 1 THRU 9
 TIERRA CONTENTA,
 WOLGAMOOD SUBDIVISION
 AND
 CONTIGUOUS LANDS (EAST)
 WITH
 WITHIN
 TOWNSHIP 4 NORTH, RANGE 8 EAST, NEW MEXICO PRINCIPAL MERIDIAN
 SANTA FE COUNTY, NEW MEXICO
 JUNE 1988



1. The area shown on this map is a portion of the land owned by the State of New Mexico, and is being surveyed for the purpose of the proposed development of the Wolgamoood Subdivision. The land is being surveyed in accordance with the provisions of the Public Land Act of 1906, as amended, and the rules and regulations of the Department of the Interior, Bureau of Land Management, and the State of New Mexico, Department of Lands and Minerals.

2. The land shown on this map is being surveyed for the purpose of the proposed development of the Wolgamoood Subdivision, and is being surveyed in accordance with the provisions of the Public Land Act of 1906, as amended, and the rules and regulations of the Department of the Interior, Bureau of Land Management, and the State of New Mexico, Department of Lands and Minerals.

3. The land shown on this map is being surveyed for the purpose of the proposed development of the Wolgamoood Subdivision, and is being surveyed in accordance with the provisions of the Public Land Act of 1906, as amended, and the rules and regulations of the Department of the Interior, Bureau of Land Management, and the State of New Mexico, Department of Lands and Minerals.

4. The land shown on this map is being surveyed for the purpose of the proposed development of the Wolgamoood Subdivision, and is being surveyed in accordance with the provisions of the Public Land Act of 1906, as amended, and the rules and regulations of the Department of the Interior, Bureau of Land Management, and the State of New Mexico, Department of Lands and Minerals.

5. The land shown on this map is being surveyed for the purpose of the proposed development of the Wolgamoood Subdivision, and is being surveyed in accordance with the provisions of the Public Land Act of 1906, as amended, and the rules and regulations of the Department of the Interior, Bureau of Land Management, and the State of New Mexico, Department of Lands and Minerals.

6. The land shown on this map is being surveyed for the purpose of the proposed development of the Wolgamoood Subdivision, and is being surveyed in accordance with the provisions of the Public Land Act of 1906, as amended, and the rules and regulations of the Department of the Interior, Bureau of Land Management, and the State of New Mexico, Department of Lands and Minerals.

7. The land shown on this map is being surveyed for the purpose of the proposed development of the Wolgamoood Subdivision, and is being surveyed in accordance with the provisions of the Public Land Act of 1906, as amended, and the rules and regulations of the Department of the Interior, Bureau of Land Management, and the State of New Mexico, Department of Lands and Minerals.

8. The land shown on this map is being surveyed for the purpose of the proposed development of the Wolgamoood Subdivision, and is being surveyed in accordance with the provisions of the Public Land Act of 1906, as amended, and the rules and regulations of the Department of the Interior, Bureau of Land Management, and the State of New Mexico, Department of Lands and Minerals.

9. The land shown on this map is being surveyed for the purpose of the proposed development of the Wolgamoood Subdivision, and is being surveyed in accordance with the provisions of the Public Land Act of 1906, as amended, and the rules and regulations of the Department of the Interior, Bureau of Land Management, and the State of New Mexico, Department of Lands and Minerals.

Scale: 1" = 400'

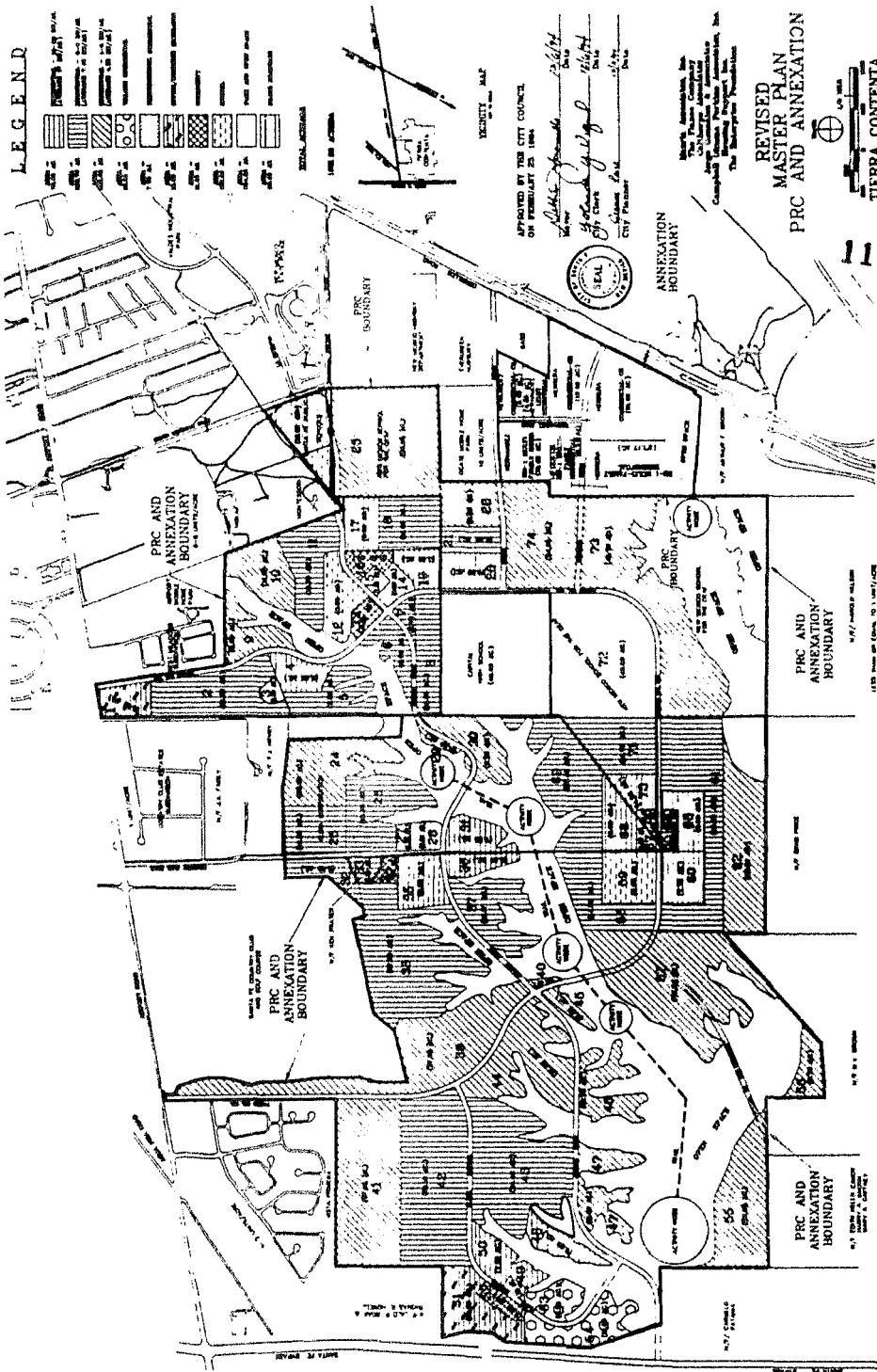
North Arrow

1122777

EXHIBIT 2

LEGEND

- PROPERTY MAP
- UNIMPROVED LAND
- IMPROVED LAND
- WATER
- OPEN SPACE
- HIGHWAY
- RAILROAD
- PRC AND ANNEXATION BOUNDARY
- ANNEXATION BOUNDARY
- LOCAL JURISDICTION
- LAND NOT IN AREA



APPROVED BY THE CITY COUNCIL
ON FEBRUARY 25, 1984

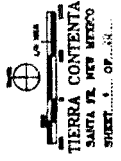
[Signature]
City Planner

[Signature]
City Engineer



ANNEXATION BOUNDARY

**REVISED
MASTER PLAN
PRC AND ANNEXATION**



1122778

REVISION BOX	
NO.	DATE

258784 - 4/7/84

1/8" = 100' (Scale: 10:1, 1/8" = 100')

1/8" = 100' (Scale: 10:1, 1/8" = 100')

1/8" = 100' (Scale: 10:1, 1/8" = 100')

1/8" = 100' (Scale: 10:1, 1/8" = 100')

1122780

EXHIBIT 3

EXHIBIT 3
SCHEDULE OF IMPROVEMENTS FOR PHASE ONE

PROJECT DESCRIPTION	TYPE*	FUNDING SOURCE
<u>Phase One - Roads</u>		
Academy Road; improve from Tierra Contenta property line to Cerrillos Rd with intersection improvements at South Meadows and Cerrillos; approx. 3,500'	SR	City; Tierra; NMSD Assigns;
Academy Road; improve from Paseo del Sol to Tierra Contenta east property line; approx. 1,700'	OP	Tierra;
Academy Road; improve from Paseo del Sol to TCC west property line; approx. 1,350'	OP	Tierra;
Academy Road from TCC property line to Country Club Road; approx. 2,150'	OP	Elisia;
Country Club Road from Airport Road to Academy Road; 3,900'	SR & OP	Tierra; Elisia;
<u>Phase One - Water</u>		
12" water line along Academy Road from Paseo del Sol to TCC west property line; app. 1,350'	OP	Tierra;
12" water line along Academy Road from TCC property line to Country Club Road; approx 2,150'	OP	Elisia;
<u>Phase One - Sewer</u>		
8" line extending down Country Club Road, from Elisia prop to 36" trunk sewer; 1,700'	SR & OP	Tierra; Elisia;
<u>Phase One - Parks</u>		
Multipurpose play field and park development on elementary school site	OP	Board of Education;

Plaza park development
in Village Center

OP Tierra; 1122782

Neighborhood park
development

OP City;

* SR indicates major infrastructure improvements which are site related but are not physically located on the property.

OP indicates required spine infrastructure improvements which are located on the property.

EXHIBIT 3 (Cont)
 SCHEDULE OF IMPROVEMENTS FOR PHASE TWO

PROJECT DESCRIPTION	TYPE*	FUNDING SOURCE
<u>Phase Two - Roads</u>		
Academy Road; from Country Club Rd to Bypass, with an at-grade intersection; 7,200'	OP	Tierra;
Golf Club Road from Airport Rd to Academy Road; 5,200'	OP	Tierra;
Plaza Central road, from Golf Club to Academy; 4,900'	OP	Tierra;
**Ocate Road from Paseo del Sol to Cerrillos Rd; 3,700'	SR & OP	Hernandez; Herrera; NMSD Assigns;
Extension of Academy Rd east of Cerrillos to an intersection with Richards Ave.	OS	City;
South Meadows Rd extension from Airport Road north to Rufina;	OS	City;
Rufina Street Extension	OS	City;
<u>Phase Two - Water</u>		
12" water line along Academy from Country Club to Golf Club	OP	Tierra;
12" water line along Golf Club Road from Airport to Academy	OP	Tierra;
12' water line loop along Plaza Central road, 8,400'	OP	Tierra;
<u>Phase Two - Sewer</u>		
8" line along Academy Road from Country Club to Golf Club	OP	Tierra;
8" line along Golf Club Rd from Airport Rd to Academy; approx 4,800'	OP	Tierra;
8" line along Plaza Central road; approx 3,400'	OP	Tierra;

Phase Two - Parks

Neighborhood park development	OP	City;
Community park development	OP	City;
Plaza park development in Village Center;	OP	Elisia;
Plaza park development in Town Center	OP	Tierra;
Bike Trail and Pedestrian Path System (North and South Branches - to Cerrillos Rd)	SR & OP	Tierra; State of New Mexico; City; Elisia; Herrera; Hernandez; WMSD Assigns;

* SR indicates major infrastructure improvements which are site related but are not physically located on the property.

OP indicates required spine infrastructure improvements which are located on the property.

OS indicates road improvements which are off-site, but are system-side improvements which will carry some of the traffic generated by Tierra Contenta.

** Timing of Ocate Road construction is dependent upon development of the adjoining properties, both of which are not subject to the phasing plan. Consequently, road construction could occur in any of the three phases.

EXHIBIT 3 (Cont)
 SCHEDULE OF IMPROVEMENTS FOR PHASE THREE

PROJECT DESCRIPTION	TYPE*	FUNDING SOURCE
<u>Phase Three - Roads</u>		
Paseo del Sol Loop from Ocate Rd to Academy Rd; 7,100'	OP	Tierra; Elisia; NMSD Assigns;
**Herrera Rd from Cerrillos Rd to Paseo del Sol Loop; 3,100'	OP	Herrera; NMSD Assigns;
<u>Phase Three - Water</u>		
**12" water line along Herrera Rd to Paseo del Sol	OP	Herrera; NMSD Assigns;
12" water line along Paseo del Sol Loop, from Ocate to Academy Rd	OP	Tierra; Elisia; NMSD Assigns;
***Water tank construction and line extension from locations east Cerrillos Road to TC property	OS	City; Other owners east of property;
<u>Phase Three - Sewer</u>		
***16" trunk sewer line along south branch of Arroyo Chamiso from Cerrillos to Bypass	SR & OP	City; Herrera; Hernandez; Tierra; Elisia; NMSD Assigns; Other owners south of the property;
***24" trunk sewer line from location east of Cerrillos Rd to TC property line	OS	City; Other owners east of the property;
8" sewer line along Paseo del Sol Loop, from Ocate to Academy	OP	Tierra; Elisia; NMSD Assigns;
<u>Phase Three - Parks</u>		
Multipurpose play field and park development on elementary school site	OP	Board of Education;
Plaza park development		

1122786

in Village Center;

OP Tierra;

Neighborhood park
development

OP City;

- * SR indicates major infrastructure improvements which are site related but are not physically located on the property.

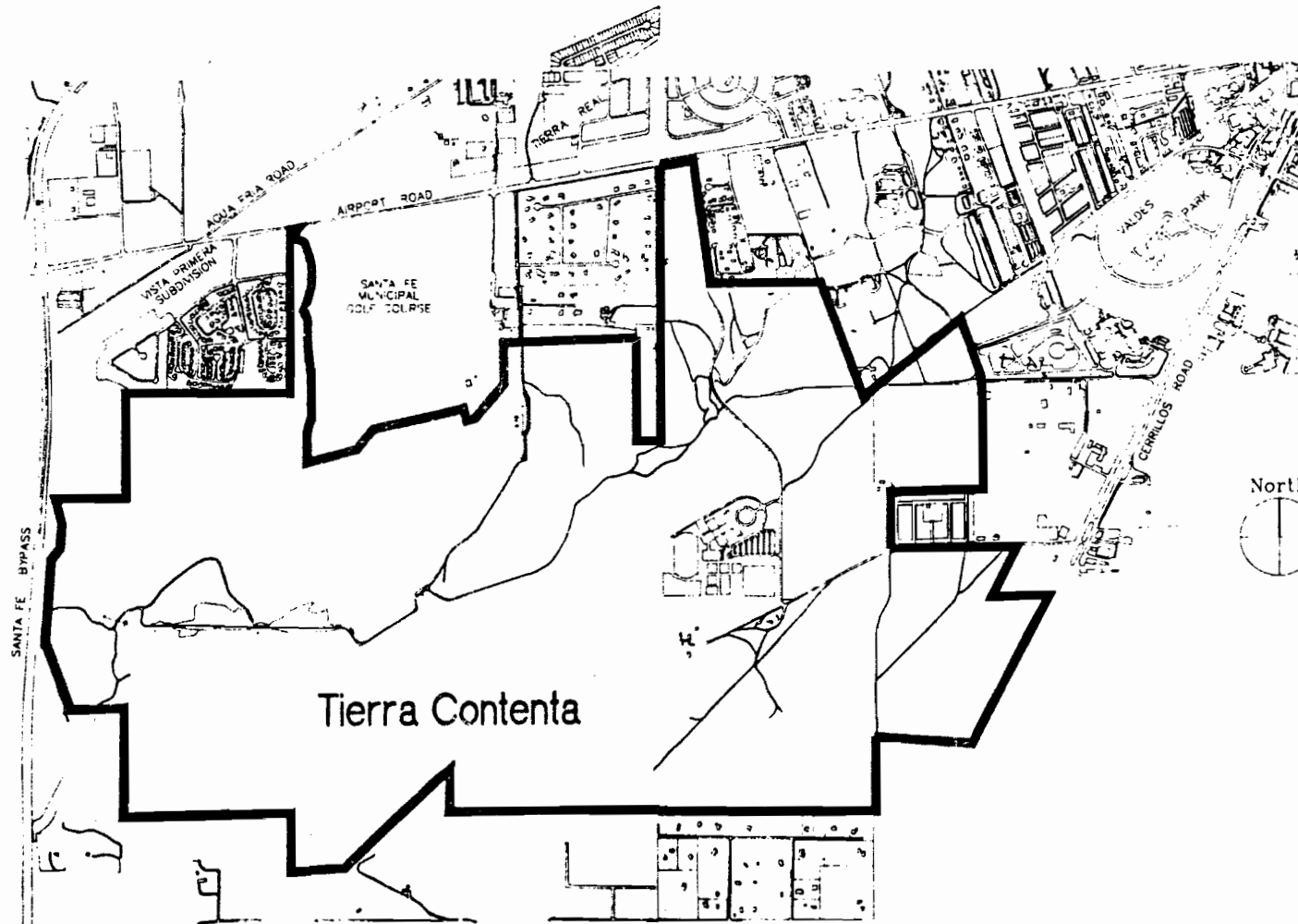
OP indicates required spine infrastructure improvements which are located on the property.

OS indicates road improvements which are off-site, but are system-wide improvements which will carry some of the traffic generated by Tierra Contenta.
- ** Timing of Herrera Road construction and related water system improvements are dependent upon the development of the adjoining property. This property is not subject to the phasing plan. Consequently, these improvements could occur in any of the three phases.
- *** Timing of the major water and sewer system improvements may be accelerated due to City sponsored policy initiatives. Consequently, actual improvements could occur in any of the three phases.

TIERRA CONTENTA REVISED ANNEXATION AGREEMENT AND MASTER PLAN 1993

INDEX OF SHEETS

- 1 COVER SHEET
- 2 1986 TIERRA CONTENTA ANNEXATION PLAT
- 3 VICINITY MAP
- 4 PRC AND ANNEXATION MASTER PLAN
- 5 DEVELOPMENT PROGRAM
- 6 TRANSPORTATION MASTER PLAN
- 7 TYPICAL ROAD SECTIONS
- 8-0 TYPICAL STREETSCAPE PLANS
- 10 SEWER FEASIBILITY MASTER PLAN
- 11 UTILITY SYSTEMS MASTER PLAN
- 12-15 TERRAIN MANAGEMENT MASTER PLAN
- 16 PHASING PLAN
- 17-20 SLOPE ANALYSIS MASTER PLAN



VICINITY MAP
SCALE 1" = 1000'

Mazria Associates, Inc.
The Flance Company
Calthorpe Associates
Jorge Gonzalez & Associates
Campbell Okuma Perkins Associates, Inc.
Housing Support Inc.
The Enterprise Foundation

REVISION BOX

NO.	DATE	REVISION	BY
1	12-20-83	MAZRIA ADDITIONS	JGBA
2	1-5-84	CITY ADDITIONS (PORTER)	JGBA

PHASE 1 DEVELOPMENT PROGRAM AND TRACT DATA

TRACT	LAND USE	NET ACREAGE	NO. OF UNITS	OWNER
1	Office / Business Incubator	3.0		City / TCC
2	Residential (6-9 du/acre)	21.6	162	City / TCC
3	Park	1.5		City / TCC
4	Residential (10-20 du/acre)	6.5	111	City / TCC
5	Residential (6-9 du/acre)	9.3	70	City / TCC
6	Residential (6-9 du/acre)	6.0	45	City / TCC
7	Residential (6-9 du/acre)	2.7	24	City / TCC
8	High School Expansion	10.0		City / TCC
9	Residential (1-5 du/acre)	8.0	36	City / TCC
10	Residential (1-5 du/acre)	11.5	52	City / TCC
11	Residential (6-9 du/acre)	13.7	103	City / TCC
12	Elementary School	8.2		City / TCC
13	Community	2.6		City / TCC
14	Neighborhood Commercial	3.0		City / TCC
15	Park	1.6		City / TCC
16	Community	3.4		City / TCC
17	Residential (10-20 du/acre)	6.2	105	City / TCC
18	Residential (6-9 du/acre)	11.3	85	City / TCC
19	Residential (10-20 du/acre)	5.3	90	City / TCC
20	Residential (10-20 du/acre)	6.0	96	SFD
21	Residential (6-9 du/acre)	5.2	36	SFD
22	Residential (1-5 du/acre)	8.8	35	SFD
23	Residential (1-5 du/acre)	39.5	158	SFD
24	Residential (1-5 du/acre)	20.0	90	Elisia
25	Residential (6-9 du/acre)	10.0	75	Elisia
26	Residential (6-9 du/acre)	16.0	120	Elisia
29	Residential (1-5 du/acre)	2.0	9	Elisia
30	Residential (1-5 du/acre)	9.2	41	Elisia
32	Residential (6-9 du/acre)	5.7	43	City / TCC
33	Residential (6-9 du/acre)	2.5	15	Prater
34	Community	1.5		City / TCC
PHASE 1 TOTALS		261.8	1601	

PHASE 2 DEVELOPMENT PROGRAM AND TRACT DATA

TRACT	LAND USE	NET ACREAGE	NO. OF UNITS	OWNER
27	Park	1.3		Elisia
28	Neighborhood Commercial	2.0		Elisia
31	Residential (10-20 du/acre)	7.0	126	Elisia
35	Elementary School	8.0		City / TCC
36	Residential (10-20 du/acre)	5.0	85	City / TCC
37	Residential (6-9 du/acre)	13.0	98	City / TCC
38	Residential (6-9 du/acre)	37.0	278	City / TCC
39	Residential (1-5 du/acre)	37.0	167	City / TCC
40	Residential (1-5 du/acre)	1.0	5	City / TCC
41	Residential (1-5 du/acre)	37.6	169	City / TCC
42	Residential (6-9 du/acre)	38.1	296	City / TCC
43	Residential (6-9 du/acre)	34.4	258	City / TCC
44	Residential (1-5 du/acre)	21.0	95	City / TCC
45	Residential (1-5 du/acre)	2.6	12	City / TCC
46	Residential (1-5 du/acre)	10.0	45	City / TCC
47	Residential (1-5 du/acre)	11.0	90	City / TCC
48	Residential (10-20 du/acre)	5.8	99	City / TCC
49	Park	1.5		City / TCC
50	Residential (10-20 du/acre)	7.3	124	City / TCC
51	Office / Business Incubator	12.6		City / TCC
52	Community	2.8		City / TCC
53	Village Commercial	5.5		City / TCC
54	Village Commercial	11.0		City / TCC
74	Residential (1-5 du/acre)	24.2	97	SFD
PHASE 2 TOTALS		336.7	1994	

PHASE 3 DEVELOPMENT PROGRAM AND TRACT DATA

TRACT	LAND USE	NET ACREAGE	NO. OF UNITS	OWNER
55	Residential (1-5 du/acre)	22.8	103	City / TCC
56	Residential (1-5 du/acre)	5.7	26	City / TCC
57	Residential (1-5 du/acre)	43.2	194	City / TCC
58	Residential (6-9 du/acre)	14.8	111	City / TCC
59	Private School	8.0		City / TCC
60	Residential (10-20 du/acre)	7.7	131	City / TCC
61	Residential (6-9 du/acre)	29.3	220	City / TCC
62	Residential (1-5 du/acre)	23.2	104	City / TCC
63	Residential (10-20 du/acre)	6.0	102	City / TCC
64	Community	1.3		City / TCC
65	Park	1.0		City / TCC
66	Neighborhood Commercial	1.1		SFD
67	Neighborhood Commercial	1.6		Elisia
68	Residential (10-20 du/acre)	6.6	119	Elisia
69	Residential (6-9 du/acre)	22.4	168	Elisia
70	Residential (10-20 du/acre)	4.5	72	SFD
71	Residential (6-9 du/acre)	13.7	96	SFD
72	School for the Deaf Campus	40.5		SFD
73	Residential (1-5 du/acre)	43.7	175	SFD
PHASE 3 TOTALS		297.1	1621	

CITY OF SANTA FE/TCC	NO. OF UNITS	% TOTAL UNITS	ACREAGE
Residential (1-5 du/acre)	1058	28.7	234.6
Residential (6-19 du/acre)	1783	48.3	236.9
Residential (10-20 du/acre)	847	23.0	49.8
Neighborhood Commercial			3.0
Community			11.6
Office / Business Incubator			15.6
Village Commercial			16.5
Schools			34.2
Park / Open Space			324.2
Major Roads			60.6
CITY OF SANTA FE / TCC TOTAL	3688	100.0	860.0

ELISIA PARTNERSHIP	NO. OF UNITS	% TOTAL UNITS	ACREAGE
Residential (1-5 du/acre)	140	18.7	31.2
Residential (6-19 du/acre)	363	48.5	48.4
Residential (10-20 du/acre)	245	32.8	13.6
Neighborhood Commercial			3.6
Park / Open Space			48.9
Major Roads			4.3
ELISIA PARTNERSHIP TOTAL	748	100.0	150.0

SCHOOL FOR THE DEAF	NO. OF UNITS	% TOTAL UNITS	ACREAGE
Residential (1-5 du/acre)	465	60.8	116.2
Residential (6-19 du/acre)	132	17.2	18.9
Residential (10-20 du/acre)	168	22.0	10.5
Neighborhood Commercial			1.1
School			40.5
Park / Open Space			61.9
Major Roads			11.9
SCHOOL FOR THE DEAF TOTAL	765	100.0	261.0

PRATER	NO. OF UNITS	% TOTAL UNITS	ACREAGE
Residential (6-19 du/acre)	15	100.0	2.5
PRATER TOTAL	15	100.0	2.5

SANTA FE PUBLIC SCHOOLS	NO. OF UNITS	% TOTAL UNITS	ACREAGE
Schools			57.8
SANTA FE PUBLIC SCHOOLS TOTAL			57.8

PRC AREA	NO. OF UNITS	% TOTAL UNITS	ACREAGE
Residential (1-5 du/acre)	1663	31.9	381.0
Residential (6-19 du/acre)	2293	44.0	306.7
Residential (10-20 du/acre)	1260	24.0	73.9
Neighborhood Commercial			7.7
Community			11.6
Office / Business Incubator			15.6
Village Commercial			16.5
Schools			324.2
Park / Open Space			324.2
Major Roads			60.6
PRC TOTAL	5216	100.0	1331.3

HERRERA ASSOCIATES * (not included in PRC request)	NO. OF UNITS	% TOTAL UNITS	ACREAGE
Multifamily Residential (RM-1)	390	100.0	35.5
General Commercial (C-2)			34.5
Park / Open Space			
Major Roads			
HERRERA ASSOCIATES TOTAL	390	100.0	70.0

DR. HERNANDEZ * (not included in PRC request)	NO. OF UNITS	% TOTAL UNITS	ACREAGE
Multifamily Residential (RM-1)	200	100.0	10.0
General Commercial (C-2)			5.4
Light Industrial (I-1)			4.6
Park / Open Space			
Major Roads			
DR. HERNANDEZ TOTAL	200	100.0	20.0

ANNEXATION AREA	NO. OF UNITS	% TOTAL UNITS	ACREAGE
Residential (1-5 du/acre)	1663	28.7	382.0
Residential (6-19 du/acre)	2293	39.5	306.7
Residential (10-20 du/acre)	1850	31.8	73.9
Neighborhood Commercial			7.7
Community			11.6
Office / Business Incubator			15.6
Village Commercial			16.5
Multifamily Residential (RM-1)			45.5
General Commercial (C-2)			34.5
Light Industrial (I-1)			4.6
Schools			324.2
Park / Open Space			324.2
Major Roads			60.6
ANNEXATION AREA TOTAL	5806	100.0	1421.3


Gross Density of Annexation Area 4.1 du/acre

NOTES:

- LOTS FRONTING ON CERRILLOS ROAD SHALL COMPLY WITH THE CERRILLOS ROAD HIGHWAY CORRIDOR.
- FOR PHASING PLAN AND DEVELOPMENT PROGRAM SEE ABOVE. SEE ALSO RESTATED ANNEXATION AGREEMENT ENTITLED "TIERRA CONTENTA, WOLGAMOOD SUBDIVISION AND CONTIGUOUS LAND (EAST)" FOR CONDITIONS OF DEVELOPMENT.
- AT THE TIME OF APPLICATION FOR PLAT OR REZONING, A SYSTEM OF APPROPRIATELY SCALED LOCAL ROADS SHALL BE ESTABLISHED WHICH CONNECT OR ARE STUBBED OUT TO PERMIT LATER CONNECTION TO ADJOINING LOCAL ROADS ON PROPERTIES WITHIN OR NEXT TO TIERRA CONTENTA.
- ON A PHASE BY PHASE BASIS, SUBSEQUENT PLATS SHALL ILLUSTRATE STORM WATER MANAGEMENT SYSTEMS ACCEPTABLE TO THE CITY WHICH INCLUDE FACILITY DESIGN AND MAINTENANCE PROGRAMS.
- FOR EACH PHASE OF DEVELOPMENT, BUFFERS ACCEPTABLE TO THE PLANNING COMMISSION SHALL BE PROVIDED TO ADJACENT COUNTY RESIDENTIAL USES.
- FOR FINAL SUBDIVISION PLATS OR DEVELOPMENT PLANS (IN THE CASE OF MULTI-FAMILY), THE DISPOSITION OF LANDS OVER 30% THAT ARE NOT LOCATED IN THE PUBLIC OPEN SPACE SYSTEM SHALL BE CLARIFIED. LANDS OUTSIDE THE OPEN SPACE SYSTEM THAT ARE OVER 30% SHALL BE IDENTIFIED AS REMAINING UNDISTURBED PER THE CITY CODE OR AS REQUIRING A VARIANCE.
- SUBMITTALS SHALL BE PREPARED ON A PHASE BY PHASE BASIS FOR IMPROVEMENT PLANS, VEGETATION PLANS (INCLUDING USE OF NATIVE PLANTS) AND IRRIGATION PLANS (INCLUDING XERISCAPE AND USE OF EFFLUENT WATER) IN PARKS, OPEN SPACE, ROADWAYS, DRAINAGES, AND COMMUNITY FACILITIES. THE CITY PARKS AND PUBLIC WORKS DEPARTMENTS SHALL REVIEW THE SUBMITTALS TO DETERMINE ACCEPTABLE PLANS.
- THERE SHALL BE ENTRANCE WAYS OR TRAIL HEADS TO PROVIDE CONVENIENT ACCESS TO THE NEIGHBORHOOD AND COMMUNITY PARKS LOCATED WITHIN THE URBAN PARK.

- ON A PHASE BY PHASE BASIS, THE CITY PARKS DEPARTMENT SHALL RECOMMEND SIZE AND DEVELOPMENT CRITERIA FOR PARK IMPROVEMENTS.
- ROADS WILL BE CONSTRUCTED CONSISTENT WITH CITY CODE OR VARIANCES FROM THE CITY CODE SHALL BE OBTAINED FROM CITY HALL.
- FOR AMENDED MASTER PLAN SEE SHEET 4 OF 20. SEE ALSO RESTATED ANNEXATION AGREEMENT ENTITLED "TIERRA CONTENTA, WOLGAMOOD SUBDIVISION AND CONTIGUOUS LAND (EAST)" FOR CONDITIONS OF DEVELOPMENT.
- HERRERA PROPERTIES: FOR CONDITIONS OF APPROVAL SEE CASE ZA1993-32 AND ZA1993-33, APPROVED BY THE CITY COUNCIL ON FEB. 23, 1994, AND RESTATED AGREEMENT.
- HERNANDEZ PROPERTIES FOR CONDITIONS OF APPROVAL SEE CASE ZA1993-29 AND ZA1993-31, APPROVED BY THE CITY COUNCIL ON FEB. 23, 1994, AND RESTATED AGREEMENT.
- FOR THE PHASING PLAN TIME PERIOD, SEE THE ANNEXATION AGREEMENT FOR THE FOLLOWING: TIME PERIOD FOR PHASING PLAN, SCHEDULE OF IMPROVEMENTS AND THE SCHEDULE OF LAND TO BE DEDICATED TO THE CITY OF SANTA FE.
- DEVELOPMENT WITHIN THE PRC SHALL COMPLY WITH THE APPROVED DESIGN GUIDELINES. (PHASE 1A APPROVED BY THE CITY COUNCIL ON NOVEMBER 9, 1994.)

APPROVED BY THE CITY COUNCIL ON FEBRUARY 23, 1994.

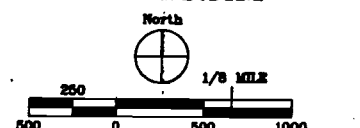


 Mayor: Arthur J. Humilla 12/6/94

 City Clerk: Yolanda J. Vigil 12/6/94

 City Planner: Joanna Price 12/6/94

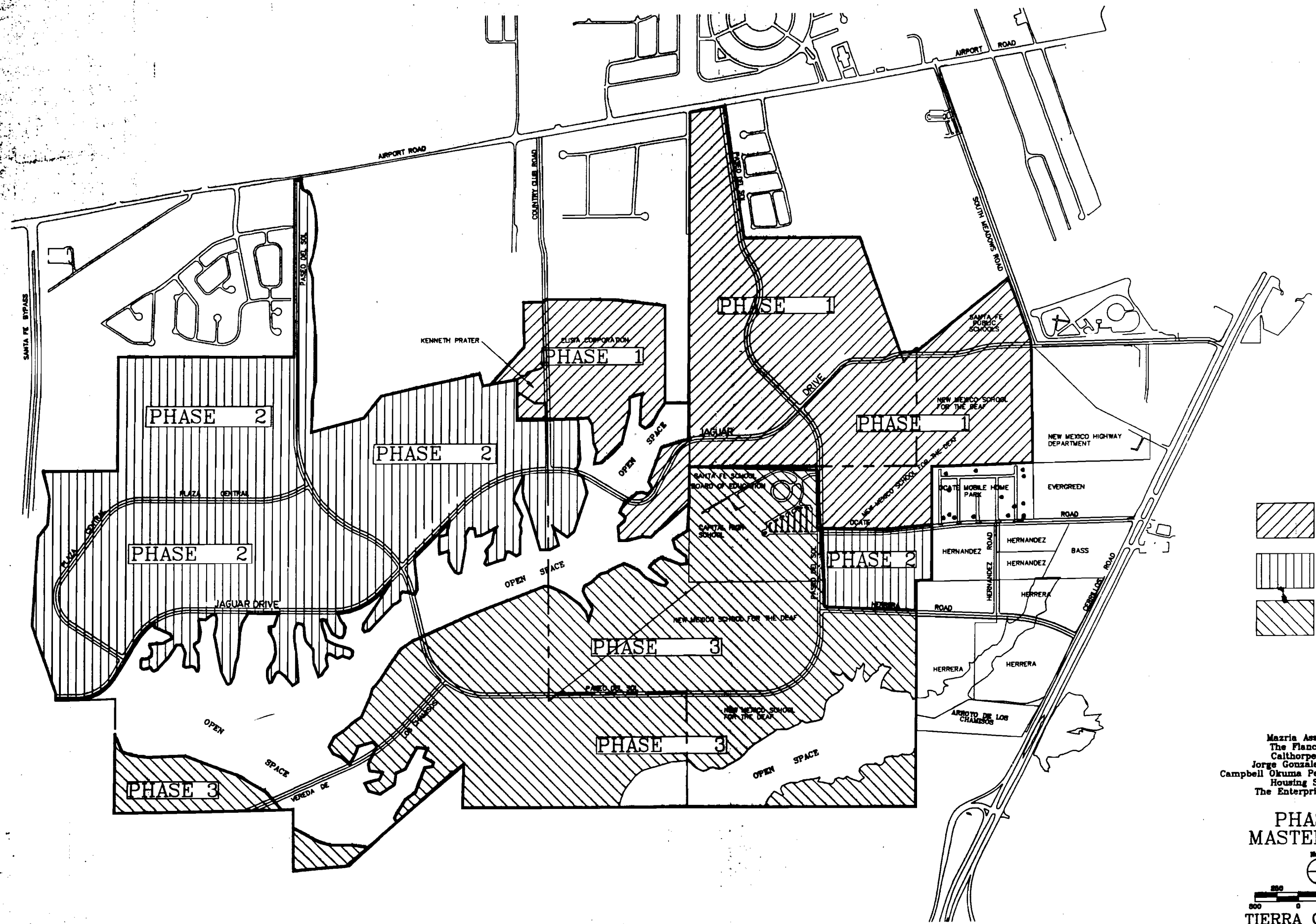
Mazria Associates, Inc.
 The Flance Company
 Calthorpe Associates
 Jorge Gonzalez & Associates
 Campbell Okuma Perkins Associates, Inc.
 Housing Support Inc.
 The Enterprise Foundation



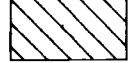
REVISED
 DEVELOPMENT PROGRAM


 TIERRA CONTENTA
 SANTA FE, NEW MEXICO
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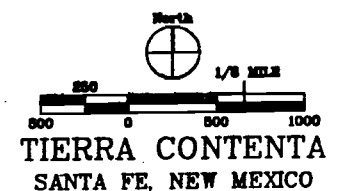
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-  PHASE 1
-  PHASE 2
-  PHASE 3

Mazria Associates, Inc.
 The Flance Company
 Calthorpe Associates
 Jorge Gonzalez & Associates
 Campbell Okuma Perkins Associates, Inc.
 Housing Support Inc.
 The Enterprise Foundation

**PHASING
 MASTER PLAN**



REVISION BOX

NO.	DATE	REVISION	BY
1	11-29-83	ISSUE	MAZRIA ASSOCIATES

Exhibit L

WARRANTY DEED

ST&E 09122600 LD

CLERK RECORDED 01/05/2010

Tierra Contenta Corporation, a New Mexico non-profit corporation, for consideration paid, grants to Commercial Center at 599, Inc., a New Mexico Corporation, whose address is P.O. Box 38, Espanola, New Mexico, 87532, the following described real estate in Santa Fe County, New Mexico.

LEGAL DESCRIPTION

CERTAIN PARCELS OF LAND COMPRISED OF TRACT 51A, TRACT 51B, TRACT 54A, TRACT 54B, AND TRACT 54C ALL AS SHOWN OF THAT CERTAIN PLAT OF SURVEY ENTITLED "TIERRA CONTENTA SUBDIVISION, PHASE 2C", SITUATE WITHIN PROJECTED SECTION 14 OF TOWNSHIP 16 NORTH, RANGE 8 EAST, OF THE NEW MEXICO PRINCIPAL MERIDIAN, CITY AND COUNTY OF SANTA FE, NEW MEXICO, THE PERIMETER OF SAID TRACTS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY BOUNDARY OF THE HEREIN DESCRIBED TRACT, ALSO BEING A POINT ON THE EASTERLY RIGHT-OF-WAY OF STATE ROAD NUMBER 599 AND BEING A 1/2" REBAR WITH CAP STAMPED "LS 4078", FROM WHENCE CITY OF SANTA FE CONTROL MONUMENT "SFC No.1008" BEARS SOUTH 58°35'50" WEST, 43.47 FEET DISTANT;

THENCE FROM SAID POINT OF BEGINNING ALONG SAID EASTERLY RIGHT-OF-WAY OF STATE ROAD NUMBER 599, NORTH 37°26'29" EAST, A DISTANCE OF 180.23 FEET, BEING MARKED BY A 5/8" REBAR;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY OF STATE ROAD NUMBER 599, NORTH 03°45'26" EAST, A DISTANCE OF 299.95 FEET, BEING MARKED BY A 5/8" REBAR;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY OF STATE ROAD NUMBER 599, NORTH 14°17'30" WEST, A DISTANCE OF 322.73 FEET, BEING MARKED BY A 5/8" REBAR MARKING THE NORTHWESTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY OF STATE ROAD NUMBER 599, NORTH 89°43'59" EAST, A DISTANCE OF 864.14 FEET TO A POINT ON A CURVE ON THE WESTERLY RIGHT-OF-WAY OF CONTENTA RIDGE AND THE NORTHEASTERLY CORNER OF THE HEREIN DESCRIBED TRACT, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "LS 4078";

THENCE 195.69 FEET ALONG THE ARC OF A CURVE TO THE LEFT AND ALONG SAID WESTERLY RIGHT-OF-WAY OF CONTENTA RIDGE, SAID CURVE HAVING A DELTA OF 51°11'54", A RADIUS OF 219.00 FEET, AND A CHORD WHICH BEARS SOUTH 25°38'28" EAST 189.25 FEET, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655";

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY OF CONTENTA RIDGE, SOUTH 51°14'25" EAST TANGENT TO SAID CURVE, A DISTANCE OF 14.63 FEET TO A POINT OF CURVATURE BEING MARKED BY A BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655";

THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY OF CONTENTA RIDGE 25.94 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A DELTA OF 87°25'58", A RADIUS OF 17.00 FEET, AND A CHORD WHICH BEARS SOUTH 07°18'28" EAST 23.50 FEET, TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF PLAZA CENTRAL BEING MARKED BY A BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655";

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY OF PLAZA CENTRAL, SOUTH 36°13'57" WEST, A DISTANCE OF 1157.75 FEET, TO A POINT OF CURVATURE BEING MARKED BY A BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655";

THENCE 652.34 FEET ALONG THE ARC OF A CURVE TO THE LEFT AND ALONG SAID WESTERLY RIGHT-OF-WAY OF PLAZA CENTRAL, SAID CURVE HAVING A DELTA OF 73°33'34", A RADIUS OF 508.11 FEET, AND A CHORD WHICH BEARS SOUTH 00°32'50" EAST, 608.45 FEET, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655";

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY OF PLAZA CENTRAL, SOUTH 37°19'39" EAST, A DISTANCE OF 51.56 FEET, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655";

THENCE 198.97 FEET ALONG THE ARC OF A CURVE TO THE LEFT AND ALONG SAID WESTERLY RIGHT-OF-WAY OF PLAZA CENTRAL, SAID CURVE HAVING A DELTA OF $26^{\circ}19'41''$, A RADIUS OF 433.00 FEET, AND A CHORD WHICH BEARS SOUTH $50^{\circ}29'30''$ EAST, 197.22 FEET, TO A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655";

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY OF PLAZA CENTRAL, SOUTH $63^{\circ}39'20''$ EAST, A DISTANCE OF 464.58 FEET, TO A POINT OF CURVATURE, BEING MARKED BY A BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655";

THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY OF PLAZA CENTRAL, 39.72 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A DELTA OF $91^{\circ}01'44''$, A RADIUS OF 25.00 FEET, AND A CHORD WHICH BEARS SOUTH $18^{\circ}08'28''$ EAST, 35.67 FEET, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF JAGUAR DRIVE, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655";

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY OF JAGUAR DRIVE, SOUTH $27^{\circ}22'24''$, A DISTANCE OF 17.82 FEET BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655";

THENCE 801.84 FEET ALONG THE ARC OF A CURVE TO THE RIGHT AND ALONG SAID NORTHERLY RIGHT-OF-WAY OF JAGUAR DRIVE, SAID CURVE HAVING A DELTA OF $63^{\circ}01'13''$, A RADIUS OF 729.00 FEET, AND A CHORD WHICH BEARS SOUTH $58^{\circ}53'00''$, WEST 762.02 FEET TO AND, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655";

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY OF JAGUAR DRIVE, NORTH $89^{\circ}36'22''$ WEST, A DISTANCE OF 67.70 FEET, TO A POINT ON SAID EASTERLY RIGHT-OF-WAY OF STATE ROAD NUMBER 599, AND THE SOUTHWESTERLY CORNER OF THE HEREIN DESCRIBED TRACT BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655";

THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY OF JAGUAR DRIVE, AND CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY OF STATE ROAD NUMBER 599, NORTH $00^{\circ}03'26''$ WEST, A DISTANCE OF 8.35 FEET, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "LS 4078",

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY OF STATE ROAD NUMBER 599, NORTH $20^{\circ}01'55''$ WEST, A DISTANCE OF 820.14 FEET, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "LS 4078";

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY OF STATE ROAD NUMBER 599, NORTH $03^{\circ}44'22''$ EAST, A DISTANCE OF 1025.21 FEET; TO THE POINT AND PLACE OF BEGINNING.

THE HEREIN DESCRIBED TRACTS CONTAIN 32.9476 ACRES MORE OR LESS, AND IS MORE FULLY SHOWN ON THAT CERTAIN PLAT OF SURVEY ENTITLED "TIERRA CONTENTA SUBDIVISION, PHASE 2C" PREPARED BY JAMES B. SANCHEZ, N.M.P.L.S. NUMBER 12655, ON 06-26-08, AND HAVING PROJECT NUMBER 16081314-TC P2C.

AND

A CERTAIN PARCEL OF LAND COMPRISED OF TRACT 54C, AS SHOWN OF THAT CERTAIN PLAT OF SURVEY ENTITLED "TIERRA CONTENTA SUBDIVISION, PHASE 2C", SITUATE WITHIN PROJECTED SECTION 14 OF TOWNSHIP 16 NORTH, RANGE 8 EAST, OF THE NEW MEXICO PRINCIPAL MERIDIAN, CITY AND COUNTY OF SANTA FE, NEW MEXICO, THE PERIMETER OF SAID TRACTS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF THE HEREIN DESCRIBED TRACT, BEING A POINT ON THE EASTERLY RIGHT-OF-WAY OF STATE ROAD NUMBER 599 AND A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF JAGUAR DRIVE, BEING A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655", FROM WHENCE CITY OF SANTA FE CONTROL MONUMENT "SFC NO.1008" BEARS THE FOLLOWING COURSES:

NORTH $00^{\circ}03'26''$ WEST, A DISTANCE OF 74.35 FEET; THENCE NORTH $20^{\circ}01'55''$ WEST, A DISTANCE OF 820.14 FEET; THENCE NORTH $03^{\circ}44'22''$ EAST, A DISTANCE OF 1025.21 FEET; THENCE SOUTH $58^{\circ}35'50''$ WEST, A DISTANCE OF 43.47 FEET DISTANT;

THENCE FROM SAID POINT OF BEGINNING ALONG SAID NORTHERLY RIGHT-OF-WAY OF JAGUAR DRIVE, SOUTH $89^{\circ}36'22''$ EAST, A DISTANCE OF 67.18 FEET, TO A POINT OF CURVATURE, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655";

THENCE 713.45 FEET ALONG THE ARC OF A CURVE TO THE LEFT AND ALONG SAID SOUTHERLY RIGHT-OF-WAY OF JAGUAR DRIVE, SAID CURVE HAVING A DELTA OF 51°25'06", A RADIUS OF 795.00 FEET, AND A CHORD WHICH BEARS NORTH 64°41'04" EAST, 689.75' TO THE NORTHEASTERLY CORNER OF THE HEREIN DESCRIBED TRACT, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655";

THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY OF JAGUAR DRIVE ON SOUTH 00°00'55" EAST, A DISTANCE OF 284.37 FEET ,TO THE SOUTHEASTERLY CORNER OF THE HEREIN DESCRIBED TRACT, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655" ;

THENCE SOUTH 88°24'17" WEST, A DISTANCE OF 691.02 FEET TO THE SOUTHWESTERLY CORNER OF THE HEREIN DESCRIBED TRACT, AND A POINT ON SAID EASTERLY RIGHT-OF-WAY OF STATE ROAD NUMBER 599 ,BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "LS 4078";

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY OF STATE ROAD NUMBER 599, NORTH 00°03'26" WEST, A DISTANCE OF 9.12 FEET TO THE POINT AND PLACE OF BEGINNING.

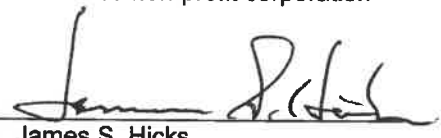
THE HEREIN DESCRIBED TRACT CONTAINS 1.2570 ACRES MORE OR LESS, AND IS MORE FULLY SHOWN ON THAT CERTAIN PLAT OF SURVEY ENTITLED "TIERRA CONTENTA SUBDIVISION, PHASE 2C", PREPARED BY JAMES B. SANCHEZ, N.M.P.L.S. NUMBER 12655, ON 06-26-08, AND HAVING PROJECT NUMBER 16081314-TC P2C.

SUBJECT TO: Restrictions, reservations and easements of record.

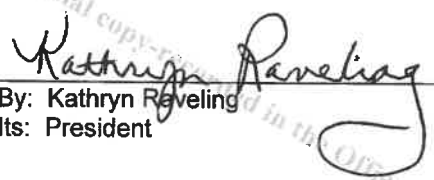
With warranty covenants.

WITNESS my hand and seal this 31st day of December, 2009.

Tierra Contenta Corporation,
a New Mexico non-profit corporation



By: James S. Hicks
Its: Executive Director



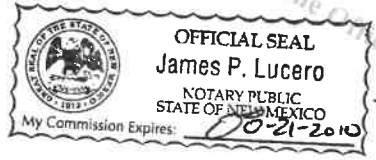
By: Kathryn Raveling
Its: President

Official copy- recorded in the Office of the Santa Fe County Clerk-Provided to EJVIGIL

ACKNOWLEDGEMENT

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

This instrument was acknowledged before me on 31st day of December, 2009, by James S. Hicks, Executive Director of Tierra Contenta Corporation, a New Mexico non-profit corporation, and Kathryn Raveling, President of Tierra Contenta Corporation, a New Mexico non-profit corporation.



[Signature]
Notary Public

My Commission Expires: _____ (Seal)

COUNTY OF SANTA FE) WARRANTY DEED
STATE OF NEW MEXICO) ss PAGES: 4

I Hereby Certify That This Instrument Was Filed for Record On The 5TH Day Of January, 2010 at 10:49:53 AM And Was Duly Recorded as Instrument # 1587592 Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office
Valerie Espinoza
Deputy *[Signature]* County Clerk, Santa Fe, NM



Unofficial copy of the Office of the Santa Fe County Clerk-Provided to EJVIGIL
Unofficial copy-recorded in the Office of the Santa Fe County Clerk-Provided to EJVIGIL

EXHIBIT M

CORRECTED WARRANTY DEED

TIERRA CONTENTA CORPORATION, A NEW MEXICO NON-PROFIT CORPORATION, for consideration paid, grant to COMMERCIAL CENTER AT 599, INC., A NEW MEXICO CORPORATION whose address is P.O. BOX 38, ESPANOLA, NEW MEXICO 87532 the following described real estate in SANTA FE County, New Mexico:

LEGAL DESCRIPTION IS ATTACHED HERETO AS "EXHIBIT A"

THIS DEED IS INTENDED TO CORRECT, REPLACE AND SUPERSEDE THAT CERTAIN WARRANTY DEED BY AND BETWEEN TIERRA CONTENTA CORPORATION, A NEW MEXICO NON-PROFIT CORPORATION, (GRANTOR) AND COMMERCIAL CENTER AT 599, INC., A NEW MEXICO CORPORATION (GRANTEE), EXECUTED ON DECEMBER 31ST, 2009 AND RECORDED IN THE OFFICE OF THE SANTA FE COUNTY CLERK ON JANUARY 5TH, 2010 AS INSTRUMENT # 1587592.

COUNTY OF SANTA FE) CORRECTED WARRANTY DEE
STATE OF NEW MEXICO) ss PAGES: 8

I Hereby Certify That This Instrument Was Filed for Record On The 17TH Day Of October, 2011 at 03:50:23 PM And Was Duly Recorded as Instrument # 1648334 Of The Records Of Santa Fe County

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



with warranty covenants.

WITNESS hand and seal this 13th day of October 2011 Executive Director Tierra Contenta Corp.

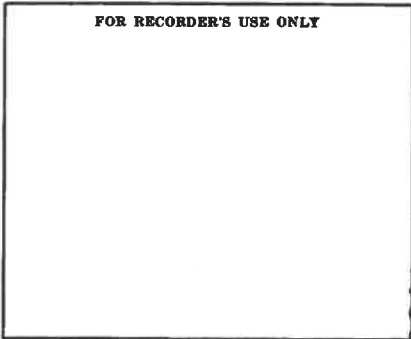
ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO } ss. COUNTY OF The foregoing instrument was acknowledged before me this day of 19 by My commission expires: Notary Public

ACKNOWLEDGMENT FOR CORPORATION

STATE OF NEW MEXICO } ss. COUNTY OF Santa Fe The foregoing instrument was acknowledged before me this 13th day of October 2011 by James S. Hicks Executive Director of Tierra Contenta Corporation a New Mexico corporation, on behalf of said corporation.

Margaret L. Vasquez Notary Public



REC'D CLERK RECORDED 10/17/2011

EXHIBIT A LEGAL DESCRIPTION

A CERTAIN PARCEL OF LAND COMPRISED OF A PORTION OF THE REMAINING UNDEVELOPED LANDS OF THE TIERRA CONTENTA SUBDIVISION, PHASE 2B, SAID PLAT BEING RECORDED IN THE OFFICE OF THE SANTA FE COUNTY CLERK IN PLAT BOOK 579 ON PAGES 5-8, SITUATE WITHIN PROJECTED SECTION 14 OF TOWNSHIP 16 NORTH, RANGE 8 EAST, OF THE NEW MEXICO PRINCIPAL MERIDIAN, CITY AND COUNTY OF SANTA FE, NEW MEXICO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY BOUNDARY OF THE HEREIN DESCRIBED TRACT, ALSO BEING A POINT ON THE EASTERLY RIGHT-OF-WAY OF STATE ROAD NUMBER 599 AND BEING A 1/2" REBAR WITH CAP STAMPED "LS 4078", FROM WHENCE CITY OF SANTA FE CONTROL MONUMENT "SFC No.1008" BEARS SOUTH 58°35'50" WEST, 43.47 FEET DISTANT;

THENCE FROM SAID POINT OF BEGINNING ALONG SAID EASTERLY RIGHT-OF-WAY OF STATE ROAD NUMBER 599, NORTH 37°26'29" EAST, A DISTANCE OF 180.23 FEET, BEING MARKED BY A 5/8" REBAR;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY OF STATE ROAD NUMBER 599, NORTH 03°45'26" EAST, A DISTANCE OF 299.95 FEET, BEING MARKED BY A 5/8" REBAR;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY OF STATE ROAD NUMBER 599, NORTH 14°17'30" WEST, A DISTANCE OF 322.73 FEET, BEING MARKED BY A 5/8" REBAR MARKING THE NORTHWESTERLY CORNER OF THE HEREIN DESCRIBED TRACT;

THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY OF STATE ROAD NUMBER 599, NORTH 89°43'59" EAST, A DISTANCE OF 864.14 FEET TO A POINT ON A CURVE ON THE WESTERLY RIGHT-OF-WAY OF CONTENTA RIDGE AND THE NORTHEASTERLY CORNER OF THE HEREIN DESCRIBED TRACT, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "LS 4078",

THENCE 195.69 FEET ALONG THE ARC OF A CURVE TO THE LEFT AND ALONG SAID WESTERLY RIGHT-OF-WAY OF CONTENTA RIDGE, SAID CURVE HAVING A DELTA OF 51°11'54", A RADIUS OF 219.00 FEET, AND A CHORD WHICH BEARS SOUTH 25°38'28" EAST 189.25 FEET, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655";

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY OF CONTENTA RIDGE, SOUTH 51°14'25" EAST TANGENT TO SAID CURVE, A DISTANCE OF 14.63 FEET TO A POINT OF CURVATURE BEING MARKED BY A BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655";

THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY OF CONTENTA RIDGE 25.94 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A DELTA

OF 87°25'58", A RADIUS OF 17.00 FEET, AND A CHORD WHICH BEARS SOUTH 07°18'28" EAST 23.50 FEET, TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF PLAZA CENTRAL BEING MARKED BY A BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655";

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY OF PLAZA CENTRAL FOR THE FOLLOWING COURSES;

SOUTH 37°55'49" WEST, A DISTANCE OF 23.85 FEET TO A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655";

THENCE SOUTH 36°13'57" WEST, A DISTANCE OF 217.47 FEET TO A POINT OF CURVATURE BEING MARKED BY A BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655" ;

THENCE 38.30 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A DELTA OF 15°33'49" , A RADIUS OF 141.00 FEET, AND A CHORD WHICH BEARS SOUTH 44°00'51" WEST, 38.18 FEET, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655" ;

THENCE 43.19 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A DELTA OF 15°33'49" , A RADIUS OF 159.00 FEET, AND A CHORD WHICH BEARS SOUTH 44°00'51" WEST, 43.06 FEET, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655" ;

THENCE SOUTH 36°13'57" WEST, A DISTANCE OF 200.00 FEET TO A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655";

THENCE SOUTH 29°29'13" WEST, A DISTANCE OF 93.65 FEET TO A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655";

THENCE SOUTH 36°13'57" WEST, A DISTANCE OF 221.56 FEET TO A POINT OF CURVATURE BEING MARKED BY A BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655" ;

THENCE 38.30 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A DELTA OF 15°33'49" , A RADIUS OF 141.00 FEET, AND A CHORD WHICH BEARS SOUTH 44°00'51" WEST, 38.18 FEET, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655" ;

THENCE 43.19 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A DELTA OF 15°33'49" , A RADIUS OF 159.00 FEET, AND A CHORD WHICH BEARS SOUTH 44°00'51" WEST, 43.06 FEET, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655" ;

THENCE SOUTH 36°13'57" WEST, A DISTANCE OF 200.00 FEET TO A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655";

Unofficially recorded in the Office of the Santa Fe County Clerk-Provided to ENVIGIL

THENCE SOUTH 27°58'50" WEST, A DISTANCE OF 98.16 FEET TO A POINT OF CURVATURE BEING MARKED BY A BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655" ;

THENCE 177.40 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A DELTA OF 19°57'54" , A RADIUS OF 509.11 FEET, AND A CHORD WHICH BEARS SOUTH 19°56'10" WEST 176.51 FEET, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655" ;

THENCE 18.44 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A DELTA OF 25°46'32" , A RADIUS OF 41.00 FEET, AND A CHORD WHICH BEARS SOUTH 22°50'29" WEST 18.29 FEET, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655" ;

THENCE 32.10 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A DELTA OF 31°10'30", A RADIUS OF 59.00 FEET, AND A CHORD WHICH BEARS SOUTH 20°08'30" WEST 31.71 FEET, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655" ;

THENCE NORTH 85°26'45" WEST, A DISTANCE OF 8.00 FEET TO A POINT OF CURVATURE BEING MARKED BY A BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655" ;

THENCE 36.16 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A DELTA OF 03°54'57", A RADIUS OF 529.11 FEET, AND A CHORD WHICH BEARS SOUTH 02°35'46" WEST 36.15 FEET, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655" ;

THENCE SOUTH 89°21'42" EAST, A DISTANCE OF 8.00 FEET TO A POINT OF CURVATURE BEING MARKED BY A BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655" ;

THENCE 32.10 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A DELTA OF 31°10'30", A RADIUS OF 59.00 FEET, AND A CHORD WHICH BEARS SOUTH 14°56'57" EAST 31.71 FEET, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655" ;

THENCE 18.44 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A DELTA OF 25°46'32", A RADIUS OF 41.00 FEET, AND A CHORD WHICH BEARS SOUTH 17°38'57" EAST 18.29 FEET, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655" ;

THENCE 79.47 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A DELTA OF 8°56'39", A RADIUS OF 509.11 FEET, AND A CHORD WHICH BEARS SOUTH 09°14'00" EAST 79.39 FEET, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655" ;

THENCE 28.29 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A DELTA OF 11°29'41" , A RADIUS OF 141.00 FEET, AND A CHORD WHICH BEARS SOUTH 07°57'29" EAST 28.24 FEET, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655" ;

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THENCE 58.34 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A DELTA OF 21°01'26", A RADIUS OF 159.00 FEET, AND A CHORD WHICH BEARS SOUTH 12°43'22" EAST 58.02 FEET, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655" ;

THENCE 127.93 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A DELTA OF 14°05'34", A RADIUS OF 520.11 FEET, AND A CHORD WHICH BEARS SOUTH 30°16'52" EAST 127.61 FEET, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655" ;

THENCE SOUTH 37°19'39" EAST, A DISTANCE OF 77.48 FEET TO A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655" ;

THENCE SOUTH 38°28'19" EAST, A DISTANCE OF 127.66 FEET TO A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655" ;

THENCE 53.67 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A DELTA OF 18°11'42", A RADIUS OF 169.00 FEET, AND A CHORD WHICH BEARS SOUTH 46°25'30" EAST 53.44 FEET, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655" ;

THENCE SOUTH 37°19'39" EAST, A DISTANCE OF 19.35 FEET TO A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655" ;

THENCE 111.74 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A DELTA OF 11°46'07", A RADIUS OF 544.00 FEET, AND A CHORD WHICH BEARS SOUTH 43°12'42" EAST 111.54 FEET, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655" ;

THENCE SOUTH 49°05'46" EAST, A DISTANCE OF 225.90 FEET TO A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655" ;

THENCE SOUTH 57°13'34" EAST, A DISTANCE OF 28.28 FEET TO A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655" ;

THENCE SOUTH 49°05'46" EAST, A DISTANCE OF 15.03 FEET TO A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655" ;

THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY OF PLAZA CENTRAL 28.66 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A DELTA OF 20°47'18", A RADIUS OF 79.00 FEET, AND A CHORD WHICH BEARS SOUTH 38°42'07" EAST 28.51 FEET, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655" ;

THENCE 59.54 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A DELTA OF 43°10'43", A RADIUS OF 79.00 FEET, AND A CHORD WHICH BEARS SOUTH 06°43'06" EAST 58.14 FEET, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655" ;

THENCE 17.64 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A DELTA OF 10°00'20", A RADIUS OF 101.00 FEET, AND A CHORD WHICH

BEARS SOUTH 09°52'05" WEST 17.62 FEET, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655" ;

THENCE 60.33 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A DELTA OF 38°50'09", A RADIUS OF 89.00 FEET, AND A CHORD WHICH BEARS SOUTH 24°17'00" WEST 59.18 FEET, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF JAGUAR DRIVE, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655" ;

THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY OF JAGUAR DRIVE FOR THE FOLLOWING COURSES;
SOUTH 43°42'04" WEST, A DISTANCE OF 45.64 FEET TO A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655";

THENCE SOUTH 51°45'29" WEST, A DISTANCE OF 29.20 FEET TO A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655";

THENCE 49.35 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A DELTA OF 05°55'42", A RADIUS OF 477.00 FEET, AND A CHORD WHICH BEARS SOUTH 47°47'47" WEST 49.33 FEET, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655" ;

THENCE 52.61 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A DELTA OF 21°22'41", A RADIUS OF 141.00 FEET, AND A CHORD WHICH BEARS SOUTH 61°26'58" WEST 52.30 FEET, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655" ;

THENCE 31.36 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A DELTA OF 11°18'04", A RADIUS OF 159.00 FEET, AND A CHORD WHICH BEARS SOUTH 66°29'17" WEST 31.31 FEET, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655" ;

THENCE 224.21 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A DELTA OF 27°34'02", A RADIUS OF 466.00 FEET, AND A CHORD WHICH BEARS SOUTH 74°37'16" WEST 222.06 FEET, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655" ;

THENCE SOUTH 88°24'17" WEST, A DISTANCE OF 184.64 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF STATE ROAD NUMBER 599, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655";

THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY OF JAGUAR DRIVE, AND CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY OF STATE ROAD NUMBER 599, NORTH 00°03'26" WEST, A DISTANCE OF 5.47 FEET, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "LS 4078",

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY OF STATE ROAD NUMBER 599, NORTH 20°01'55" WEST, A DISTANCE OF 820.14 FEET, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "LS 4078";

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY OF STATE ROAD NUMBER 599,

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NORTH 03°44'22" EAST, A DISTANCE OF 1025.21 FEET; TO THE POINT AND PLACE OF BEGINNING.

THE HEREIN DESCRIBED TRACT CONTAINS 31.1540 ACRES MORE OR LESS, REFER TO "REVISED MASTER PLAN PRC AND ANNEXATION", RECORDED IN THE OFFICE OF THE SANTA FE COUNTY CLERK IN PLAT BOOK 292 ON PAGES 36-37.

AND

A CERTAIN PARCEL OF LAND COMPRISED OF A PORTION OF THE REMAINING UNDEVELOPED LANDS OF THE TIERRA CONTENTA SUBDIVISION, PHASE 2B, SAID PLAT BEING RECORDED IN THE OFFICE OF THE SANTA FE COUNTY CLERK IN PLAT BOOK 579 ON PAGES 5-8, SITUATE WITHIN PROJECTED SECTION 14 OF TOWNSHIP 16 NORTH, RANGE 8 EAST, OF THE NEW MEXICO PRINCIPAL MERIDIAN, CITY AND COUNTY OF SANTA FE, NEW MEXICO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF THE HEREIN DESCRIBED TRACT, A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF JAGUAR DRIVE, BEING A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655", FROM WHENCE CITY OF SANTA FE CONTROL MONUMENT "SFC NO. 1008" BEARS NORTH 16°23'00" WEST, A DISTANCE OF 1,924.39 FEET DISTANT;

THENCE FROM SAID POINT OF BEGINNING ALONG SAID SOUTHERLY RIGHT-OF-WAY OF JAGUAR DRIVE FOR THE FOLLOWING COURSES: 178.31 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A DELTA OF 18°26'28", A RADIUS OF 554.00 FEET, AND A CHORD WHICH BEARS NORTH 68°16'01" EAST 177.54 FEET, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655" ;

THENCE 29.75 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A DELTA OF 41°34'52", A RADIUS OF 41.00 FEET, AND A CHORD WHICH BEARS NORTH 35°26'26" EAST 29.11 FEET, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655" ;

THENCE 100.74 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A DELTA OF 10°37'46", A RADIUS OF 543.00 FEET, AND A CHORD WHICH BEARS NORTH 50°54'59" EAST 100.59 FEET, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655" ;

THENCE NORTH 35°34'16" EAST, A DISTANCE OF 26.17 FEET TO A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655";

THENCE NORTH 43°42'04" EAST, A DISTANCE OF 14.16 FEET TO A POINT OF CURVATURE BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655";

THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY OF JAGUAR DRIVE, AND CONTINUING ALONG THE EASTERLY RIGHT-OF-WAY OF PLAZA CENTRAL FOR THE FOLLOWING COURSES: 88.69 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A DELTA OF 64°19'15", A RADIUS OF 79.00 FEET, AND

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A CHORD WHICH BEARS NORTH 75°51'41" EAST 84.10 FEET, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655" ;

THENCE 24.64 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A DELTA OF 13°58'48", A RADIUS OF 101.00 FEET, AND A CHORD WHICH BEARS SOUTH 78°58'05" EAST 24.58 FEET, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655" ;

THENCE 59.57 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A DELTA OF 38°21'08", A RADIUS OF 89.00 FEET, AND A CHORD WHICH BEARS SOUTH 66°46'55" EAST 58.47 FEET, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655" ;

THENCE SOUTH 47°36'21" EAST, A DISTANCE OF 31.61 FEET TO A POINT OF CURVATURE BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655";

THENCE 9.38 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A DELTA OF 01°07'10", A RADIUS OF 480.00 FEET, AND A CHORD WHICH BEARS SOUTH 47°02'46" EAST 9.38 FEET, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655" ;

THENCE SOUTH 38°20'36" EAST, A DISTANCE OF 39.73 FEET TO A POINT OF CURVATURE BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655";

THENCE 348.44 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A DELTA OF 41°56'31", A RADIUS OF 476.00 FEET, AND A CHORD WHICH BEARS SOUTH 20°46'35" EAST 340.72 FEET, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655" ;

THENCE SOUTH 00°11'41" WEST, A DISTANCE OF 116.20 FEET TO A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655";

THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY OF PLAZA CENTRAL ON NORTH 89°48'24" WEST, A DISTANCE OF 221.51 FEET TO A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655";

THENCE NORTH 00°11'36" EAST, A DISTANCE OF 326.80 FEET TO A 1/2" REBAR;

THENCE SOUTH 88°24'17" WEST, A DISTANCE OF 399.37 FEET TO THE POINT AND PLACE OF BEGINNING.

THE HEREIN DESCRIBED TRACT CONTAINS 2.9725 ACRES MORE OR LESS, REFER TO "REVISED MASTER PLAN PRC AND ANNEXATION", RECORDED IN THE OFFICE OF THE SANTA FE COUNTY CLERK IN PLAT BOOK 292 ON PAGES 36-37.

Unofficial Copy - recorded in the Office of the Santa Fe County Clerk - Provided to EJVIGIL

NORTH 03°44'22" EAST, A DISTANCE OF 1025.21 FEET; TO THE POINT AND PLACE OF BEGINNING.

THE HEREIN DESCRIBED TRACT CONTAINS 31.1540 ACRES MORE OR LESS, REFER TO "REVISED MASTER PLAN PRC AND ANNEXATION", RECORDED IN THE OFFICE OF THE SANTA FE COUNTY CLERK IN PLAT BOOK 292 ON PAGES 36-37.

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BEGINNING AT THE NORTHWESTERLY CORNER OF THE HEREIN DESCRIBED TRACT, A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF JAGUAR DRIVE, BEING A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655", FROM WHENCE CITY OF SANTA FE CONTROL MONUMENT "SFC NO.1008" BEARS NORTH 16°23'00" WEST, A DISTANCE OF 1,924.39 FEET DISTANT;

THENCE FROM SAID POINT OF BEGINNING ALONG SAID SOUTHERLY RIGHT-OF-WAY OF JAGUAR DRIVE FOR THE FOLLOWING COURSES; 178.31 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A DELTA OF 18°26'28", A RADIUS OF 554.00 FEET, AND A CHORD WHICH BEARS NORTH 68°16'01" EAST 177.54 FEET, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655" ;

THENCE 29.75 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A DELTA OF 41°34'52", A RADIUS OF 41.00 FEET, AND A CHORD WHICH BEARS NORTH 35°26'26" EAST 29.11 FEET, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655" ;

THENCE 100.74 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A DELTA OF 10°37'46", A RADIUS OF 543.00 FEET, AND A CHORD WHICH BEARS NORTH 50°54'59" EAST 100.59 FEET, BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655" ;

THENCE NORTH 35°34'16" EAST, A DISTANCE OF 26.17 FEET TO A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655";

THENCE NORTH 43°42'04" EAST, A DISTANCE OF 14.16 FEET TO A POINT OF CURVATURE BEING MARKED BY A 1/2" REBAR WITH CAP STAMPED "J.B. SANCHEZ, NMPS 12655";

THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY OF JAGUAR DRIVE, AND CONTINUING ALONG THE EASTERLY RIGHT-OF-WAY OF PLAZA CENTRAL FOR THE FOLLOWING COURSES: 88.69 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A DELTA OF 64°19'15", A RADIUS OF 79.00 FEET, AND

Unofficial Copy - recorded in the Office of the Santa Fe County Clerk - Provided to EJVIGIL