



AGENDA

SPECIAL MEETING OF
THE GOVERNING BODY
OCTOBER 22, 2020
6:00 PM
ATTEND VIRTUALLY

AMENDED

SPECIAL PROCEDURES FOR SPECIAL GOVERNING BODY MEETING

Attendance: In response to the State's declaration of a Public Health Emergency, the Mayor's Proclamation of Emergency, and the ban on public gatherings of more than five (5) people, the Special Governing Body meeting will be conducted virtually.

Viewing: Members of the public may view the meeting through the Government Channel on Comcast Channel 28 and Comcast HD928 or may stream the meeting live on the City of Santa Fe's YouTube channel at <https://www.youtube.com/user/cityofsantafe>. The YouTube live stream can be accessed at this address from most smartphones, tablets, or computers.

The video recording of this and all past meetings of the Governing Body will also remain available for viewing at any time on the City's YouTube channel at <https://www.youtube.com/user/cityofsantafe>. Staff is available to help members of the public access pre-recorded Governing Body meetings on-line at any time during normal business hours. Please call 955-6521 for assistance.

Radio Broadcast: The meeting can be heard on radio station KSFR 101.1.

Agenda: The agenda for the meeting will be posted at <https://www.santafenm.gov>.

Written Comments: The public may submit written comments on any of the *Public Hearings* 1:00 p.m. the day of the meeting, via the virtual comment "button" at <https://santafe.primegov.com/public/portal>.

Public Comment: To provide live public comment during *Public Hearings*, you must join the Zoom meeting by internet or phone, as follows:

Internet: To join the Zoom meeting on the internet using a computer, laptop, smartphone, or tablet, use the following link: <https://santafenm-gov.zoom.us/j/93587200147?pwd=RHM2VIBsTFVDMmRzaE1CZzNhYUpRdz09> . **Passcode: 417799**

Attendees should use the "Raise Hand" function to be recognized by the Mayor to speak at the appropriate time.

Phone: To join the Zoom meeting using a phone, use the following phone numbers and Webinar ID: **US: 1 (346) 248-7799 - Webinar ID: 935 8720 0147 - Passcode: 417799**



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Phone attendees should press *9 to use the "Raise Hand" function to be recognized by the Mayor to speak at the appropriate time.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **SALUTE TO THE NEW MEXICO FLAG**
4. **INVOCATION**
5. **ROLL CALL**
6. **APPROVAL OF AGENDA**
7. **PUBLIC HEARINGS**
 - a. CONSIDERATION OF BILL NO. 2020-29. ADOPTION OF ORDINANCE NO. 2020-_____.
Case #2020-2267. 719, 721, 723, 723½ Don Diego; Castillo Compound Zoning Ordinance Amendment. Celia and Alvino Castillo, Owners, Request an Amendment to Ordinance 1998-4 to Allow Building Additions, to Allow Two Additional Commercial Uses, and to Clarify and Align Various Other Conditions of Approval with a Development Plan Approved in 1999 and a Proposed Development Plan Amendment (2020-2268). The Properties are Approximately 0.40 Acres and are Zoned C-1PUD (Office and Related Commercial; Ordinance #1998-4). (Carlos Gemora, Planner Senior, cegemora@santafenm.gov, 955-6670).
 - b. **4262 AGUA FRIA STREET, and 4701 and 4702 RUFINA STREET** (Lee Logston, Case Manager, llogston@santafenm.gov, 955-6136).
 1. **Case #2020-2273. 4262 Agua Fria Street and 4701 & 4702 Rufina Street; Amendment to Conditions of Approval Adopted in Case #2012-104.** Liaison Planning Services, Inc., Agent for Aguafina Development, LLC, Owner, Requests to Amend Conditions of Approval that the Governing Body Imposed in the Findings of Fact and Conclusions of Law for Case #2012-104, which Approved Rezoning Ordinance 2013-12, by Adopting New Findings of Fact



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and Conclusions of Law. The New Findings of Fact and Conclusions of Law Would Remove the Condition that 4262 Agua Fria Must be Developed Consistent with R-3 Zoning, Notwithstanding that it is Zoned R-5; and the Condition that the Owner Must Propose Three Base-Course Lot Access Driveways, Serving Eight Lots Each. The Properties are Zoned R-5 (Residential - Five Dwelling Units Per Acre) and R-3 (Residential - Three Dwelling Units Per Acre) and Total Approximately 11.47 Acres.

2. CONSIDERATION OF BILL NO. 2020-30. ADOPTION OF ORDINANCE 2020-_____.

CASE #2020-2274. 4701 RUFINA STREET REZONING. An Ordinance Amending the Official Zoning Map of the City of Santa Fe and Changing the Classification from R-3 (Residential - Three Dwelling Units Per Acre) to R-5 (Residential - Five Dwelling Units Per Acre) with Respect to a Certain Parcel of Land Comprising Approximately 3.44 Acres Located at 4701 Rufina Street.

3. CONSIDERATION OF BILL NO. 2020-31. ADOPTION OF ORDINANCE 2020-_____.

CASE #2020-2287 4702 RUFINA STREET REZONING. An Ordinance Amending the Official Zoning Map of the City of Santa Fe and Changing the Classification from R-3 (Residential - three dwelling units per acre) to R-6 (Residential - Six Dwelling Units Per Acre) with Respect to a Certain Parcel of Land Comprising Approximately 2.42 Acres Located at 4702 Rufina Street.

8. DISCUSSION/ACTION ITEMS

- a. Request for the Approval of Amendment #10 with Allied Universal Security for \$78,692.40 for Security Services to Cover Pete's Place Shelter, the Salvation Army Shelter and a Number of City Parks. (Sam Burnett, Public Works Property Maintenance Manager, jsburnett@santafenm.gov, 955-5933)

9. COMMUNICATIONS FROM THE GOVERNING BODY

10. ADJOURN

City of Santa Fe, New Mexico

memo

DATE: September 21, 2020 for the October 22, 2020 Governing Body Meeting

TO: Members of the Governing Body

VIA: Jarel LaPan Hill
Jarel LaPan Hill, City Manager
Elias Isaacson, Land Use Department Director *ESI*
Noah Berke, Planner Manager *NLB*

FROM: Carlos Gemora, Land Use Planner Senior, Current Planning Division

Case #2020-2267. 719, 721, 723, 723½ Don Diego; Castillo Compound Zoning Ordinance Amendment. Celia and Alvino Castillo, Owners, request an amendment to Ordinance 1998-4 to allow building additions, to allow two additional commercial uses, and to clarify and align various other conditions of approval with a development plan approved in 1999 and a proposed development plan amendment (2020-2268). The properties are approximately 0.40 acres and are zoned C-1PUD (Office and Related Commercial; Ordinance #1998-4). (Carlos Gemora, cegemora@santafenm.gov, 505-955-6670).

I. RECOMMENDATION:

The Governing Body should **APPROVE** Case No. 2020-2267 as recommended by the Planning Commission.

One motion will be required for this case.

Sample motions for Case #2020-2267:

- **Move to approve** the request to amend Ordinance 1998-4 to modify and delete conditions of approval from the zoning ordinance, and to adopt the findings of the Planning Commission as outlined in Section IV of the staff report;
or
- **Move to deny** the request to amend Ordinance 1998-4 to modify and delete conditions of approval from the zoning ordinance, and to direct staff to draft proposed findings of fact and conclusions of law reflecting the Governing Body's decision.

II. EXECUTIVE SUMMARY

The Castillo Compound is comprised of three properties and four residential units addressed as 719, 721, 723, and 723 ½ Don Diego and located near the corner of Don Diego Avenue and Cerrillos Road. The three properties are zoned C-1PUD (Office and Light Commercial; Ordinance 1998-4) and though commercial uses are permitted and have been present in the past, the three

buildings and an accessory storage building currently serve residential use and comprise approximately 5,000 square feet of total roofed area.

In August, 2020, the Planning Commission conditionally approved a development plan (Case #2020-2268) which allowed:

- 1300 square feet of additions to two of the single family dwelling units;
- The modification of an accessory storage building back into a garage;
- The construction of a 400sq. ft. carport; and
- Modifications to walls and fences.

The approval added some of the development-related conditions that were originally attached to the PUD zoning ordinance, to the development plan. Staff recommended placing these conditions on the development plan (rather than the PUD zoning ordinance) to make the conditions more consistent with typical development standards and to allow such conditions to be addressed by the Planning Commission instead of the Governing Body.

The development plan has been conditionally approved with the condition that the Governing Body approves the zoning ordinance amendment. In August, 2020, the Planning Commission also recommended approval of this proposed zoning ordinance amendment, specifically finding that:

- The Applicants have the right to propose amendments to Ordinance No. 1998-4; and
- All applicable code requirements and approval criteria have been met.

The Applicant proposes to amend the conditions of C-1PUD zoning Ordinance No. 1998-4 in the following ways:

1. Add two additional permissible commercial uses on the properties in addition to office use:
 - a. Arts and crafts studios, galleries and shops; gift shops for the sale of arts and crafts (permitted in C-1 districts); and
 - b. Restaurants-fast service/take-out, no drive-through drive-up (permitted in C-1 Districts);
2. Clarify that new construction and building additions may be permitted provided that it is compatible with existing architectural styles;
3. Delete development-related zoning ordinance conditions which the Planning Commission incorporated into the approved development plan (includes maintenance, wall, landscaping requirements, prohibition of asphalt parking, and compliance with building codes and applicable zoning regulations); and
4. Delete development-related zoning ordinance conditions which the Planning Commission elected to not include as necessary conditions on the development plan and which the Planning Commission recommended for deletion from the zoning ordinance (includes restriction on second story additions, required demolition of the garage, required emergency gate across Don Cubero Alley, and prohibition of parking along alley)

The Applicant has complied with the procedural requirements for a rezoning ordinance, including SFCC Subsection 14-3.1(H), Notice Requirements; Subsection 14-3.1(E), Pre-application Conference (conducted January 30, 2020); and Subsection 14-3.1(F), Early Neighborhood Notification (ENN) (conducted June 8, 2020).

III. BACKGROUND

The three properties (Castillo Compound) were originally rezoned by the Castillos from RM-1 (Residential Multi-Family- twenty one units per acre) to C-1PUD (Office and Light Commercial) in 1982 and a development plan was approved in 1984, which involved demolishing an accessory garage and increasing a parking lot for commercial use. The Castillos did not pursue the approved changes.

In January 1998, the C-1PUD zoning ordinance was renewed as zoning Ordinance 1998-4 and the Applicant and the Don Diego Neighborhood Association proposed 15 conditions to be placed on the properties. Conditions of approval included preservation of building footprints, prohibited second stories, established landscaping conditions, required the demolition of the garage, prohibited vehicular access from Don Cubero Alley, and required the construction of an emergency-access gate across Don Cubero Alley. Rather than differentiate between which conditions should be placed in the zoning ordinance and which conditions should be placed on the development plan, all 15 conditions were placed in the zoning ordinance.

In late 1998 and early 1999, the Applicant and the Neighborhood Association agreed upon modified conditions that were inconsistent with the 15 conditions in zoning Ordinance 1998-4. Staff has no information about what processes or discussions took place but a resulting development plan approved by the Planning Commission in 1999 contradicts the zoning ordinance by allowing the garage to remain, allowing vehicular access from the Don Cubero Alley, and not requiring an emergency-access gate across Don Cubero Alley. The Applicant has since developed the property as shown on the 1999 development plan.

Recognizing that the first three zoning conditions need clarification and that the remaining 12 conditions are better addressed by the Planning Commission through the development plan process, the Planning Commission recommended on August 6, 2020 that the Governing Body modify the first three conditions and remove the remaining 12 conditions from the zoning ordinance. Removed conditions are either addressed as conditions within the approved development plan (Case #2020-2268) or were not necessary conditions for approval of the development plan, and were recommended for deletion from the zoning ordinance amendment (Case #2020-2267).

IV. ZONING ORDINANCE AMENDMENT

SFCC Section 14-3.5 governs the authority and procedures for rezonings and zoning ordinance amendments. SFCC Subsections 14-3.5(B)(1)(a)&(b) state that "All proposed rezonings shall be submitted to the Planning Commission for review and recommendation at a public hearing", and that "the Planning Commission shall transmit the application, including any plan, to the governing body, together with a recommendation as to findings and conditions, desirable changes and recommendations for approval or disapproval".

Chapter 14 provides specific criteria which must be met to rezone a property but provides no specific criteria for evaluating a request to amend the conditions of a prior rezoning. In deciding whether to amend the conditions attached to the rezoning ordinance, Staff recommends that the Governing Body consider whether the amendments would harm or serve the public interest and

whether the infrastructure can handle or be modified to handle the new proposed development. Staff recognizes that the proposed zoning ordinance clarifies existing conditions which are unclear, moves development-related conditions to the development plan, removes redundant zoning conditions, and allows uses and development similar to the surrounding neighborhood. In recommending approval of the zoning ordinance amendment, the Planning Commission concluded that “all applicable code requirements and criteria for recommendation of approval of the proposed zoning ordinance amendments have been met.”

If the Governing Body agrees with the Planning Commission’s analysis, Staff recommends that the Governing Body adopt the findings of the Planning Commission as follows:

1. SFCC Section 14-3.5(C) sets out approval criteria and requires the Governing Body to make complete findings of fact sufficient to show that these criteria have been met before recommending a rezoning.
2. Most of the approval criteria in SFCC Section 14-3.5(C) are inapplicable to a request to amend the conditions attached to a prior rezoning ordinance, and the SFCC does not provide specific criteria for evaluating a request to amend such conditions.
3. The Governing Body finds that the rezoning criteria are intended to ensure that the public interest is not harmed by the rezoning, that development under the new zoning will serve the public more than development under the original zoning, and that infrastructure can handle or be modified to handle the proposed new development.
4. In this case, the Governing Body finds that the addition of two permitted commercial uses to (Condition #1), clarification about how additions, renovations, and new construction can be added (Condition #2 and 3), and the removal of other conditions to be addressed through the development plan (Conditions #4-15) will serve the public more than the original zoning by allowing development more consistent with surrounding uses and C-1 zones.

EXHIBITS

Exhibit A – Bill 2020-29 Amending Conditions Attached to C-1PUD Rezoning Ordinance No. 1998-4

Exhibit B – August 6, 2020 Planning Commission Materials

1. Planning Commission Staff Report, Findings of Fact & Conclusions of Law, and Packet Materials
2. Additional Public Comments Submitted Directly for Planning Commission Review
3. Planning Commission Minutes

City of Santa Fe, New Mexico

Exhibit A

**Bill 2020-29 Amending Conditions
Attached to C-1PUD Rezoning Ordinance
No. 1998-4**

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2020-29

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10 AN ORDINANCE

11 AMENDING AND REMOVING VARIOUS CONDITIONS OF APPROVAL FROM
12 ORDINANCE NO. 1998-4, WHICH ADOPTED CONDITIONS OF APPROVAL FOR AN
13 OFFICE PLANNED UNIT DEVELOPMENT FOR PROPERTY LOCATED AT 719, 721, 723,
14 AND 723 ½ DON DIEGO AVENUE BETWEEN CERRILLOS ROAD AND WEST BUENA
15 VISTA STREET (CASE NO. 2020-2267; AMENDING “CASTILLO COMPOUND ZONING AND
16 DEVELOPMENT PLAN EXTENSION,” CASE NO. M 1997-32).

17
18 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

19 Section 1. Ordinance No. 1998-4 imposed various Conditions of Approval on the
20 following real property (the “Property”), which comprises approximately 0.40 acres, is zoned C1-PUD,
21 and is located within the municipal boundaries of the City of Santa Fe:

22 Lots 9, 10, 11, 12, 13, and 14 of Block 2, Don Diego Addition, Santa Fe, New Mexico.

23 Section 2. The Conditions of Approval adopted by Ordinance No 1998-4, which is
24 attached hereto as “Exhibit A” and incorporated by reference, are hereby amended as follows:

25 1. **Amend** Condition #1 to read, “Commercial uses shall be limited to the following uses only:

1 arts and crafts studios, galleries and shops, gift shops for the sale of arts and crafts,
2 restaurants (fast service/take-out, no drive-through/drive-up), and business and
3 professional offices.”

4 2. **Amend** Condition #2 to read, “The architectural styles of the existing buildings shall be
5 preserved, provided, however, that additions, renovations, and new construction shall be
6 allowed if compatible with the architectural styles of the existing buildings.”

7 3. **Amend** condition #3 to read, “A mixture of residential, office, and commercial uses as
8 limited herein shall be allowed in the existing buildings subject to approval of staff and in
9 compliance with applicable regulations.”

10 4. **Remove** Conditions #4-15.

11 **Section 3.** This Ordinance shall be published one time by title and general summary and
12 shall become effective five days after publication.

13 APPROVED AS TO FORM:

14 
15 _____
16 ERIN K. MCSHERRY, CITY ATTORNEY

Exhibit A to Ordinance 2020-29

CITY OF SANTA FE, NEW MEXICO

ORDINANCE NO. 1998-4

AN ORDINANCE

AMENDING ORDINANCE NO. 68, 1982 TO ADOPT CONDITIONS OF APPROVAL FOR AN OFFICE PLANNED UNIT DEVELOPMENT; AND PROVIDING AN EFFECTIVE DATE. PROPERTY LOCATED AT 719, 721, 733 AND 733 1/2 DON DIEGO AVENUE BETWEEN CERRILLOS ROAD AND WEST BUENA VISTA. (CASTILLO COMPOUND ZONING AND DEVELOPMENT PLAN EXTENSION CASE NO. M 1997-32).

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. The Conditions of Rezoning, attached hereto and referenced herein as "Exhibit A" are hereby adopted for the property described as follows:

Lots 9, 10, 11, 12, 13 and 14 of Block 2, Don Diego Addition, Santa Fe, New Mexico.

Section 2. This Ordinance shall be published one time by title and general summary and shall become effective five (5) days after such publication.

Section 3. The rezoning action with respect to the property affected by this Ordinance is subject to the time restrictions set forth in Section 14-9.19 SFCC 1987.

PASSED, APPROVED AND ADOPTED this 28th day of January, 1998.


DEBBIE JARAMILLO, MAYOR

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ATTEST:

Yolanda Y. Vigil
YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

MARK
MARK A. BASHAM, CITY ATTORNEY

Exhibit A to Ordinance No. 1998-4

Castillo Compound Zoning and Development Plan

Conditions of Approval

1. Commercial uses to be limited to office only; and
2. Requiring that the footprint and the architectural styles of the existing buildings be preserved; and
3. A mixture of residential and office use to be allowed in the existing building subject to approval of staff and in compliance with zoning requirements for residential uses.
4. To maintain and repair the three existing buildings with their current architectural styles and with no future second story additions;
5. To keep and repair the low walls and fences with plantings on the property lines;
6. To build new wall and/or fences continuously along the Don Cubero Alley to limit the visibility and automobile access between the Castillo property and Don Cubero;
7. To not allow general automobile ingress or egress between Don Cubero and the Castillo property;
8. To build an emergency automobile gate on Don Cubero, which will only be used for emergency ingress and egress between Don Cubero and the Castillo property;
9. To keep the existing landscaping but provide a general clean-up;
10. To meet the City of Santa Fe's additional landscaping requirements as required;
11. To build any new parking areas with basecourse or decomposed granite instead of the asphalt shown on the 1984 plans;
12. To tear down the existing garage and carport, due to their decomposed condition;
13. To not allow parking on the City land between the Castillo property and Don Diego Street;

14. That all improvements as shown as the final development plan be in place prior to the occupancy of the existing structure by any non-residential use. The landscaping may be completed after occupancy, although such work must be contracted prior to occupancy by any non-residential use.
15. The existing structures must comply with all City commercial building codes prior to occupancy by any non-residential use.

City of Santa Fe, New Mexico

Exhibit B

August 6, 2020 Planning Commission Materials

1. Planning Commission Staff Report, Findings of Fact & Conclusions of Law, and Packet Materials
2. Additional Public Comments Submitted Directly for Planning Commission Review
3. Planning Commission Minutes



Land Use Department Planning Commission Staff Report

Case No: 2020-2267; 2020-2268
Hearing Date: August 6, 2020
Applicant: Celia and Alvino Castillo
Request: Zoning Ordinance Amendment,
Development Plan Amendment
Location: 719, 721, 723, 723½ Don Diego
"Castillo Compound"
Case Mgr.: Carlos Gemora
Zoning: C-1PUD
Pre-app Mtg: January 30, 2020
ENN Mtg: June 8, 2020
Proposal: Zoning Ordinance Amendment,
and Development Plan Amendment
approval for a project currently
developed with 4 residential units
on approximately +/-0.40 acres



Case #2020-2267. 719, 721, 723, 723½ Don Diego; Castillo Compound Zoning Ordinance Amendment. Celia and Alvino Castillo, Owners, request an amendment to Ordinance 1998-4 and the associated development plan to allow building additions, to allow two additional commercial uses, and to clarify and align various other conditions of approval with a development plan approved in 1999 and a proposed development plan amendment (2020-2268). The properties are approximately 0.40 acres and is zoned C-1PUD (Office and Related Commercial; Ordinance #1998-4). (Carlos Gemora, cegemora@santafenm.gov, 505-955-6670).

Case #2020-2268. 719, 721, 723, 723½ Don Diego; Castillo Compound Development Plan. Celia and Alvino Castillo, Owners, request an amendment to a development plan and the associated Zoning Ordinance 1998-4 to expand the building footprints on the property by approximately 1,250 sq. ft., to modify existing accessory structures, to construct a carport of approximately 400 sq. ft, and to construct new walls and fences. The properties are approximately 0.40 acres and is zoned C-1PUD (Office and Related Commercial; Ordinance #1998-4). (Carlos Gemora, cegemora@santafenm.gov, 505-955-6670).

I. RECOMMENDATION:

Staff recommends that the Commission should **RECOMMEND APPROVAL TO THE GOVERNING BODY** of the zoning ordinance amendment (Case #2020-2267).

Staff recommends **APPROVAL** of the development plan amendment (Case #2020-2268), with the conditions of approval and technical corrections outlined in this report.

A recommendation for denial of the zoning ordinance amendment request would render the development plan inapplicable, in which case a recommendation for the Governing Body to deny the zoning ordinance amendment and a vote to deny the development plan would be appropriate.

Four motions will be required, in the following order, for this case:

- *Recommend the Governing Body approve the zoning ordinance amendment for Case #2020-2267;*
- *Approve the development plan amendment for Case #2020-2268, subject to the conditions of approval and technical corrections recommended by staff;*
- *Approve the Findings of Fact and Conclusions of Law for Case #2020-2267 (Exhibit A(2)); and*
- *Approve the Findings of Fact and Conclusions of Law for Case #2020-2268 (Exhibit A(3)).*

II. DEVELOPMENT PLAN CONDITIONS OF APPROVAL (2020-2268)

Staff recommends the following conditions of approval:

#	Condition of Approval	Dept. Division	or	To be completed by:
1	All zoning ordinance conditions as approved by the Governing Body shall apply to and be attached to the development plan. Such conditions may include: 1. Commercial uses to be limited to: a) Arts and crafts studios, galleries and shops, gift shops for the sale of arts and crafts; b) Restaurants-fast service/take-out, no drive-through/driveup; and c) Businesses and professional offices only. 2. Requiring that the architectural styles of the existing buildings be preserved, provided however that additions, renovations, and new construction be allowed as long as they are compatible with the architectural styles of the existing buildings. 3. A mixture of residential, office, and commercial uses limited herein to be allowed in the existing buildings subject to approval by staff and in compliance with applicable regulations.	Land Use Department		Prior to Recordation
2	Add note that proposed commercial uses must comply with commercial building, zoning, and parking standards as applicable.	Land Use Department		Prior to Recordation
3	Add note to the development plan requiring that parking areas shall be built and maintained by using basecourse	Land Use Department		Prior to Recordation

	or decomposed granite and not asphalt.		
4	Add note to the development plan requiring that no parking shall be allowed on City Right of Way between the property line of the Castillo Compound and Don Diego Street.	Land Use Department	Prior to Recordation
5	Add note to the development plan requiring that vegetation shall be maintained on the fence along the front property line of 721 Don Diego.	Land Use Department	Prior to Recordation
6	Add note to the development plan requiring that, prior to the sale of any individual property (719, 721, or 723), parking, utility, and access easements shall be recorded.	Land Use Department	Prior to Recordation

Following standard practice, redline comments will be provided to the Applicant who shall make any necessary changes to comply with technical corrections and submit the corrected plat in Mylar. The "technical corrections" that must be made to the development plan prior to recordation are listed in Exhibit A.

III. EXECUTIVE SUMMARY:

The Castillo Compound is comprised of three properties and four residential units addressed as 719, 721, 723, and 723 ½ Don Diego and located near the corner of Don Diego Avenue and Cerrillos Road. The three properties are zoned C-1PUD (Office and Light Commercial; Ordinance 1998-4) but currently feature three residential buildings and an accessory storage building comprising approximately 5,000 square feet of total roofed area.

The Applicant has two requests:

1. Amend the zoning Ordinance (1998-4) to modify, delete, and transfer conditions of approval from the zoning ordinance to the proposed development plan; and
2. Amend the development plan approved in 1999, to allow modifications and additions to the residential use.

In amending the C-1PUD zoning Ordinance (1998-4), the Applicant requests changing and clarifying original conditions of approval. Specific changes would:

- Clarify how new construction and building additions may be permitted;
- Adds two additional permissible commercial uses on the properties in addition to office use:
 - Arts and crafts studios, galleries and shops; gift shops for the sale of arts and crafts (permitted in C-1 districts); and
 - Restaurants-fast service/take-out, no drive-through drive-up (permitted in C-1 Districts);
- Move development-related conditions from the zoning ordinance to the proposed development plan. This would include maintenance, wall, parking, and landscaping requirements.
- Delete zoning ordinance conditions which are either redundant due to existing regulations and zoning ordinances, which conflict with the development plan approved in 1999, or which are no longer applicable.

In amending the development plan, the Applicant requests approval of approximately 1,250 square feet of residential additions, the conversion of a storage building (previously a single-car garage) back into a

garage, the construction of an approximately 400 square-foot two-car carport, and modifications to walls, fences, and gates. Additionally, the Applicant is proposing to transfer development-related conditions from the zoning ordinance to the development plan and to establish setback requirements for all three properties.

The zoning ordinance amendment is required in order to approve the development plan amendment. Staff finds that amendments to the zoning ordinance will simplify and clarify the existing restrictions applied to the property, will assist the Planning Commission in reviewing the proposed development plan amendment, and will allow the Applicant to address potential future uses as is consistent with C-1 zoning and surrounding development; therefore staff recommends approval of the zoning ordinance amendment.

The proposed development plan meets all development standards and will not create or increase any non-conformities with Chapter 14; therefore staff recommends approval of the development plan amendment.

IV. BACKGROUND

The three properties (Castillo Compound) were originally rezoned by the Castillos from RM-1 (Residential Multi-Family) to C-1PUD (Office and Light Commercial) in 1982 and a development plan was approved in 1984 which involved demolishing an accessory garage and increasing a parking lot for commercial use. The Castillos did not pursue the approved changes.

In January 1998, the C-1PUD zoning ordinance was renewed as zoning Ordinance 1998-4 and 15 conditions proposed by the Applicant and requested by the Don Diego Neighborhood Association were placed in the zoning ordinance. The zoning conditions included preservation of building footprints, prohibited second stories, established landscaping conditions, required the demolition of the garage, prohibited vehicular access from Don Cubero Alley, and required the construction of an emergency-access gate across Don Cubero Alley.

In late 1998 and early 1999, the Applicant and the Neighborhood Association agreed upon modified conditions inconsistent with the 15 conditions proposed by the Applicant and approved through zoning Ordinance 1998-4. Staff has no information about what processes or discussions took place but a resulting development plan approved by the Planning Commission in 1999 contradicts the zoning ordinance by allowing the garage to remain, allowing vehicular access from the Don Cubero Alley, and not requiring an emergency-access gate across Don Cubero Alley. The Applicant has since developed the property as shown on the 1999 development plan.

In January 2020, the Applicant discussed the entire project with Staff. Because the zoning ordinance conditions are unclear about whether additions are allowed to the building footprint and because the zoning ordinance and development plan are inconsistent, the Applicant agreed to pursue much more comprehensive changes to the zoning ordinance and the development plan to provide greater regulatory clarity and consistency.

V. EXISTING CONDITIONS:

The Castillo Compound is comprised of three properties zoned C-1PUD (1998-4). Though commercial uses have operated at the compound in the past, all three properties currently operate as residential single-family use. The northern property has a 1,300 square foot single family home addressed as 719 Don Diego. The central property has a 1,400 square foot single family home addressed as 721 Don Diego and a 360 square foot accessory structure which was once a single-car garage but has since been converted into a storage building. The southern property has a 1,900 square foot duplex addressed as 723 and 723½ Don Diego. Approximately 5,000 square feet of roofed area is included across the properties.

The three properties are approximately 200' from the corner of Don Diego Avenue and Cerrillos Road (public intersection) and access Don Diego Avenue through Don Diego Court (public right-of-way), an approximately 185' long, dead-end street providing access to the adjacent northern commercial uses. Adjacent to the west property line is Don Cubero Alley (public right-of-way) with shared residential and commercial use.

Surrounding uses include commercial uses to the north and west of the properties and residential use to the south and east. Surrounding zoning includes C-2PUD (General Commercial – Planned Unit Development), BCD CER (Business Capitol District – Cerrillos Road Subdistrict), and R-29 (Residential – twenty-nine dwelling units per acre).

VI. ZONING ORDINANCE AMENDMENT

SFCC Section 14-3.5 governs the authority and procedures for rezonings and zoning ordinance amendments. SFCC Subsections 14-3.5(B)(1)(a)&(b) state that "All proposed rezonings shall be submitted to the planning commission for review and recommendation at a public hearing", and that "the planning commission shall transmit the application, including any plan, to the governing body, together with a recommendation as to findings and conditions, desirable changes and recommendations for approval or disapproval".

The 1998-4 C-1PUD zoning ordinance placed 15 conditions on the Compound which were predominantly drafted as an agreement between the Applicant and the Don Diego Neighborhood Association. Applied zoning ordinance conditions include typical regulations of use, such as limiting commercial uses to office use only. Applied zoning ordinance conditions also included regulations more commonly applied as development plan conditions of approval, such as the preservation of building footprints, the maintenance of low walls, building an emergency gate across the Don Cubero Alley, demolishing the existing garage, and maintenance of landscaping on the properties.

The Applicant's proposed zoning ordinance amendment clarifies applicable conditions of approval, adds two additional permissible commercial uses, transfers development-related conditions to the proposed development plan, and deletes conditions which are either redundant due to existing regulations and conditions, which conflict with the 1999 development plan, or which are no longer applicable.

#	Zoning Condition	Proposal	Rationale
1	Commercial uses to be limited to <u>galleries;</u> <u>restaurants-fast service/take-out, no drive-</u>	Modify to allow	Applicant would like the ability to allow additional light

	<u>through/drive-up; and businesses and professional offices only.</u>	additional uses.	commercial uses consistent with C-1 zoning.
2	Requiring that the footprint and architectural styles of the existing buildings be preserved, <u>provided however that additions, renovations, and new construction be allowed as long as they are compatible with the architectural styles of the existing buildings</u>	Modify / Clarify	Staff is unclear whether preservation of the footprint allows additions. Applicant would like to clarify that additions and renovations may be allowed but must be compatible with existing architectural styles.
3	A mixture of residential, and office, and commercial uses <u>as limited herein</u> to be allowed in the existing buildings subject to approval of staff and in compliance with <u>applicable regulations</u> zoning requirements for residential uses.	Modify / Clarify	Staff would like clarification that new commercial uses shall comply with applicable commercial regulations rather than residential regulations.
4	To maintain and repair the three existing buildings with their current architectural styles and with no future second story additions.	Delete	Compatibility with architectural styles required in Condition #2. Applicant would like the ability to construct second stories as noted on the proposed development plan (consistent with surrounding regulations).
5	To keep and repair the low walls and fences with plantings on the property lines.	Delete/ Transfer to Development Plan	Planting requirements at 721 Don Diego are proposed as a condition of approval on the proposed development plan. Applicant would like the ability to construct tall walls.
6	To build new wall and/or fences continuously along the Don Cubero Alley to limit the visibility and automobile access between the Castillo property and Don Cubero.	Delete	New walls and fences not required in 1999 Development Plan. Applicant would like to retain existing automobile access (ingress and egress) from Don Cubero Alley.
7	To not allow general automobile ingress or egress between Don Cubero and the Castillo Property.		
8	To build an emergency automobile gate on Don Cubero, which will only be used for emergency ingress and egress between Don Cubero and the Castillo property.	Delete	Gate not required in 1999 Development Plan. Fire Department generally requires 20' wide access routes and would have to review any potential gate across Don Cubero Alley.
9	To keep existing landscaping but provide a general clean-up.	Delete / Transfer to	Landscaping requirements are proposed to follow the City of

10	To meet the City of Santa Fe's additional landscaping requirements as required.	Development Plan	Santa Fe Land Use Code as referenced by a note on the proposed development plan.
11	To build any new parking areas with basecourse or decomposed granite instead of the asphalt shown on the 1984 plans.	Delete / Transfer to Development Plan	Basecourse or decomposed parking areas proposed as a condition of approval on the proposed development plan.
12	To tear down the existing garage and carport due to their decomposed condition.	Delete	Garage allowed to remain in 1999 Development Plan. Applicant is requesting a new carport in a similar area to the previous, pre-1999 carport.
13	To not allow parking on the City land between the Castillo property and Don Diego Street.	Delete / Transfer to Development Plan	The parking prohibition on City Land between the Castillo property and Don Diego Street is proposed as a condition of approval on the proposed development plan.
14	That all improvements as shown as the final development plan be in place prior to occupancy of the existing structure by any non-residential use. The landscaping may be completed after occupancy, although such work must be contracted prior to occupancy by any non-residential use.	Delete	This condition has been satisfied and is no longer applicable. The compound reflects the improvements shown on the 1999 development plan and has since been occupied by commercial uses.
15	The existing structures must comply with all City commercial building codes prior to occupancy by any non-residential use.	Delete / Transfer to Development Plan	Commercial building, zoning, and parking standards must be satisfied at the time of building permit and is proposed as part of zoning ordinance condition #3 and is further proposed as a condition of approval on the proposed development plan.

Allowance of Additional Commercial Uses

Current zoning conditions (Condition #1) limit commercial use to office use (business and professional offices). C-1 zoning generally allows a variety of light commercial uses. The Applicant's request to add "arts and crafts studios, galleries and shops; gift shops for the sale of arts and crafts" and "restaurants – fast service/take-out, no drive-through/drive-up" is within the typically-permitted uses in a C-1 district. Note that commercial uses are not proposed for development at this time and are not included in the proposed development plan. Both the proposed zoning ordinance and the proposed development plan have conditions of approval that specify that future commercial uses shall comply with applicable building, zoning, and parking standards.

Clarification of Conditions

Existing conditions (Condition #2) require "...that the footprint and the architectural styles of the existing buildings be preserved." Though a building can be preserved and added onto, a footprint defines a fixed form and shape on the property and, by definition, is changed by future additions. The condition was added without clarification or intent and staff is thus unclear whether additions are permissible. The Applicant proposes to clarify that additions, renovations, and new construction may be permitted as long as they are compatible with the architectural styles of the existing buildings. Most changes and building additions require Planning Commission approval and compatibility with architectural styles would generally be evaluated as a development plan amendment, thus staff defers to the Commission whether the proposed language will provide enough clarity for future decisions.

Alignment and Deferral of Conditions to the Development Plan

Though the 15 original zoning ordinance conditions were predominately drafted and agreed-upon by the Applicant and the Don Diego Neighborhood Association, subsequent agreements resulted in a 1999 development plan approved by the Planning Commission which was inconsistent with the zoning ordinance conditions. Conditions 6, 7, 8, and 12 relate to the demolition of the garage and construction of walls, fences, and the emergency-access gate. The Applicant proposes to delete these conditions to align the zoning conditions with the 1999 development plan and the resulting present use of the property.

Most of the 1998-4 C-1 PUD zoning ordinance conditions concern the development, maintenance, and usage of specific parts of the property. Therefore, the Applicant proposes to either delete or transfer the development-related conditions from the zoning ordinance to the development plan:

- Condition 4 requires maintenance and repair of existing architectural styles and prohibits second stories. The Applicant proposes to remove these conditions from the zoning ordinance and to not apply them to the development plan because compatibility with existing architectural styles is already required through a condition of the zoning ordinance (#2) and because the applicant would like to have the option of second story development (noted on the development plan). Staff recommends deleting the zoning conditions.
- Conditions 5, 9, and 10 relate to the maintenance of existing landscaping and low fences and walls on the property lines with plantings. The Applicant proposes to remove these conditions from the zoning ordinance, to place a note on the proposed development plan detailing compliance with the City of Santa Fe landscaping requirements, to place a condition of approval on the proposed development plan that vegetation shall be maintained on the front property line of 721 Don Diego, and to delete the requirement to keep low walls. Staff recommends either deleting the zoning conditions or, if the Planning Commission agrees with a limitation of low walls and fences on the property line, transferring the zoning conditions to the development plan.
- Conditions 11 and 13 require all parking to be built with basecourse or decomposed granite (instead of asphalt) and prohibit parking on City of Santa Fe property adjacent to the properties. The applicant proposes to transfer these conditions from the zoning ordinance to the proposed development plan. Staff recommends transferring these conditions to the development plan.
- Condition 14 requires completion of improvements prior to non-residential use which the Applicant proposes to remove from the zoning ordinance and not apply to the development plan because it has already been satisfied and is no longer applicable. Staff recommends deleting the zoning condition.
- Condition 15 requires commercial building codes prior to occupancy by any non-residential use.

The applicant proposes to delete the condition as redundant with proposed zoning condition #3 and to further note on the proposed development plan that commercial uses must comply with building, zoning, and parking regulations as applicable. Staff recommends deleting the zoning condition.

Chapter 14 provides specific criteria which must be met in order to rezone a property, but provides no specific criteria for evaluating a request to amend the conditions of a prior rezoning. Rezoning criteria are based on a determination that the public interest is not harmed, but in fact better served by development under the amended zoning than the original zoning, and that infrastructure can handle or be modified to handle the new proposed development. Because the proposed zoning ordinance clarifies existing conditions which are unclear, moves development-related conditions to the development plan, removes redundant zoning conditions, and allows uses and development similar to the surrounding neighborhood, staff supports the zoning ordinance amendment.

VII. DEVELOPMENT PLAN AMENDMENT

Project Description

The Applicant requests approval of approximately 1,250 square feet of residential additions, the conversion of a storage structure (previously a single-car garage) back into a garage, the construction of an approximately 400 square-foot two-car carport, and modifications to walls, fences, and gates. Additionally, the Applicant is proposing to move development-related conditions from the zoning ordinance to the development plan and to establish setback requirements for the three properties.

Residential Additions

The northern property has a 1,300 square foot single family home addressed as 719 Don Diego to which the Applicant would like to add approximately 975 square feet and a roof deck. The central property has a 1,400 square foot single family home addressed as 721 Don Diego to which the Applicant would like to add approximately 260 square feet. No changes are proposed to the duplex building on the southern property.

Accessory Structures

On the central property (721 Don Diego) is a 360 square foot storage building that was once a single-car garage and which the Applicant would like to turn back into a garage. On the southern property (723 Don Diego) the Applicant proposes a 400 square foot two-car carport.

Walls, Fences, Gates

Towards Don Diego and Don Cubero Alley (facing East and West) the Applicant proposes mostly 6' high stucco walls, fences, and pedestrian gates. Between Don Diego Court and the internal parking area, the Applicant proposes an 11' wide and 6' high remote-controlled gate. A participant at the ENN expressed concern that 6' high walls might be out of character with the neighborhood.

Traffic & Visibility

Walls and fences comply with sight visibility triangles. A waiver has been granted by the Public Works Department to allow the proposed garage to be setback from Don Cubero Alley 12'-4" rather than the otherwise-required 20' (SFCC Subsection 14-7.1(F)(1) and 14-7.1(F)(4)). Public Works staff have identified no traffic concerns regarding the development plan or the proposed deletion of a condition that

required an emergency-access gate be constructed across Don Cubero Alley.

Parking

Parking is proposed to remain as basecourse or decomposed granite. No parking will be allowed on adjacent city property between the Castillo Compound and Don Diego Avenue. Eight parking spaces are required for the four residential dwelling units and 13 parking spaces are proposed. Future commercial parking and ADA compliance shall be required to comply with applicable regulations at the time of building permit.

Setbacks

The Applicant proposes setbacks for the development plan to be as follows: 7' required front yard; 5' required side yards except that internal side property lines which will be 0'; 5' required rear yard (Don Cubero Alley). Existing structures are 719 Don Diego is currently setback approximately 2' from the internal, side property line and the additional massing is similarly proposed to be setback approximately 2' from the internal property lines.

Landscaping, Grading, and Drainage

Landscaping, grading, and drainage will be reviewed and shall comply with all applicable SFCC regulations at the time of building permit.

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

SFCC Section 14-3.8 governs the authority, procedures, and restrictions for development plans. The Criteria for approval of development plans are detailed below:

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;	Criterion Met: (Yes/No) YES
Santa Fe City Code (SFCC) Subsection 14-5.7(C) requires a development plan in conjunction with a PUD rezoning or zoning amendment. Subsection 14-2.3(C)(1) authorizes the Planning Commission to review and approve or disapprove development plans.	
Criterion 2: that approving the development plan will not adversely affect the public interest; and	Criterion Met: (Yes/No) YES
The Governing Body has implemented the General Plan and ordinances in order to establish minimum standards for health, safety and welfare affecting land uses and developments as a means to protect the public interest. Subject to staff recommended conditions of approval, the proposed development plan complies with SFCC Chapter 14 and would not adversely affect the public interest. The project serves the public interest by providing expanded residential uses and clarifying potentially conflicting previous approvals.	
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
The subject property is located between general commercial and higher density residential development. The proposed use and scale of the Project is compatible with land uses in the vicinity.	

IX. EARLY NEIGHBORHOOD NOTIFICATION

An ENN was held over the "Zoom" video conferencing software platform on June 8, 2020 and attended by three members of the public. Concerns generally involved parking, future commercial uses, and wall heights. Some residents were concerned that commercial uses might require more parking and create more traffic impacts but the Applicant also clarified that no commercial development was proposed at this time. One neighbor suggested that a clarification or condition of approval is included which specifies that new commercial uses comply with city requirements. There was also concern about 6' high walls being out of character with the neighborhood and that "preservation" of the existing structures should be clarified to give a better idea about *what* existing features should be preserved.

X. EXPIRATION

The zoning ordinance amendment, if approved by the Governing Body, runs with the land and will not expire.

Per SFCC Subsection 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 Subsection 14-3.19(B)(6)." Therefore if the development plan is approved and the Findings of Fact and Conclusions of Law are adopted by the Planning Commission, the expiration date will be August 6, 2023.

XI. ATTACHMENTS:

EXHIBIT A:

1. Technical Corrections
2. Draft Findings of Fact/Conclusions of Law Case #2020-2267 Zoning Ordinance Amendment
3. Draft Findings of Fact/Conclusions of Law Case #2020-2268 Development Plan Amendment
4. Ordinance #1998-4 Castillo Compound C1-PUD
5. Development Plan Recorded February 1999

EXHIBIT B: Development Review Team Memoranda

1. Fire Review Memorandum
2. Traffic Review Permit to Access Public Right-of-Way and Waiver to 20' Garage Setback
3. Technical Review, ADA, and Landscape Review Memorandum

EXHIBIT C: Maps and Photos

1. Future Land Use Map
2. Current Zoning Map
3. Aerial Photo
4. Street Views

EXHIBIT D: ENN

1. ENN Guidelines
2. ENN Notification Letter

3. ENN Notes
4. Public Correspondence Regarding ENN

EXHIBIT E: Applicant Materials

1. Applicant Submission (7/28/2020)
2. Elevations/Photosimulations

APPROVED BY:

Title	Name	Initials
Land Use Director	Elias Isaacson, AICP	ESI
Land Use Planner Manager	Noah Berke, AICP	NLB
Land Use Department Case Manager	Carlos Gemora	C.G.

City of Santa Fe, New Mexico

Exhibit A

- 1. Technical Corrections**
- 2. Draft Findings of Fact/Conclusions of Law Case #2020-2267
Zoning Ordinance Amendment**
- 3. Draft Findings of Fact/Conclusions of Law Case #2020-2268
Development Plan Amendment**
- 4. Ordinance #1998-4 Castillo Compound C1-PUD**
- 5. Development Plan Recorded February 1999**

EXHIBIT A
Technical Corrections
719, 721, 723, 723½ Don Diego Zoning Ordinance Amendment and Development Plan Amendment
Case #2020-2267 & 2020-2268

Technical Corrections			
	Correction	Department/ Team	Staff Responsible
1.	Fire apparatus access shall have an unobstructed width of not less than 20 feet exclusive of shoulders and an unobstructed vertical clearance of not less than 13 feet 6 inches (IFC 2009 Section 503.2.1)	Fire Department	Geronimo Griego
2.	Shall meet the 150 feet driveway requirements must be met as per IFC, or an emergency turn-around that meets the IFC requirements shall be provided. (Appendix D Table D103.4)	Fire Department	Geronimo Griego
3.	Shall comply with table D103.4 Requirements for Dead-End Fire Apparatus Access Roads.	Fire Department	Geronimo Griego
4.	Fire Department shall have 150 feet distance to any portion of the building on any new construction. (IFC 2009 section 503.1.1)	Fire Department	Geronimo Griego
5.	Shall Comply with Section 507.5. Fire hydrant system. Complying with Sections 507.501-507.5.6 507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building.	Fire Department	Geronimo Griego
6.	Shall have water supply that meets fire flow requirements as per IFC (Appendix B)	Fire Department	Geronimo Griego
7.	Shall comply with Section D102.1 Access and Loading (75,000 lbs).	Fire Department	Geronimo Griego
8.	Shall meet the 150 feet driveway requirements must be met as per IFC, or an emergency turn-around that meets the IFC requirements shall be provided. (Appendix D Table D103.4)	Fire Department	Geronimo Griego
9.	Shall comply with IFC 2009 Section D103.2 Grade. Fire apparatus access roads shall not exceed 10 percent in grade	Fire Department	Geronimo Griego
10.	Shall comply with IFC 2009 Section D103.5 Fire apparatus access road gates.	Fire Department	Geronimo Griego

EXHIBIT A

Technical Corrections

719, 721, 723, 723½ Don Diego Zoning Ordinance Amendment and Development Plan Amendment
Case #2020-2267 & 2020-2268

11.	Shall meet the IFC code requirements 2009 edition or the most current edition the governing body has adopted at the time of permitting.	Fire Department	Geronimo Griego
12.	On-site ponding will be required for the increased impervious surface created by the additions.	Technical Review	Dee Beingessner
13.	Other comments will be provided on Plans at the time of the building permit and changes may be required during permitting process	Technical Review	Dee Beingessner
14.	Site will be required to comply with ADA regulations.	Technical Review	Dee Beingessner

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

Case #2020-2267

719, 721, 723, 723½ Don Diego; “Castillo Compound” Zoning Ordinance Amendment

Owners/Applicants - Celia and Alvino Castillo

THIS MATTER came before the Planning Commission (Commission) for hearing on August 6, 2020 upon the application (Application) of Celia and Alvino Castillo (Applicants).

The Application pertains to three properties addressed 719, 721, 723, and 723½ Don Diego, called the “Castillo Compound” and totaling approximately 0.40 acres (Compound). In this case, the Applicants request approval of amendments to the conditions of approval attached to Ordinance No. 1998-4, which zoned the Compound as C-1 PUD (Office and Related Commercial, Planned Unit Development District). The proposed amendments to the zoning ordinance for the Compound would allow building additions, would allow two additional commercial uses, and would relocate development-related conditions of approval so that the conditions are attached to the development plan for the Compound, and not attached to the zoning ordinance. In related Case #2020-2268, Applicants request a development plan for the Compound, which would amend the development plan adopted in 1999.

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

FINDINGS OF FACT

Background

1. The Compound is currently comprised of three properties totaling approximately 0.40 acres.
2. On January 28, 1998, the Governing Body adopted Ordinance No. 1998-4, which zoned the subject properties as C-1 PUD (Office and Related Commercial, Planned Unit Development District).
3. The Governing Body attached fifteen conditions of approval to Ordinance No. 1998-4. The conditions, which were drafted primarily by the Don Diego Neighborhood Association and the Applicants, include the following: a limitation of commercial uses to office use only, the preservation of the existing footprint and architectural styles, no future second stories, low walls and fences, no vehicular access between the properties and the Don Cubero Alley (west property line), an emergency gate across the Don Cubero Alley, general landscaping requirements, non-asphalt parking areas, and demolition of an accessory garage.
4. In February 1999, the Planning Commission approved a development plan that the Applicants proposed for the Compound. The Don Gaspar Neighborhood Association participated in the approval process. Contrary to the conditions attached to Ordinance No. 1998-4, the 1999 development plan allowed vehicular access between the properties and the Don Cubero Alley,

did not construct an emergency access gate across the Don Cubero Alley, and maintained rather than demolished the accessory garage structure.

5. Since 1999, the Applicants have been operating the properties as shown on the 1999 Development Plan, with a mixture of residential and commercial properties.
6. Current usage is comprised of four single-family residential units addressed 719, 721, 723, and 723½ Don Diego.

General

7. 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.
8. The Santa Fe City Code (“SFCC”) Section 14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [SFCC Section 14-3.1(E)]; (b) an Early Neighborhood Notification (ENN) meeting [SFCC Section 14-3.1(F)(2)(a)(iii)&(iv)]; and (c) compliance with notice and public hearing requirements [SFCC Section 14-3.1(H)-(I)].
9. A pre-application conference was held in January 30, 2020 in accordance with SFCC Section 14-3.1(E).
10. Pursuant to SFCC Section 14-3.1(H)(1), notice of the ENN meeting was properly given.
11. Pursuant to SFCC Section 14-3.1(F), an ENN meeting was held on June 8, 2020. The ENN meeting was attended by the Applicants, the Applicants’ family members, two members of City staff, and three members of the public. Concerns generally involved parking, future commercial uses, and wall heights.
12. In this case, the Applicants seek to modify, clarify, or amend three conditions of approval attached to Ordinance 1998-4, which would allow building additions, either to the existing building footprint or as a second story; and which would allow commercial uses in addition to office use, including arts and crafts studios, galleries and shops, gift shops for the sale of arts and crafts, and fast service/take-out restaurants (no drive-through or drive-up shall be permitted).
13. Applicants seek to remove the remaining twelve conditions from Ordinance No. 1998-4 and to relocate applicable development-related conditions to become conditions attached to the development plan proposed in related Case No.2020-2268. Development-related conditions include those concerning maintenance, walls, parking, and landscaping requirements.
14. City staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable SFCC requirements and provided the Commission with a written report of its findings (Staff Report), which evaluates the factors relevant to the Application.
15. Staff recommended that the Commission should recommend that the Governing Body amend Ordinance 1998-4 by modifying, clarifying, and amending three conditions of approval and by removing the remaining twelve conditions of approval.

Zoning Ordinance Amendment; Case #2020-2267

16. Pursuant to SFCC Section 14-3.5(A)(1), any person may submit a written request for rezoning, along with all submissions required by Chapter 14 and any other necessary information requested by the land use director.

17. SFCC Section 14-3.5(B) sets out procedures for rezoning and requires the Commission to hold a public hearing, review the Application, and make a recommendation to the Governing Body.
18. SFCC Section 14-3.5(C) sets out approval criteria and requires the Commission to make complete findings of fact sufficient to show that these criteria have been met before recommending a rezoning.
19. Most of the approval criteria in SFCC Section 14-3.5(C) are inapplicable to a request to amend the conditions attached to a prior rezoning ordinance, and the SFCC does not provide specific criteria for evaluating a request to amend such conditions.
20. The Commission finds that the rezoning criteria are intended to ensure that the public interest is not harmed by the rezoning, that development under the new zoning will serve the public more than development under the original zoning, and that infrastructure can handle or be modified to handle the proposed new development.
21. In this case, the Commission finds that the proposed amendments should be adopted because they would allow the Applicants to develop and utilize the property in manner consistent with the underlying and surrounding zoning.
22. Allowing building additions and additional commercial uses that are permitted by the underlying zoning will not harm the public interest and would be supported by existing infrastructure.
23. It is preferable to attach conditions of approval related to development to the development plan, and not to the zoning ordinance.

CONCLUSIONS OF LAW

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

General

1. Pursuant to SFCC Section 14-3.1, all procedures regarding the pre-application conference, ENN meeting, notice, and public hearing requirements have been followed.

Zoning Ordinance Amendment

2. The Applicants have the right under the SFCC to propose amendments to the conditions of approval attached to Ordinance No. 1998-4.
3. The Commission has the power and authority at law and under the Code to review the proposed zoning ordinance amendments and to make recommendations regarding the proposed amendments to the Governing Body.
4. All applicable code requirements and criteria for recommendation of approval of the proposed zoning ordinance amendments have been met.
5. The Commission should recommend approval of the proposed zoning ordinance amendments.
6. The amendments to the zoning ordinance cannot take effect unless they are approved by the Governing Body.

WHEREFORE, IT IS ORDERED ON THE 6th DAY OF August 2020 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

Considering the foregoing findings and conclusions, the Commission recommends approval of the proposed zoning ordinance amendments requested in Case #2020-2267.

John B. Hiatt
Chairperson

Date

FILED:

Yolanda Y. Vigil
City Clerk

Date

APPROVED AS TO FORM:

Sally A. Paez
Assistant City Attorney

Date

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

Case #2020-2268

719, 721, 723, 723½ Don Diego; “Castillo Compound” Development Plan Amendment

Owners/Applicants - Celia and Alvino Castillo

THIS MATTER came before the Planning Commission (Commission) for hearing on August 6, 2020 upon the application (Application) of Celia and Alvino Castillo (Applicants).

The Application pertains to three properties addressed 719, 721, 723, and 723½ Don Diego, called the “Castillo Compound” and totaling approximately 0.40 acres (Compound). The Applicants request approval of an amendment to the development plan for the Compound to expand the building footprints by approximately 1,250 square feet, to modify existing accessory structures, to construct a carport of approximately 400 square feet, and to construct new walls and fences. The Compound is zoned C-1 PUD (Office and Related Commercial, Planned Unit Development). In related Case #2020-2267, Applicants seek approval of amendments to the conditions of approval attached to the underlying zoning ordinance, Ordinance No. 1998-4.

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

FINDINGS OF FACT

Background

1. The Compound is currently comprised of three properties totaling approximately 0.40 acres.
2. On January 28, 1998, the Governing Body adopted Ordinance No. 1998-4, which zoned the subject properties as C-1 PUD (Office and Related Commercial, Planned Unit Development District).
3. The Governing Body attached fifteen conditions of approval to Ordinance No. 1998-4. The conditions, which were drafted primarily by the Don Diego Neighborhood Association and the Applicants, include the following: a limitation of commercial uses to office use only, the preservation of the existing footprint and architectural styles, no future second stories, low walls and fences, no vehicular access between the properties and the Don Cubero Alley (west property line), an emergency gate across the Don Cubero Alley, general landscaping requirements, non-asphalt parking areas, and demolition of an accessory garage.
4. In February 1999, the Planning Commission approved a development plan that the Applicants proposed for the Compound. The Don Gaspar Neighborhood Association participated in the approval process. Contrary to the conditions attached to Ordinance No. 1998-4, the 1999 development plan allowed vehicular access between the properties and the Don Cubero Alley, did not construct an emergency access gate across the Don Cubero Alley, and maintained rather than demolished the accessory garage structure.

5. Since 1999, the Applicants have been operating the properties as shown on the 1999 Development Plan, with a mixture of residential and commercial properties.
6. Current usage is comprised of four single-family residential units addressed 719, 721, 723, and 723½ Don Diego.

General

7. 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.
8. The Santa Fe City Code ("SFCC") Section 14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [SFCC Section 14-3.1(E)]; (b) an Early Neighborhood Notification (ENN) meeting [SFCC Section 14-3.1(F)(2)(a)(iii)&(iv)]; and (c) compliance with notice and public hearing requirements [SFCC Section 14-3.1(H)-(I)].
9. A pre-application conference was held in January 30, 2020 in accordance with SFCC Section 14-3.1(E).
10. Pursuant to SFCC Section 14-3.1(H)(1), notice of the ENN meeting was properly given.
11. Pursuant to SFCC Section 14-3.1(F), an ENN meeting was held on June 8, 2020. The ENN meeting was attended by the Applicants, the Applicants' family members, two members of City staff, and three members of the public. Concerns generally involved parking, future commercial uses, and wall heights.
12. City staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable SFCC requirements and provided the Commission with a written report of its findings (Staff Report), which evaluates the factors relevant to the Application.
13. Staff recommended that the Commission should approve the development plan, subject to certain conditions (Conditions) and technical corrections set out in the Staff Report and exhibits.

Development Plan Amendment; Case #2020-2268

14. Pursuant to SFCC Section 14-3.19(D)(1), the procedures and criteria for approval of substantive amendments to a development plan are the same as those that apply to a new application for a development plan.
15. SFCC Section 14-5.7(C) requires a development plan in conjunction with a PUD rezoning.
16. Pursuant to SFCC 14-2.3(C)(1) and 14-3.8(B)(4), the Commission has the authority to review and approve development plans.
17. SFCC Section 14-3.8 sets forth procedures and approval criteria for development plans.
18. SFCC 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).
19. SFCC Section 14-3.8(D) 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.

20. Pursuant to SFCC Section 14-3.8(D)(1)(a), the Commission finds that it has the authority and is empowered to approve the development plan under Sections 14-2.3(C)(1) and 14-3.8(B)(3)(a).
21. Pursuant to SFCC Section 14-3.8(D)(1)(b), the Commission finds that the development plan will not adversely affect the public interest.
22. Pursuant to SFCC Section 14-3.8(D)(1)(c), The Commission finds 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.
23. Pursuant to SFCC 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.”
24. 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:

General

1. Pursuant to SFCC Section 14-3.1, all procedures regarding the pre-application conference, ENN meeting, notice, and public hearing requirements have been followed.

Development Plan Amendment

2. The Commission has the authority to review and approve the development plan subject to conditions.
3. The Applicant met the applicable Submittal Requirements.
4. The development plan should be approved subject to conditions because all applicable code requirements and criteria for development plan approval have been met.

WHEREFORE, IT IS ORDERED ON THE 6th DAY OF August 2020 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

Considering the foregoing findings and conclusions, the Commission approves the development plan subject to the Conditions and technical corrections set forth in the Staff Report and exhibits for Case #2020-2267. The development plan shall expire on August 6, 2023, unless actual development of the site or offsite improvements has begun and is continued pursuant to SFCC Section 14-3.19(B)(6) or an extension is granted pursuant to SFCC Section 14-3.19(C).

John B. Hiatt
Chairperson
FILED:

Date

Yolanda Y. Vigil
City Clerk

Date

APPROVED AS TO FORM:

Sally A. Paez
Assistant City Attorney

Date

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 1998-4

3
4
5 AN ORDINANCE

6 AMENDING ORDINANCE NO. 68, 1982 TO ADOPT CONDITIONS OF APPROVAL
7 FOR AN OFFICE PLANNED UNIT DEVELOPMENT; AND PROVIDING AN
8 EFFECTIVE DATE. PROPERTY LOCATED AT 719, 721, 733 AND 733 1/2 DON
9 DIEGO AVENUE BETWEEN CERRILLOS ROAD AND WEST BUENA VISTA.
10 (CASTILLO COMPOUND ZONING AND DEVELOPMENT PLAN EXTENSION CASE
11 NO. M 1997-32).

12
13 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

14 Section 1. The Conditions of Rezoning, attached hereto and referenced herein as
15 "Exhibit A" are hereby adopted for the property described as follows:

16 Lots 9, 10, 11, 12, 13 and 14 of Block 2, Don Diego Addition, Santa Fe, New
17 Mexico.

18 Section 2. This Ordinance shall be published one time by title and general summary
19 and shall become effective five (5) days after such publication.

20 Section 3. The rezoning action with respect to the property affected by this Ordinance
21 is subject to the time restrictions set forth in Section 14-9.19 SFCC 1987.

22 PASSED, APPROVED AND ADOPTED this 28th day of January, 1998.

23
24 
25 DEBBIE JARAMILLO, MAYOR

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ATTEST:

Yolanda Y. Vigil
YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

MARK
MARK A. BASHAM, CITY ATTORNEY

Exhibit A to Ordinance No. 1998-4

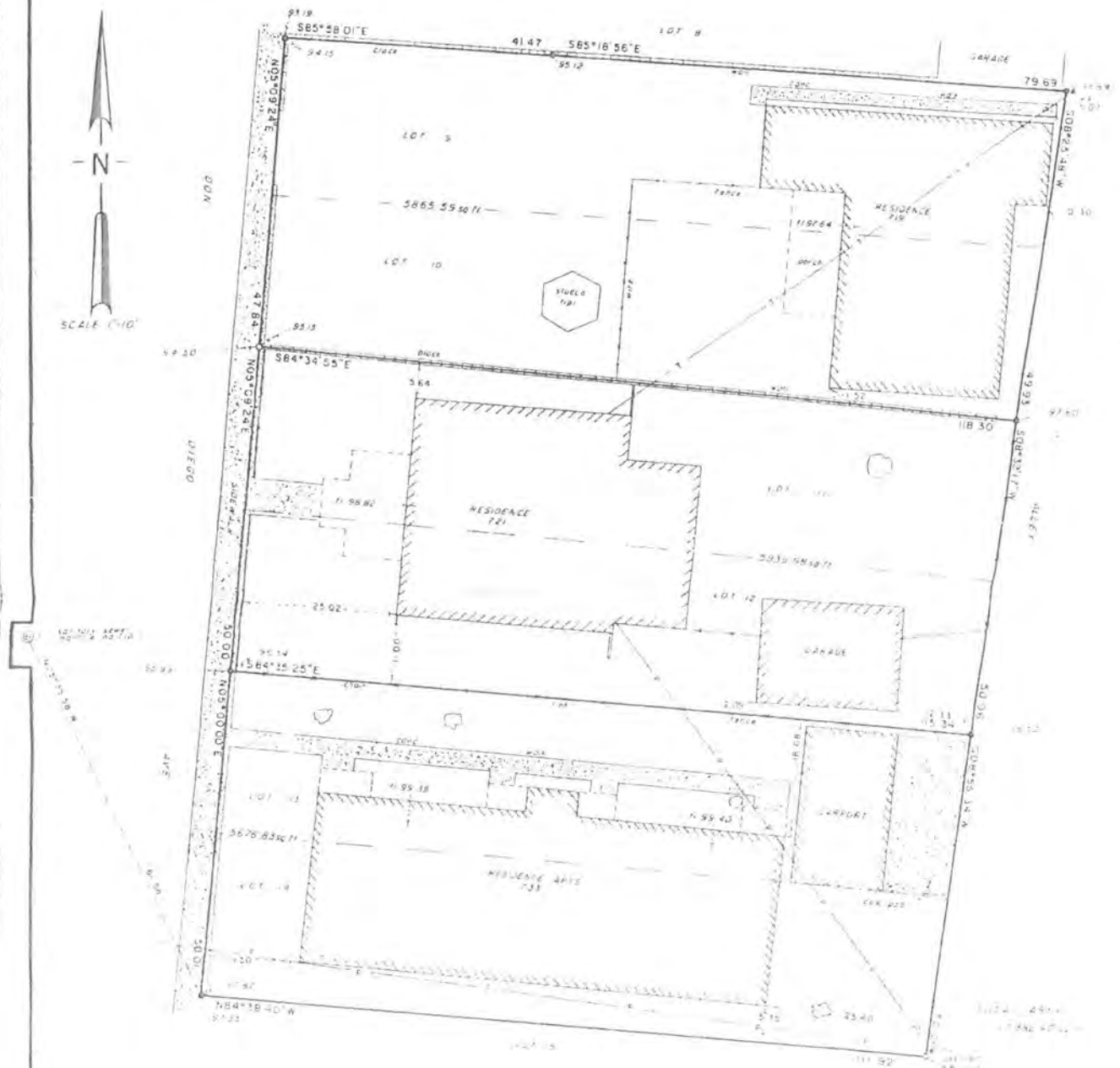
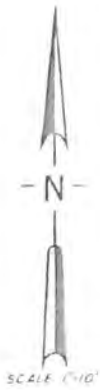
Castillo Compound Zoning and Development Plan

Conditions of Approval

1. Commercial uses to be limited to office only; and
2. Requiring that the footprint and the architectural styles of the existing buildings be preserved; and
3. A mixture of residential and office use to be allowed in the existing building subject to approval of staff and in compliance with zoning requirements for residential uses.
4. To maintain and repair the three existing buildings with their current architectural styles and with no future second story additions;
5. To keep and repair the low walls and fences with plantings on the property lines;
6. To build new wall and/or fences continuously along the Don Cubero Alley to limit the visibility and automobile access between the Castillo property and Don Cubero;
7. To not allow general automobile ingress or egress between Don Cubero and the Castillo property;
8. To build an emergency automobile gate on Don Cubero, which will only be used for emergency ingress and egress between Don Cubero and the Castillo property;
9. To keep the existing landscaping but provide a general clean-up;
10. To meet the City of Santa Fe's additional landscaping requirements as required;
11. To build any new parking areas with basecourse or decomposed granite instead of the asphalt shown on the 1984 plans;
12. To tear down the existing garage and carport, due to their decomposed condition;
13. To not allow parking on the City land between the Castillo property and Don Diego Street;

14. That all improvements as shown as the final development plan be in place prior to the occupancy of the existing structure by any non-residential use. The landscaping may be completed after occupancy, although such work must be contracted prior to occupancy by any non-residential use.
15. The existing structures must comply with all City commercial building codes prior to occupancy by any non-residential use.

PLAT OF SURVEY SHOWING IMPROVEMENTS OF LOTS 9, 10, 11, 12, 13 & 14 OF BLOCK 2, DON DIEGO ADDITION, SANTA FE, NEW MEXICO.



BEARING AND DISTANCE
 I HEREBY CERTIFY THAT THE PLAT AND
 THE SURVEY ON WHICH IT IS BASED WAS
 MADE BY ME OR UNDER MY SUPERVISION
 AND ACCORDING TO THE BEST OF MY KNOWLEDGE
 AND BELIEF.

Surveyor's Name
 SURVEYOR

BEARING AND DISTANCE
 I HEREBY CERTIFY THAT THE PLAT AND
 THE SURVEY ON WHICH IT IS BASED WAS
 MADE BY ME OR UNDER MY SUPERVISION
 AND ACCORDING TO THE BEST OF MY KNOWLEDGE
 AND BELIEF.

Surveyor's Name
 SURVEYOR

City of Santa Fe, New Mexico

Exhibit B

Development Review Team

- 1. Fire Review**
- 2. Traffic Review**
- 3. Technical Review/ADA/Landscaping Review**

Development Review Team

Comment Form

Date: 07/13/2020

Staff person: Geronimo Griego

Dept/Div: Fire Prevention

Case: 2020-2267 & 2268 719,721,723 Don Diego

Case Mgr: Carlos Gemora



Review by this division/department has determined that this application will meet applicable standards if the following are met:

Conditions of Approval:
by:

Must be completed

	Prior to planning commission.
--	-------------------------------

Technical Corrections*:

Must be completed by:

<ol style="list-style-type: none">1. Fire apparatus access shall have an unobstructed width of not less than 20 feet exclusive of shoulders and an unobstructed vertical clearance of not less than 13 feet 6 inches (IFC 2009 Section 503.2.1)2. Shall meet the 150 feet driveway requirements must be met as per IFC, or an emergency turn-around that meets the IFC requirements shall be provided. (Appendix D Table D103.4)3. Shall comply with table D103.4 Requirements for Dead-End Fire Apparatus Access Roads.4. Fire Department shall have 150 feet distance to any portion of the building on any new construction. (IFC 2009 section 503.1.1)5. 507.5 Fire hydrant systems. Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6. 507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building.6. Shall have water supply that meets fire flow requirements as per IFC (Appendix B)	At the time of any new construction or remodel.
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- | | |
|--|--|
| <ol style="list-style-type: none">7. Shall comply with Section D102.1 Access and Loading (75,000 lbs).8. Shall meet the 150 feet driveway requirements must be met as per IFC, or an emergency turn-around that meets the IFC requirements shall be provided. (Appendix D Table D103.4)9. Shall comply with IFC 2009 Section D103.2 Grade. Fire apparatus access roads shall not exceed 10 percent in grade.10. Shall comply with IFC 2009 Section D103.5 Fire apparatus access road gates.11. Shall comply with IFC 2009, Appendix D, Aerial Fire Apparatus Access Roads.12. Shall meet the IFC code requirements 2009 edition or the most current edition the governing body has adopted at the time of permitting. | |
|--|--|

*Must made prior to recording and/or permit issuance

From: [GRIEGO, GERONIMO G.](#)
To: [GEMORA, CARLOS E.](#)
Subject: RE: Castillo Compound Development Plan & Zoning Amendment
Date: Monday, July 13, 2020 4:04:12 PM
Attachments: [image001.png](#)

Carlos,

Our approach to gates is that the gates need to meet the 20' requirement unless we can meet every point of the structure within 150'. This would mean that if a gate is installed on Don Cubero Alley than the gate would have to be at 20' gate either with a breakable lock and if an electrical gate is added than an opticom to access in case of emergency. The fire department does not require gates to be installed but if they are than they need to be accessible and this is achieved by meeting the fire code.

Thanks,

Geronimo

From: GEMORA, CARLOS E. <cegemora@santafenm.gov>
Sent: Monday, July 13, 2020 1:54 PM
To: GRIEGO, GERONIMO G. <gggriego@santafenm.gov>
Subject: RE: Castillo Compound Development Plan & Zoning Amendment

Geronimo,

What did you think about the front vehicular gate they were proposing? Is that going to be okay? I'll say that the Fire Department has no position or recommendation about removing the requirement to build a gate across the Don Cubero alley (never built).

C

From: GRIEGO, GERONIMO G. <gggriego@santafenm.gov>
Sent: Thursday, July 02, 2020 3:03 PM
To: GEMORA, CARLOS E. <cegemora@santafenm.gov>
Subject: RE: Castillo Compound Development Plan & Zoning Amendment

Carlos,

Our approach to gates is that the gates need to meet the 20' requirement unless we can meet every point of the structure within 150'.

Thanks,

Geronimo

From: GEMORA, CARLOS E. <cegemora@santafenm.gov>
Sent: Thursday, July 2, 2020 8:37 AM
To: GRIEGO, GERONIMO G. <gggriego@santafenm.gov>
Subject: RE: Castillo Compound Development Plan & Zoning Amendment

Hey Geronimo,

Thanks for reviewing the development plan

So one thing out of the ordinary is that this is also a zoning amendment and they want to remove a requirement that they build an emergency access gate across the Don Cubero Alley.
Context: back in 1998-99 the neighborhood wanted them to build a gate across the Don Cubero Alley to prevent through traffic from using it so it was put into the zoning ordinance. In 1999, some conversations occurred and they never built the gate (staff never required it), I'm not sure why but it never happened but no gate exists across the Don Cubero Alley right now.

They are now asking the governing body to remove that requirement so that no gate will be built.

My question: Regarding zoning conditions, what is the Fire Department's stance is on removing the gate condition? Do you want, not want, or do you not care about a gate going across the alley?

Carlos

From: GRIEGO, GERONIMO G. <gggriego@santafenm.gov>
Sent: Wednesday, July 1, 2020 1:01 PM
To: GEMORA, CARLOS E. <cegemora@santafenm.gov>
Subject: RE: Castillo Compound Development Plan & Zoning Amendment

Carlos,

Let me know if you need me to comment on anything else?

Thanks,

Geronimo

From: GEMORA, CARLOS E. <cegemora@santafenm.gov>
Sent: Wednesday, July 1, 2020 9:43 AM
To: GRIEGO, GERONIMO G. <gggriego@santafenm.gov>
Subject: RE: Castillo Compound Development Plan & Zoning Amendment

A large, handwritten word "END" in black ink, enclosed within a hand-drawn circle. The word is written in a bold, slightly slanted font.

From: GEMORA, CARLOS E.



City of Santa Fe

Public Works Department
PO Box 909
Santa Fe, NM, 87504-0909.

Permit to Access Public Right-of-Way

Applicant: Celia Castillo

Access Permit Number: 2020-002328--PAR

IN ACCORDANCE WITH THE SUBMITTED APPLICATION, AND CONDITIONS NOTED BELOW, PERMISSION IS HEREBY GRANTED FOR ACCESS TO PUBLIC RIGHT-OF-WAY FOR THE FOLLOWING LOCATION:

Site Address or

Lot Number: 721 DON DIEGO AVE, Santa Fe, NM 87505

Name of Subdivision

(if Applicable):

Work to Commence

on or About: July 07, 2020

Permit Expires: January 04, 2021

Conditions Noted:

This Permit provides legal access from private property onto a public right-of-way and is governed by the requirements of City Code Chapter 23 - Construction and Maintenance of Curb, Gutter, and Sidewalk (where applicable). All Conditions and restrictions required by law shall be complied with, and failure to comply with the conditions of this permit shall result in revocation of this permit and the reconstruction of any nonconforming driveway to City of Santa Fe standards at the property owner's expense.

Prior to commencing construction, the property owner shall contact the Streets & Drainage Maintenance Division located at 1142 Siler Road (955-3000) regarding the need for a *Right-of-Way Excavation & Restoration Permit*; and the Planning and Land Use Department located at 200 Lincoln Avenue (955-6955) regarding the need for a building permit. This permit does not constitute review and approval of Americans with Disabilities Act (ADA) Requirements.

Approved per attached drawing. Sight visibility for fencing is approved and meets all requirements

Reviewed and Signed By:

Ladd Lucero

From: [LUCERO, LADD L.](#)
To: [Celia Castillo](#)
Cc: [GEMORA, CARLOS E.](#)
Subject: RE: Castillo Compounds 719, 721, 723, and 723 1/2 Don Diego: garage and parking on Don Cubero
Date: Tuesday, June 23, 2020 7:47:42 AM

Celia,

The proposed fence will have to follow option #1 as option #2 would have an obstruction within the sight triangle. We will not be able to permit the access for the garage because it does not meet the 20' setback which is required in city code. If you have any questions please don't hesitate to email them to me.

Ladd Lucero
City of Santa Fe
Traffic Tech
505-955-6637
llucero@santafenm.gov

From: Celia Castillo <celiafoy@hotmail.com>
Sent: Monday, June 22, 2020 7:43 AM
To: LUCERO, LADD L. <llucero@santafenm.gov>
Cc: BOWDEN SUBY <suby@sb-associates.net>; Julia Wirick <Julia@sb-associates.net>; Alvino Castillo <alvinocastillo@hotmail.com>
Subject: Castillo Compounds 719, 721, 723, and 723 1/2 Don Diego: garage and parking on Don Cubero

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning Ladd:

At the end of this email is a copy of the development plan for the renovation and additions to our property described above. I know the plan is very small. I can send you a copy that you can enlarge later today. My computer is updating and I can't get to it now.

The wall in the back of 721 Don Diego is 6 feet so the architect drew it behind the triangle of visibility. When I was talking to her about this, she was wondering if we could move the trash barrels to the corner. They are just a little over 3 feet tall. If that might work, let me know. I have attached photos of the current design and then with the trash barrels moved. See below. #1 with open area in triangle of visibility; #2 with trash barrels in the triangle.

Right now, the plan is to use the garage to house a vintage 1967 restored Mustang, We are hoping that the 20 foot setback can be waived.

If you would like a copy of the entire application, I can send it to you. We are submitting it this morning to Carlos Gemora.

Thank you,
Celia Foy Castillo

GEMORA, CARLOS E.

From: ROMERO, JOHN J <jjromero1@santafenm.gov>
Sent: Monday, July 6, 2020 9:06 AM
To: Celia Castillo
Cc: GEMORA, CARLOS E.; LUCERO, LADD L.
Subject: RE: Request for waiver of 20 foot setback for garage located along Don Cubero Alley at the back of 721 Don Diego Avenue, Santa Fe, NM by Celia and Al Castillo

Hell Ms. Castillo,

We looked at your application again and will be able to approve your garage as proposed. Please continue to work with Ladd.

-jjr

From: Celia Castillo <celiafoy@hotmail.com>
Sent: Sunday, July 5, 2020 6:00 PM
To: ROMERO, JOHN J <jjromero1@santafenm.gov>
Cc: GEMORA, CARLOS E. <cegemora@santafenm.gov>; LUCERO, LADD L. <llucero@santafenm.gov>
Subject: Request for waiver of 20 foot setback for garage located along Don Cubero Alley at the back of 721 Don Diego Avenue, Santa Fe, NM by Celia and Al Castillo

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

TO: John Romero, Director/Traffic Engineer, Public Works Department, City of Santa Fe

CC: Carlos Gemora, Ladd Lucero

RE: Waiver for 20 foot setback for garage along Don Cubero Alley requested by Celia and Al Castillo

Celia and Al Castillo are the owners of the properties at 719, 721, 723 and 723 1/2 Don Diego. We respectfully request a waiver to the 20 foot setback requirement for garages so that the building located along Don Cubero Alley in the back of 721 Don Diego can be used as a garage. The reasons for this request are set forth below.

1. Castillos have submitted an application for Amendment of C1-PUD Zoning Conditions of Ordinance No 1998-4 and Associated Development Plan for the Castillo Compound. The plan contemplates re-use of the building located at the back of 721 Don Diego as a garage. This building is between 12 and 13 feet from the boundary of Don Cubero Alley.
2. Castillos are requesting a waiver of the 20 foot setback requirement for this building so it can be used as a garage—will be referred to as the garage.

3. Authorization for the waiver is found at Section 14-7.1 (F) of the City of Santa Fe Land Code .
4. Section 14-7.1(F) states as follows:
 The provisions of this Subsection 14-7.1(F) may be waived by the public works director upon a determination that adequate visibility exists consistent with the standards adopted by the American Association of State Highway and Transportation Officials (AASHTO). This Section 14-7.1 is not intended to limit the authority of the public works director to impose stricter requirements pursuant to the authority provided in Chapter 23 SFCC 1987 (Streets, Sidewalks and Public Places).
5. The requirement for a garage setback is part of Subsection 14-7.1(F). Accordingly, the public works director may waive this requirement.
6. All of the properties in the Castillo Compound abut Don Diego Avenue on the west and Don Cubero on the east. Below is a map indicating the location of the properties. The property at 721Don Diego is marked in blue. The garage is in the southeast corner.



7. Below is a photo of the garage from Don Cubero Alley. There is between 12-13 feet from Don Cubero Alley to the garage.



8. Don Cubero Alley is only 1 block long. There are signs at the entrance and exit indicating “NO THRU TRAFFIC.” The speed limit is 10MPH. See photos below.



Photo #1



Photo #2

Photo #1 is the entry to Don Cubero Alley from Buena Vista (south entrance). The 10 MPH sign is about 150 feet down on the west side of the street. Photo #2 is a closer view of the 10 MPH sign—it is the yellow sign on the west side of the street.

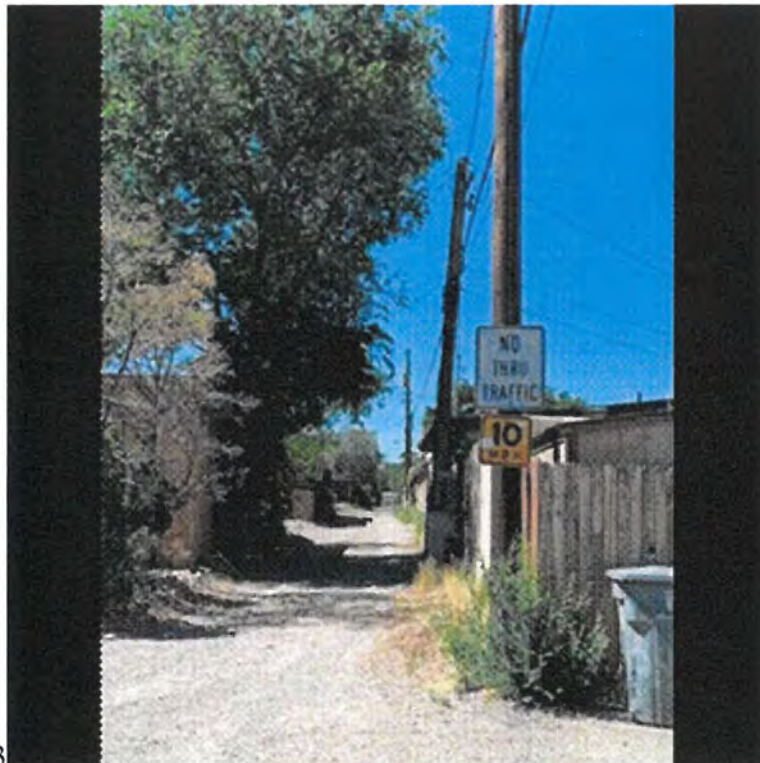


Photo #3



Photo #4

Photo #3 is the entry to Don Cubero Alley from Cerrillos between Modern General and La Unica Dry Cleaners. There are two signs there, and then further down on the right is another 10 MPH sign. Photo #4 is of the second sign. It is on a pole located on northeast corner of 719 Don Diego.

9. The garage was in use until it was designated as a storage building in the Development Plan filed for record in February of 1999. The Castillos current submission contemplates using the properties primarily as residential and would like to use this building as a garage once again.

10. Section 14-7. 1(F)(4)(a) states

- (a) A garage or carport with a vehicle entry facing the street shall be set back at least twenty (20) feet from the street property line as shown on Illustration 14-7.1-3, except as provided in Subsection (4)(b). This Subsection 14-7.1(F)(4) applies to public and private streets including lot access driveways, but does not apply to alleys.

11. There are a number of purposes for setbacks; often they are for aesthetics and safety.

- a. Don Cubero Alley is in an older part of the city, many of the structures almost abut the alley. The open spaces found in the more modern parts of the city are not found here. In fact, this is what makes Don Cubero Alley unique. Allowing a garage with a shorter setback does not affect the aesthetics of the alley, especially since the building was originally used as a garage.

- b. While the language of Section 14-7.1(F)(4) applies the 20 foot setback requirement to streets, it exempts alleys. While Don Cubero Alley can be considered a street in the technical sense, it is functionally closer to an alley. It is much narrower than a street, even narrower than some alleys. For example, Section 14-9.2(I)(1) of the current Santa Fe Land Code states that “the right-of-way width of an alley shall not be less than twenty (20) feet.” The Don Cubero Alley width is 12 feet. Moreover, traffic on Don Cubero is primarily limited to residents who drive to their property. The speed limit is only 10 MPH. There is 12-13 feet between the garage and Don Cubero Alley which is sufficient length for the driver to view any oncoming vehicles or pedestrians, especially in light of the traffic limitations and applicable speed limit.

- c. Castillos have contacted a number of their neighbors on Don Cubero Alley and they have no objection to the project that includes the garage. Additionally, Castillos live in 719 Don Diego with 4 windows and a door on the Don Cubero Alley side. Their experience is that for the most part, the drivers observe the directive that there be no thru traffic, and in fact, the alley is used by many pedestrians including a number of dog walkers.

For all the reasons above, the Castillos respectfully request a waiver from the 20 setback requirement for the garage located along Don Cubero Alley.

Thank you for your consideration.

Sent from [Mail](#) for Windows 10

Development Review Team

Comment Form

Date: 7/10/20

Staff person: Dee Beingessner

Dept/Div: Land Use/Terrain Management

Case: **2020-2267 & 2268. Castillo Compound - 719, 721, 723, 723 ½ Don Diego – Development Plan Amendment.**

Case Mgr: Carlos Gemora



Review by this division/department has determined that this application will meet applicable standards if the following are met:

Conditions of Approval :	Must be completed by:
1	
2	
3.	
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Technical Corrections*:	Must be completed by:
1 On-site ponding will be required for the increased impervious surface created by the additions.	During building permit process
2 Other comments will be provided on Plans at the time of the building permit and changes may be required during permitting process	
3 Site will be required to comply with ADA regulations.	
4	
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*Must made prior to recording and/or permit issuance

The applicant should be aware that the following code provisions or other requirements will apply to future phases of development of this project:

1. [list any additional items]

Explanation of Conditions or Corrections (if needed):

DRAINAGE FACILITIES MAINTENANCE NOTE

ALL DRAINAGE FACILITIES SHALL BE MAINTAINED BY ALL PROPERTY OWNERS. THE PROPERTY OWNERS SHALL ALSO HAVE THE RESPONSIBILITY FOR MAINTENANCE OF THE PUBLIC DRAINAGE EASEMENT.

INSPECTIONS SHALL BE CONDUCTED BY A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF NEW MEXICO OR OTHER QUALIFIED PERSON. INSPECTIONS SHALL BE CONDUCTED ON THE DRAINAGE FACILITIES IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

ON OR ABOUT MARCH 15, ON OR ABOUT SEPTEMBER 15, AND AFTER EACH STORM EVENT OF 1-INCH OR GREATER. MAINTENANCE OF THE DRAINAGE FACILITIES SHALL BE CONDUCTED AND DOCUMENTED BY THE ENGINEER AND THE OWNER. THE OWNER SHALL MAINTAIN A FILE OF THE INSPECTIONS AND REMEDIAL ACTION CONDUCTED ON THE DRAINAGE FACILITIES.

WORK SHALL BE CONDUCTED IN ACCORDANCE WITH THE ENGINEER'S RECOMMENDATIONS, AND SHALL INCLUDE, BUT IS NOT LIMITED TO THE FOLLOWING:

A. FLUSH ALL CULVERTS, DROP INLETS AND DRAINAGE PIPES TO REMOVE SEDIMENT AND VEGETATION THAT PREVENTS OR HINDERS THE FLOW OF STORM WATER IN THE DRAINAGE STRUCTURE(S).

B. REMOVE SEDIMENT IN PONDS THAT IS GREATER THAN 6-INCHES IN DEPTH, AND IF NECESSARY, RESEED WITH NATIVE GRASSES AND INSTALL FILTER FABRIC AND 3 TO 4 INCH COBBLE AS DIRECTED BY THE ENGINEER.

C. INSPECT FOR SEDIMENTATION IN ALL SWALES, DITCHES, DRAINAGE PONDS AND REMOVE AND STABILIZE AS NECESSARY.

D. INSPECT FOR SOIL EROSION AT ALL DRAINAGE PONDS, CUT AND FILL SLOPES, AND REPAIR OR STABILIZE ACCORDINGLY.

E. INSPECT THE STRUCTURAL INTEGRITY OF DRAINAGE PONDS, SLOPES, RIP-RAP, GABIONS, DROP INLETS, CULVERTS, ENERGY DISSIPATORS, AND RETAINING WALLS, ROCK PLATING, EROSION CONTROL MATS OR BLANKETS, AND REPAIR OR STABILIZE ACCORDINGLY.

GUNNISON'S PRAIRIE DOG NOTE

THE PROJECT SHALL COMPLY WITH THE PROVISIONS OF THE GUNNISON'S PRAIRIE DOG ORDINANCE (ARTICLE 14-8.12).

DUST CONTROL NOTE

All on-site soil disturbing construction activities shall be addressed and provide measures to mitigate or control dust from being transported offsite and polluting neighboring properties.

Any person, owner, contractor or operator who conducts earthmoving and/or dust generating activities is responsible for implementing Best Management Practices (BMPs) in order to mitigate off-property transport of fugitive dust emissions.

A plan, or storm water prevention plan (SWPPP) when applicable, listing the Best Management Practices (BMPs), shall be provided to the City Engineer, or their designee for review and approval. The approved BMPs shall be applied to the graded and/or disturbed soil in order to stabilize the site.

The initial BMP shall address how the Contractor will minimize the amount of disturbed soil, and how the Contractor will stabilize the disturbed surface area exposed to wind or vehicle traffic during construction.

From: [RIVERA, WILLIAM L.](#)
To: [GEMORA, CARLOS E.](#)
Cc: [BEINGESSNER, DEE](#)
Subject: RE: Castillo Compound Development Plan & Zoning Amendment
Date: Monday, July 13, 2020 2:42:36 PM
Attachments: [image001.png](#)

Hey Carlos,

Although landscaping is required in the code, if the neighbors and planning commission still wanted some of what was in this original plan, they would need to leave the requirements in the development plan because they are not addressed specifically in the code. I would say 3 of the 4 questions you had are not covered by the code, they would have to be mandated in the development plan. We would only require them to follow the code.

Condition #5: To keep and repair the low walls and fences with plantings on the property lines.

Response: If they want the wall to remain, that would need to be in the development plan.

Condition #9: To keep the existing landscaping but provide a general clean-up.

Response: This would also not be required by the code. If that is still desired by the neighbors, they would have to keep it in the development plan. We would not be opposed to completely changing all of the landscaping, if they had a better plan.

Condition #10: To meet the City of Santa Fe's additional landscaping requirements as required.

Response: I am not sure they would go over the 100K and trigger the requirements for the landscaping improvements in the code. But if it did, I would expect a clean and complete landscape at the final inspection prior to the certificate of occupancy. If for some reason that was not possible, I would require a financial guarantee to be in place for the completion of the landscape construction before the release of the Certificate of Occupancy.

Condition #14: That all improvements as shown as the final development plan be in place prior to the occupancy of the existing structure by any non-residential use. The landscaping may be completed after occupancy, although such work must be contracted prior to occupancy by any non-residential use.

Response: We would only require a financial guarantee to be in place for any required remaining work prior to certificate of occupancy.

Thank you,

Lawrence Rivera
Land Use Compliance Officer
Technical Review Division
Planning & Land Use Department

City of Santa Fe, New Mexico

Exhibit C

Maps and Photos

1. **Future Land Use Map**
2. **Current Zoning Map**
3. **Aerial Photo**
4. **Street Views**

Exhibit C1: Future Land Use Map

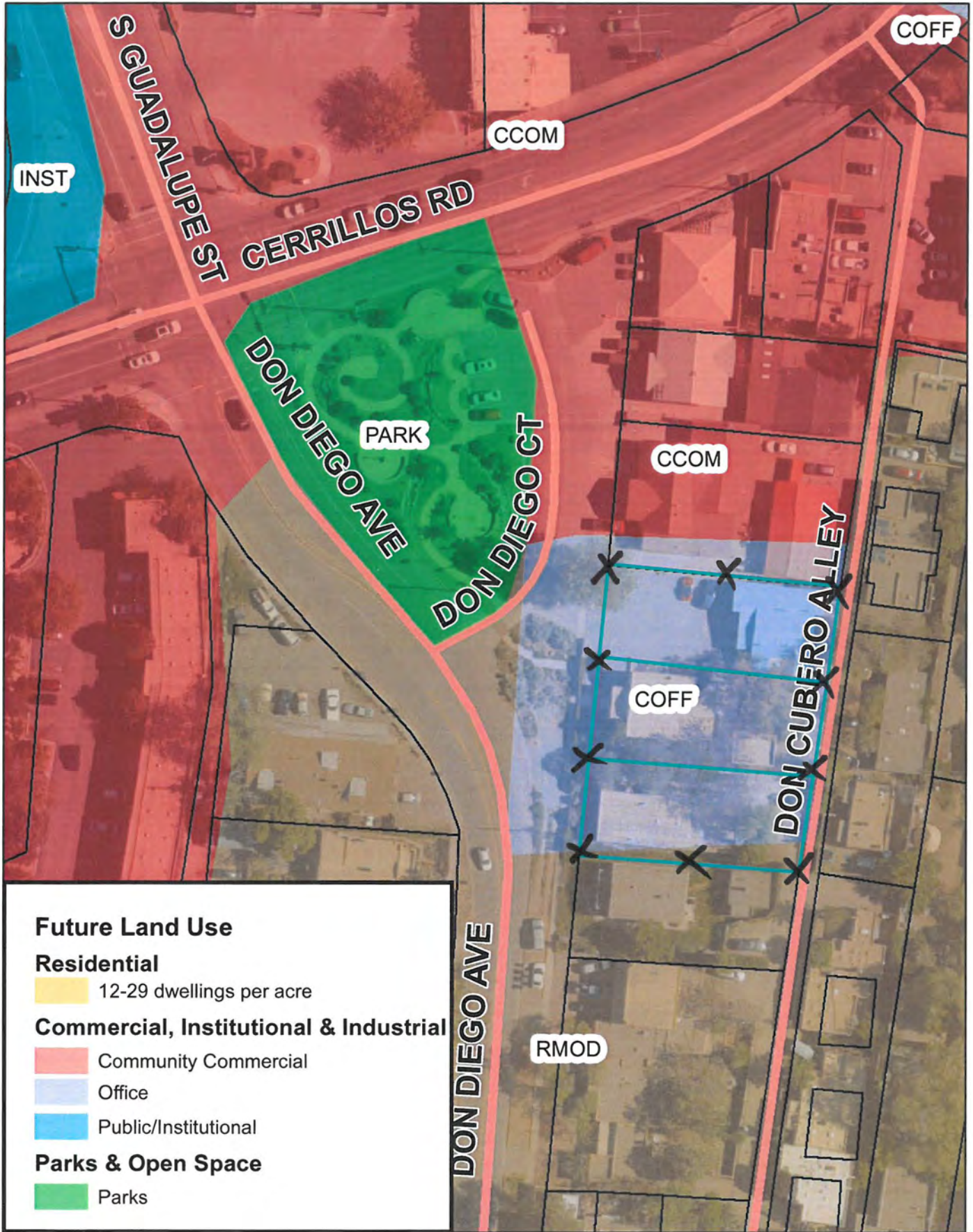


Exhibit C2: Current Zoning Map

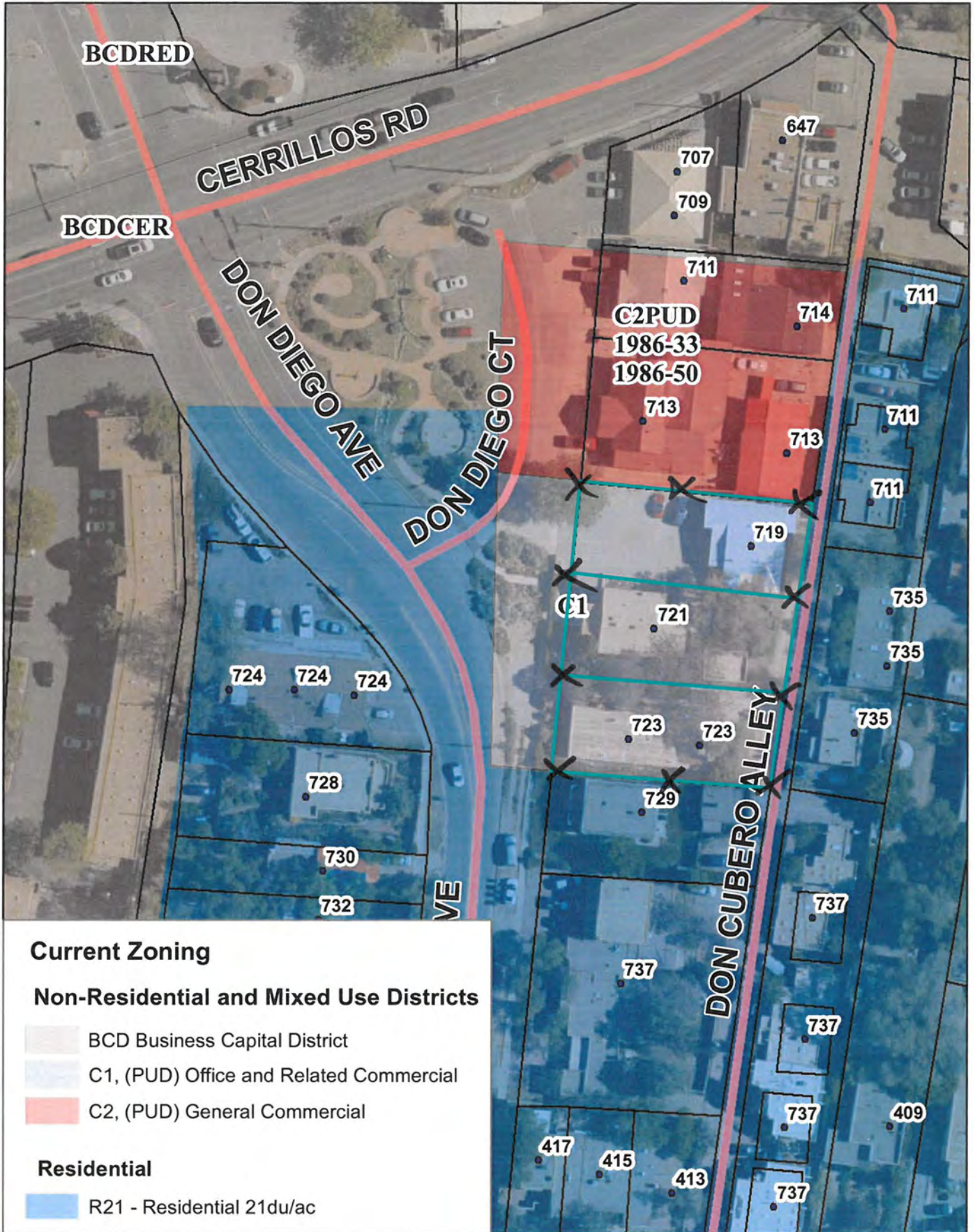


Exhibit C3: Aerial Photo



Exhibit C4: Street View

Westside of Property (Front) From Don Diego



Eastside of Property (Rear) Facing South on Don Cubero Alley



Eastside of Property (Rear) Facing North on Don Cubero Alley



City of Santa Fe, New Mexico

Exhibit D

Early Neighborhood Notification

- 1. ENN Guidelines**
- 2. ENN Notification Letter**
- 3. ENN Notes**
- 4. Public Correspondence Regarding ENN**



EARLY NEIGHBORHOOD NOTIFICATION MEETING

Request for Staff Attendance

Project Information	
Project Name:	Amendment of Ordinance No 1998-4 and related Development Plan regarding 719, 721, 723 Don Diego Avenue to allow property renovation and additions
Address:	719, 721, 723 Don Diego Avenue Parcel Size: 17,394 square feet
Zoning:	C1 PUD Future Land Use: same
Preapplication Conference Date:	1/30/20 4/29/20
Detailed Project Description:	see attachment

Property Owner Information	
Name:	Alvino E. Castillo + Celia Foy Castillo
Address:	P.O. Box 5758 Santa Fe, NM 87502-5758
Phone:	575-639-4444 E-mail Address: celiafoy@hotmail.com

Applicant/Agent Information (if different from owner):	
Name:	Saby Bowden + Associates, Saby Bowden, Julia Wirick
Address:	333 Montezuma Ave, Suite 200, Santa Fe, NM 87501
Phone:	505-983-3755 E-mail Address: saby@sb-associates.net

Agent Authorization (if applicable):	
N/A	
I am/We are the owner(s) and record title holder(s) of the property located at:	
I/We authorize _____ to act as my/our agent to execute this application	
Signed: _____	Date: _____
Signed: _____	Date: _____

Proposed ENN Meeting Dates:		
Provide 2 options:	Preferred Option	Alternative
DATE:	June 8, 2020	June 9, 2020
TIME:	5:30 PM	5:30 PM
LOCATION:	via Zoom	

Detailed Project Description:

There are 4 units and a garage on the subject property:

719 Don Diego—Castillo residence for last 17 years

721 Don Diego + garage/storage—former law office for approximately 30 plus years

723 Don Diego—a duplex. Castillos' older daughter, Celita, has lived in the unit facing Don Diego for the last 16 years. The back unit was office space until about 7 years ago when the Castillos began using it as their personal office.

The Castillos' younger daughter, son-in-law, and granddaughter (the Boatwrights) are moving to Santa Fe and are planning to live in 721 Don Diego, but they would like to add a second bathroom and renovate the 2 rooms currently at the back of the house—an addition of approximately 200 plus square feet. Boatwrights would like to use the current garage and add another bay. Additional covered parking at the back of the property along Don Cubero would allow parking for the Boatwrights and Celita.

The Castillos would like to add a new living room and deck to 719 Don Diego. This would add approximately around 600 plus square feet of living space to the current building. And they would like to have at least a 6 foot wall along Don Diego in front of 719 and 723; they would like to leave the hedge in front of 721. And they would like an entry gate into the property in front on 719 Don Diego.

In order to accomplish this, Castillos are requesting an amendment to Ordinance No. 1998-4 and the related development plan. When the renewal of the project was approved in 1997-99, the conditions of the ordinance were also included on the draft of development plan, but then the conditions of the ordinance were modified by language set out in the filed Development Plan. Consequently, Castillos seek to amend the ordinance by removing conditions 6, 7, 8 and 12 which were effectively removed with approval of the Don Diego Neighborhood Association and so indicated on the filed Development Plan for the 3 properties. Additionally, the Castillos would like the uses listed in condition 1 to include a gallery, small bakery and gelato type shop. These uses are currently allowed in C1. A gallery is listed under Arts Activities while the bakery and gelato type shop are allowed under Restaurant-Fast service/takeout, no drive through/drive-up. These uses are consistent with a buffer area between the residential nature of the neighborhood going south on Don Diego and the commercial nature of the area to the north. Condition 2 can create ambiguity, so Castillos would like it to be clarified—there is no problem with keeping the current footprint of the buildings, but there should be language to allow for additions that work with the current architectural styles and otherwise follow the Land Code. Castillos would like conditions 5, 9 and 10 to be unified to state that the City's landscaping requirements will be met. It appears that at the time Ordinance 1998-4 was enacted, a comprehensive landscaping ordinance was not in effect and this is why these conditions were included. Castillos would like Condition 4 to be removed so that a second story

might be added in the future. Conditions 14 and 15 have been met so Castillos suggest they be removed. Castillos would like to have the filed Development Plan amended to reflect the renovations and additions on the proposed Site Plan submitted with this packet of information.



ENN GUIDELINES

Applicant Information

Project Name: Amendment of Ordinance No. 1998-4 and related Development Plan regarding 719, 721, 723 Don Diego Avenue to allow property renovation + additions
Name: CASTILLO ALVINO E. + CELIA FOY
Last First M.I.
Address: 719 Don Diego Avenue
Street Address Suite/Unit #
Santa Fe NM 87505
City State ZIP Code
Phone: 575-639-4444 E-mail Address: celiafoy@hotmail.com

Please address each of the criteria below. Each criterion is based on the Early Neighborhood Notification (ENN) guidelines for meetings, and can be found in Section 14-3.1(F)(5) SFCC 2001, as amended, of the Santa Fe City Code. A short narrative should address each criterion (if applicable) in order to facilitate discussion of the project at the ENN meeting. These guidelines should be submitted with the application for an ENN meeting to enable staff enough time to distribute to the interested parties. For additional detail about the criteria, consult the Land Development Code.

(a) EFFECT ON CHARACTER AND APPEARANCE OF THE SURROUNDING NEIGHBORHOODS For example: number of stories, average setbacks, mass and scale, landscaping, lighting, access to public places, open spaces and trails.

see attachment

(b) EFFECT ON PROTECTION OF THE PHYSICAL ENVIRONMENT For example: trees, open space, rivers, arroyos, floodplains, rock outcroppings, escarpments, trash generation, fire risk, hazardous materials, easements, etc.

see attachment

(c) IMPACTS ON ANY PREHISTORIC, HISTORIC, ARCHAEOLOGICAL OR CULTURAL SITES OR STRUCTURES, INCLUDING ACEQUIAS AND THE HISTORIC DOWNTOWN For example: the project's compatibility with historic or cultural sites located on the property where the project is proposed.

see attachment

(d) RELATIONSHIP TO EXISTING DENSITY AND LAND USE WITHIN THE SURROUNDING AREA AND WITH LAND USES AND DENSITIES PROPOSED BY THE CITY GENERAL PLAN For example: how are existing City Code requirements for annexation and rezoning, the Historic Districts, and the General Plan and other policies being met.

see attachment

(e) EFFECTS ON PARKING, TRAFFIC PATTERNS, CONGESTION, PEDESTRIAN SAFETY, IMPACTS OF THE PROJECT ON THE FLOW OF PEDESTRIAN OR VEHICULAR TRAFFIC AND PROVISION OF ACCESS FOR THE DISABLED, CHILDREN, LOW-INCOME AND ELDERLY TO SERVICES For example: increased access to public transportation, alternate transportation modes, traffic mitigation, cumulative traffic impacts, pedestrian access to destinations and new or improved pedestrian trails.

see attachment

(f) IMPACT ON THE ECONOMIC BASE OF SANTA FE For example: availability of jobs to Santa Fe residents; market impacts on local businesses; and how the project supports economic development efforts to improve living standards of neighborhoods and their businesses.

see attachment

(g) EFFECT ON THE AVAILABILITY OF AFFORDABLE HOUSING AND AVAILABILITY OF HOUSING CHOICES FOR ALL SANTA FE RESIDENTS For example: creation, retention, or improvement of affordable housing; how the project contributes to serving different ages, incomes, and family sizes; the creation or retention of affordable business space.

see attachment

(h) EFFECT UPON PUBLIC SERVICES SUCH AS FIRE, POLICE PROTECTION, SCHOOL SERVICES AND OTHER PUBLIC SERVICES OR INFRASTRUCTURE ELEMENTS SUCH AS WATER, POWER, SEWER, COMMUNICATIONS, BUS SYSTEMS, COMMUTER OR OTHER SERVICES OR FACILITIES For example: whether or how the project maximizes the efficient use or improvement of existing infrastructure; and whether the project will contribute to the improvement of existing public infrastructure and services.

see attachment

(i) IMPACTS UPON WATER SUPPLY, AVAILABILITY AND CONSERVATION METHODS *For example: conservation and mitigation measures; efficient use of distribution lines and resources; effect of construction or use of the project on water quality and supplies.*

see attachment

(j) EFFECT ON THE OPPORTUNITIES FOR COMMUNITY INTEGRATION AND SOCIAL BALANCE THROUGH MIXED LAND USE, PEDESTRIAN ORIENTED DESIGN, AND LINKAGES AMONG NEIGHBORHOODS AND RECREATIONAL, ACTIVITY AND EMPLOYMENT CENTERS *For example: how the project improves opportunities for community integration and balance through mixed land uses, neighborhood centers and/or pedestrian-oriented design.*

see attachment

(k) EFFECT ON SANTA FE'S URBAN FORM *For example: how are policies of the existing City General Plan being met? Does the project promote a compact urban form through appropriate infill development? Discuss the project's effect on intra-city travel and between employment and residential centers.*

see attachment

(l) ADDITIONAL COMMENTS (optional)

ENN GUIDELINES (Questionnaire)

Page 1

Applicant Information

Name: Alvino E. and Celia Foy Castillo

Address: P.O. Box 5758, Santa Fe, NM 87502-5758

Phone: 575-639-4444 E-mail Address: celiafoy@hotmail.com

Criteria

- (a) The property is located at the entry of the Don Diego Neighborhood Association from Guadalupe Street and is just south of Cerrillos at the intersection of Cerrillos, Don Diego Avenue and Guadalupe Street. It is zoned C1 PUD and has been under this zoning classification since 1982. No change in zoning is contemplated. Castillos have owned these properties for over 40 years.

Currently there is an ordinance and development plan that cover the 3 properties. Both will need to be amended.

Background and Summary of Proposed Project:

There are 4 units on the property and a garage:

719 Don Diego—Castillo residence for last 17 years

721 Don Diego + garage/storage—former law office for approximately 30 plus years

723 Don Diego—a duplex. Castillo's older daughter, Celita, has lived in the unit facing Don Diego for the last 16 years. The back unit was office space until about 7 years ago when the Castillos began using it as their personal office.

The Castillos younger daughter, son-in-law, and granddaughter (the Boatwrights) are moving to Santa Fe and are planning to live in 721 Don Diego, but they would like to add a second bathroom and renovate the 2 rooms currently at the back of the house—an addition of approximately 200 plus square feet. Boatwrights would like to use the current garage and add another bay. Additional covered parking at the back of the property along Don Cubero would allow parking for the Boatwrights and Celita.

The Castillos would like to add a new living room and deck to 719 Don Diego. This would add approximately around 600 plus square feet of living space to the current building. And they would like to have at least a 6 foot wall along Don Diego in front of 719 and 723; they would like to leave the hedge in front of 721. And they would like an entry gate into the property in front on 719 Don Diego.

The proposed project is designed to be compatible with the character of the surrounding neighborhood. With primary emphasis on family use, the proposed project thoroughly enhances the area resulting in a positive impact. No second story is contemplated. The addition to 721 is minor, and the addition to 719 will still leave a substantial set back from Don Diego. Landscaping will follow the Land Code and will preserve as much current landscaping as possible, especially the garden area between 721 and 723. Lighting, access to public places, open spaces and trails will not be affected.

- (b) The proposed project is designed to be harmonious with the physical environment. The addition to 719 extends out into a gravel parking area thus there is no impact on trees. Similarly, the addition to 721 is at the back of the current building and extend into an empty pecan covered space and part of the gravel parking lot. There are no open spaces, rivers, arroyos, floodplain, rock outcropping, escarpments or easements on the properties. There will be no increased trash generation or fire risk and there are no hazardous materials.
- (c) The proposed project will not impact any known prehistoric, historic, archeological, or cultural sites and the subject property is located outside the historic district.

Page 2

- (d) The property is zoned C1 PUD and meets the Land Development Code and required densities governing the property.
- (e) Currently the property has 13 parking spaces, one of which is ADA. The proposed project has 14 parking spaces, one of which will be ADA. There will be 3 cars to be housed in the proposed garage and addition off Don Cubero Alley and then three covered spaces.
- (f) There will be no contemplated additional impact on the economic base. The property has been used for offices. Castillos would like to add uses for a gallery and small bakery or gelato type shop for the future.
- (g) Currently the property has been used for offices and residences by the Castillo family. After renovation, 3 of the 4 units will be used as residences by the family who range in age from 8 to the 80's. The 4th unit will be used by the family as office or it will be leased as office space. As time goes on, the Boatwrights may want to develop a business on the property. They are looking at a gallery, or small bakery, or gelato type shop.

- (h) Castillos plan to incorporate water conservation into the proposed project as well as solar energy. Other than that, the project will not have any effect on the public services and infrastructure as the use will be similar to the current use. There is currently a bus stop in front of 719 Don Diego.

Page 3

- (i) Castillos plan to incorporate water conservation into the proposed project as well as solar energy. Accordingly, the impact should be positive.
- (j) The Castillos plan to unify and beautify the current property and want to make changes that complement the streetscape and ensure compatibility with the neighborhood. Pedestrian traffic along Don Diego has increased over the years as people walk to the Railyard Park, the Farmers Market and surrounding businesses. Having a small bakery or gelato type shop to stop at would be compatible with the area. There are artists in the family so at some point, having a gallery would be desirable. These uses are consistent with a buffer area between the residential nature of the neighborhood going south on Don Diego and the commercial nature of the area to the north.
- (k) The property is zoned for the proposed project and follows the City General Plan.

(l) Additional Comments



Santa Fe Public Schools

Property & Asset Management

Residential Development Impact Information Form

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

AMENDMENT OF ORDINANCE NO 1998-4 AND RELATED DEVELOPMENT PLAN REGARDING 719, 721 AND 723 DON DIEGO AVENUE TO ALLOW PROPERTY RENOVATION AND ADDITIONS

- 1. Project Name: _____
- 2. Location of Property: 719, 721, 723 DON DIEGO AVE SANTA FE, NM
- 3. Owner/Agent Name: ALVINO E CASTILLO + CELIA FOY CASTILLO
- Mailing Address: PO BOX 5758 SANTA FE NM 87502-5758
- Phone & Fax: 575-639-4444 celiafoy@hotmail.com
- 4. Unit Matrix

PROJECT EFFECT ON STUDENT POPULATION <i>N/A</i>		
Unit Type	Unit Quantity	Average Price
Single Family (detached)		
Single Family (attached)		
Townhome/ Apartment		
Multi-Family		
Commercial		

- 5. Elementary School Zone for Proposed Development: WOODBORNLEY ELEMENTARY
- 6. Middle School Zone for Proposed Development: MILAGRO MIDDLE SCHOOL
- 7. High School Zone for Proposed Development: SANTA FE HIGH SCHOOL
- 8. Build out Rates (Year/s; #/yr): N/A

Educational Services Center
 610 Alta Vista
 Santa Fe, NM 87505
 Telephone (505) 467-2000
 www.sfps.info

For questions & submittal, contact:
 Santa Fe Public Schools, Property & Asset Management,
 2195 Zia Road, Santa Fe NM 87505
 505 467 3400

Alvino E. Castillo
Celia Foy Castillo
P.O Box 5758
Santa Fe, NM 87502-5758
575-639-4444
celiafoy@hotmail.com

May 23, 2020

RE: Early Neighborhood Notification Meeting
JUNE 8, 2020 5:30 PM via Zoom
Amendment of Ordinance No. 1998-4 and related Development Plan regarding 719,
721, 723 Don Diego Avenue to allow renovation and additions

Dear Neighbor:

The purpose of this neighborhood meeting is to discuss the Castillos' proposal to renovate and make additions to their property located at 719, 721, and 723 Don Diego. The Castillos have owned this property for over 40 years. Currently they reside at 719 Don Diego and their older daughter resides in the front unit of the duplex at 723 Don Diego. Their younger daughter and her family (the Boatwrights) are in the process of moving to Santa Fe and would like to live in 721 Don Diego. This property was formerly a law office but the tenant recently passed away so the building is now vacant. But 721 needs renovations to make it a residence. This would include an addition of a second bathroom, some remodeling and renovation of the back of the building. Plus the Boatwrights would like to have a larger garage at the back of the property with a 6 foot wall along the alley behind 721 Don Diego. The Castillos would like to expand their current home at 719 Don Diego to add on a new living room and a deck. Parking will need to be reconfigured. The Castillos are very pleased the entire family will be able to live in the same compound, a significant opportunity by any measure.

In order to make these changes, the Castillos will be requesting an amendment to Ordinance No. 1998-4 and the related Development Plan, and this will be discussed at the meeting. A copy of the Ordinance with conditions is attached. Specifically, Castillos seek to amend the Ordinance by removing conditions 6, 7, 8 and 12 which were effectively removed with approval of the Don Diego Neighborhood Association and so indicated on the filed Development Plan for the 3 properties. A copy of the general conditions of the plan and the plan is also attached. Additionally, the Castillos would like the uses listed in condition 1 to include a gallery, small bakery and gelato type shop. These uses are consistent with a buffer area between the residential nature of the neighborhood going south on Don Diego and the commercial nature of the area to the north. Condition 2 can create ambiguity, so Castillos would like it to be clarified—there is no problem with the current footprint of the buildings, but there should be language to allow for additions that work with the current architectural styles. Castillos would

like conditions 5, 9 and 10 to be unified to state that the City's landscaping requirements will be met. It appears that at the time Ordinance 1998-4 was enacted, a comprehensive landscaping ordinance was not in effect and this is why these conditions were included. Castillos would like Condition 4 to be removed so that a second story can be added in the future. Conditions 14 and 15 have been met so Castillos suggest they be removed. Castillos would like the filed Development Plan amended to reflect the renovations and additions on the proposed Site Plan attached.

Due to social distancing statewide requirement and health concerns associated with the Corona Virus (Covid 19) an ENN meeting will be conducted only via Zoom Video/Teleconference for this project.

So in accordance with the requirement of the City of Santa Fe's Early Neighborhood Notification ordinance, the purpose of this letter is to inform you that the notification meeting is scheduled for:

Topic: ENN Meeting re: Castillo Request to amend Ordinance and Development Plan

Time: Jun 8, 2020 05:30 PM Mountain Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/87868894127>

Meeting ID: 878 6889 4127

One tap mobile

+13462487799,,87868894127# US (Houston)

+16699006833,,87868894127# US (San Jose)

Dial by your location

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Germantown)

Meeting ID: 878 6889 4127

Find your local number: <https://us02web.zoom.us/j/87868894127>

The Early Notification ordinance provides for an exchange of information between prospective applicants for development projects and the project's neighbors before plans become too firm to respond meaningfully to community input.

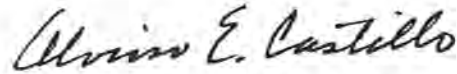
Attached, please find a vicinity map and a proposed Site Plan. If you have any questions or comments, please contact Celia Foy Castillo at 575-639-4444, celiafoy@hotmail.com, Box 5758, Santa Fe, NM 87502-5758.

Thank you for your consideration.

Sincerely,



Celia Foy Castillo



Alvino E. Castillo

Attachments:

Ordinance 1998-4 with conditions
General Conditions of filed Development Plan
Filed Development Plan (February 5, 1999)
Proposed Site Plan
Vicinity Map

****Persons with disabilities in need of special accommodations or the hearing impaired needing an interpreter please contact the Land Use Department (955-6820) at least 5 days prior to the hearing or meeting date.**

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 1998-4

3
4
5 AN ORDINANCE

6 AMENDING ORDINANCE NO. 68, 1982 TO ADOPT CONDITIONS OF APPROVAL
7 FOR AN OFFICE PLANNED UNIT DEVELOPMENT; AND PROVIDING AN
8 EFFECTIVE DATE. PROPERTY LOCATED AT 719, 721, 733 AND 733 1/2 DON
9 DIEGO AVENUE BETWEEN CERRILLOS ROAD AND WEST BUENA VISTA.
10 (CASTILLO COMPOUND ZONING AND DEVELOPMENT PLAN EXTENSION CASE
11 NO. M 1997-32).

12
13 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

14 Section 1. The Conditions of Rezoning, attached hereto and referenced herein as
15 "Exhibit A" are hereby adopted for the property described as follows:

16 Lots 9, 10, 11, 12, 13 and 14 of Block 2, Don Diego Addition, Santa Fe, New
17 Mexico.

18 Section 2. This Ordinance shall be published one time by title and general summary
19 and shall become effective five (5) days after such publication.

20 Section 3. The rezoning action with respect to the property affected by this Ordinance
21 is subject to the time restrictions set forth in Section 14-9.19 SFCC 1987.

22 PASSED, APPROVED AND ADOPTED this 28th day of January, 1998.

23
24 
25 DEBBIE JARAMILLO, MAYOR

Exhibit A to Ordinance No. 1998-4

Castillo Compound Zoning and Development Plan

Conditions of Approval

1. Commercial uses to be limited to office only; and
2. Requiring that the footprint and the architectural styles of the existing buildings be preserved; and
3. A mixture of residential and office use to be allowed in the existing building subject to approval of staff and in compliance with zoning requirements for residential uses.
4. To maintain and repair the three existing buildings with their current architectural styles and with no future second story additions;
5. To keep and repair the low walls and fences with plantings on the property lines;
6. To build new wall and/or fences continuously along the Don Cubero Alley to limit the visibility and automobile access between the Castillo property and Don Cubero;
7. To not allow general automobile ingress or egress between Don Cubero and the Castillo property;
8. To build an emergency automobile gate on Don Cubero, which will only be used for emergency ingress and egress between Don Cubero and the Castillo property;
9. To keep the existing landscaping but provide a general clean-up;
10. To meet the City of Santa Fe's additional landscaping requirements as required;
11. To build any new parking areas with basecourse or decomposed granite instead of the asphalt shown on the 1984 plans;
12. To tear down the existing garage and carport, due to their decomposed condition;
13. To not allow parking on the City land between the Castillo property and Don Diego Street;
14. That all improvements as shown as the final development plan be in place prior to the occupancy of the existing structure by any non-residential use. The landscaping may be completed after occupancy, although such work must be contracted prior to occupancy by any non-residential use.
15. The existing structures must comply with all City commercial building codes prior to occupancy by any non-residential use.

General Notes to Development Plan filed February 5, 1999

THE CASTILLO COMPOUND HAS BEEN APPROVED BY CITY COUNCIL FOR MIXED USE (RESIDENTIAL/COMMERCIAL). ORDINANCE NO. 1997-4

CASE NUMBER MTT-32 CITY COUNCIL HEARING DATE JAN. 28, 1998 PLANNING COMMISSION HEARING DATE DEC. 11, 1997

CONDITIONS OF APPROVAL ARE:

1. COMMERCIAL USES TO BE LIMITED TO OFFICE ONLY.
2. REQUIRING THAT THE FOOTPRINT AND THE ARCHITECTURAL STYLES OF THE EXISTING BUILDINGS BE PRESERVED.
3. A MIXTURE OF RESIDENTIAL AND OFFICE USE TO BE ALLOWED IN THE EXISTING BUILDINGS SUBJECT TO APPROVAL BY STAFF AND IN COMPLIANCE WITH ZONING REQUIREMENTS FOR RESIDENTIAL USES.
4. TO MAINTAIN AND REPAIR THE THREE EXISTING BUILDINGS WITH THEIR CURRENT ARCHITECTURAL STYLES AND NO FUTURE SECOND STORY ADDITIONS.
5. TO KEEP AND REPAIR THE LOW WALLS AND FENCES WITH PLANTING ON THE PROPERTY LINES.
6. TO BUILD A NEW WALL AND/OR FENCES CONTINUOUSLY ALONG THE DON CUBERO ALLEY TO LIMIT THE VISIBILITY AND AUTOMOBILE ACCESS BETWEEN DON CUBERO AND THE CASTILLO PROPERTY.
7. TO NOT ALLOW GENERAL AUTOMOBILE INGRESS OR EGRESS BETWEEN DON CUBERO AND THE CASTILLO PROPERTY.
8. TO BUILD AN EMERGENCY AUTOMOBILE GATE ON DON CUBERO, WHICH WILL ONLY BE USED FOR EMERGENCY INGRESS AND EGRESS BETWEEN DON CUBERO AND THE CASTILLO PROPERTY
9. TO KEEP THE EXISTING LANDSCAPING BUT PROVIDE GENERAL CLEANUP.
10. TO MEET THE CITY OF SANTA FE'S ADDITIONAL LANDSCAPING REQUIREMENTS AS REQUIRED.
11. TO BUILD ANY NEW PARKING AREAS WITH BASECOURSE OR DECOMPOSED GRANITE INSTEAD OF ASPHALT AS SHOWN ON THE 1984 PLANS.
12. TO TEAR DOWN THE EXISTING GARAGE AND CARPORT, DUE TO THEIR DECOMPOSED CONDITION. NOTE: IN JUNE 6TH 1998 MEETING REPAIR OF THE GARAGE WAS APPROVED BY GREG SMITH AND CONFIRMED ON JAN. 12, 1999
13. TO NOT ALLOW PARKING ON THE CITY LAND BETWEEN THE CASTILLO PROPERTY AND DON DIEGO STREET.
14. THAT ALL IMPROVEMENTS AS SHOWN IN THE FINAL DEVELOPMENT PLAN BE IN PLACE PRIOR TO THE OCCUPANCY OF THE EXISTING STRUCTURE BY ANY NON-RESIDENTIAL USE.

THE LANDSCAPING MAY BE COMPLETED AFTER OCCUPANCY, ALTHOUGH SUCH WORK MUST BE CONTRACTED PRIOR TO OCCUPANCY BY ANY NON RESIDENTIAL USE.

15. THE EXISTING STRUCTURES MUST COMPLY WITH ALL CITY COMMERCIAL BUILDING CODES PRIOR TO OCCUPANCY BY ANY NON RESIDENTIAL USE.

THE PROJECT SHALL COMPLY WITH REQUIREMENTS STATED IN THE CITY OF SANTA FE STAFF LETTER OF OCT. 27, 1997 AND THE SUBY BOWDEN + ASSOCIATES LETTER TO BRIAN DISANI OF NOV. 3, 1997 WHICH ARE ATTACHED. INTERIOR AND EXTERIOR MAINTENANCE AND REPAIRS SHALL BE CARRIED OUT ACCORDING TO THE ATTACHED LIST DATED SEPT. 25, 1997 FOR T19, T21, T33, T33-1/2 DON DIEGO.

ATTACHED ON JAN. 13, 1999: DON DIEGO NEIGHBORHOOD ASSOCIATION LETTER OF SUPPORT TO REPAIR EXISTING GARAGE AND RETAIN TWO PARALLEL PARKING SPACES IN DON CUBERO ALLEY.

CITY CODE FOR PARKING (14-49) REQUIRES ONE PARKING SPACE FOR EACH 350 SQ. FT. OF NET LEASABLE SPACE. T19, T21, T33 AND T33-1/2 DON DIEGO AVE. HAVE A TOTAL OF 3960 SQ. FT. NET LEASABLE SPACE WHICH REQUIRES 12 PARKING SPACES. PARKING FOR DISABLED PERSONS (6) REQUIRES ONE PARKING PLACE IF THE TOTAL SPACES IS LESS THAN 25

TOTAL OF 12 PARKING SPACES REQ'D, 13 PARKING SPACES PROVIDED.

TOTAL PARKING SPACES ON THE SITE IS 13 - THERE ARE 5 COMPACT SPACES
THE % COMPACT SPACES OF THE TOTAL IS 38%

NO PARKING SHALL BE ALLOWED ON CITY RIGHT OF WAY BETWEEN THE PROPERTY LINE AND THE CURB AND GUTTER AT THE STREET.

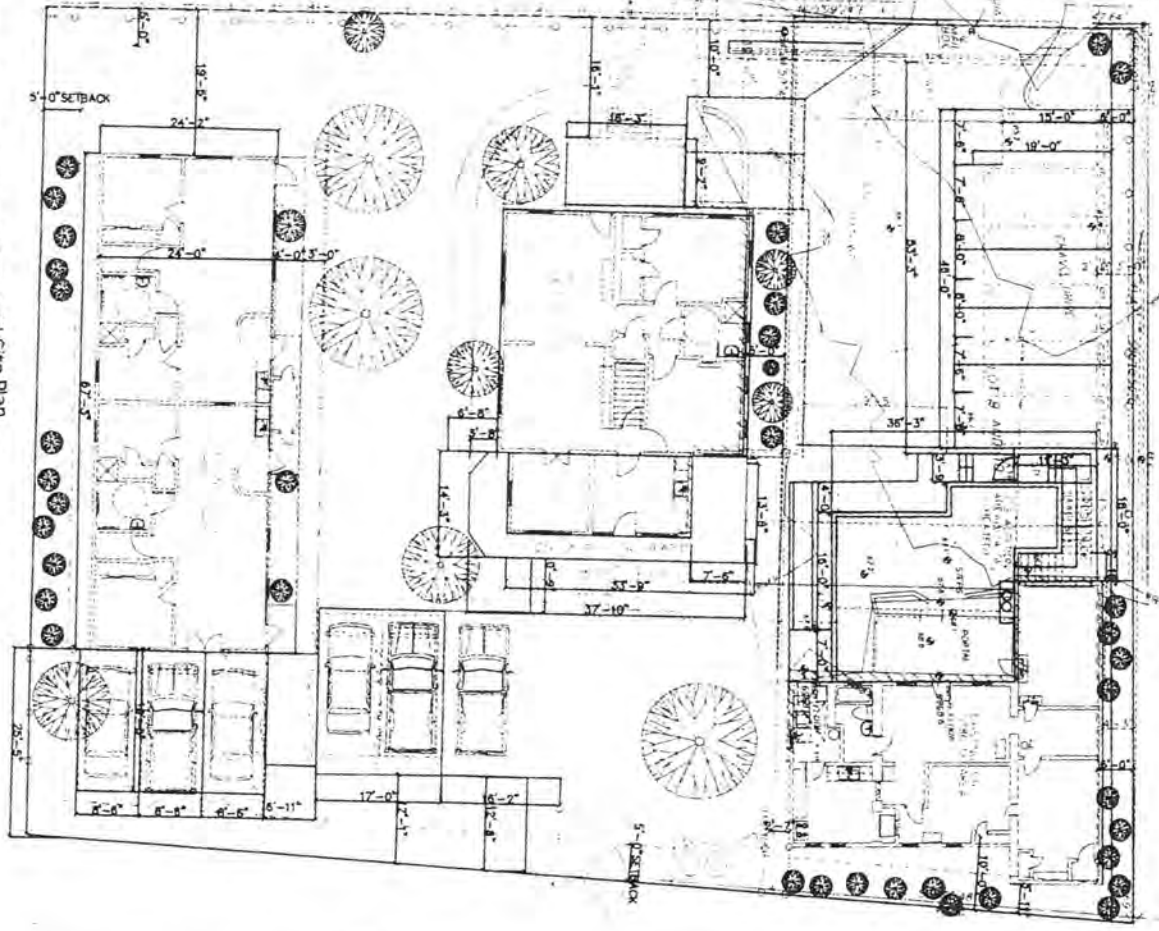
AREA OF BUILDINGS IS 3960 SQUARE FT. AND AREA OF THE SITE IS 17394 SQUARE FEET.
% OF SITE COVERED BY BUILDINGS IS 23%

THREE BUILDINGS TOGETHER DO NOT EXCEED 4000 SQ. FT. SO NO SPRINKLER SYSTEM REQUIRED.
FIRE EXTINGUISHERS TO BE PROVIDED AT EACH UNIT.

250 SQ. FEET OF OPEN SPACE IS REQUIRED FOR EACH UNIT X 4 UNITS = 1000 SQ. FEET OF OPEN SPACE IS REQUIRED.
2820 SQ. FEET OF OPEN SPACE IS PROVIDED.

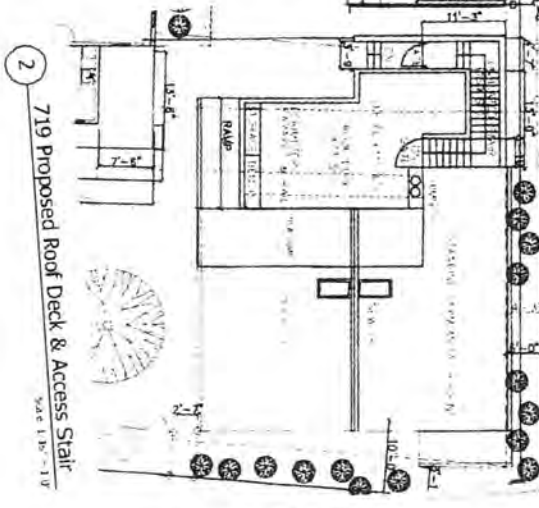
THE REMODELED BUILDINGS SHALL BE MIXED USE FOR EITHER/ OR RESIDENTIAL OR COMMERCIAL USE DEPENDENT ON THE MARKET. FOR THIS REASON THE BUILDINGS SHALL MEET ALL RESIDENTIAL AND COMMERCIAL

1 Castillo Compound Proposed Site Plan
Scale 1/8" = 1'-0"

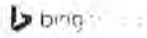


FOOTPRINT LEGEND

LA. SYNG. H. JOBS	PROPOSED ADDITION	EXISTING
BLDG. COV. FRAGE		
201 ADDRESS	400 S.W. 5TH AVE.	400 S.W. 5TH AVE.
BLDG. TYP.	OFFICE	OFFICE
ADDITIONAL	2019 ADD.	400 S.W. 5TH AVE.
TOTAL STP.	1355 SF	1355 SF
PARKING	14 TOTAL	14 TOTAL



Castillo Compound Masterplan: Studies
 Suby Bowden + Associates, LLC 333 Montezuma Ave Suite 200 Date: 01-07-20
 Santa FE, NM 87501 Tel: 505-983-3755 Fax: 505-983-8118 REVISED.
 Scale 1" = 1'-0"
 ENR
 SITE PLAN
 Proposed Site Plan



Don Diego, Santa Fe, NM

Vicinity Map

719, 721, 723 Don Diego



ENN Meeting **NOTES**

An Early Neighborhood Notifications meeting was held via Zoom at 5:30 pm on June 8, 2020. Proper notification was mailed, emailed and posted as required by city ordinance. The following people attended.

Attendee Information:

Attendee Name	Attendee Address/Affiliation
Stefanie Beninato	1027 Don Diego Ave, Santa Fe, NM info@nmgo.com
Monica Montoya	monica@mnty.com (505) 412-1016
Kathleen Parks Yoast	723 Gregory Lane, Santa Fe, NM
Carlos Gemora	City of Santa Fe Land Use Staff
Noah Berke	City of Santa Fe Land Use Staff
Suby Bowden	Suby Bowden + Associates
Julia Wirick	Suby Bowden + Associates
Celia Castillo	719 Don Diego, Santa Fe, NM
Al Castillo	719 Don Diego, Santa Fe, NM
Felisa Boatwright	1492 Rivas Rd., Los Lunas, NM
Clark Boatwright	1492 Rivas Rd., Los Lunas, NM
Eleanor Boatwright	1492 Rivas Rd., Los Lunas, NM

A member of the neighborhood sent a letter to the City about the project and the concerns in the letter were addressed at the meeting.

Topics generally discussed included the proposed additions and renovations to the property, future uses, parking on Don Cubero Alley, walls and fencing, and need for amendment to the conditions of Ordinance No. 1998-4. There were 3 main concerns: parking along Don Cubero Alley, the wall around the compound, and commercial uses.

As to parking, along Don Cubero Alley, we have reduced the number of spaces from six to four along the alley.

There was concern about a 6 foot wall. Since 1998, more 6 foot walls have been constructed along Don Diego to Cordova and now there are approximately 20 properties with walls that are at least 6 feet tall and several that are just shy of the 6 foot height. So a six foot wall is not out of character with the neighborhood. Plus we are breaking up the wall with a vine wall in the center 50 feet of the wall so it is more visually interesting.

There was a concern that allowing some additional commercial uses would result in allowing many other commercial uses not specifically designated. Plus there was a concern about commercial parking. We explained that only those commercial uses listed in the ordinance governing the Compound are allowed. We also explained that the two additional commercial uses requested are for the future. Right now, we are contemplating residential use of all the buildings in the Compound. By allowing the two additional commercial uses at this time, Boatwrights will not have to come before the Council to amend the ordinance for authorization. Nevertheless, all Code requirements for the particular type of use will have to be met including parking. The concerns regarding parking for a commercial use can be addressed at that time.

In addition, we spoke with a number of our neighbors who had no objection to the project and as such did not attend the ENN meeting. Letters of support are attached.

From: [Steven Fisher](#)
To: celiafoy@hotmail.com
Cc: [GEMORA, CARLOS E.](#)
Subject: Don Diego Proposal
Date: Monday, June 15, 2020 3:28:39 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mrs. Castillo:

Thank you for your email. I apologize for not having responded sooner, but (as so often happens these days) a few personal issues intervened. It's logistically challenging for everyone to have life turned upside down due to Covid19, but particularly so for people my age, given how long it will likely take for things to return to (ahem) "normal." I suspect, from what I heard you said at the meeting (two neighbors participated on-line), that you and your husband feel the same way.

I appreciate your offer to speak with me about your proposal, but I don't see how that would be a good use of your time. I understand your objectives - if I were in your position I would probably be proposing something similar. Providing for their children is something that loving parents never stop doing. That having been said, the issues I posed are not, I believe, ones that are you and I (or anyone else individually) should be hashing out between ourselves. They are ones that the City needs to consider as it makes its decision regarding the appropriate use(s) of your properties.

- Type of business: no-one living nearby could possibly object to a gelato shop or a bakery a few steps away. However, once the "non-office" door is opened, many types of small business could go into any of the buildings in the future. You and your children would, I'm sure, not permit an undesirable one to open, but if the properties are sold (and perhaps the lots combined?), an absentee future owner might not be so discriminating. The City should interest itself as much as the neighbors in the nature and character of enterprises at such an important intersection and so near the Plaza.

- Traffic and parking: attorneys' offices (as you know!) are typically open from ~9:00 to ~5:00 pm and clients are sequential. A bakery, by contrast, might open as early as 6:00 am, and a gelato store until 10:00 pm. If the various businesses are successful, there would be a steady stream of cars entering and exiting the parking areas on both Don Diego and Don Cubero Alley. You must certainly be aware, living at 719, that there are even now significant traffic backups on Guadalupe/Don Diego during rush hours. Again, this should be as much of concern to the City as it is to the neighbors.

Regardless of how the City rules on the proposal when it is firmed up, please know that I (and the rest of the GL neighbors as well) wish you and your husband the best. We're all aware of the services that you both have rendered to the State and its residents over the years.

Very truly yours,

Steven E. Fisher

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

From: Celia Castillo <celiafoy@hotmail.com>

To: GEMORA, CARLOS E. <cegemora@santafenm.gov>; sfisher951@aol.com <sfisher951@aol.com>

Sent: Wed, Jun 10, 2020 3:57 pm

Subject: RE: Letter from Steven Fisher

Hi Steven:

I am happy to talk to you by phone or in person to answer your questions. I did address them at the meeting and can go over what I said. You let me know what would work best for you. Thank you. Celia

Sent from [Mail](#) for Windows 10

From: [GEMORA, CARLOS E.](#)

Sent: Wednesday, June 10, 2020 1:20 PM

To: [sfisher951@aol.com](#)

Cc: [Celia Castillo](#)

Subject: FW: Letter from Steven Fisher

Hi Steven Fisher,

I will be the case planner for this project which means that I will make sure it is properly reviewed by various city departments before taking it to the Planning Commission and, eventually, the Governing Body (City Council + Mayor).

The ENN process is simply a place for the applicant to discuss ideas and concerns with neighbors BEFORE they submit to the city so nothing official has been presented yet and I cannot comment on the specifics of the proposal yet.

I did forward this letter to the applicant, Celia Castillo and, in addition to explaining what they intend to submit, Celia also addressed the questions in your letter. For now, I am going to connect you and Celia together so that you may discuss concerns and, once the project firms up, I would be happy to answer more questions about it.

Thanks for reaching out,

Carlos

Carlos Gemora

[Land Use Planner, Senior](#)

[City of Santa Fe, New Mexico](#)

cegemora@santafenm.gov



505.955.6670
[Zoning Code](#) [Zoning Maps](#)

From: BERKE, NOAH L. <nlberke@santafenm.gov>
Sent: Monday, June 8, 2020 10:55 AM
To: PAEZ, SALLY A. <sapaez@santafenm.gov>; GEMORA, CARLOS E. <cegemora@santafenm.gov>
Subject: FW:

Carlos this is for your case. Please keep this for your report as public correspondence.

Noah Berke, CFM
Planner Manager
City of Santa Fe Land Use Department
Office: (505) 955-6647
Cell or Text: (505) 490-5930
Email: nlberke@santafenm.gov

[Click here for Zoning Code Information](#)

[Click here for Property Information](#)

<https://www.alltogethersantafe.org/>

From: KLUCK, JASON M. <jmkluck@santafenm.gov>
Sent: Monday, June 8, 2020 9:35 AM
To: BERKE, NOAH L. <nlberke@santafenm.gov>
Subject: FW:

Noah,

I think this is for you.

Thanks,

Jason

From: Steven Fisher <sfisher951@aol.com>
Sent: Friday, June 5, 2020 2:47 PM
To: KLUCK, JASON M. <jmkluck@santafenm.gov>
Cc: ROMERO-WIRTH, CAROL <cromero-wirth@santafenm.gov>; GARCIA, MICHAEL J. <mjgarcia@santafenm.gov>
Subject:

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

June 6, 2020

Jason Kluck
Assistant director
Land Use Department
City of Santa Fe

RE: Amendment of Ordinance 1998-4 and Related Development Plan

Dear Mr. Kluck:

I am unable to participate in the June 8th virtual early neighborhood notification meeting. Therefore I am submitting my concerns about the proposed "amendment of ordinance 1998-4 and related development plan" in writing. Please forward this email to the appropriate person if that individual is not you. I am also copying the two District 2 councilors because, I assume, they will both be attending the meeting and they want to know what at least one of their constituents' thinks about the proposal.

1. The Castillos' letter states the objective of the development plan is to allow the entire family to live together in the three-structure compound. Why then are they also talking about the possible establishment of up to three shops? If that were to occur, it effectively precludes *anyone* in the Castillo/Boatwright family from living in the compound. Even if there were just a single shop, one of the three families would have to move out. Isn't that contrary to the stated objective of the proposal?
2. The three-structure compound, as currently configured, has 13 parking spaces; they are labeled and numbered on the plan filed February 5, 1999. Parking capacity in the proposed plan is not entirely clear, but it appears as if the number of spaces would be somewhat or significantly reduced. Furthermore 6 of the spaces would be accessed from Don Cubero Alley, as opposed to the current two. Don Cubero Alley is a narrow, unpaved, poorly-maintained roadway that can ill afford to have more traffic on it.
3. The Castillos want to expand the permitted land uses to include a bakery, a gallery and a gelato shop. Each of those businesses would generate quite a bit of automobile traffic – certainly far more than an office. The proposed number of spaces would clearly be insufficient, especially when 6 of them are accessed from Don Cubero Alley. Customers would not necessarily even know those six spaces are there, and therefore would line up to enter the larger lot off of Don Diego. Unlike Don Cubero, Don Diego is neither narrow or unpaved, but it can ill afford more traffic so near the Cerrillos intersection.
4. Finally, a question: if the Castillos' request is approved, would they would have sole control over the number and character of commercial enterprises in

the compound? For example, if they are unable to find a gelato shop, could they rent to an adult book store? A tattoo artist? A massage therapist? A pawn shop? Could any of the structures (in particular 719 which will have a roof deck) be converted into a restaurant? Perhaps none of these would be permitted under current regulations, but there is simply not enough information in the letter to know. It doesn't even address the specifics of the current or proposed zoning classification.

In closing, it would appear that there are many questions about the Castillos' proposal, the answers to which should be made clear at the upcoming meeting. But those answers notwithstanding, it would seem to be inadvisable on the part of the City of Santa Fe to permit any use of buildings in the compound other than as an office for an attorney, an accountant or an insurance agent. Thank you for allowing me, as a close neighbor, to submit my comments.

Very truly yours,

Steven Fisher
727 Gregory Lane
Santa Fe, NM. 87505

City of Santa Fe, New Mexico

Exhibit E

Applicant Materials

- 1. Applicant Submission 7/28/2020**
- 2. Elevations/PhotoSimulations**

#1

JULY 28, 2020

SUBMISSION LETTER

Alvino E. & Celia Foy Castillo
P.O. Box 5758
Santa Fe, NM 87502
celiafoy@hotmail.com
575-639-4444

July 28, 2020

Carlos Gemora, Senior Planner
City of Santa Fe
Planning Division
200 Lincoln Ave.
Santa Fe, NM 87501

SECOND AMENDED SUBMISSION LETTER RE: Castillo Compound: Amendment of C1-PUD Zoning Conditions Ordinance No. 1998-4 (#2020-2267) and Associated Development Plan (#2020-2268)

Dear Carlos:

We are herewith submitting our second amended application for an amendment to a number of zoning conditions contained in Ordinance No. 1998-4 as well as an amended development plan dated July 27, 2020 for 719, 721, 723 and 723 ½ Don Diego Avenue, referred to as the Castillo Compound.

I. History of the Property

Ownership and Occupancy: In 1976 Castillos purchased 721 Don Diego with subsequent purchase of the two adjoining properties, 719 Don Diego and 723/723 ½. Note that until about the early 2000's, 723 and 723 ½ were numbered 733 and 733 ½. They will be referred to as 723 and 723 ½ although some of the documents indicate 733 and 733 ½.

Castillos lived in 721 for several years and ultimately moved to Silver City in 1986.

They returned to Santa Fe in the early 2000's. They remodeled the interior of 719 and have lived there since 2004. Their older daughter Celita moved into 723 in 2005, and she has lived there ever since. Now Castillos' younger daughter Felisa and her family (the

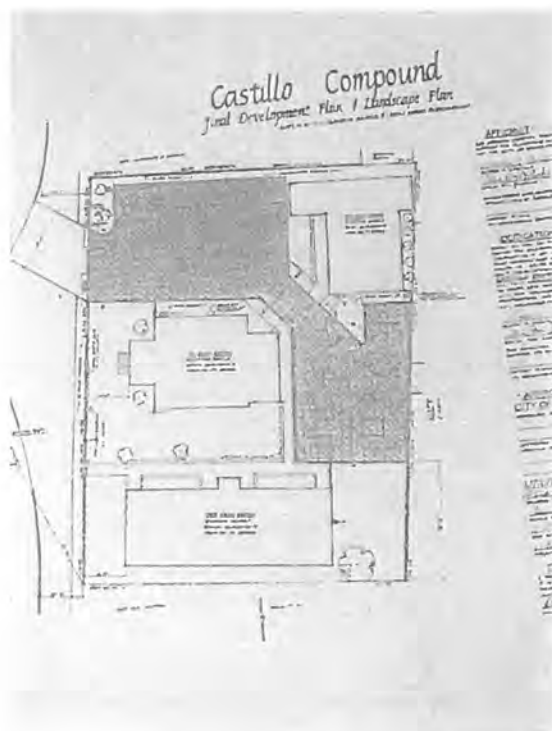
Boatwrights) would like to join the family in Santa Fe. They are looking at 721 Don Diego which is now available.

So the purpose of this application is to allow Castillos to adapt the compound to accommodate the three households.

II. Zoning Status-Currently C1-PUD

December 9, 1982 City Council of Santa Fe approved rezoning of 719-723 Don Diego from RM-1 to C-1 PUD.

February 2, 1984 Final Development Plan for 719-723 Don Diego was approved and it contemplated that the garage be demolished and creation of a driveway leading to parking in the back of the property along Don Cubero Alley. The Castillos moved to Silver City and the property was not developed. For a number of years, the property remained as rentals.



In the late 90's, Castillos were notified that the sunset clause period on the C-1 PUD zoning designation needed to be reviewed and a decision made whether it should be renewed or rescinded. Suby Bowden handled the application for renewal.

January 28, 1998, the Council passed Ordinance 1998-4 with 15 conditions. The conditions were included on the development plan, but as the development plan was in progress, communication with the neighborhood association continued and some modifications to the conditions were made. The modifications were listed on the final development plan, but were not changed in the ordinance.

February 5, 1999, the final development plan was filed and the property was developed pursuant to the plan.

III. Present

In late 2019, Boatwrights told us that they would like to move to Santa Fe at the end of the 2019-20 school year. As such, we needed to do some renovation to the Castillo Compound, and we contacted Suby Bowden and Julia Wirick to work on the project.

We made a presentation to the City Planning Department in January of 2020. The City pointed out problems with language and inconsistencies in Ordinance No. 1998-4, specifically conditions 6, 7, 8, 12, and 2. We discussed amending other conditions to allow currently contemplated renovations as well as future uses. Over time, we discussed reorganizing the ordinance; the zoning requirements would remain but we would request deletion of the other conditions with the understanding that they would be revised and included on the 2020 Development Plan. The purpose of this application is two-fold:

1. to request amendments to Ordinance No 1998-4; and
2. to request approval of an amended development plan with the contemplated additions and renovations.

IV. Amendment to Conditions listed in Ordinance No. 1998-4

There are 15 conditions listed in Ordinance No. 1998-4, copy attached. Our proposed amendments fall into three categories:

1. New language to add two new uses and clarify that new construction, additions and renovations are allowed as long as they are compatible with the architectural styles of the existing buildings;

2. Delete those conditions that conflict with what was allowed by the 1999 Final Development Plan; and
3. Delete the remaining conditions but include a number of them as conditions or notes on the 2020 Development Plan.

1. New Language

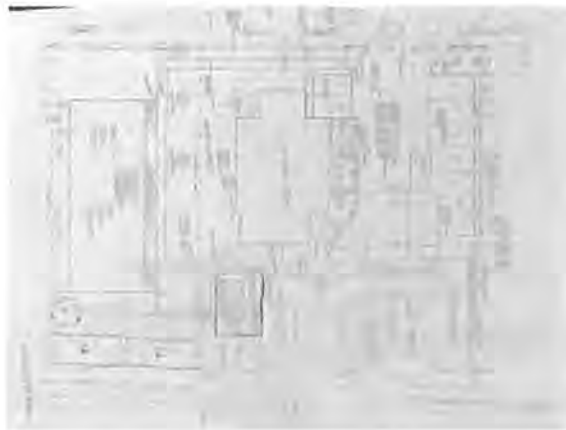
- A. Two New Uses: Currently the property can be used for residential and office use. At some point in the future, the Boatwrights would like to be able to use the property for two other uses: gallery and a small low-impact type restaurant type business for a bakery or gelato-type shop. These would be the only additional uses allowed. The Compound is zoned C1-PUD and both of the additional uses are permitted in this zoning district. With this in mind we would like to add “galleries, restaurants-fast service/take-out, no drive-through/driveup and business and professional offices” to the ordinance. We have also added language to clarify that “All new development will comply with existing standards.” This neighborhood is fortunate in being so close to the Railyard Park and related businesses, and we believe that as time goes on these two types of uses would enhance the character of the neighborhood. We added business and professional as adjectives to offices because this is how the Code refers to this type of office.
- B. Clarification: When we talked to the Planning Department about the additions to 721 Don Diego and 719 Don Diego, there was a concern about the wording in condition 2 of Ordinance 1998-4. Condition #2 requires that the footprint and the architectural styles of the existing buildings be preserved. We are maintaining the present footprint but adding on. The additions meet the City requirements for square footage and open space on the property. City planning staff have a concern that the language could be read to mean that no additions would be allowed although neither they nor we believe this was the intent. To address this possible ambiguity, we would like to add language to specifically allow for additions and specify that any new construction, additions and renovations would be compatible with the architectural styles of the present buildings. The renovations and additions that we propose achieve this.

2. Alignment

Ordinance 1998-4 was passed January 28, 1998. The 15 conditions in the ordinance were also all listed on the proposed development plan. As the plan progressed through the planning department, new information was provided and then incorporated into the Final Development Plan that was filed on February 5,

1999, over a year later. A copy of the General Notes with the 15 conditions and other notations is attached. We know it is a little hard to read. We have yellowed in the pertinent information.

Conditions 6, 7, 8, and 12 relate to walls, fences, and the garage. The conditions require that 1) fence/walls be built along Don Cubero Alley to limit automobile access; 2) ingress and egress of autos not be allowed; 3) an emergency gate be built; and the existing garage and carport be torn down. The Don Diego Neighborhood Association sent a letter on January 13, 1999 supporting repair of the existing garage and retaining two parallel parking spaces along Don Cubero Alley. There is a note on the 1999 Development Plan that "at the June 6, 1998 meeting repair of the Garage was approved by Greg Smith and confirmed on Jan. 12, 1999. (We think there might have been an error and the first date should be 1999.) The 1999 Final Development Plan shows that the garage is to remain and be repaired as a storage building. It also shows the two parking spaces along Don Cubero and no emergency gate. Consequently, we are requesting that conditions 6, 7, 8, and 12 be deleted because they were never required. Below is a small copy of the 1999 Final Development Plan with the storage building and parking spaces indicated.



3. Delete Remaining Conditions but include some as notes or conditions on the 2020 Development Plan.
 - A. Redundancy and Second Story: Conditions #4 has two parts. First it requires the maintenance "and repair of the three existing building with their current architectural styles." This is basically the same as Condition #2 and it refers to three building when there are four. It also prohibits second stories. We would

like to be able to build a second story in the future. There are a number of second story buildings on Don Diego to Cordova. Allowance of a second story can be included on the 2020 Development Plan.

- B. Landscaping: Conditions 5, 9, and 10 relate to landscaping. As indicated on the proposed Development Plan, we would like to have a 6 foot wall along the front of the property: stucco in front of 723, lace vine in front of 721, and stucco and a rolling gate in front of 719. In the back along Don Cubero, the wooden fence behind 719 will remain. We would like a 6 foot stucco wall behind 721. We would like a 6 foot stucco wall around the enclosed yard behind 723 ½ and then along the front of carport area between the duplex building and the garage. Six foot walls are allowed by the Code. Specific requirements regarding landscaping will be included on the 2020 Development Plan. Accordingly, we request that conditions 5, 9, and 10 be deleted from Ordinance 1998-4.

- C. Satisfied Conditions: Conditions 14 and 15 are timing requirements regarding occupancy and landscaping. They have been met. Similar requirements applicable to current and future development will be referenced in a note on the 2020 Development Plan.

A copy of the 15 conditions with summary of and rationale for revisions is attached hereto.

- D. Summary of what will be in the amended Ordinance 2020-___:

Castillo Compound

Amended Conditions of Approval

1. Commercial uses to be limited to galleries; restaurants-fast service/take-out, no drive-through/drive-up; and business and professional offices only; and
2. Requiring that the footprint and the architectural styles of the existing buildings be preserved, provided however that additions, renovations and new construction be allowed as long as they are compatible with the architectural styles of the existing buildings; and
3. A mixture of residential and office, and commercial uses as limited herein to be allowed in the existing buildings subject to approval of staff and in compliance with zoning requirements for residential uses applicable regulations:

V. Proposed Development Plan

A proposed development plan is included with this submission and it is in compliance with the applicable provisions of the Santa Fe City Code. Changes fall into 4 categories:

1. Addition to 721. We would like to add around 256 square feet to the back of the building. This would allow a second bathroom and more space for the dining room and study. There would be a patio area behind 721—this is open area now. We would like to extend the height of the wall/fence behind 721 to 6 feet for privacy purposes. The storage building will again be used as a garage and the Public Works Director has granted a waiver for the setback.
2. Addition to 719. We would like to add about 700 plus of heated square feet to the front of 719. This would allow a larger living room and a storage area. Then there would be an outdoor staircase to a deck on top of the new living area. There would still be parking to the west. The entry would be to the south.
3. A carport would be added to the east of 723 ½ Don Diego. This is where the former carport was located. The yard behind 723 ½ will be enclosed with a 6 foot stucco wall; another 6 foot stucco wall with gates will run from the duplex building to the garage.
4. Primarily for privacy, safety, and noise reduction purposes, we plan to increase the wall/fencing around the Compound. Along the front of the property, it will increase to 6 foot and be stucco in front of 723, lace vine in front of 721, and stucco and a rolling gate in front of 719. In the back along Don Cubero Alley, the wooden fence behind 719 will remain. We plan a 6 foot stucco wall behind 721. The 6 foot wooden fence around the enclosed yard behind 723 ½ will be replaced by a stucco wall, and the wall will continue along the front of carport area between the duplex building and the garage.

V. ENN Meeting

An Early Neighborhood Notifications meeting was held via Zoom at 5:30 pm on June 8, 2020. Proper notification was mailed, emailed and posted as required by city ordinance. The following people attended.

Attendee Information:

Attendee Name	Attendee Address/Affiliation
Stefanie Beninato	1027 Don Diego Ave, Santa Fe, NM info@nmgo.com

Monica Montoya	monica@mnty.com (505) 412-1016
Kathleen Parks Yoast	723 Gregory Lane, Santa Fe, NM
Carlos Gemora	City of Santa Fe Land Use Staff
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Suby Bowden	Suby Bowden + Associates
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There was concern about a 6 foot wall. Since 1998, more 6 foot walls have been constructed along Don Diego to Cordova and now there are approximately 20 properties with walls that are at least 6 feet tall and several that are just shy of the 6 foot height. So a six foot wall is not out of character with the neighborhood. Plus we are breaking up the wall with a vine wall in the center 50 feet of the wall so it is more visually interesting.

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In addition, we spoke with a number of our neighbors who had no objection to the project and as such did not attend the ENN meeting. Letters of support are attached.

VI. Attachments

Together with this letter, we are submitting the following:

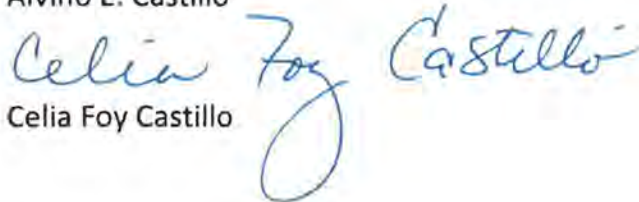
- Ordinance No. 1998-4 with 15 conditions on Exhibit A
- Summary of and Rationale for Amendments to Conditions in Ordinance 1998-4
- Proposed Ordinance 2020-___amending Ordinance No. 1998-4
- Remaining conditions for proposed Ordinance 2020-___
- Copy of General Conditions on the 1999 Final Development Plan--
- Plan or Plat Amendment Application
- Letters of Support from Neighbors
- Proposed Development Plan dated July 27, 2020

Please let us know if you have any questions or need additional information. Thank you.

Sincerely,



Alvino E. Castillo



Celia Foy Castillo

#2
ORDINANCE No. 1998-4
WITH
15 CONDITIONS ON EXHIBIT A

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 1998-4

3
4
5 AN ORDINANCE

6 AMENDING ORDINANCE NO. 68, 1982 TO ADOPT CONDITIONS OF APPROVAL
7 FOR AN OFFICE PLANNED UNIT DEVELOPMENT; AND PROVIDING AN
8 EFFECTIVE DATE. PROPERTY LOCATED AT 719, 721, 733 AND 733 1/2 DON
9 DIEGO AVENUE BETWEEN CERRILLOS ROAD AND WEST BUENA VISTA.
10 (CASTILLO COMPOUND ZONING AND DEVELOPMENT PLAN EXTENSION CASE
11 NO. M 1997-32).

12
13 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

14 Section 1. The Conditions of Rezoning, attached hereto and referenced herein as
15 "Exhibit A" are hereby adopted for the property described as follows:

16 Lots 9, 10, 11, 12, 13 and 14 of Block 2, Don Diego Addition, Santa Fe, New
17 Mexico.

18 Section 2. This Ordinance shall be published one time by title and general summary
19 and shall become effective five (5) days after such publication.

20 Section 3. The rezoning action with respect to the property affected by this Ordinance
21 is subject to the time restrictions set forth in Section 14-9.19 SFCC 1987.

22 PASSED, APPROVED AND ADOPTED this 28th day of January, 1998.

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25 DEBBIE JARAMILLO, MAYOR

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ATTEST:

Yolanda Y. Vigil
YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

MARK A. BASHAM
MARK A. BASHAM, CITY ATTORNEY

Exhibit A to Ordinance No. 1998-4

Castillo Compound Zoning and Development Plan

Conditions of Approval

1. Commercial uses to be limited to office only; and
2. Requiring that the footprint and the architectural styles of the existing buildings be preserved; and
3. A mixture of residential and office use to be allowed in the existing building subject to approval of staff and in compliance with zoning requirements for residential uses.
4. To maintain and repair the three existing buildings with their current architectural styles and with no future second story additions;
5. To keep and repair the low walls and fences with plantings on the property lines;
6. To build new wall and/or fences continuously along the Don Cubero Alley to limit the visibility and automobile access between the Castillo property and Don Cubero;
7. To not allow general automobile ingress or egress between Don Cubero and the Castillo property;
8. To build an emergency automobile gate on Don Cubero, which will only be used for emergency ingress and egress between Don Cubero and the Castillo property;
9. To keep the existing landscaping but provide a general clean-up;
10. To meet the City of Santa Fe's additional landscaping requirements as required;
11. To build any new parking areas with basecourse or decomposed granite instead of the asphalt shown on the 1984 plans;
12. To tear down the existing garage and carport, due to their decomposed condition;
13. To not allow parking on the City land between the Castillo property and Don Diego Street;

14. That all improvements as shown as the final development plan be in place prior to the occupancy of the existing structure by any non-residential use. The landscaping may be completed after occupancy, although such work must be contracted prior to occupancy by any non-residential use.
15. The existing structures must comply with all City commercial building codes prior to occupancy by any non-residential use.

#3

SUMMARY OF AND RATIONALE FOR
AMENDMENTS 7/28/20

Summary of and Rationale for Amendments 7/28/20:

Red is new language

Purple is deleted because it conflicts with 1999 Development Plan

Green indicated that condition is to be deleted but in some cases the language of the condition is moved to the 2020 Development Plan as a development plan condition or note.

Exhibit A to Ordinance No. 1998-4

Castillo Compound Zoning and Development Plan

Conditions of Approval

1. Commercial uses to be limited to galleries; restaurants-fast service/take-out, no drive-through/drive-up; and business and professional offices only; and
2. Requiring that ~~the footprint and~~ the architectural styles of the existing buildings be preserved, provided however that additions, renovations, and new construction be allowed as long as they are compatible with the architectural styles of the existing buildings; and
3. A mixture of residential, ~~and office,~~ and commercial uses as limited herein to be allowed in the existing buildings subject to approval of staff and in compliance with zoning requirements ~~for residential uses~~ applicable regulations.
4. ~~To maintain and repair the three existing buildings with their current architectural styles and with no future second story additions; [Delete as mostly redundant. Allowance of second story will be included as a note on the 2020 Development Plan.]~~
5. ~~To keep and repair the low walls and fences with plantings on the property lines; [Delete: Castillos would like to construct a 6 foot wall, part stucco, part vine in the front of the property with a rolling gate and a 6 foot stucco wall along parts of the back of the property. The vine at 721 Don Diego will remain as a development plan condition.]~~

- ~~6. To build new wall and/or fences continuously along the Don Cubero Alley to limit the visibility and automobile access between the Castillo property and Don Cubero; [Delete—conflict with 1999 Development Plan]~~
- ~~7. To not allow general automobile ingress or egress between Don Cubero and the Castillo property; [Delete—conflict with 1999 Development Plan]~~
- ~~8. 8. To build an emergency automobile gate on Don Cubero, which will only be used for emergency ingress and egress between Don Cubero and the Castillo property; [Delete—conflict with 1999 Development Plan]~~
- ~~9. To keep the existing landscaping but provide a general clean-up; [Delete. Landscaping will follow City of Santa Fe Land Code as referenced in a note on the 2020 Development Plan]~~
- ~~10. To meet the City of Santa Fe's additional landscaping requirements as required; [Delete: Landscaping to follow City of Santa Fe Land Code as referenced in a note on the 2020 Development Plan.]~~
- ~~11. To build any new parking areas with basecourse or decomposed granite instead of the asphalt shown on the 1984 plans; [Delete—has been completed; language with same requirement is a development plan condition.]~~
- ~~12. To tear down the existing garage and carport, due to their decomposed condition; [Delete—conflict with 1999 Development Plan]~~
- ~~13. To not allow parking on the City land between the Castillo property and Don Diego Street; [Delete: this same language is included as a development plan condition.]~~

- ~~14. That all improvements as shown as the final development plan be in place prior to the occupancy of the existing structure by any non residential use. The landscaping may be completed after occupancy, although such work must be contracted prior to occupancy by any non residential use.~~ [Delete: The improvements on the final development plan were in place prior to occupancy by any non residential use and landscaping was completed.]
15. ~~The existing structures must comply with all City commercial building codes prior to occupancy by any non residential use.~~ [Delete: The 2020 Development Plan has a note regarding compliance.]

#4

PROPOSED ORDINANCE NO. 2020-_____

AMENDING ORDINANCE NO. 1998-4

CITY OF SANTA FE, NEW MEXICO

ORDINANCE NO. 2020-___

AMENDING VARIOUS CONDITIONS OF APPROVAL ATTACHED AS EXHIBIT "A" TO ORDINANCE NO. 1998-4 RELATING TO AN OFFICE PLANNED UNIT DEVELOPMENT FOR PROPERTY LOCATED AT 719, 721, 723 AND 723 ½ DON DIEGO AVENUE BETWEEN CERRILLOS ROAD AND WEST BUENA VISTA. (CASE NO. 2020-2267 AMENDING OF C1-PUD ZONING CONDITIONS AND ASSOCIATED DEVELOPMENT PLAN.)

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. Ordinance No. 1998-4 imposed various conditions of approval on the extension of C1-PUD zoning and development plan on land described as Lots 9, 10, 11, 12, 13, and 14 of Block 2, Don Diego Addition, Santa Fe, New Mexico.

Section 2. The conditions of approval for the extension of C1-PUD zoning adopted by Ordinance No 1998-4, are hereby amended as follows:

-**Amend** condition 1 to read "Commercial uses to be limited to galleries; restaurants-fast service/take-out, no drive-through/drive-up; and business and professional offices only;"

-**Amend** condition 2 to read "Requiring that the architectural styles of the existing buildings be preserved, provided however that additions, renovations, and new construction be allowed as long as they are compatible with the architectural styles of the existing buildings;" and

-**Amend** condition 3 to read "A mixture of residential, office, and commercial uses as limited herein to be allowed in the existing buildings subject to approval of staff and in compliance with applicable regulations."

-**Remove** conditions 4-15.

Section 3. This Ordinance shall be published one time by title and general summary and shall become effective five days after publication.

PASSED, APPROVED, and ADOPTED THIS ___ day of _____, 2020.

ALAN WEBBER, MAYOR

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

ERIN K. McSHERRY, CITY ATTORNEY

REV: 7/9/20

#5

CONDITIONS OF
PROPOSED ORDINANCE 2020-_____

Conditions of Proposed Ordinance 2020-_____

1. Commercial uses to be limited to galleries; restaurants-fast service/take-out, no drive-through/drive-up; and business and professional offices only;
2. Requiring that the architectural styles of the existing buildings be preserved, provided however that additions, renovations, and new construction be allowed as long as they are compatible with the architectural styles of the existing buildings; and
3. A mixture of residential, office, and commercial uses as limited herein to be allowed in the existing buildings subject to approval of staff and in compliance with applicable regulations.

#6

COPY OF GENERAL CONDITIONS
ON THE 1999 FINAL DEVELOPMENT PLAN

THE CASTILLO COMPOUND HAS BEEN APPROVED BY CITY COUNCIL FOR MIXED USE (RESIDENTIAL/COMMERCIAL), ORDINANCE NO. 1997-4

CASE NUMBER MPT-32 CITY COUNCIL HEARING DATE JAN 28, 1998 PLANNING COMMISSION HEARING DATE DEC. 11, 1997

CONDITIONS OF APPROVAL ARE:

1. COMMERCIAL USES TO BE LIMITED TO OFFICE ONLY.
 2. REQUIRING THAT THE FOOTPRINT AND THE ARCHITECTURAL STYLES OF THE EXISTING BUILDINGS BE PRESERVED.
 3. A MIXTURE OF RESIDENTIAL AND OFFICE USE TO BE ALLOWED IN THE EXISTING BUILDINGS SUBJECT TO APPROVAL BY STAFF AND IN COMPLIANCE WITH ZONING REQUIREMENTS FOR RESIDENTIAL USES.
 4. TO MAINTAIN AND REPAIR THE THREE EXISTING BUILDINGS WITH THEIR CURRENT ARCHITECTURAL STYLES AND NO FUTURE SECOND STORY ADDITIONS.
 5. TO KEEP AND REPAIR THE LOW WALLS AND FENCES WITH PLANTING ON THE PROPERTY LINES.
 6. TO BUILD NEW WALL AND/OR FENCES CONTINUOUSLY ALONG THE DON CUBERO ALLEY TO LIMIT THE VISIBILITY AND AUTOMOBILE ACCESS BETWEEN DON CUBERO AND THE CASTILLO PROPERTY.
 7. TO NOT ALLOW GENERAL AUTOMOBILE INGRESS OR EGRESS BETWEEN DON CUBERO AND THE CASTILLO PROPERTY.
 8. TO BUILD AN EMERGENCY AUTOMOBILE GATE ON DON CUBERO, WHICH WILL ONLY BE USED FOR EMERGENCY INGRESS AND EGRESS BETWEEN DON CUBERO AND THE CASTILLO PROPERTY
 9. TO KEEP THE EXISTING LANDSCAPING BUT PROVIDE GENERAL CLEANUP.
 10. TO MEET THE CITY OF SANTA FE'S ADDITIONAL LANDSCAPING REQUIREMENTS AS REQUIRED.
 11. TO BUILD ANY NEW PARKING AREAS WITH BASECOURSE OR DECOMPOSED GRANITE INSTEAD OF ASPHALT AS SHOWN ON THE 1984 PLANS.
 12. TO TEAR DOWN THE EXISTING GARAGE AND CARPORT, DUE TO THEIR DECOMPOSED CONDITION.
- NOTE: IN JUNE 6TH 1998 MEETING REPAIR OF THE GARAGE WAS APPROVED BY GREG SMITH AND CONFIRMED ON JAN 12, 1999
13. TO NOT ALLOW PARKING ON THE CITY LAND BETWEEN THE CASTILLO PROPERTY AND DON DIEGO STREET.
 14. THAT ALL IMPROVEMENTS AS SHOWN IN THE FINAL DEVELOPMENT PLAN BE IN PLACE PRIOR TO THE OCCUPANCY OF THE EXISTING STRUCTURE BY ANY NON-RESIDENTIAL USE.

THE LANDSCAPING MAY BE COMPLETED AFTER OCCUPANCY, ALTHOUGH SUCH WORK MUST BE CONTRACTED PRIOR TO OCCUPANCY BY ANY NON RESIDENTIAL USE.

15. THE EXISTING STRUCTURES MUST COMPLY WITH ALL CITY COMMERCIAL BUILDING CODES PRIOR TO OCCUPANCY BY ANY NON RESIDENTIAL USE.

THE PROJECT SHALL COMPLY WITH REQUIREMENTS STATED IN THE CITY OF SANTA FE STAFF LETTER OF OCT. 27, 1997 AND THE SUBY BOWDEN + ASSOCIATES LETTER TO BRIAN DISANI OF NOV. 3, 1997 WHICH ARE ATTACHED. INTERIOR AND EXTERIOR MAINTENANCE AND REPAIRS SHALL BE CARRIED OUT ACCORDING TO THE ATTACHED LIST DATED SEPT. 25, 1997 FOR T19, T21, T33, T33-1/2 DON DIEGO.

ATTACHED ON JAN 13, 1999 : DON DIEGO NEIGHBORHOOD ASSOCIATION LETTER OF SUPPORT TO REPAIR EXISTING GARAGE AND RETAIN TWO PARALLEL PARKING SPACES IN DON CUBERO ALLEY.

CITY CODE FOR PARKING (14-49) REQUIRES ONE PARKING SPACE FOR EACH 350 SQ. FT. OF NET LEASABLE SPACE. T19, T21, T33 AND T33-1/2 DON DIEGO AVE. HAVE A TOTAL OF 3960 SQ. FT. NET LEASABLE SPACE WHICH REQUIRES 12 PARKING SPACES. PARKING FOR DISABLED PERSONS (6) REQUIRES ONE PARKING PLACE IF THE TOTAL SPACES IS LESS THAN 25

TOTAL OF 12 PARKING SPACES REQ'D, 13 PARKING SPACES PROVIDED.

TOTAL PARKING SPACES ON THE SITE IS 13 - THERE ARE 5 COMPACT SPACES
THE % COMPACT SPACES OF THE TOTAL IS 38%

NO PARKING SHALL BE ALLOWED ON CITY RIGHT OF WAY BETWEEN THE PROPERTY LINE AND THE CURB AND GUTTER AT THE STREET.

AREA OF BUILDINGS IS 3960 SQUARE FT. AND AREA OF THE SITE IS 17394 SQUARE FEET.
% OF SITE COVERED BY BUILDINGS IS 23%

THREE BUILDINGS TOGETHER DO NOT EXCEED 4000 SQ. FT. SO NO SPRINKLER SYSTEM REQUIRED.
FIRE EXTINGUISHERS TO BE PROVIDED AT EACH UNIT.

250 SQ. FEET OF OPEN SPACE IS REQUIRED FOR EACH UNIT X 4 UNITS = 1000 SQ. FEET OF OPEN SPACE IS REQUIRED.
2820 SQ. FEET OF OPEN SPACE IS PROVIDED.

THE RECYCLED BUILDINGS SHALL BE MIXED USE FOR EITHER/ OR RESIDENTIAL OR COMMERCIAL USE DEPENDENT ON THE PERMIT. FOR THIS REASON THE BUILDINGS SHALL MEET ALL RESIDENTIAL AND COMMERCIAL REQUIREMENTS INCLUDING PLUMBING, ELECTRICAL, AND ADA FOR A TYPE B-2-5N BUILDING. ALL WINDOWS WITHIN 10 FEET OF THE SOUTH PROPERTY LINE SHALL BE ONE HOUR FIRE RATINGS.

#7

PLAN OR PLAT AMENDMENT APPLICATION



PLAN OR PLAT AMENDMENT APPLICATION

Parcel Information

Project Name: CASTILLO COMPOUND - A amendment of C-1 PUD Zoning Conditions Ordinance No. 1998-4 + Associated Development Plan
 Address: 719, 721, 723 + 723 1/2 DON DIEGO AVE Zoning: C1-PUD
 Previous Approvals: _____ Purpose of Amendment: _____

Property Owner Information

Company Name: _____
 Name: CASTILLO CELIA + ALVINO
Last First M.I.
 Address: 719 DON DIEGO AVENUE
Street Address
SANTA FE NM 87505
City State ZIP Code
 Phone: 575-639-4444 E-mail Address: celiafgy@hotmail.com

Applicant/Agent Information (if different from owner)

Company Name: SUBY BOWDEN + ASSOCIATES
 Name: SUBY BOWDEN + JULIA WIRICK
Last First M.I.
 Address: 333 MONTEZUMA AVE. SUITE 200
Street Address
SANTA FE NM 87501
City State ZIP Code
 Phone: 505-983-3755 E-mail Address: suby@sb-associates.net, julia@sb-associates.net

Correspondence Directed to: Owner Applicant Both

Agent Authorization (if applicable)

I am/We are the owner(s) and record title holder(s) of the property located at: _____

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

Signed: _____ Date: _____

Signed: _____ Date: _____

Signature

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

Signature: Celia Fgy Castillo Date: 6-22-20
Alvino J. Castillo

#8

LETTERS OF SUPPORT
FROM NEIGHBORS

From: Kathy Forster
Sent: Saturday, June 6, 2020 9:44 AM
To: Celia Castillo
Subject: EEN Meeting, June 8,2020,via Zoom

To Attendees of the June 8, 2020 meeting:

My husband and I have lived on Don Cubero Alley since 2008. During that time we have seen improvements to structures and land that have enhanced the neighborhood. We have looked at all the information provided by the Castillos, and, since they are our neighbors, have been able to have our questions answered firsthand.

We will not be attending the Zoom meeting since we have no objections to the changes they have proposed. We are pleased to be able to let the Don Diego Neighborhood Association and the City know the positive nature of our position.

FROM: Kathy A. Forster
DATE: June 6, 2020

Sent from my iPhone

To: Attendees of the Don Diego Neighborhood
Association and the City of Santa Fe

From: Ed & Michele English

Date: June 8th, 2020

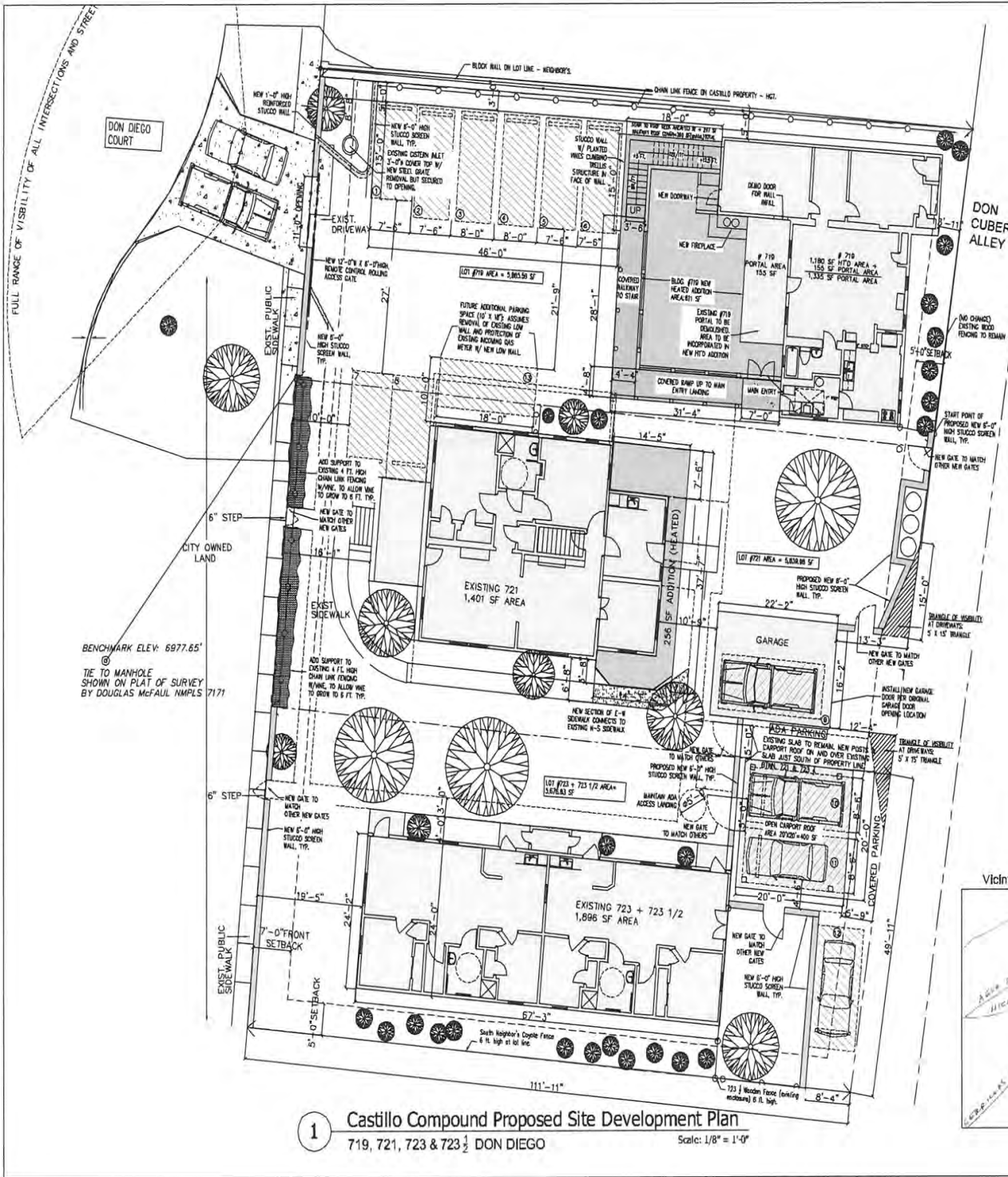
As year round residents of Santa Fe
We are excited by the proposed improvements
the Castillo family suggest for their property
and Don Cubero Alley. The addition of a
young family to the neighborhood is "icing
on the cake". For the record, we live on
Don Cubero Alley, just south of the Castillo
Property. We had looked over the information
provided by the Castillo family and have
no objection to their project. Because
we have no objection, we will not
be attending the meeting.

Sincerely,
Ed & Michele English
727 Don Cubero Alley. A

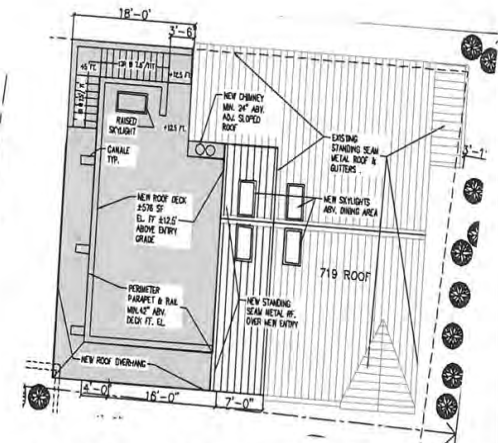
#9

PROPOSED DEVELOPMENT PLAN

DATED JULY 27, 2020



1 Castillo Compound Proposed Site Development Plan
719, 721, 723 & 723 1/2 DON DIEGO
Scale: 1/8" = 1'-0"



2 719 Proposed Roof Plan w/Deck & Access Stair
Scale: 1/8" = 1'-0"

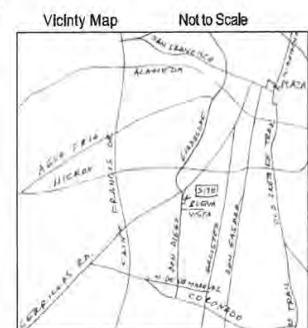
Property	Length in Feet			Total Square Footage
	Front	N	E S	
719	47.84'	121.16'	49.93'	5,865.59
721	50.00'	118.30'	50.08'	5,839.95
723	50.01'	115.34'	50.00'	5,676.83
All	147.85'	121.16'	149.99'	17,382.40

EXISTING BLDGS.	PROPOSED ADDITIONS	PARKING	NEW STANDING SEAM METAL ROOF
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Parking	13 TOTAL
OPEN PARKING:	8 + 1 FUT. OPEN SPACES
COVERED PARKING:	1 GAR. SPACE 2 COVD. SPACES

FUTURE DEVELOPMENT SHALL COMPLY WITH PARKING REQUIREMENTS AS APPLICABLE.

- SCRIBES TABLE**
- FRONT: 7'
 - SIDE: 5' EXCEPT FOR SIDE PROPERTY LINES INTERNAL TO THE DEVELOPMENT PLAN WHICH WILL BE 0'
 - REAR: 5'



City of Santa Fe Signatures

APPROVED BY THE SANTA FE PLANNING COMMISSION
 CLERK: _____
 DATE: _____

PLANNING COMMISSION CHAIRPERSON: _____ DATE: _____
 PLANNING COMMISSION SECRETARY: _____ DATE: _____

REVIEWED BY SANTA FE LAND USE DEPARTMENT
 CITY PLANNER: _____ DATE: _____
 CITY ENGINEER FOR LAND USE: _____ DATE: _____

Case Numbers: #2020-2267 Zoning Ordinance Amendment
 #2020-2268 Development Plan Amendment

Castillo Compound Site Development Plan

Subby Bowden + Associates, LLC, 333 Montezuma Ave, Suite 200 | Date: 01-07-20
 Santa Fe, NM 87501 | Tel: 505-983-3755 | Fax: 505-983-8118 | REVISED:

Date: 07.27.20

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

CASTILLO COMPOUND SITE DEVELOPMENT PLAN SHEET 1 of 3



1 Plat of Survey Certified by Douglas McFaul dated Nov. 9, 1985
 Survey shown for Lot Bearings and Dimensions reference. Scale: NTS

Zoning Ordinance Conditions as approved in Ordinance 2020-_____ by the governing body on, _____ 2020.

1. Commercial uses to be limited to galleries, restaurants-fast service/take-out, no drive-through/drive-up and business and professional offices only.
2. The footprint and architectural styles of the existing buildings will be preserved, provided however that additions and renovations to the existing buildings, will be allowed as long as they are compatible with the architectural styles of the existing buildings.
3. A mixture of residential, office, and commercial uses as limited herein to be allowed in the existing buildings subject to approval of staff and in compliance with applicable regulations.

Development Plan Conditions as approved in Case # 2020-2268 by the Planning Commission on _____, 2020.

1. Parking areas shall be built and maintained by using basecourse or decomposed granite and not asphalt.
2. No parking shall be allowed on City Right of Way between the property line of the Castillo Compound and Don Diego Street.
3. Vegetation shall be maintained on the fence along the front property line of 721 Don Diego.

CITY OF SANTA FE DEVELOPMENT NOTES:

1. Landscaping requirements will follow the City of Santa Fe Land Code.
2. The 20 foot setback for the Garage on Don Cubero Alley has been waived by City Staff as provided by Section 14-7.1(F) of the City of Santa Fe Land Code on July 7, 2020.
3. Second stories shall be allowed as long as all Code requirements regarding second stories are observed.
4. Proposed commercial uses must comply with commercial and parking standards as applicable.
5. Parking: City Code requires two parking spaces for each residential dwelling. There are 4 residential dwellings so a total of 8 parking spaces are required. 13 spaces are provided, one of which is ADA compliant.
6. Rolling gate along lot line in front of 719 Don Diego is 11 ft. wide but may be extended as necessary.
7. The Design as set forth in this Development Plan complies with existing building coverage and open space requirements.

Case Numbers: #2020-2267 Zoning Ordinance Amendment
 #2020-2268 Development Plan Amendment

Castillo Compound Site Development Plan

Suby Bowden + Associates, LLC, 333 Montezuma Ave., Suite 200
 Santa Fe, NM 87501 Tel: 505-983-3755 Fax: 505-983-8118
 Date: 01-07-20 REVISED:

Date:
07.27.20

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

CASTILLO
 COMPOUND
 SITE
 DEVELOPMENT
 PLAN
 SHEET 2 of 3

Elevations

Castillo Compound





719, 721, 723 & 723 ½ Don Diego -- Castillo Compound

Front Yard Elevation West
Existing



719, 721, 723 & 723 ½ Don Diego -- Castillo Compound
Front Yard Elevation West
Proposed



Existing



Proposed

719 Don Diego
Front Yard Elevation West



Existing



719 Don Diego
Side Yard Elevation South

Proposed



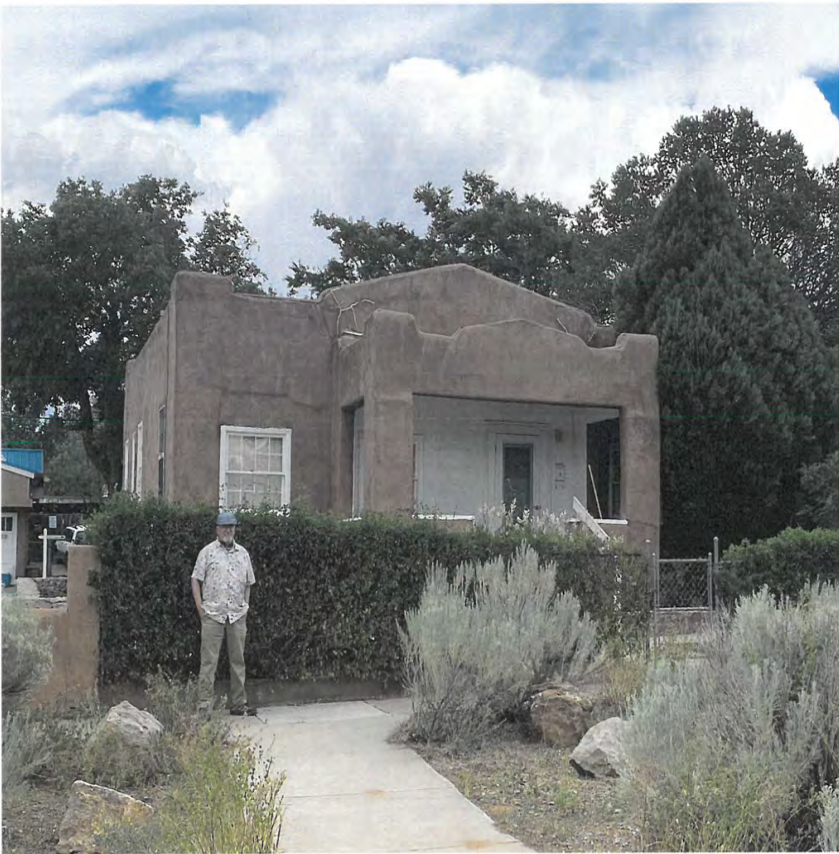
719 Don Diego
Rear Yard Elevation East
No Change



719 Don Diego Side Yard Elevation North

New wall will be extended 18 feet to the east. There will be no additional windows. The new wall will enclose the stairs leading up to the the deck. The new wall will be 16 feet above grade and 42" of that is required height above the roof deck.

721 Don Diego
Front Yard Elevation West
No Change





721 Don Diego
Existing



Side Yard Elevation South
Proposed



721 Don Diego Rear Yard Elevation East

Existing

Proposed



Existing



Proposed

721 Don Diego Side Yard North

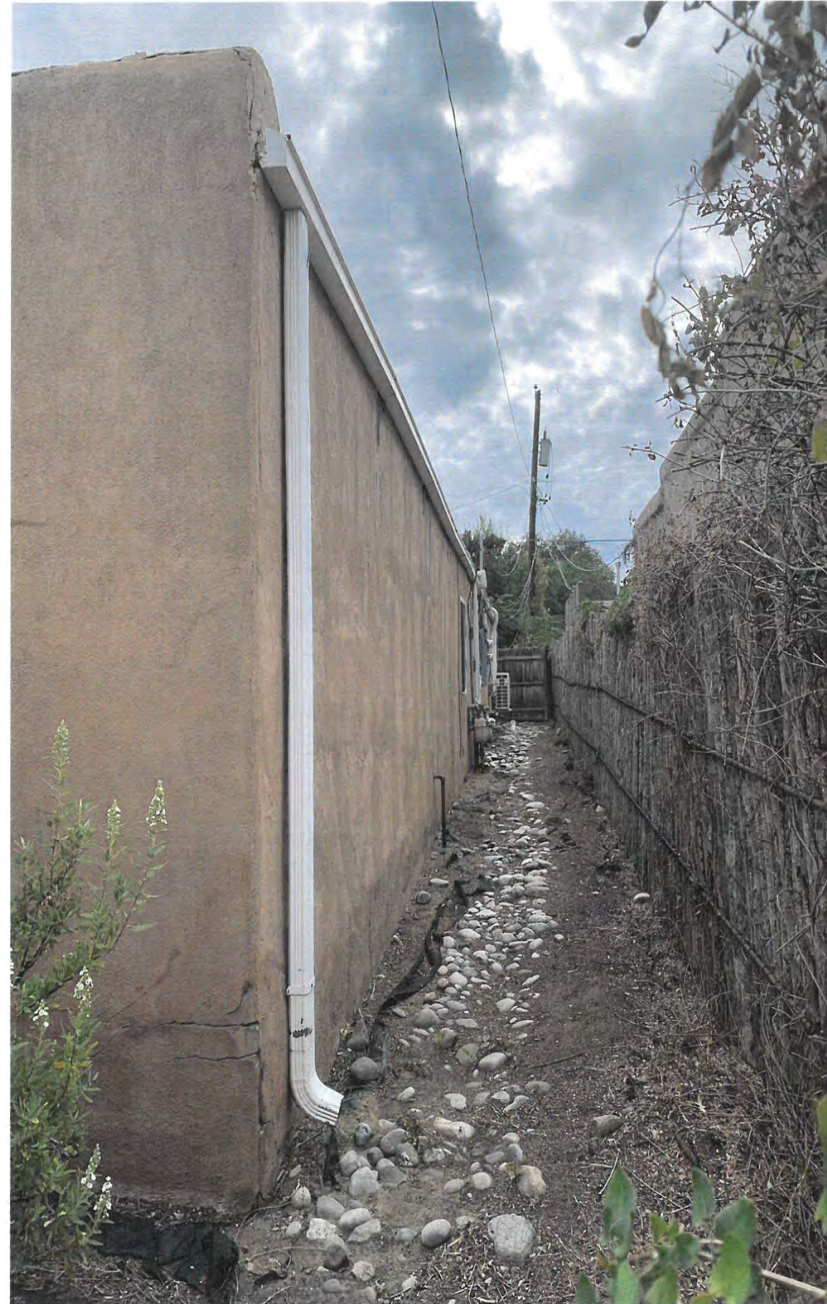


723 Don Diego
Front Yard Elevation West

No Change

723 Don Diego
Side yard Elevation South

No Change





723 ½ Don Diego
Rear Yard Elevation East
Change 6' wooden fence to 6' stucco wall
Add carport (details in later slide)



723 ½ and 723 Don Diego Side Yard Elevation North

No Change



Neighbor's home with carport; similar design to 723 Don Diego. Location is 413 Buena Vista Street across from 737 Don Cubero Alley.



723 and 721 Don Diego
Rear Elevation along Don Cubero on the East

Existing

Proposed



Right of Way in front of 721 and 723 Don Diego Castillos are in the process of adopting it and are working with the City on improving and caring for it.

COMMENTS TO PLANNING COMMISSION ON DEVELOPMENT OF 719, 721, 723 Don Diego by the Castillos 6 Aug 2020

General

It seems that the applicants are continuing to want more exceptions based on its existing zoning after getting exceptions to have this zone. The Castillos chose to agree to the city council's conditions in 1998 so its zoning designation could be renewed rather than rescinded when the C1 PUD zone sunsetted.

It is a classic example of a slow slide into an amalgamation of uses that do not comply with the underlying zoning. These requests for deletion of several city council conditions of approval for the C1 PUD designation feel like overreaching. More development on this lot, more traffic, making visual access more difficult is not going to benefit our neighborhood.

The immediate needs or future commercial desires of the extended family are not sufficient to overcome these exceptions based on long term zoning considerations. The standard is whether the owners are getting reasonable use of their property—not whether it meets all their desires for use. Owners change; family members move on etc.

In effect, the Castillos are asking for spot zoning. There are no C-4 zones touching that property to allow for bakeries, galleries or gelato stores; the property is too small for such a rezone; and it benefits one family. These criteria are based on city ordinance and case law.

There are no floor plans that I could see. There is no information for the existing as to total proposed sq footage for 719.

Future gallery, bakery and gelato type shop

Renewal of C1 PUD limited even as to the uses within a C1 PUD—the Castillos are not asking to include the previously excluded C-1 PUD uses (which are clinics, hospitals, pharmacies and businesses directly supporting these facilities as per city code. NOTE C1 PUD sunsetted. These provisions are for the current C1). I do not see the range of uses that the Castillos quoted for C-1 zones. I believe C1 PUD was limited to offices and medical clinics.

The family wants the city to approve more intense commercial uses into this already specially conferred zoning without undergoing the more rigorous process of rezoning to the more intense commercial zoning (C-4).

The Castillos state that this change in use will conform to the existing zoning requirements then in existence when and if these businesses go in. To comply, it would again have to be rezoned—not just comply with the regulations for cherry-picked more intense commercial uses. It makes the lot a unique hybrid lot without the city having any provisions for this type of future exception. It would also set a bad precedent where others will want to cherry pick uses from different commercial zones. Suggestion: Base these future uses conditioned on the lot complying with the all the requirements of the C-4 zone or the appropriate zone for those activities and the design and architectural restrictions and access limitations already agreed to.

Castillos want C-4 uses (current zoning) but these type of uses (and Castillos are suggested multiple C-4 uses) will increase vehicular traffic at a dangerous intersection where there are three commercial lots on the same side as Castillo property—all entering onto private property through the little bottleneck where the Castillo driveway enters the street. Sage Inn is on the opposite side. It is a dangerous to make a left to gain access to the Castillo property or the other 3 businesses served by that narrow entry into their private parking area.

There are no definitive plans. No plans as to which buildings will be used; if new buildings will be needed; if the office use or the residential use will be removed etc. Again conceptual approval of these uses is a bad precedent.

Maintain low walls and fences.

It is a condition of the C-1 PUD designation by which the city council renewed the C1 PUD zoning as that zoning sunsetted. There was no provisions based solely on changes to other properties to allow for these conditions to be thrown out especially since the Castillos are pointing to properties are solely residential and not a commercial zone.

I am particularly concerned about the 6 ft high wall that will be the visual western boundary for three units. The PC should not change this condition. It helps maintain an open residential feel to the area that is historically characteristic

If the proposed taller walls/fences are more than 20 ft away from the street, I think the PC should approve (based on H Board standard) if all other standards are met. The rationale of protecting a nine year old (offered at the ENN meeting) from being snatched is not enough to overcome the condition. I believe there is not a high incident of stranger child kidnapping in Santa Fe. Fencing can be set back and protective devices installed. Nine-year olds become teenagers very fast, but the wall will be there for decades.

On that block there are low walls and low fences still. The only one on that block that has a wall is the two story, multiunit structure facing Buena Vista. Again right next to this compound are similar structures with no wall or very low wall. Yes, some fencing gets higher as you go south on Don Diego but not in the immediate area.

A high fence at the property line will decrease visibility at this bottleneck that serves other commercial businesses and the offices and residences at the Castillo property..

The Castillos have not proven any hardship in complying with this condition since many alternatives for the child's safety exists and this need is short-lived. Other lots are differently zoned than the Castillo property and may have different heights (wall allowed). That is not an indication to make this C1-PUD even more of an amalgamation of zoning requirements/conditions.

Preservation of Architectural Styles including no second stories

1 To me, a historian who works in historic preservation, the preservation of the architectural styles which would include no additional second stories and low fences and walls facing Don Diego is more important than restricting what might be necessary, but small, additions to a structure.

2 Generally I think the PC should uphold the conditions of preserving low fences and walls that are publicly visible and preserving the architectural styles and no additional second stories (which would change the architectural style of all but 719 Don Diego which has a second story). These were deliberate conditions on which city council premised the granting of a C-1 PUD that itself needed exceptions to avoid being sunsetted.

3 Conceptual approval of a future design for an unidentified building addition is a slippery slope. I am opposed to the PC agreeing to a blanket approval of second-stories given the two conditions that the council required (preserve architectural style; no second stories) for this lot

Define “preserve footprint” This statement could have been more artfully crafted. I believe generally the word means to maintain what I think there is grounds for interpretation/compromise that avoids a long legal discussion of the word “preserve” and the technical term “footprint”. Since the Historic Board allows for additions that follow certain conditions and because this property is not subject to H Board review, I would propose as a suitable compromise to allow some modest possible first-story additions on existing structures with the following written conditions:

1. Additions will be limited to 25 percent of the footprint shown in the plat done for the original rezoning/exceptions. (H Board allows 50 percent but this structure had this condition specially applied to maintain its current sunsetted zoning)
2. The addition will be distinct from the rest of the structure but compatible and harmonious with the building’s existing style
3. It will be located so as not to be visible to the public from the West or South sides of the lot;
4. There will be no second stories on the existing one-story buildings.

I believe the applicant did not even comply with the first conditions concerning the garage and never went back seemingly for approval to ignore this condition.

Actual Designs

721 Don Diego South Opposed

The addition of an angled wall changes the architectural design from its traditional look to a more modern look and the window sizes are all being change

*719 yard wall—as long as the extension does not raise the height going west. I think the PC should retain a low wall until 20 ft back from Don Diego on this N wall as per similar HBoard requirements if there is not a higher one already in place

*719 addition: OPPOSED—totally changes the configuration and style of the home. Does the owner have any documentation that it looked that way originally? Really flies in face of at 2 conditions It directly faces the street.

719 Side yard addition acceptable if PC clarifies preserve footprint. QUESTION How big is the footprint and total square footage of the existing house? How much do these additions add on to that sf? No specific info on this in application

*721 Opposed

The configuration of the windows and door in the existing structure is integral to the historic design and architectural style and no change should be allowed. It totally changes the character of this facade

Right Of Way

Castillos are legally responsible for maintenance of the ROW including the sidewalk and driveway apron. When they say they are working on a maintenance agreement with the city, what do they mean they want to landscape the median making it inaccessible to parking? What type of landscaping?

Questions

What are the alternatives including interior renovation?

What is the rationale for justifying these changes other than other lots that are not zoned C1 PUD got to build a wall or have a second story on non historic buildings? Why can’t the family

renovate the bathroom? What other space in the existing footprint could be used for this additional bathroom? NO FLOOR PLANS

Thank you
Stefanie Beninato
PO Box 1601
Santa Fe NM 87504

**SUMMARY INDEX
PLANNING COMMISSION MINUTES
AUGUST 6, 2020**

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F. NEW BUSINESS

1. **Case #2020-2267. 719, 721, 723, 723½ Don Diego; Castillo Compound Zoning Ordinance Amendment.** Celia and Alvino Castillo, Owners, request an amendment to Ordinance 1998-4 and the associated development plan to allow building additions, to allow two additional commercial uses, and to clarify and align various other conditions of approval with a development plan approved in 1999 and a proposed development plan amendment (2020-2268). The properties are

approximately 0.40 acres and is zoned C1PUD (Office and Related Commercial; Ordinance #1998-4). (Carlos Gemora, cegemora@santafenm.gov, 505-955-6670).

2. **Case #2020-2268. 719, 721, 723, 723½ Don Diego; Castillo Compound Development Plan.** Celia and Alvino Castillo, Owners, request an amendment to a development plan and the associated Zoning Ordinance 1998-4 to expand the building footprints on the property by approximately 1,300 sq. ft., to modify existing accessory structures, to construct a carport of approximately 550 sq. ft. and to construct new walls and fences. The properties are approximately 0.40 acres and is zoned C-1PUD (Office and Related Commercial; Ordinance #1998-4). (Carlos Gemora, cegemora@santafenm.gov, 505-955- 6670).

Staff Report

Mr. Gemora said there are two cases, a zoning amendment, Case #2267 and a development plan amendment, Case #2268.

He displayed the existing compound and three properties on screen. The applicant requested relatively small changes: additions around 1200 square feet, for two of the single-family homes and rebuilding the carport that was at the back of the property. Total lot coverage change is about 30% or about 1650 square feet. Also, the applicant proposes changing a storage building in the back to a garage and adding 6-foot-high walls and fences in front of the property.

Mr. Gemora indicated these types of changes normally go straight to application for a building permit, but these properties are not typical. The development plan approved in 1999 was shown that reflects a similar compound as seen today. Instead of conditions of approval on the development plan, this plan recognizes the Zoning Ordinance conditions. The Ordinance, shown on screen, establishes a special C-1 PUD District, specific to the Castillo compound.

Mr. Gemora noted 15 conditions of approval were placed by the Ordinance on the property: A regulation for overall use, in this case restricting use to commercial/office uses which the applicant has had in the past. The other conditions typically are on a development plan rather than in a Zoning Ordinance: requirements for maintenance on buildings, plantings on property lines, maintaining and meeting the landscape requirements in compliance with the development plan improvements.

There is confusion around the Zoning Ordinance conditions 2-5, that require the footprint to be preserved and additions to buildings would be allowed. But if *footprint* is defined as a shape and size, then changing the shape would change the footprint. The

question is what was meant by preservation of the footprint and if preserving the footprint allows additions.

Mr. Gemora said also, a number of the conditions of the Zoning Ordinance conflict with what the Commission permitted in 1999. As examples, building walls or fences were required along the Don Cubero Alley and limiting visibility and automobile access. The 1999 development plan allowed automobile access and did not require the walls and fences. The 1999 plan also required an emergency automobile gate to be built to Don Cubero Alley, but no gate was built. The applicant was also required to tear down the existing garage/carport. The carport was torn down, but the garage was kept.

Mr. Gemora suggested the Commission focus on what is reasonable today. Staff has reviewed the Zoning Ordinance and asked the applicant to clear it up. The applicant brought forward a Zoning Ordinance with significant changes and amendments than in the original request, in language but not necessarily in use and form.

He noted in the staff report that the top box shows strikethroughs and added language and the bottom box had the conditions the applicant proposes to maintain. Some conditions proposed by the applicant to delete would be deleted outright, and some would be transferred to the development plan.

Staff agrees with the applicant. Staff has suggested some of the conditions to ensure the development plan conditions are reviewed by the Planning Commission, rather than as a condition of the Zoning Ordinance. Staff recommended conditions were displayed on screen on the left and the applicant's recommended conditions were on the right. Many of the conditions in the Zoning Ordinance have been transferred into conditions and notes to be placed on the development plan.

Mr. Gemora suggested the Commission discuss the Zoning Ordinance first as it clarifies applicable conditions of approval. The applicant will explain the two additional permissible commercial uses. Chapter 14 required specific criteria to rezone a property, but not to evaluate a request to amend the conditions of rezoning. He suggested the Commission look at how the proposed Zoning Ordinance would affect public interest. They should ensure public interest is served.

Staff supports the Ordinance amendment and the recommendation of approval of the Ordinance amendment to the Governing Body. The proposed Zoning Ordinance clarifies and moves development related conditions to the development plan and reduces and removes redundant conditions.

Mr. Gemora reported the development plan proposes about 1250 square feet of residential additions to the existing structures; a conversion of the storage building back to a garage; construction of a 400 square-foot two-car carport; and modifications to walls and fences.

Staff has reviewed the development plan for approval criteria and recommends approval.

Mr. Gemora stood for questions. He indicated Celia Castillo, the applicant, was present to speak.

Applicant's Presentation

Celia Castillo, 719 Don Diego, was sworn in. She introduced her husband Al, architects Suby Bowden and Julia Wyrick, and her daughter, son-in-law and granddaughter.

She said she appreciated being here and had watched previous meetings to prepare for tonight. Both she and her family recognized the time and thoughtfulness and study the Commission puts into the issues and thanked them for their work.

Ms. Castillo displayed a slide presentation with an aerial view of the property, buildings and location to surrounding streets. Residential is to the south and commercial and the Railyard are to the north and their property is in a buffer transition. The Castillo's have owned the property since 1976 and the property was residential and office rentals. In 1986 they moved to Silver City and returned to Santa Fe in the early 2000's. They remodeled 719 and a daughter moved into 723 in 2005, and until late 2019, 721 was a law office until the tenant died. When the tenants left the offices of 723 ½ the family began using the space as a personal office.

They plan for their younger daughter to move to Santa Fe from Los Lunas and are requesting to adapt the compound to accommodate the three households. She and her husband will continue living at 719. One daughter and her family will live at 721 and another daughter at 723 and 723 ½ will remain a personal office.

Ms. Castillo said she contacted Suby and Julia, the architects, who worked on the project and made a presentation to the City in January 2020. That is when they discovered a number of problems and decided to go forward. As Mr. Gemora mentioned, they want to add a living room and a deck on the property, add room for a new bathroom on the back of 721 and add a garage and a carport. Also, they would like to fence the property with a 6-foot wall for a variety of reasons.

Photographs were shown of the elevations and ideas for developing the property. Ms. Castillo noted the vine in front of 721 was there since 1976 and she wants to keep. The wall in front of 723 and part of 719 would be stucco, and there would be a rolling gate that closes at night. The 6-foot wall is for privacy and safety, noise reduction and aesthetics and add to the neighborhood and their property. Currently people walk through

their property and the wall would prevent that. They want to secure the property to prevent people entering it and having cars make U-turns in and out of the property.

The property is zoned commercial as well as residential and is a buffer property and they have tried to do what is good for the neighborhood as well as for themselves.

Ms. Castillo noted a study was conducted of walls between Trujillo and Cordova showing 20 walls/fences of 6 feet or over on Don Diego and 4 walls on her block. Photographs were shown of her street and areas around their neighborhood.

They propose to amend the first three Ordinance conditions and delete conditions 4-15, but transfer most of them to the development plan conditions and notes. Condition 1 would allow 2 additional commercial uses. They chose galleries and restaurants, *at service take out without drive up* which is permissible in C1 zoning. They chose a gallery because her husband's family owns galleries in Atlanta and Silver City and members of their family are artists. The restaurant/ice cream shop was chosen because Clark is a baker and her daughter makes wonderful ice creams and is a possibility at some point.

Condition 2 clarifies that the renovations, additions and construction are allowed. This clarifies their intent at the time they agreed to those conditions in 1999.

Condition 3 is the amendment that requires compliance with applicable regulations, not just zoning requirements for the residential uses. This is a safeguard for future development when they open a gallery or a gelato shop to ensure regulations are followed for commercial development, parking, ADA, etc. And it would eliminate having to come back to the Planning Commission.

Ms. Castillo showed a slide with the new language and the old, the deletions in the Ordinance and the additions that would be added to the development plan. She indicated after City Council approved the conditions in the Ordinance in 1999, the neighborhood association continued to work with the City. The president of the association at that time, wrote a letter to Greg Smith (she provided a copy) agreeing the Castillo family could have two residential parking spaces on Don Cubero Alley and retain and repair the garage as a storage building. The final development plan shows the language of that agreement, but they did not return to the Council to change the Ordinance. That is why there is a conflict.

She noted one of the deletions allows them to have a second story in the future, which is not currently allowed. Again, that would eliminate the applicant from having to come back to the Council to request a second story. As a safeguard, they would have to come back through the development plan process and the Planning Commission if they want to build a second story. Both changes requested have safeguards.

Ms. Castillo pointed out on a map 16 second story builds in the area of the compound along Don Diego and Cordova.

Suzanne "Suby" Bowden, 333 Montezuma Avenue, was sworn in. She had nothing to add now and would wait for questions.

Public Hearing

Chair Hiatt said Ms. Beninato had previously submitted written testimony, which is attached as Exhibit "2". He reminded everyone generally two minutes are allowed for comment.

Stefanie Beninato, PO Box 1601, was sworn in. She asked for extra time since this was for two cases and hoped the Commissioners had looked at her written comments. This is a specially zoned compound and much of what they are looking at is deleting things rather than looking at why the original conditions were imposed. The kinds of changes that occurred to justify eliminating those conditions. The conditions were imposed for specific reasons. She is specifically concerned about the architectural deletions, low walls and the second stories. The addition at 719 totally changes the architectural style and the addition on 721 also changes the look of the building. She doesn't oppose anything facing Don Cubero or the carport or garages. They should look at properties to the north similar in appearance that have very low walls. She is opposed to the approval of an increase in commercial use the applicant wants. A big concern is saying businesses and professional offices because business is a giant category. It is not business offices, it is businesses. That should be stricken. Also, the Commission should discuss the definition of footprint as a preservationist.

Ms. Paez indicated the two minutes were up.

Chair Hiatt asked Ms. Paez what she recommended.

Ms. Paez said thought another two minutes was fine and was his discretion. The limit to comments is for times when there is a high volume of speakers.

Chair Hiatt granted Ms. Beninato an additional two minutes after confirming the Commissioners had no objection.

Ms. Beninato said the Commission should discuss what *preserve footprint* means. She said the additions should have a square foot limitation and she never heard how much square footage would be added or the total square feet for each building. Additions should be distinctive but not overwhelm. The Commission should use the Historic Design Review Board and the Ordinance as a guide. Things publicly visible and unique to the house like the 721 façade, would be preserved while allowing changes on other things.

The entrance is limited and narrow and depending on the direction you come from at least three other commercial businesses are there. There should be more discussion on eliminating all of the conditions previously imposed for this special zone. And if the Commission adopts Condition #3 it should state it would comply with applicable commercial regulations with no exceptions.

Hope Reed, 321 W. Cordova Road, was sworn in. She was concerned when she saw all of the changes to the project but after speaking with Ms. Bowden she supports the project. She learned many changes would be eliminated and were not new and this will be a nice improvement and appropriate for the area.

There being no further public comment, Chair Hiatt closed the public hearing.

Commission Discussion

Chair Hiatt noted there would be an opportunity to address public comments but wanted to allow Commissioners to comment.

Ms. Bowden asked to speak. She provided her background as an architect and planner in Santa Fe. She worked on the Railyard project and knows the district and property well and worked with the Castillo's in the 1980s.

She thought Ms. Beninato's primary concern was footprint and architectural styling. She would assure everyone that the footprint is being preserved in all three buildings and the existing buildings would not be removed. This request for additions requires footprints per the 1984 approvals and the architectural styles would also be maintained.

Ms. Bowden showed images of the 723 building with the porches. She noted that 723 is a miniature of the wrap Santa Fe Style of the Gross Kelly Warehouse and will continue to be preserved. The 719 building is like a farmhouse structure and will stay intact and a porch and living room will be added in front with a roof deck above it. The addition will be visible as well as the existing structure. The porch being added adjacent to the new living room will be Pueblo style and the footprint and styling on all three buildings will be preserved.

Ms. Bowden stood for questions.

Commissioner Hogan asked to see the elevations of the structures on Don Diego that show the walls.

Mr. Berke asked if the wall restriction was in place before the park.

Ms. Bowden replied the Railyard Park was under public discussions at the time of the 1984 development plan for the Castillo property. The restriction wasn't implemented until many years later and Entrada Park also came in late 80's early 90s.

Ms. Castillo showed the elevation and height of the existing walls and fences.

Commissioner Hogan asked the location of the vine and was told it is on the chain link fence. He asked to confirm they would keep the vine and build a 6-foot wall and a gate.

Ms. Castillo said they would keep the vine, but you would still see the architectural design of the 721 building.

Chair Hiatt asked Mr. Gemora to show the Ordinance with the three areas the Commission should address, which they will take one at a time.

He asked Mr. Gemora to confirm on Condition #1 he recommended the Commission approve.

Mr. Gemora said he is recommending approval. He reminded them that uses for C1 before, typically allowed many different types of commercial uses. Those restrictions will still be maintained. This will allow for only two additional commercial uses from the options. The permits do not guarantee the applicant can put those businesses in. There will be notes in the development plan on the existing zoning and building requirements at the time those businesses are built. Things like additional landscaping, parking, height, setbacks, etc. all will have to be met at that time.

Chair Hiatt asked if it is fair to say the applicant is self-restricting the businesses allowed in a C1 zoning.

Mr. Gemora replied this is restrictive, but the applicant is requesting a little less restriction than normally applied to the C1 District..

Chair Hiatt said Condition #2 requiring the architectural styles of the existing buildings be preserved and the footprint issue. He asked if Mr. Gemora was wondering if preserving the footprint means they cannot have a vertical addition.

Mr. Gemora replied no, as proposed it entirely removes the footprint conversation and requires preservation of architectural styles and existing buildings, and for new additions and renovations to match the architectural style on the site. It no longer talks about footprints; whether they can or cannot be added to or how to define footprint. The proposed language clarifies how staff interprets that and how it should be applied per the agreement of staff in the original interpretation.

Chair Hiatt asked if anything in Chapter 14 prevented the additions and renovations proposed.

Mr. Gemora said no, the additions requested by the applicant are in line with surrounding residential/commercial properties and zoning. Two stories are allowed and the development plan conditions are in line with Chapter 114.

Chair Hiatt asked Mr. Gemora on Condition #3 if he were aware of anything in Chapter 14 that would prevent the applicant's request on the future commercial uses.

Mr. Gemora said nothing in Chapter 14 outright denies those uses other than having to comply with parking, traffic, building, zoning. All applicable regulations must be met at the time of the building permit, and the applicant would return to the Planning Commission for any changes to the development plan.

Chair Hiatt asked if Commissioners had questions on the zoning conditions.

Commissioner Sategna said he appreciated the great detail staff went through and the applicant's presentation. He noted this was pointed out as a family compound and the applicant felt it important to name family members and how the property is currently used. His concern is about removing the footprint language.

He asked staff when footprints are used in building, if other interpretations are considered other than that it is a building footprint; is it always a reference to a building footprint.

Mr. Gemora indicated generally footprint refers to building footprints. He discussed that in length with the Historic Preservation staff and Planning staff. There was a lot of debate whether *footprint* would allow additions. Specifically, when considering the footprints and how staff defines them opposed to saying, "the building". Staff suggested developing clearer language because they were concerned but welcome any proposals from the Commission.

Commissioner Sategna thought footprint already includes the definition of the building perimeter. Any change within that would be modifying the footprint. He thought they are modifying the footprint of the building when adding an addition. It is clear that is expanding the perimeter of the building.

Commissioner Sategna said his concern to try to make the modifications clearer is that the applicant appears to want to open the property up for commercial use if they ever sell the property. He appreciated that the applicant limited the amount of commercial uses to restaurant service take out, galleries, and business, etc. But wondered what would limit the applicant in the future from turning the compound entirely into a commercial space. This would modify or remove the footprint language which could

possibly create a loophole for the future for the buildings to be removed to create a gallery or a restaurant.

Mr. Gemora replied the property is currently zoned commercial although the Castillo family is using the compound as residential. That is permitted within the C1 districts; however, it is a commercial property.

Commissioner Sategna asked to confirm the intent of the language. The zoning limits the property to a specific type of business. Although the property is zoned commercial, it is not open to *any* business, it is not open to restaurants and galleries.

Mr. Gemora agreed. He clarified the commercial property is currently limited to, as defined by staff, business and professional offices. The modification would expand that to multiple commercial uses, a couple of different types. Current Chapter 14 requirements limit the types of construction and large commercial uses that are unable to meet the height, fire, parking and other requirements.

Mr. Gemora said the Commission could ask that staff place conditions to preserve the things that currently exist. Staff was thinking holistically in regard to the regulations and what made sense for this particular PUD based on its location.

Commissioner Sategna said he understood all of that. He was concerned that removing the footprint requirement, removes the requirement in the future for the applicant to keep the buildings intact. That was a main condition stated as part of this Ordinance language. He thought if you asked any architect/designer, they would say the building footprint is based on a building or the perimeter. Removing the footprint would allow the applicant to demolish the buildings and modify any building footprint to expand that for specific commercial purposes. He asked if Mr. Gemora agreed with that. Technically they could tear down the buildings by removing the restriction on the footprint but still keep the same architectural style when building the new building.

Mr. Gemora agreed he could see that interpretation as written. It is saying that additions/renovations to new construction, not necessarily demolitions, must be compatible with the existing buildings. So, taking away the existing buildings does become unclear. This is outside the historic preservation, but the Commission thought the commercial/residential buildings should be preserved, language could be included to do that. Staff did not see a lot of neighborhood opposition and he wasn't sure if staff should continue to require that these buildings should be preserved indefinitely.

Chair Hiatt asked if Ms. Castillo wanted to respond.

Ms. Castillo explained their intent was not to demolish the buildings. She asked to confirm Commissioner Sategna's concern was should the family sell the property, someone else may demolish the buildings.

Commissioner Sategna agreed. He explained the Commission is looking at the original intent, which appears is to maintain the building footprint of the property. But that is being removed. The Commission has to consider the implications down the road. Although the intention is to keep the Castillo family on the property, selling the property would open up potential to remove the buildings for the purpose of restaurants, galleries, and other business and professional uses.

Commissioner Sategna said he wanted to raise that point before the Commission voted on the request.

Ms. Castillo said that is not their intent and she had no objection including language in the condition to prevent that.

Mr. Berke said this is very unique. It is probably the first and only C1 property he has seen with conditions like this. The neighborhood and the applicant had worked on this in the past and now things and times have changed. He added, limiting other commercial uses on the property would be driven by parking.

He noted the property is outside the historic district. He understood the intent that it is almost a transitional district. A lot has changed in the area since 1998 when many of the restrictions were created. Whole Foods was a lumber yard and the Railyard was just being completed and the park wasn't there. Conversation around preservation of the existing building footprint was conducive at the time and times have changed. The family wants to expand the conditions of value to them and their needs and the future potential for the property.

Mr. Berke said the concern is a good one and he understands the building footprint discussion, and staff did have a long discussion. He wanted this to be addressed and brought before the Commission.

Director Isaacson said removing *footprint* and inserting the additional language underlined in blue would clarify the specific modifications and conditions that would be allowed to the existing buildings. He found the revised conditions to be clearer and easier for staff to interpret at the time of the building permit application.

Commissioner Hogan noted these are not landmark structures or historically significant or contributing. He thought the footprint language irrelevant. He asked why they would put additional restrictions on the property when none of the adjacent neighbors are subject to them. He appreciated that the applicant was willing to keep the structures as they are, but he couldn't see a reason to leave the footprint language.

Commissioner Faulkner said she would ask what would trigger the applicant having to return to the Planning Commission. She asked if the amendment would

exclude the applicant from meeting requirements of the development plan process if they wanted to tear down their residences to build a business.

Mr. Gemora displayed the development plan on screen. He noted generally any change to the footprint requires coming to the Planning Commission; any significant amendment to the development plan that staff was unable to take on. He said he would leave the specifics of when the applicant would be required to come before the Planning Commission to Mr. Berke.

Mr. Berke explained the development plan is the solidifying document for how a site is developed. The plan is reviewed to ensure compliance and is the driving force for developing the site and provides the limitations. If someone wanted to demolish their house they would come in for a demolition permit. Staff may find, based on how significant the change, whether they could approve the change or if it would need to come back to the Planning Commission. Administrative amendments that do not cause further intense use of the property would not have to come back.

Staff reviews in depth any altered designs previously approved by the Commission. And the Commission would see any significantly altered or changed plans that were previously approved or those adverse to the conditions approved.

Commissioner Faulkner asked to confirm nothing being approved today excluded the applicant in the future from following a process any other property is required to follow.

Mr. Gemora replied that was correct.

Commissioner Clow asked if the property has one deed or three separate deeds.

Ms. Castillo replied there are three separate deeds.

Commissioner Clow clarified it is really not a compound. She confirmed that as three separate properties a development plan was needed. She asked if the reason the applicant had to come before the Planning Commission was because of the restrictions, not zoning complications.

Mr. Gemora said essentially this is three single family homes and the applicant's request is for minor changes to a single-family home. But any changes to the zoning conditions and development plan have to come before the Planning Commission. In addition, because of the zoning complications, staff has requested the Zoning Ordinance amendment.

Commissioner Clow assumed any changes approved to the development plan or the amendments to the prior zoning of the property would be required to come back to the Planning Commission.

Mr. Berke clarified not *any* change; planting a tree in a different place would not come before the Commission. This is in front of the Commission because this is a Planned Unit Development (PUD) that requires an approved development plan. The rezoning was a C1 PUD which requires approval by City Council. That is why they have a development plan for the property. If this were any other C1 property that did not have the PUD, a development plan would not be required for under 30,000 square-foot of development.

Commissioner Clow asked to confirm that the Commission would not have to worry about "what ifs" because that is controlled by current zoning. Mr. Berke agreed.

She said the Commission should just consider whether they agree with the requested changes and the amendments to the zoning ordinance.

Chair Hiatt asked Ms. Paez if she had a comment.

Ms. Paez agreed with Mr. Berke. She added that because the property is a PUD it required the development plan. Removing some of the restrictions from the Ordinance and putting them in the development plan means the restrictions can be approved by the Planning Commission without the need to hold the two required public hearings. Things attached to the Zoning Ordinance will still have to go to the Governing Body.

She noted in terms of the development plan, only minor modifications and minor changes can be made administratively and approved by the Land-Use Director. Anything significant or change to intensity such as demolition or additions have to come before the Commission.

Commissioner Sategna asked Mr. Berke to clarify that he had said potentially what the Commission approves today, if within use, would not need to return to the Commission or require public comment or an ENN.

Mr. Berke thought there was no condition in the development plan or Ordinance if that were the scenario, that said the applicant could not demolish a building. It just states they should maintain the footprint, but he would leave it to Ms. Bowden to know that law. Staff evaluates based on what the Commission approved, the use and the conditions approved in this process and whether those conditions are maintained.

Director Isaacson said it is important to note that a zoning analysis determines allowable use; if there is adequate parking, access, the site is suitable for use, etc. Also, the development plan has restrictions. If a gallery were to significantly change a development on site it would require the plan to come back to the Commission for review. Safeguards are built into the specific Ordinance and the development plan for future use to assure there would be no drastic changes to the site without approval.

Commissioner Faulkner asked Director Isaacson to expand on the safeguards, because she thought there would be a trigger that requires the applicant to return to the Commission for review.

Director Isaacson said that was correct. He provided the scenario: if the applicant were able to change the use of a building to an allowable use that did not require a material alteration to an existing building. Whether the future use would be allowed would be dictated by things like available parking. That governs the intensity of use more than zoning regulations.

Director Isaacson continued that if any significant revisions to a building, zoning, architectural style would require further review by this body and/or the Governing Body depending on the alteration. If the alteration were to just the development plan, it would only come before the Commission. If a change to the zoning requirements requires it go before both bodies.

Commissioner Faulkner said it was suggested the Commission view this as a C4 because the differences seem nominal. She asked the Director if a better remedy would be a zoning change to C4.

Director Isaacson wasn't sure of the substantive changes to that approach. He cautioned against discussion of that because it was not advertised as a consideration for this hearing. He recommended exploring that in a subsequent meeting depending on the motion.

MOTION: In Case #2020-2267. 719, 721, 723, 723½ Don Diego; Castillo Compound Zoning Ordinance Amendment, Commissioner Clow moved to recommend to the Governing Body to approve with conditions. Commissioner Hogan seconded the motion.

VOTE: The motion passed by majority roll call vote with Commissioners Clow, Faulkner, Garcia, Gutierrez, Hogan, Lawrence, and Chair Hiatt voting in favor and Commissioner Sategna voting against.

MOTION: In Case #2020-2268. 719, 721, 723, 723½ Don Diego; Castillo Compound Development Plan, Commissioner Clow moved to approve subject to the conditions of approval and technical corrections recommended by staff. Commissioner Hogan seconded the motion.

VOTE: The motion passed by majority roll call vote with Commissioners Clow, Faulkner, Garcia, Gutierrez, Hogan, Lawrence, and Chair Hiatt voting in favor and Commissioner Sategna voting against.

MOTION: In Case #2020-2267. 719, 721, 723, 723½ Don Diego; Castillo Compound Zoning Ordinance Amendment Findings of Fact and Conclusions of Law, Commissioner Clow moved, seconded by Commissioner Hogan to approve the Findings of Fact and Conclusions of Law, in Exhibit A2.

VOTE: The motion passed by majority roll call vote with Commissioners Clow, Faulkner, Garcia, Gutierrez, Hogan, Lawrence and Chair Hiatt voting in favor and Commissioner Sategna voting against.

MOTION: In Case #2020-2268. 719, 721, 723, 723½ Don Diego; Castillo Compound Development Plan Findings of Fact and Conclusions of Law, Commissioner Clow moved, seconded by Commissioner Hogan to approve the Findings of Fact and Conclusions of Law.

VOTE: The motion passed by majority roll call vote with Commissioners Clow, Faulkner, Garcia, Gutierrez, Hogan, Lawrence and Chair Hiatt voting in favor and Commissioner Sategna voting against.

Chair Hiatt thanked the applicants and wished them good luck.

City of Santa Fe, New Mexico

memo

DATE: October 6, 2020 for the October 22, 2020 Governing Body Meeting

TO: Members of the Governing Body

VIA: Jarel Lapan Hill
Jarel Lapan Hill, City Manager
Elias Isaacson, AICP, Planning and Land Use Director *ESI*
Noah Berke, AICP, Planner Manager NLB

FROM: Lee Logston, AICP, Land Use Planner Senior, Current Planning Division *LL*

Case #2020-2273. 4262 Agua Fria Street and 4701 & 4702 Rufina Street; Amendment to Conditions of Approval Adopted in Case #2012-104. Liaison Planning Services, Inc., Agent, for Aguafina Development, LLC, Owner, requests to amend conditions of approval that the Governing Body imposed in the Findings of Fact and Conclusions of Law for Case #2012-104, which approved Rezoning Ordinance 2013-12, by adopting new Findings of Fact and Conclusions of Law. The new Findings of Fact and Conclusions of Law would remove the condition that 4262 Agua Fria must be developed consistent with R-3 zoning, notwithstanding that it is zoned R-5; and the condition that the Owner must propose three base-course lot access driveways, serving eight lots each. The properties are zoned R-5 (Residential- five dwelling units per acre) and R-3 (Residential- three dwelling units per acre) and total approximately 11.47 acres. (Lee Logston, Case Manager, llogston@santafenm.gov, 955-6136).

Case #2020-2274. 4701 Rufina Street Aguafina Rezoning. Liaison Planning Services, Inc., Agent, for Aguafina Development, LLC, Owner, requests approval of a rezoning from R-3 (Residential – three dwelling units per acre) to R-5 (Residential – five dwelling units per acre) for a property located at 4701 Rufina Street. The property is approximately 3.44 acres. (Lee Logston, Case Manager, llogston@santafenm.gov, 955-6136).

Case #2020-2287. 4702 Rufina Street Aguafina Rezoning. Liaison Planning Services, Inc., Agent, for Aguafina Development, LLC, Owner, requests approval of a rezoning from R-3 (Residential – three dwelling units per acre) to R-6 (Residential – six dwelling units per acre) for a property located at 4702 Rufina Street. The property is approximately 2.42 acres. (Lee Logston, Case Manager, llogston@santafenm.gov, 955-6136).

I. RECOMMENDATION:

It is recommended that the Governing Body **APPROVE** Case No. 2020-2273, 2020-2274, and 2020-2287 as recommended by the Planning Commission.

Six motions will be required, two for each case.

Sample motions for Case #2020-2273:

- **Move to approve** the request to amend conditions of Ordinance 2013-12, by adopting new Findings of Fact and Conclusions of Law for Case #2012-104 that would remove the condition that 4262 Agua Fria must be developed consistent with R-3 zoning, notwithstanding that it is zoned R-5; and the condition that the Owner must propose three base-course lot access driveways, serving eight lots each, and to adopt the findings of the Planning Commission as outlined in Section II.A of the staff report;
or
- **Move to deny** the request to amend conditions of Ordinance 2013-12, and to direct staff to draft proposed findings of fact and conclusions of law reflecting the Governing Body's decision.

Sample motions for Case #2020-2274:

- **Move to approve** the rezoning request from R-3 (Residential – three dwelling units per acre) to R-5 (Residential – five dwelling units per acre) for 4701 Rufina Street, and to adopt the findings of the Planning Commission as outlined in Section II.C of the staff report;
or
- **Move to deny** the rezoning for 4701 Rufina Street, and to direct staff to draft proposed findings of fact and conclusions of law reflecting the Governing Body's decision.

Sample motions for Case #2020-2287:

- **Move to approve** the rezoning request from R-3 (Residential – three dwelling units per acre) to R-6 (Residential – six dwelling units per acre) for 4702 Rufina Street, and to adopt the findings of the Planning Commission as outlined in Section II.D of the staff report;
or
- **Move to deny** the rezoning request for 4702 Rufina Street, and to direct staff to draft proposed findings of fact and conclusions of law reflecting the Governing Body's decision.

II. BACKGROUND

These properties were subject to a number of requests and public hearings beginning in 2012 and ending in 2014. On December 12, 2012, the Planning Commission recommended approval of a rezoning request, but at a lower density than originally requested (R-3 instead of R-5). By the time the rezoning request went to Governing Body in 2013, the Applicant at that time and surrounding residents, had agreed to a pattern of development amenable to them both, but Staff determined that this was not supported by Chapter 14 and would require a variance to road connectivity requirements in Chapter 14.

On March 13, 2013, the Governing Body approved the rezoning to R-3 for the Rufina properties and mandated the agreement reached between the Applicant and the neighbors, be followed by incorporating the terms of that agreement into Ordinance 2013-12. The terms were referenced in the Findings of Fact and Conclusions of Law (Item #13-0191) for that case. The Applicant moved forward with a preliminary variance request, which was denied by the Planning Commission and appealed to the Governing Body, which overturned the denial by Planning Commission.

Ultimately, a preliminary subdivision plat for a 23-lot single family home subdivision based on a design of three base-course, private lot access driveways, one for each property, was approved by the Governing Body. This subdivision, however, was never recorded and the approval expired.

The current Applicant began working on the project in 2019. Over the course of a year, through numerous meetings with Staff, multiple ENNs, and private meetings with neighbors, the Applicant

has designed a concept subdivision proposal that would incorporate public, paved roads with sidewalks, and has committed to neighbors to build site-built (“stick-built”) homes. For infrastructure improvements to be financially feasible for the Applicant, higher density is required, and the conditions of Ordinance 2013-12 must be amended. City Staff, the City Traffic Engineer, and the Las Acequias Neighborhood Association all approve of the concept design. This proposal would meet City requirements for pedestrian connectivity and the neighbors’ desire for quality, site-built homes in character with existing homes in the Las Acequias neighborhood. It is with this plan that the Applicant makes the requests the Governing Body is deciding on tonight.

III. EXECUTIVE SUMMARY

This application involves three properties. The north property (Tract C-1 4262 Agua Fria Street) is zoned R-5 (Residential – five dwelling units per acre), and the two properties fronting Rufina Street (Tract C-2 and Tract B-1, 4701 and 4701 Rufina Street) are zoned R-3 (Residential – three dwelling units per acre). All three properties are bound by conditions the Governing Body placed on the development in 2013, at the time of the rezoning of Tract C-2 and B-1. Although Tract C-1 was not a part of that application, it is nonetheless bound by previous Governing Body action.



This application is comprised of three requests:

1. A request to amend conditions of approval imposed on Ordinance #2013-12 (found in the Findings of Fact and Conclusions of Law for Case #2012-104 (Item #13-0191)), by adopting new Findings of Fact and Conclusions of Law which would remove conditions requiring that 4262 Agua Fria, 4701 Rufina Street, and 4702 Rufina Street be developed as three base-course lot access driveways, serving eight lots each;
2. A rezoning request for 4701 Rufina Street from R-3 (Residential- three dwelling units per acre) to R-5 (Residential- five dwelling units per acre); and
3. Rezoning request for 4702 Rufina Street from R-3 (Residential- three dwelling units per acre) to R-6 (Residential- six dwelling units per acre).

The Planning Commission conducted a public hearing on August 20, 2020, and found that the Applicant's request to amend the conditions attached to the rezoning ordinance and the rezonings were justified and satisfied the approval criteria. The Commission adopted Findings of Fact and Conclusions of Law recommending that the Governing Body should approve the rezoning ordinance amendment request and the rezonings.

The Applicant has complied with the procedural requirements for a rezoning ordinance, including SFCC Subsection 14-3.1(H), Notice Requirements; Subsection 14-3.1(E), Pre-application Conference (conducted January 10, 2019); and Subsection 14-3.1(F), Early Neighborhood Notification (ENN) (conducted June 1, 2019). As stated before, the Applicant has also held numerous private meetings with neighbors in Las Acequias.

A. Rezoning Ordinance Amendment

The manner in which the three properties can be developed are currently bound by conditions the Governing Body placed on Case #2012-104, the rezoning of 4701 and 4702 Rufina Street. In that rezoning case, the Governing Body placed conditions on the two properties being rezoned, as well as an adjacent property that would be part of the development. At that time, neighbors wanted the properties to be developed at a lower density, and the Applicant was amenable to that. The Governing Body approved the rezoning request, conditioned on developing according to the written agreement between the then Applicant and neighbors, thus establishing the permissible density and design of the subdivision.

These conditions were spelled out in the Findings of Fact for the Case (Item #13-0191), collectively called the "Applicant Undertakings", as the Applicant had offered to develop the property in this way in to meet the desires of the neighbors. The Applicant agreed to:

1. Submit its request for subdivision and/or development plan approval to the Planning Commission for both the Property and the Adjacent Parcel as a single application;
2. Develop the Adjacent Parcel (4262 Agua Fria) consistent with R-3 zoning, notwithstanding that it is zoned R-5;
3. Not request use of Powerline Road as either a primary or secondary access for either the Property or the Adjacent Parcel as part of its application for such Commission approval, but to instead propose three base-course lot access driveways, serving eight lots each; and
4. Grant an easement to Abe and Kathleen Tapia and their successors across the Adjacent Parcel to permit them to access Powerline Road.

Chapter 14 provides specific criteria which must be met in order to rezone a property, but provides no specific criteria for evaluating a request to amend the conditions of a prior rezoning. The

rezoning criteria are based on a determination that the public interest is not harmed, and is better served by development under the amended zoning ordinance rather than the original zoning, and that existing infrastructure can accommodate or be modified to accommodate the future development. In this case, the Governing Body would be determining whether or not a future development consisting of public paved roads with sidewalks and pedestrian connectivity, rather than a series of private, unpaved lanes without sidewalks and pedestrian connectivity is better for the public interest than a series of private, unpaved lanes without sidewalks and pedestrian connectivity. Removing the current zoning conditions that stipulate the properties will be developed at a density of R-3 and that the roads be developed as private lanes will then allow the Applicant to develop the parcels at a density of R-5 and R-6, and provide paved public streets with proper pedestrian amenities. It is also a density that will make site-built homes financially feasible according to the wishes of Las Acequias residents.

The Planning Commission determined that the requests are in the public interest and recommended approval of all requests. If in agreement with the Planning Commission's findings, the Governing Body would be removing Undertaking #2, that the Applicant "Develop the Adjacent Parcel (Tract C-1) consistent with R-3 zoning, notwithstanding that it is zoned R-5", and removing Undertaking #3, that the Applicant "Not request use of Powerline Road as either a primary or secondary access for either the Property or the Adjacent Parcel as part of its application for such Commission approval, but to instead propose three base-course lot access driveways, serving eight lots each".

If the Governing Body agrees with the Planning Commission's analysis, Staff recommends that the Governing Body adopt the findings of the Planning Commission as follows:

1. SFCC Section 14-3.5(C) sets out approval criteria and requires the Governing Body to make complete findings of fact sufficient to show that these criteria have been met before recommending approval a rezoning ordinance amendment.
2. Most of the approval criteria in SFCC Section 14-3.5(C) are inapplicable to a request to amend the conditions attached to a prior rezoning ordinance, and the SFCC does not provide specific criteria for evaluating a request to amend such conditions.
3. The Governing Body finds that the rezoning criteria are intended to ensure that the public interest is not harmed by the rezoning, that development under the new zoning will serve the public more than development under the original zoning, and that infrastructure can handle or be modified to handle the proposed new development.
4. In this case, the Governing Body finds that "Applicant Undertaking #2," which is the condition that Tract C-1 (4262 Agua Fria Street) should be developed consistent with R-3 zoning, notwithstanding that it is zoned R-5, should be removed from the Findings of Fact and Conclusions of Law for Ordinance No. 2013-12 because removing that condition would not harm the public interest, and building at greater density will allow the construction of stick-built homes, streets, and sidewalks in conformance with adjacent residents' desires.
5. The Planning Commission finds that "Applicant Undertaking #3," which is the condition that the Applicant shall not request to use Powerline Road as a primary or secondary access for the subdivision and that the subdivision must be developed as three private, base-course lot access driveways, should be removed from the Findings of Fact and Conclusions of Law for Ordinance No. 2013-12 because the Land Use Code and General Plan express a strong preference for road connectivity; these types of conditions are more appropriate for consideration in conjunction with a subdivision application (not a rezoning application); and because the public interest will be better served by paved public roads with sidewalks.

B. Rezoning

In considering the rezonings, the Governing Body must base its decision on the approval criteria and balancing test set forth in SFCC Subsection 14-3.5(C), as follows:

- (1) The planning commission and the governing body shall review all rezoning proposals on the basis of the criteria provided in this section, and the reviewing entities must make complete findings of fact sufficient to show that these criteria have been met before recommending or approving any rezoning:
 - (a) one or more of the following conditions exist:
 - (i) there was a mistake in the original zoning;
 - (ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning; or
 - (iii) a different use category is more advantageous to the community, as articulated in the general plan or other adopted city plans;
 - (b) all the rezoning requirements of Chapter 14 have been met;
 - (c) the rezoning is consistent with the applicable policies of the general plan, including the future land use map;
 - (d) the amount of land proposed for rezoning and the proposed use for the land is consistent with city policies regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the growth of the city; and
 - (e) the existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations, will be able to accommodate the impacts of the proposed development.
- (2) Unless the proposed change is consistent with applicable general plan policies, the planning commission and the governing body shall not recommend or approve any rezoning, the practical effect of which is to:
 - (a) allow uses or a change in character significantly different from or inconsistent with the prevailing use and character in the area;
 - (b) affect an area of less than two acres, unless adjusting boundaries between districts; or
 - (c) benefit one or a few landowners at the expense of the surrounding landowners or general public.

C. Rezoning #1 – 4701 Rufina Street

Case #2020-2274 is a rezoning request for 4701 Rufina Street from R-3 (Residential- three dwelling units per acre) to R-5 (Residential- five dwelling units per acre), in order to match the existing zoning of 4262 Agua Fria Street, and to make paved roads and site-built homes financially feasible.

If the Governing Body agrees with the Planning Commission's analysis of the Subsection 14-3.5(C) criteria, Staff recommends that the Governing Body adopt the Findings of Fact and Conclusions of Law of the Planning Commission as follows:

- (1) Pursuant to SFCC Section 14-3.5(C)(1)(a)(ii)-(iii), the Governing Body finds that the rezoning is justified because the proposed density is allowed by the Future Land Use Map designation of Low Density Residential, and because the proposed density is consistent with surrounding homes.

- (2) Pursuant to SFCC Section 14-3.5(C)(1)(b), the Governing Body finds that all the rezoning requirements of Chapter 14 have been met.
- (3) Pursuant to SFCC Section 14-3.5(C)(1)(c), the Governing Body finds that the proposed rezoning is consistent with the applicable policies of the general plan, including the future land use map. Specifically, R-5 zoning is consistent with the Southwest Area Master Plan (SWAMP) Future Land Use Map designation of Residential Low Density (3-7 dwelling units per acre) and will provide lots of similar size to the adjacent neighborhood.
- (4) Pursuant to SFCC Section 14-3.5(C)(1)(d), the Governing Body finds that rezoning the property to accommodate infill by creating a sixty-one-lot subdivision is consistent with city policies regarding the provision of urban land sufficient to meet the amount, rate, and geographic location of the growth of the city.
- (5) Pursuant to SFCC Section 14-3.5(C)(1)(e), the Governing Body finds that the existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development.
- (6) Pursuant to SFCC Section 14-3.5(C)(2)(a), the Governing Body finds that the proposed change in density will not result in a change in character inconsistent with the prevailing use and character of the area, and that the R-5 zoning is consistent with the surrounding density, such as the adjacent R-7 Las Acequias subdivision.
- (7) Pursuant to SFCC Section 14-3.5(C)(2)(b), the Governing Body finds that the proposed rezoning is permissible because it would not affect an area of less than two acres.
- (8) Pursuant to SFCC Section 14-3.5(C)(2)(c), the Governing Body finds that the proposed rezoning will not benefit one or a few landowners at the expense of the surrounding landowners or general public. The proposed density will enable the construction of homes that will harmonize with the adjacent Las Acequias subdivision.
- (9) Pursuant to SFCC Section 14-3.5(D)(1), the Governing Body finds that the proposed additional density can be accommodated by the existing and proposed road infrastructure.
- (10) Pursuant to SFCC Section 14-3.5(D)(2), the Governing Body finds that the public roads proposed in the concept plan will serve the proposed development, and that public sidewalks will serve the surrounding neighborhood better than private lanes without sidewalks.

D. Rezoning #2 – 4702 Rufina Street

Case #2020-2287 is a rezoning request for 4702 Rufina Street from R-3 (Residential- three dwelling units per acre) to R-6 (Residential- six dwelling units per acre), in order to match the zoning for the proposed future Casa de Todos subdivision, and to make paved roads and site-built homes financially feasible.

If the Governing Body agrees with the Planning Commission's analysis of the Subsection 14-3.5(C) criteria, Staff recommends that the Governing Body adopt the Findings of Fact and Conclusions of Law of the Planning Commission as follows:

- (1) Pursuant to SFCC Section 14-3.5(C)(1)(a)(ii)-(iii), the Governing Body finds that the rezoning is justified because the proposed density is allowed by the Future Land Use Map designation of Low Density Residential, and because the proposed density is consistent with surrounding homes.
- (2) Pursuant to SFCC Section 14-3.5(C)(1)(b), the Governing Body finds that all the rezoning requirements of Chapter 14 have been met.
- (3) Pursuant to SFCC Section 14-3.5(C)(1)(c), the Governing Body finds that the proposed rezoning is consistent with the applicable policies of the general plan, including the future land use map. Specifically, R-6 zoning is consistent with the (SWAMP) Future Land Use

Map designation of Residential Low Density (3-7 dwelling units per acre) and will provide lots of similar size to the adjacent neighborhood.

- (4) Pursuant to SFCC Section 14-3.5(C)(1)(d), the Governing Body finds that rezoning the property to accommodate infill by creating a sixty-one-lot subdivision is consistent with city policies regarding the provision of urban land sufficient to meet the amount, rate, and geographic location of the growth of the city.
- (5) Pursuant to SFCC Section 14-3.5(C)(1)(e), the Governing Body finds that the existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development.
- (6) Pursuant to SFCC Section 14-3.5(C)(2)(a), the Governing Body finds that the proposed change in density will not result in a change in character inconsistent with the prevailing use and character of the area, and that the R-6 zoning is consistent with the surrounding density, such as the adjacent R-7 Las Acequias subdivision.
- (7) Pursuant to SFCC Section 14-3.5(C)(2)(b), the Governing Body finds that the proposed rezoning is permissible because it would not affect an area of less than two acres.
- (8) Pursuant to SFCC Section 14-3.5(C)(2)(c), the Governing Body finds that the proposed rezoning will not benefit one or a few landowners at the expense of the surrounding landowners or general public. The proposed density will enable the construction of homes that will harmonize with the adjacent Las Acequias subdivision.
- (9) Pursuant to SFCC Section 14-3.5(D)(1), the Governing Body finds that the proposed additional density can be accommodated by the existing and proposed road infrastructure.
- (10) Pursuant to SFCC Section 14-3.5(D)(2), the Governing Body finds that the public roads proposed in the concept plan will serve the proposed development, and that public sidewalks will serve the surrounding neighborhood better than private lanes without sidewalks.

E. Future Actions

If granted all three requests, the Applicant proposes a sixty-one (61) lot single-family home subdivision on three tracts of land comprising an area of approximately 11.47 acres extending from Agua Fria Street to just south of Rufina Street.

EXHIBITS

Exhibit A – Draft Findings and Bills

1. Draft Findings for Case #2020-2273, to amend conditions in the Findings for Rezoning Case #2012-104 adopting Ordinance No. 2013-12 (Item #13-0191, attached as Exhibit A)
2. Bill 2020-30 for Rezoning 4701 Rufina Street
3. Bill 2020-31 for Rezoning 4702 Rufina Street

Exhibit B – Background Materials

1. Ordinance #2013-12
2. Governing Body Meeting Minutes 3/13/2013

Exhibit C – August 20, 2020 Planning Commission

1. Staff Report and Packet (Excluding materials already in Exhibit B)
2. Findings
3. Minutes

City of Santa Fe, New Mexico

**Governing Body Meeting
October 22, 2020**

Exhibit A

Draft Findings and Bills

- 1. Draft Findings for Case #2020-2273, to amend conditions attached to the Findings for Rezoning Case #2012-104 adopting Ordinance No. 2013-12 (Item #13-0191, attached as Exhibit A)**
- 2. Bill 2020-30 for Rezoning 4701 Rufina Street**
- 3. Bill 2020-31 for Rezoning 4702 Rufina Street**

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

Case #2020-2273

**4262 Agua Fria Street, and 4701 and 4702 Rufina Street
Amendment to Conditions of Aguafina Zoning Ordinance No. 2013-12**

Owner's/Applicant's Name - Aguafina Development, LLC
Agent's Name - Dolores Vigil, Liaison Planning Services, Inc.

THIS MATTER came before the Governing Body (Governing Body) for public hearing on October 22, 2020 (Hearing) upon the application (Application) of Liaison Planning Services, Inc., as agent for Aguafina Development, LLC (Applicant).

The Application pertains to properties located at 4262 Agua Fria Street and 4701 and 4702 Rufina Street, totaling approximately 11.5 acres (Properties). The Applicant seeks to amend the conditions that the Governing Body included in its Findings of Fact and Conclusions of Law (City Clerk Item #13-0191, attached as "Exhibit A") adopting Ordinance No. 2013-12, which rezoned the properties at 4701 and 4702 Rufina Street to R-3 (Residential – three dwelling units per acre). Specifically, the Applicant seeks to remove a condition that would require the Applicant to develop 4262 Agua Fria Street "consistent with R-3 zoning, notwithstanding that it is zoned R-5," and to remove a portion of a condition that would require the Applicant to "propose three base-course lot access driveways, serving eight lots each."

In related Case #2020-2274, the Applicant seeks to rezone a property located at 4701 Rufina Street, totaling approximately 3.44 acres, from R-3 (Residential – three dwelling units per acre) to R-5 (Residential – five dwelling units per acre). In related Case #2020-2287, the Applicant seeks to rezone a property located at 4702 Rufina Street, totaling approximately 2.42 acres, from R-3 (Residential – three dwelling units per acre) to R-6 (Residential – six dwelling units per acre). The Applicant plans to create a sixty-one (61)-lot subdivision.

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

FINDINGS OF FACT

Background: Rezoning Ordinance No. 2013-12

1. On December 6, 2012, the Planning Commission (Commission) considered the previous owner's application to rezone Tract C-2 (4701 Rufina Street) and Tract B-1 (4702 Rufina Street), totaling approximately 5.89 acres (Case #2012-104), from R-1 (Residential – one dwelling unit per acre) to R-5 (Residential – 5 dwelling units per acre).
2. At a public hearing held December 6, 2012, residents testified in opposition to the rezoning, citing concerns about traffic impacts and overall density.

3. The Commission voted to recommend that the Governing Body rezone both tracts to R-3 (Residential – three units per acre) instead of R-5, due to concerns about traffic and density.
4. Subsequent to the hearing, in negotiations with adjacent residents, the owner agreed to develop 4262 Agua Fria Street and 4701 and 4702 Rufina Street at lower density (effectively R-3), despite the fact that 4262 Agua Fria was zoned R-5 and was not included within the rezoning application for Case #2012-104, and to develop all three tracts as private, base-course lot access driveways.
5. Under the Santa Fe City Code (SFCC) Table 14-9.2-1 (Design Criteria for Street Types), a private lot access driveway may serve a maximum of eight (8) dwelling units.
6. On January 30, 2013, the Governing Body held a public hearing to consider the rezoning request.
7. After significant discussion about appropriate density and road connectivity, the Governing Body voted to deny the rezoning request.
8. On February 13, 2013, the Governing Body rescinded its denial and decided to rehear the case, considering the rezoning request at reduced density.
9. On March 13, 2013, the Governing Body reheard the rezoning request at a public hearing and approved a rezoning to R-3, subject to the conditions of approval recommended by staff and additional conditions that the previous owner agreed to at the hearing, which were enumerated in the Findings of Fact and Conclusions of Law, filed by the City Clerk as Item #13-0191.
10. The additional conditions, referred to as “the Applicant Undertakings,” formalized the previous owner’s offer to: (1) submit any request for subdivision and/or development plan approval for 4701 and 4702 Rufina Street and the adjacent parcel (4262 Agua Fria Street) as a single application; (2) develop 4262 Agua Fria Street consistent with R-3 zoning, notwithstanding that it is zoned R-5; (3) not request to use Powerline Road as a primary or secondary access for new development at 4262 Agua Fria Street, 4701 Rufina Street, or 4702 Rufina Street, but to propose instead three base-course lot access driveways, serving eight lots each; and (4) grant an easement to Abe and Kathleen Tapia and their successors across 4262 Agua Fria Street to permit them to access Powerline Road.
11. The previous owner submitted an application for a subdivision that met the conditions described as “the Applicant Undertakings.” That application went through a series of hearings and was ultimately approved; but the subdivision was never recorded, and the approval expired.

Procedural History: Case #2020-2273

12. In 2019, the Applicant initially proposed a subdivision with the same configuration as the previously approved subdivision, which had expired.
13. In discussing the initial 2019 proposal with the Applicant, Staff raised concerns about connectivity and roads, which were consistent with the concerns staff raised in 2013.
14. The Applicant conducted a series of meeting with neighbors, which resulted in a series of design changes to the Project.
15. In these meetings, area residents expressed a willingness to accept higher density if it would guarantee higher quality homes and paved public roads with sidewalks.
16. The Applicant revised the initial proposal and design, and now seeks to develop at a density that will financially support paved streets, pedestrian amenities, and quality site-built homes.

Case #2020-2273

4262 Agua Fria Street, and 4701 and 4702 Rufina Street

Amendment to Conditions of Aguafina Zoning Ordinance No. 2013-12

17. Pursuant to the SFCC Section 14-3.5(A)(1)(d), any person may submit a written request for a rezoning or a zoning ordinance amendment, along with all submissions required by Chapter 14 of the SFCC and any other necessary information requested by the land use director (Submittal Requirements).
18. In this case, the Applicant asks the Governing Body to amend conditions of approval for Ordinance No. 2013-12, which were formalized as the “Applicant Undertakings” in the Findings of Fact and Conclusions of Law for Case #2012-104 (Item #13-0191).
19. Specifically, the Applicant asks the Governing Body to remove the requirement in Applicant Undertaking #2 that the Applicant must develop 4262 Agua Fria Street “consistent with R-3 zoning, notwithstanding that it is zoned R-5,” and to strike the portion of Applicant Undertaking #3 that requires the Applicant “to propose . . . three base-course lot access driveways, each serving eight lots.”
20. SFCC Section 14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [SFCC Section 14-3.1(E)]; (b) an Early Neighborhood Notification (ENN) meeting [SFCC Section 14-3.1(F)(2)(a)(iii)&(iv)]; and (c) compliance with notice and public hearing requirements [SFCC Section 14-3.1(H)-(I)].
21. A pre-application conference was held on January 10, 2019 in accordance with SFCC Section 14-3.1(E).
22. Pursuant to SFCC Section 14-3.1(H), notice of the ENN meeting was properly given.
23. Pursuant to SFCC Section 14-3.1(F), a virtual ENN meeting was held via Zoom on June 1, 2020. The ENN meeting was attended by several representatives of the Applicant and members of City staff. Twenty-two (22) members of the public attended. Residents expressed concerns, including traffic impacts to neighborhoods surrounding the property, but were generally happy that the proposal would include site-built homes. The Applicant and residents agreed to continue negotiating over a wall or fencing between the new development and existing homes, as there could be property line issues to be resolved.
24. City staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable SFCC requirements and provided the Commission with a written report of its findings (Staff Report), which evaluated the factors relevant to the Application.
25. Staff recommended that the Commission should recommend that the Governing Body grant the request to modify the Findings of Fact and Conclusions of Law that approved Ordinance No. 2013-12 by removing the requirement in Applicant Undertaking #2 that the Applicant must develop 4262 Agua Fria Street “consistent with R-3 zoning, notwithstanding that it is zoned R-5,” and by striking the portion of Applicant Undertaking #3 that requires the Applicant “to propose . . . three base-course lot access driveways, each serving eight lots.”
26. On August 20, 2020, the Commission held a public hearing on this case concurrently with a public hearing to consider the rezoning requests in Case #2020-2274 (requesting R-5 zoning for 4701 Rufina Street) and Case #2020-2287 (requesting R-6 zoning for 4702 Rufina Street).
27. At the August 20, 2020 hearing, residents testified in support of all three cases and expressed a preference for public roads and sidewalks and site-built homes, but still raised concerns about traffic impacts, specifically to the intersection of Rufina Street and Lopez Lane. The President of the Las Acequias Neighborhood Association requested that road impact fees from the project be applied to improvements of that intersection if possible.

Case #2020-2273

4262 Agua Fria Street, and 4701 and 4702 Rufina Street

Amendment to Conditions of Aguafina Zoning Ordinance No. 2013-12

28. At the August 20, 2020 hearing, the Commission discussed road connectivity and questioned why Staff did not recommend striking the portion of Applicant Undertaking #3 that prohibits the Applicant from requesting to make a road connection to Powerline Road.
29. Staff explained that the recommendation was based on the specific requests made by the Applicant in the application, the recommendation of the City Traffic Engineer, and the expressed desire of neighboring residents to not have a road connection at Powerline.
30. Members of the Commission expressed concern that conditions should not be attached to a zoning ordinance to preclude road connectivity that would otherwise be required by Chapter 14 of the SFCC and the General Plan, and that such issues should be evaluated in the context of a subdivision application.
31. The Commission voted to recommend that the Governing Body approve the application in Case #2020-2273, with the additional recommendation that the Governing Body should strike Applicant Undertakings #2 and #3 in their entirety, which would allow the Commission to further explore road connectivity in conjunction with an application for preliminary subdivision approval.
32. The Commission also voted to recommend approval of the request in Case #2020-2274 to rezone 4701 Rufina Street to R-5 and the request in Case #2020-2287 to rezone 4702 Rufina Street to R-6, as recommended by staff.

Amendment to Conditions of Zoning Ordinance No. 2013-12

33. At the hearing, the Governing Body received reports from staff, testimony and evidence from the Applicant, and written public comments and testimony offered by any interested members of the public.
34. Pursuant to SFCC Section 14-3.19(D)(1), the procedures for a substantive amendment to the conditions of a prior rezoning ordinance are the same as the procedures that apply to a new application for a rezoning ordinance.
35. Pursuant to SFCC Sections 14-2.3(C)(7)(c) and 14-3.5(B)(1), the Commission has the authority to review and make recommendations to the Governing Body regarding a proposed rezoning or zoning ordinance amendment.
36. Pursuant to SFCC Sections 14-2.2(A) and 14-3.5(B)(2) and Table 14-2.1-1, the Governing Body has the authority to consider the recommendation of the Commission and to either approve or disapprove the application.
37. SFCC Section 14-3.5(B) sets out procedures for rezoning and requires the Governing Body to hold a public hearing, review the Application, and make a decision to approve or deny the Application.
38. SFCC Section 14-3.5(C) sets out approval criteria and requires the Governing Body to make complete findings of fact sufficient to show that these criteria have been met before approving a rezoning ordinance amendment.
39. Most of the approval criteria in SFCC Section 14-3.5(C) are inapplicable to a request to amend the conditions attached to a prior zoning ordinance, and the SFCC does not provide specific criteria for evaluating a request to amend such conditions.
40. The Governing Body finds that the rezoning criteria are intended to ensure that the public interest is not harmed by the rezoning, that development under the new zoning will serve the public more than development under the original zoning, and that infrastructure can handle or be modified to handle the proposed new development.

41. In this case, the Governing Body finds that “Applicant Undertaking #2,” which is the condition that Tract C-1 (4262 Agua Fria Street) should be developed consistent with R-3 zoning, notwithstanding that it is zoned R-5, should be removed from the Findings of Fact and Conclusions of Law for Ordinance No. 2013-12 because removing that condition would not harm the public interest, and building at greater density will allow the construction of site-built homes, streets, and sidewalks in conformance with adjacent residents’ desires.
42. The Governing Body finds that “Applicant Undertaking #3,” which is the condition that the Applicant shall not request to use Powerline Road as a primary or secondary access for the subdivision and that the subdivision must be developed as three private, base-course lot access driveways, should be removed from the Findings of Fact and Conclusions of Law for Ordinance No. 2013-12 because the Land Use Code and General Plan express a strong preference for road connectivity; these types of conditions are more appropriate for consideration in conjunction with a subdivision application (not a rezoning application); and because the public interest will be better served by paved public roads with sidewalks.

CONCLUSIONS OF LAW

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

1. Pursuant to SFCC Section 14-3.1, all procedures regarding the pre-application conference, ENN meeting, and notice of public hearing requirements have been followed.
2. The Applicant has the right under the SFCC to propose amendments to the conditions of approval attached to the ordinance that rezoned the Property.
3. The Applicant met the applicable Submittal Requirements.
4. The Governing Body has the power and authority at law and under the Code to review the proposed amendments to the conditions attached to the rezoning ordinance and to make decisions regarding the proposed amendments.
5. The Findings of Fact and Conclusions of Law adopting Ordinance 2013-12 should be amended by removing “Applicant Undertaking #2” and “Applicant Undertaking #3” because all applicable code requirements have been met, the public interest will not be harmed, development under the new zoning will serve the public, and the infrastructure can handle the proposed new development.

WHEREFORE, IT IS ORDERED ON THE 22nd DAY OF OCTOBER 2020 BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Considering the foregoing findings and conclusions, that the Governing Body amends the conditions set forth in the Findings of Fact and Conclusions of Law that adopted Ordinance No. 2013-12 by removing Applicant Undertaking #2 and Applicant Undertaking #3.

Alan M. Webber
Mayor

Date

FILED:

Case #2020-2273

4262 Agua Fria Street, and 4701 and 4702 Rufina Street

Amendment to Conditions of Aguafina Zoning Ordinance No. 2013-12

Yolanda Y. Vigil
City Clerk

Date

APPROVED AS TO FORM:



Erin K. McSherry
City Attorney

Oct 16, 2020

Date

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

Case #2012-104

Aguafina Rezoning to R-3

Owner's Name – Aguafina Development, LLC

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

THIS MATTER came before the Governing Body of the City of Santa Fe for hearing on March 13, 2013 upon the application (Application) of JenkinsGavin Design and Development, Inc. as the agent for Aguafina Development, LLC (Applicant).

The Applicant applied to rezone 5.89± acres of land (Property) from R-1 (Residential – 1 dwelling unit/acre) to R-3 (Residential – 3 dwelling units/acre). The Property is located south of Agua Fria Street and west of Calle Atajo at 4702 Rufina Street and 4262 Agua Fria Street, now known as 4701 Rufina Street. On December 6, 2012 the Planning Commission (Commission) voted to recommend to the Governing Body that the Property be rezoned to R-3 (Residential – 3 dwelling units/acre), subject to certain conditions (the Conditions). The Property is designated as Low Density Residential (3-7 dwelling units/acre) on the General Plan Future Land Use Map.

The Applicant also owns 5.632± acres of land (Adjacent Parcel) adjacent to the Property on the north, extending from Agua Fria south to approximately Powerline Road. The Adjacent Parcel is also designated as Low Density Residential on the General Plan Future Land Use Map and is zoned R-5 (Residential – 5 dwelling units/acre). The Adjacent Parcel is not a subject of the Application. However, in accordance with discussions with certain neighbors of the Property, the Applicant offered to the Governing Body to (1) submit its request for subdivision and/or development plan approval to the Commission for both the Property and the Adjacent Parcel as a single application; (2) develop the Adjacent Parcel consistent with R-3 zoning, notwithstanding that it is zoned R-5; (3) not request to use Powerline Road as a primary or secondary access for either the Property or the Adjacent Parcel as part of its application for such Commission approval, but to propose instead three base-course lot access driveways, each serving eight lots; and (4) grant an easement to Abe and Kathleen Tapia and their successors across the Adjacent Parcel to permit them to access Powerline Road (collectively, the Applicant Undertakings).

Findings of Fact and Conclusions of Law (Commission Findings and Conclusions) embodying the Commission's vote were adopted by the Commission on January 10, 2013 and were filed with the City Clerk as Item #13-0023. The Applicant originally sought the Commission's approval to rezone the Property to R-5, but withdrew that request by letter dated February 15, 2013, amending the Application to request R-3 zoning for the Property. The Application before the Governing Body is therefore consistent with the recommendation of the Commission.

In accordance with the foregoing, and after conducting a public hearing, and having heard from staff, the Owner's representatives, residents of the neighborhood in which the Property is located, and certain interested others, the Governing Body hereby FINDS, as follows:

FINDINGS OF FACT

1. The Governing Body has authority, under Santa Fe City Code (Code) Sections 14-2.1 Table 14-2.1-1 and 14-2.2(A) to review and finally decide upon applications for rezoning in accordance with the procedures set forth in Code Section 14-3.5(B)(2) and applying the criteria set forth in Code Section 14-3.5(C).
2. Code Section 14-3.1(H)(1)(e)(2) requires that notice of a public hearing before the Governing Body be provided in accordance with Code Section 14-3.1(H)(1)(a) and that the applicant publish notice in a local daily newspaper of general circulation at least fifteen calendar days prior to the public hearing (collectively, the Notice Requirements).
3. The Notice Requirements have been met.
4. The Governing Body reviewed the report dated February 19, 2013 for the March 13, 2013 City Council Hearing prepared by City staff (Staff Report), the recommendation of the Commission, the Commission Findings and Conclusions and the evidence introduced at the public hearing in accordance with the requirements of Code Section 14-3.5(B)(2)(a).
5. The Governing Body heard direct testimony from City staff, the Applicant, residents of the neighborhood in which the Property is located and certain interested others.
6. The Applicant offered to the Governing Body to perform the Applicant Undertakings if the Governing Body approved R-3 zoning for the Property.
7. The Applicant's offer to perform the Applicant Undertakings is a material consideration relied upon by the Governing Body in its review of the Application.
8. Commission Findings of Fact 2 through 10 and Conclusions of Law 1 through 3 accurately reflect the facts in this matter as presented at the hearing.
9. Commission Finding of Fact 12 accurately reflects the facts in this matter, with the deletion of the words, "However, impacts on traffic and on other public facilities, especially parks, which are inadequate to serve the area at existing densities, mitigate against R-5 zoning for the Property." The deletion reflects the Applicant's request to amend the Application to request R-3 zoning.
10. Commission Conclusion of Law 5 accurately reflects the facts in this matter, with the deletion of the words, "..., although the impacts on traffic and on other public facilities, especially parks, which are inadequate to serve the area at existing densities, mitigate against R-5 zoning for the Property." The deletion reflects the Applicant's request to amend the Application to request R-3 zoning.
11. The Governing Body accepts the Applicant's offer to perform the Applicant Undertakings in the event that the Governing Body approves the Application.
12. The Governing Body has considered the comments of members of the public made at the hearing relating to the future development of the Property and the Adjacent Parcel and, understanding that the Commission has the authority under the Code to review and approve with or without conditions or deny applications for subdivision and development plan approval, but mindful of the concerns of certain neighbors that are appropriately addressed in conjunction with the subdivision and development approval process, requests the Commission to consider fully such comments in reviewing and deciding upon applications


for future subdivision and/or development plan approval for the Property and the Adjacent Parcel.

CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted at the hearing, the Governing Body hereby CONCLUDES and ORDERS:

1. The Commission Findings and Conclusions, a copy of which is attached hereto as Exhibit A, are adopted in part by the Governing Body as follows: Commission Findings of Fact 2 through 10 and, with the deletion of the words, “However, impacts on traffic and on other public facilities, especially parks, which are inadequate to serve the area at existing densities, mitigate against R-5 zoning for the Property”, Commission Finding of Fact 12; and Conclusions of Law 1 through 3 and, with the deletion of the words, “..., although the impacts on traffic and on other public facilities, especially parks, which are inadequate to serve the area at existing densities, mitigate against R-5 zoning for the Property”, Conclusion of Law 5. The foregoing enumerated Findings of Fact and Conclusions of Law are hereby adopted by the Governing Body and are incorporated in these Findings of Fact and Conclusions of Law as if set out in full herein. Those Findings of Fact and Conclusions of Law not specifically adopted herein are specifically not adopted.
2. The proposed rezoning is therefore approved, subject to the Conditions and subject further to the performance by the Applicant of the Applicant Undertakings.

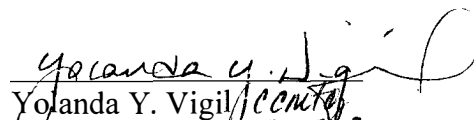
IT IS SO ORDERED ON THE 27TH OF MARCH 2013 BY THE GOVERNING BODY OF THE CITY OF SANTA FE.



Mayor

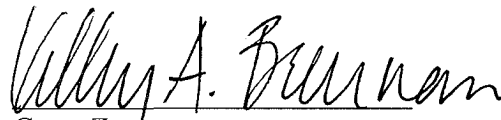
3-29-13
Date:

FILED WITH THE CITY CLERK:


Yolanda Y. Vigil
City Clerk
3/27/13

4-2-13
Date:

APPROVED AS TO FORM:



Geno Zamora
City Attorney

3/27/13
Date:

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

Case #2012-104 – Aguafina Rezoning
 Owner's Name – Aguafina Development, LLC
 Applicant's Name – JenkinsGavin Design & Development, Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on December 6, 2012 upon the application (Application) of JenkinsGavin Design & Development, Inc. as agent for Aguafina Development, LLC (Applicant).

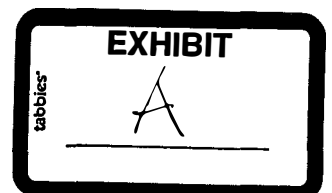
The Applicant seeks to rezone 5.73± acres of land (Property) that comprises the southern part of a single tract of land (the Tract) west of Calle Atajo that runs south from Agua Fria Street to south of Rufina Street. The Property is bisected by Rufina Street and is zoned R-1 (Residential – 1 dwelling unit/acre). The remainder of the Tract (the Remainder) is zoned R-5 (Residential – 5 dwelling units/acre). The Applicant seeks to rezone the Property from R-1 to R-5 so that the Tract is within a single zoning district. The Property is designated as Low Density Residential (3-7 dwelling units/acre) on the General Plan Future Land Use Map.

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

FINDINGS OF FACT

General

1. The Commission heard testimony and took evidence from staff, the Applicant, and members of the public interested in the matter.
2. Under SFCC §14-3.5(A)(1)(d) any individual may propose a rezoning.
3. SFCC §§14-3.5(B)(1) sets out certain procedures for rezonings, including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in SFCC §14-3.5(C).
4. SFCC §§14-3.5(C) establishes the criteria to be applied by the Commission in its review of proposed rezonings (Rezoning Criteria).
5. Code §14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [§14-3.1(E)(1)(a)(i)]; (b) an Early Neighborhood Notification (ENN) meeting [§14-3.1(F)(2)(a)(iii)]; and (c) compliance with Code Section 14-3.1(H) notice and public hearing requirements.
6. A pre-application conference was held on May 10, 2012.
7. SFCC §14-3.1(F) establishes procedures for the ENN meeting, including, without limitation:
 - (a) Scheduling and notice requirements [SFCC §14-3.1(F)(4) and (5)];
 - (b) Regulating the timing and conduct of the meeting [SFCC §14-3.1(F)(5)]; and
 - (c) Setting out guidelines to be followed at the ENN meeting [§14-3.1(F)(6)].



8. An ENN meeting was held on the Application at 5:30 p.m. on July 30, 2012 at the Southside Library at 6599 Jaguar Road.
9. Notice of the ENN meeting was properly given.
10. The ENN meeting was attended by the Applicant, City staff and other interested parties and the discussion followed the guidelines set out in SFCC §14-3.1(F)(6).
11. Commission staff provided the Commission with a report (the Staff Report) evaluating the factors relevant to the Application and recommending approval by the Commission of the Rezoning, subject to those conditions contained in the Staff Report (the Conditions).
12. The Commission has considered the Rezoning Criteria and finds, subject to the Conditions, the following facts:
 - (a) *One or more of the following conditions exist: (i) there was a mistake in the original zoning; (ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning; or (iii) a different use category is more advantageous to the community, as articulated in the Plan or other adopted City plans [SFCC §14-3.5(C)(1)(a)].*

There has been a change in the surrounding area, with an increase in density as the City has expanded southward, altering the character of the Rufina Street corridor. Rezoning will bring the Property into compliance with the General Plan future land use designation for the Property of Low Density Residential (3-7 dwelling units/acre) and with the Plan policy supporting residential development within the future growth areas is built at a minimum gross density of 3 dwelling units/acre, and an average of 5 dwelling units/acre where topography allows.
 - (b) *All the rezoning requirements of SFCC Chapter 14 have been met [SFCC §14-3.5(C)(1)(b)].*

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

The proposed rezoning is consistent with the General Plan's Low Density future land use designation for the Property.
 - (d) *The amount of land proposed for rezoning and the proposed use for the land is consistent with City policies regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the growth of the City [SFCC §14-3.5(C)(1)(d)].*

The proposed rezoning is consistent with the Plan's Low Density future land use designation for the Property and with the General Plan policy supporting the preservation of the scale and character of established neighborhoods while promoting appropriate infill development in an area already served by public water and wastewater facilities.
 - (e) *The existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development [Section 14-3.5(C)(e)].*

Existing infrastructure, including water and sewer is sufficient to serve the increased density resulting from the rezoning. However, impacts on traffic and on other public facilities, especially parks, which are inadequate to serve the area at existing densities, mitigate against R-5 zoning for the Property.

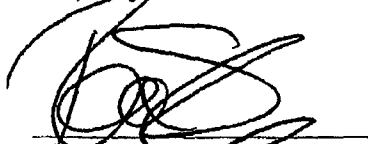
CONCLUSIONS OF LAW

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

1. The Rezoning was properly and sufficiently noticed via mail, publication, and posting of signs in accordance with SFCC requirements.
2. The ENN meetings complied with the requirements established under the SFCC.
3. The Applicant has the right under the SFCC to propose the rezoning of the Property.
4. The Commission has the power and authority at law and under the SFCC to review the proposed rezoning of the Property and to make recommendations regarding the proposed rezoning to the Governing Body based upon that review.
5. The proposed rezoning meets the Rezoning Criteria, although the impacts on traffic and on other public facilities, especially parks, which are inadequate to serve the area at existing densities, mitigate against R-5 zoning for the Property.

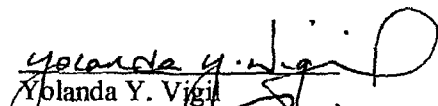
WHEREFORE, IT IS ORDERED ON THE 10TH OF JANUARY 2013 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends to the Governing Body that it approve the rezoning of the Property to R-3, subject to the Conditions.


Thomas Spray
Chair

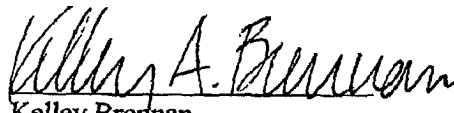
1/19/13
Date:

FILED:


Yolanda Y. Vigil
City Clerk

1.14.13
Date:

APPROVED AS TO FORM:


Kelley Brennan
Assistant City Attorney

1/10/13
Date:

1 **CITY OF SANTA FE, NEW MEXICO**

2 **BILL NO. 2020-30**

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10 **AN ORDINANCE**

11 **AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE AND**
12 **CHANGING THE CLASSIFICATION FROM R-3 (RESIDENTIAL –THREE DWELLING**
13 **UNITS PER ACRE) TO R-5 (RESIDENTIAL – FIVE DWELLING UNITS PER ACRE)**
14 **WITH RESPECT TO A CERTAIN PARCEL OF LAND COMPRISING**
15 **APPROXIMATELY 3.44 ACRES LOCATED AT 4701 RUFINA STREET (CASE NO. 2020-**
16 **2274, 4701 RUFINA STREET REZONING).**

17
18 **BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:**

19 **Section 1.** The following real property (the “Property”) located within the municipal
20 boundaries of the City of Santa Fe, which has been restricted and classified as R-3 (Residential –
21 three dwelling units per acre) is hereby restricted to and reclassified as R-5 (Residential – five
22 dwelling units per acre):

23 Tract C-2, the parcel of land comprising approximately 3.44 acres generally located at 4701
24 Rufina Street, lying within Section 6, T16N, R9E, N.M.P.M., Santa Fe County, New
25 Mexico, more fully described in the Legal Description attached as Exhibit A and

1 incorporated herein by reference.

2 **Section 2.** The official zoning map of the City of Santa Fe adopted by Ordinance No.
3 2001-27 is hereby amended to conform to the change in zoning classification for the Property
4 described in Section 1 of this Ordinance.

5 APPROVED AS TO FORM:

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7 _____
8 ERIN K. McSHERRY, CITY ATTORNEY

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25 *Legislation/2020/Bills/2020-30 4701 Rufina Street Rezoning*

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2020-31

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10 AN ORDINANCE

11 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE AND
12 CHANGING THE CLASSIFICATION FROM R-3 (RESIDENTIAL –THREE DWELLING
13 UNITS PER ACRE) TO R-6 (RESIDENTIAL – SIX DWELLING UNITS PER ACRE)
14 WITH RESPECT TO A CERTAIN PARCEL OF LAND COMPRISING
15 APPROXIMATELY 2.42 ACRES LOCATED AT 4702 RUFINA STREET, (CASE NO.
16 2020-2287, 4702 RUFINA STREET REZONING).

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18 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

19 Section 1. The following real property (the “Property”) located within the municipal
20 boundaries of the City of Santa Fe, which has been restricted and classified as R-3 (Residential –
21 three dwelling units per acre) is hereby restricted to and reclassified to R-6 (Residential – six
22 dwelling units per acre):

23 Tract B-1, the parcel of land comprising approximately 2.42 acres generally located at 4702
24 Rufina Street, lying within Section 6, T16N, R9E, N.M.P.M., Santa Fe County, New
25 Mexico, more fully described in the Legal Description attached as Exhibit A incorporated

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herein by reference.

Section 2. The official zoning map of the City of Santa Fe adopted by Ordinance No. 2001-27 is hereby amended to conform to the change in zoning classification for the Property described in Section 1 of this Ordinance.

APPROVED AS TO FORM:



ERIN K. McSHERRY, CITY ATTORNEY

City of Santa Fe, New Mexico

**Governing Body Meeting
October 22, 2020**

Exhibit B

Background Materials

- 1. Ordinance No. 2013-12**
- 2. Governing Body Meeting Minutes 3/13/2013**

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2013-12

3
4
5 AN ORDINANCE

6 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE;
7 CHANGING THE ZONING CLASSIFICATION FOR 2.453± ACRES IDENTIFIED AS
8 TRACT B AND THE SOUTHERN 3.432± ACRES OF TRACT C (IDENTIFIED AS
9 TRACT C-2), A PORTION OF SMALL HOLDING CLAIM 435 TRACT 3 WITHIN
10 SECTION 6, TOWNSHIP 16 NORTH, RANGE 9 EAST, NEW MEXICO PRIME
11 MERIDIAN, WHICH IS LOCATED WEST OF CALLE ATAJO BETWEEN AGUA FRIA
12 STREET AND RUFINA STREET, FROM R-1 (RESIDENTIAL, 1 DWELLING UNIT
13 PER ACRE) TO R-3 (RESIDENTIAL, 3 DWELLING UNITS PER ACRE), AND
14 PROVIDING AN EFFECTIVE DATE. (“AGUAFINA REZONING,” CASE #2012-
15 104).

16 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

17
18 **Section 1.** That certain parcels of land comprising 5.89± acres (the “Property”) located within Section 6, Township 16N, Range 9E, New Mexico Prime Meridian, Santa Fe County, State of New Mexico, of which totals approximately 5.89 ± acres which are located within the municipal boundaries of the City of Santa Fe, are restricted to and classified as R-3 (Residential, 3 dwelling units per acre) as described in the legal description zoning map attached hereto [EXHIBIT A] and incorporated herein by reference.

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24 **Section 2.** The official zoning map of the City of Santa Fe adopted by Ordinance
25 No. 2001-27 is hereby amended to conform to the changes in zoning classifications for the

1 Property set forth in Section 1 of this Ordinance.

2 **Section 3.** This rezoning action and any future development plan for the Property is
3 approved with and subject to the conditions set forth in the table attached hereto [EXHIBIT B]
4 and incorporated herein summarizing the City of Santa Fe staff technical memoranda and
5 conditions recommended by the Planning Commission on December 6, 2012.

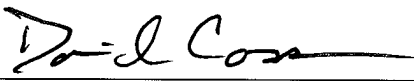
6 **Section 4.** This Ordinance shall be published one time by title and general summary
7 and shall become effective five days after publication.

8 **PASSED, APPROVED AND ADOPTED this 13th day of March, 2013.**

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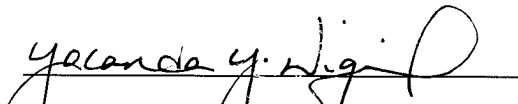
DAVID COSS, MAYOR

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14 **ATTEST:**

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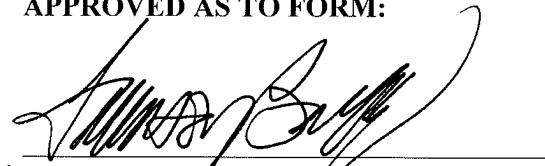
17 **YOLANDA Y. VIGIL, CITY CLERK**

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19 **APPROVED AS TO FORM:**

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22 **GENO ZAMORA, CITY ATTORNEY**

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LEGAL DESCRIPTIONS

TRACT C-2

A TRACT OF LAND LYING AND BEING SITUATE WITHIN SECTIONS 6, T16N, R9E, AND BEING A PORTION OF S.H.C. 435, TRACT 3, N.M.P.M., DESIGNATED AS TRACT "C-2" IN SANTA FE COUNTY, STATE OF NEW MEXICO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THIS TRACT FROM WHENCE A U.S.G.L.O. BRASS CAP MARKING TR1 OF P.C. 1255 1/2 AND CLOSING CORNER OF SECTION 6, T16N, R9E, N.M.P.M. BEARS N02°22'20"E, A DISTANCE OF 1646.34 FEET;

THENCE FROM SAID POINT AND PLACE OF BEGINNING S15°28'47"E, A DISTANCE OF 786.35 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1423.08, AND AN ARC LENGTH OF 250.87 FEET TOGETHER WITH A CENTRAL ANGLE OF 10°06'02" TO A POINT; THENCE N16°19'25"W, A DISTANCE OF 563.54 FEET TO A POINT; THENCE N65°27'52"E, A DISTANCE OF 94.09 FEET TO A POINT; THENCE N16°36'58"E, A DISTANCE OF 59.12 FEET TO A POINT; THENCE N64°20'19"E, A DISTANCE OF 135.87 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING AN AREA OF 3.432 ACRES. MORE OR LESS.

TRACT B

A TRACT OF LAND LYING AND BEING SITUATE WITHIN SECTIONS 6, T16N, R9E, AND BEING A PORTION OF S.H.C. 435, TRACT 3, N.M.P.M., DESIGNATED AS TRACT "B" IN SANTA FE COUNTY, STATE OF NEW MEXICO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THIS TRACT FROM WHENCE A U.S.G.L.O. BRASS CAP MARKING TR1 OF P.C. 1255 1/2 AND CLOSING CORNER OF SECTION 6, T16N, R9E, N.M.P.M. BEARS N07°01'17"W, A DISTANCE OF 2532.16 FEET;

THENCE FROM SAID POINT AND PLACE OF BEGINNING S15°29'21"E, A DISTANCE OF 439.82 FEET TO A POINT; THENCE S73°27'17"W, A DISTANCE OF 206.45 FEET TO A POINT; THENCE N16°32'43"W, A DISTANCE OF 564.11 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1321.08 FEET AND AN ARC LENGTH OF 248.36 FEET, TOGETHER WITH A CENTRAL ANGLE OF 10°46'17" TO THE POINT AND PLACE OF BEGINNING.

CONTAINING AN AREA OF 2.453 ACRES. MORE OR LESS.



Exhibit A, Page 1 of 1

Aguafina Rezoning to R-5-Conditions of Approval
 City Council
 Case #2012-104 – Aguafina Rezoning to R-5

Conditions	Department	Staff
<p>Review comments are based on submittals received on August 15, 2012. The comments below should be considered as Conditions of Approval to be addressed prior to subsequent submittal unless otherwise noted:</p> <ol style="list-style-type: none"> 1. The Developer shall provide an access from Tract "C" to Rufina Street, aligning the intersection with the proposed access to Tract B. Both accesses shall be partial accesses providing Right-in, Right-out, and Left-in turns only; 2. The Developer shall provide a traffic analysis of the access points to Rufina Street to determine if deceleration and/or acceleration lanes are needed and if so how long they should be; 3. The Developer shall plan this development so that it allows future access to the west that corresponds with proposed access to the east from the approved Cielo Azul Subdivision. We required the Cielo Azul developers to provide stub-outs so that their roadway network can connect to the east. The Developer shall indicate on the subdivision plat and development plan, the locations of these future Right-of-Way accesses and stub-outs (ghost lines) to the west; 4. We have reviewed a conceptual design of a subdivision that indicates a proposed access and utility easement. At such time as a submittal is made for a subdivision plat and/or a development plan, the proposed roads shall be built to City of Santa Fe standards and dedicated as public right-of-way. 	Traffic Engineering	John Romero/ Sandra Kassens
<p>The Fire Marshal conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) 2009 Edition. Below are the following requirements that shall be addressed prior to final approval of a subdivision plat.</p> <ol style="list-style-type: none"> 1. Shall Comply with International Fire Code (IFC) 2009 edition. 2. Shall meet fire department access for R-5 zoning as per IFC 2009 edition, and have two points of access. 3. Shall meet fire protection requirements for R-5 zoning as per IFC 2009 edition. <p>The subject property is accessible to the City sanitary sewer system and connection to the City sewer system is mandatory and shall be made prior to any new construction. Additionally, the following notes shall be included on the plat:</p>	Fire	Ray Gonzales
<p>Wastewater Utility Expansion Charges (UEC) shall be paid at the time of building permit application.</p> <p>Based on the latest SFHP requirements, 20% of the proposed 21 lot subdivision must be designated affordable which is 4.2 (21x.2=4.2). The 0.2 lot can be satisfied by providing another lot or paying a fractional fee. The affordable lots must be spread out and not clustered.</p>	Wastewater	Stan Holland
<p>A completed SFHO proposal is required prior to review of the plans by staff prior to Planning Commission approval of the Final Plat. A Santa Fe Housing Program (SFHP) Agreement shall be signed and recorded with the Final Plat. The affordable lots shall be designated on the plat.</p>	Affordable Housing	Kym Dicome/ Alexandra Ladd

Aguafina Rezoning to R-5-Conditions of Approval
 City Council
 Case #2012-104 – Aguafina Rezoning to R-5

Conditions	Department	Staff
There is no location shown for stormwater ponding as required by the Land Development Code. All applicable requirements of Article 14-8.2 must be met if the project goes forward after the rezoning.	Technical Review	Risana "R.B." Zaxus
Section 14-8.15(C)(2) SFCC 1987 requires land to be dedicated for neighborhood parks. The conceptual site plan that has been provided does not address any park dedication. The applicant shall provide park area for the development as part of the subdivision plat process, or commit to payment of park impact fees, in order to comply with this Land Development Code requirement.	Current Planning	Heather Lambooy



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
MARCH 13, 2013
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 3-8-13 TIME 3:15 pm

SERVED BY _____

RECEIVED BY _____

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SALUTE TO THE NEW MEXICO FLAG
4. INVOCATION
5. ROLL CALL
6. APPROVAL OF AGENDA
7. APPROVAL OF CONSENT CALENDAR
8. APPROVAL OF MINUTES: Reg. City Council Meeting – February 27, 2013
9. PRESENTATIONS
 - a) Employee of the Month for March 2013 – Matilda Shamy-Arguello, Wastewater Management Division. (5 Minutes)
 - b) Proclamation – Henry Romero, Public Works Project Administrator, Public Works Department, Facilities and Maintenance. (5 minutes)
 - c) Preliminary Economic Feasibility Assessment of a Publicly-Owned Electric Utility for the City and County of Santa Fe. (Nick Schiavo, Mitchel Stanfield, MSA Capital Partners and Mariel Nanasi, New Energy Economy) (5 minutes)
10. CONSENT CALENDAR
 - a) Request for Approval of Memorandum of Understanding – Consulting Services to Complete Comprehensive Solid Waste Management Assessment/Study; Santa Fe Solid Waste Management Agency. (Cindy Padilla and Lawrence Garcia)
 - 1) Request for Approval of Budget Adjustment – Solid Waste Management Fund.



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
MARCH 13, 2013
CITY COUNCIL CHAMBERS

G. APPOINTMENTS

- Santa Fe Sister Cities Committee
- Bicycle and Trail Advisory Committee
- Children and Youth Commission

H. PUBLIC HEARINGS:

- 1) Santa Fe Tea House, LLC has Requested the Issuance of a Restaurant Liquor License (Beer and Wine on-Premise Consumption Only) to be Located at The Teahouse, 944 East Palace Avenue. (Yolanda Y. Vigil)
- 2) Request from the National Dance Institute of New Mexico (NDI New Mexico) for a Waiver of the 300 Foot Location Restriction and Approval to Allow the Dispensing/Consumption of Wine and Champagne at the NDI Dance Barns, 1140 Alto Street Which is Within 300 Feet of Aspen Community Magnet School, 450 La Madera. The Request is for NDI New Mexico's Annual Gala to be held on Saturday, May 4, 2013 from 5:00 p.m. to 11:00 p.m. (Yolanda Y. Vigil)
- 3) CONSIDERATION OF BILL 2013-08: ADOPTION OF ORDINANCE NO. 2013-____. (Councilor Bushee and Councilor Calvert)
An Ordinance Related to Camping on City Property; Amending Section 23-4.11 SFCC 1987 and Creating a New Section 23-4.12 SFCC 1987 to Prohibit Camping or Lodging in Parks, Unless a Permit is Obtained from the City; and Prohibiting Camping on All Other City Property. (Alfred Walker)
- 4) CONSIDERATION OF BILL NO. 2013-12: ADOPTION OF ORDINANCE NO. 2013-____.
Case #2012-104. Aguafina Rezoning to R-3. JenkinsGavin Design and Development, Agent for Aguafina Development, LLC, Requests to Rezone 5.89± Acres from R-1 (Residential, 1 Dwelling Unit Per Acre) to R-3 (Residential, 3 Dwelling Units Per Acre). The Property is Located South of Agua Fria Street and West of Calle Atajo, at 4702 Rufina Street and 4262 Agua Fria Street. (Heather Lamboy)

I. ADJOURN

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CONSIDERATION OF BILL 2013-08: ADOPTION OF ORDINANCE NO. 2013-12. <u>CASE #2012-104</u> . AGUAFINA REZONING TO R-5. JENKINS GAVIN DESIGN AND DEVELOPMENT, AGENT FOR AGUAFINA DEVELOPMENT, LLC, REQUESTS TO REZONE 5.89± ACRES FROM R-1 (RESIDENTIAL, 1 DWELLING UNIT PER ACRE) TO R-5 (RESIDENTIAL 5 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED SOUTH OF AGUA FRIA STREET AND WEST OF CALLE ATAJO, AT 4702 RUFINA STREET AND 4262 RUFINA STREET	Approved a/a w/conditions	21-35
MATTERS FROM THE CITY CLERK	None	35
COMMUNICATIONS FROM THE GOVERNING BODY	Information/discussion	35-38
ADJOURN		38

**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
March 13, 2013**

AFTERNOON SESSION

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor David Coss, on Wednesday, March 13, 2013, at approximately 5:00 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance, Salute to the New Mexico flag, and the Invocation, roll call indicated the presence of a quorum, as follows:

Members Present

Mayor David Coss
Councilor Rebecca Wurzburger, Mayor Pro-Tem
Councilor Patti J. Bushee
Councilor Christopher Calvert
Councilor Bill Dimas
Councilor Carmichael A. Dominguez
Councilor Peter N. Ives
Councilor Christopher M. Rivera
Councilor Ronald S. Trujillo

Others Attending

Robert Romero, City Manager
Geno Zamora, City Attorney
Yolanda Y. Vigil, City Clerk
Melessia Helberg, Council Stenographer

6. APPROVAL OF AGENDA

Robert Romero said staff is asking to postpone Item 10(e) on the Consent Agenda, because a funding source has not yet been identified.

Councilor Wurzburger asked to add a new 9(d) under presentations for a special presentation to Theater Grottesco.

MOTION: Councilor Bushee moved, seconded by Councilor Wurzburger, to approve the agenda, as amended.

The Public Hearing was closed

MOTION: Councilor Bushee moved, seconded by Councilor Calvert, to adopt Ordinance No. 2013-11, as presented by staff.

DISCUSSION: Councilor Bushee explained that this isn't meant to prohibit activities, such as at the Railyard, as long as they get a permit. She said there are quite a few sections of City owned land and rights-of-way along the road off Hyde Park where people are parking and camping unlawfully, and having campfires. She said that is problematic in these dry weather conditions.

Councilor Calvert noted this is also happening in other areas such as in the Northwest Quadrant.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera and Councilor Trujillo.

Against: None.

Explaining his vote: Councilor Trujillo said, "Yes, and Robert being that we just passed this one, I want to tell you right there on the Rail Trail between Alta Vista and 5th Street, right along the middle, there's a little section there where's this little arroyo, I don't know which one it is, deep in the back there are people camping there. People see it every day and we contacted them a few weeks back, but they're back. So, just for your information.

- 4) **CONSIDERATION OF BILL NO. 2013-2: ADOPTION OF ORDINANCE NO. 2013-12. CASE #2012-104. AGUAFINA REZONING TO R-5. JENKINS GAVIN DESIGN AND DEVELOPMENT, AGENT FOR AGUAFINA DEVELOPMENT, LLC, REQUESTS TO REZONE 5.89± ACRES FROM R-1 (RESIDENTIAL, 1 DWELLING UNIT PER ACRE) TO R-5 (RESIDENTIAL 5 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED SOUTH OF AGUA FRIA STREET AND WEST OF CALLE ATAJO, AT 4702 RUFINA STREET AND 4262 RUFINA STREET. (HEATHER LAMBOY, CASE MANAGER).**

A Memorandum prepared February 19, 2013, for the March 13, 2013 City Council Hearing, with attachments, to Mayor David Coss and Members of the City Council, from Heather L. Lamboy, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "3."

A copy of Ms. Lamboy's report statement for the record is incorporated herewith to these minutes as Exhibit "4."

A copy of a letter to the Mayor and City Councilors, with attached email, dated December 2, 2013, from Jennifer Jenkins, entered for the record by Linda Wilder Flat, is incorporated herewith to these minutes as Exhibit "5."

An aerial photograph and an aerial map, entered for the record by Jennifer Jenkins, are incorporated herewith collectively to these minutes as Exhibit "6."

Mayor Coss said, "And I understand this is a *de novo* hearing now, Geno." Mr. Zamora said, "That's correct. It'll be a full hearing, like it was the last time it was heard by this governing body."

Ms. Lamboy read her report [Exhibit "4"] into the record as follows:

Overview for Aquafina

On December 6, 2012, the Planning Commission found that all criteria for a rezoning have been met with the recommendation that the tracts be rezoned to R03 instead of the originally requested R-5.

At the City Council hearing on January 30, 2013, the City Council denied the applicant's request for rezoning, finding that the criteria for a rezoning were not met after hearing the public comment on the case.

At the following Council hearing, on February 13, 2013, the Council voted to rescind the denial and to rehear the case today.

Since the February 13 hearing, the applicant has formally modified the application to request R-3 instead of the originally requested R-5.

Staff would like to remind the Council that what is being considered tonight is a rezoning of the parcels adjacent to Rufina Street from R-1 to R-3. The separate parcel that is currently zoned R-5 (located north of Powerline Road) is not part of this application.

Visual aids may be presented tonight to give the Council an idea of how density may look as the parcels are subdivided. Please be aware that the Planning Commission has not reviewed either a Preliminary or Final Subdivision Plat, nor has the Development Review Team commented on these concept plans. The request before you this evening is only the rezoning of approximately 5.89 acres from R-1 to R-3.

The Planning Commission recommends CONDITIONAL APPROVAL for R-3 for Tract B and Tract C-2 as outlined in the rezoning bill.

Public Hearing

Presentation by the Applicant

Mayor Coss gave the Applicant 10 minutes to present their case.

Jennifer Jenkins and Colleen Gavin, JenkinsGavin Design and Development, 130 Grant Avenue, Suite 101, were sworn.

Ms. Jenkins, referring to Exhibit "6," said, "We are here this evening on behalf of Aguafina Development, LLC, in request for R-3 zoning, of approximately 5.89 acres located adjacent to Rufina Street that is shown 'here.' It's kind of hard to see but they're outlined in blue 'here' and then there's another parcel on the south side of Rufina here. 'This' is a point of contact. 'This' is the Las Acequias Neighborhood 'here,' and Lopez Lane is down 'here.' 'This' is the traffic signal at Calle Atajo."

Ms. Jenkins said, "We would like to show you a visual aid to share with you what our vision is for the property that we would pursue through a subdivision platting process if we are successful in achieving R-3 zoning this evening. And I'm going to go ahead and approach. I think it's difficult to utilize this, so we're going to pull up some boards."

Ms. Jenkins continued, "So this is also up on the screen, but just again, as a point of context, 'these' two parcels 'here' are the subject of tonight's application, 'these' two parcels, 'this' is about 3.4 acres, 'this' one's about 2.4 acres. They are currently zoned R-1. And with the R-3 zoning, the vision would be an 8 lot subdivision 'here' served by a private lot, access driveway, an 8 lot subdivision 'here,' also served by a private lot, access driveway. I'm also showing 'this' parcel 'here,' which is a 5.6 acre parcel that happens to be owned by the same owner of these parcels. And I'm showing this for illustrative purpose to reflect the communications. We've been meeting quite a bit with the Las Acequias Neighborhood, conferring with them to see if there was something we could achieve which was a win-win situation for everybody with respect to the property."

Ms. Jenkins continued, "This parcel, as Heather mentioned, is already zoned R-5. 'This' parcel permissibly would be 32 lots. We don't want to put 32 lots there. It's never been the intent. It's never been the vision. It's never been the program for this particular property owner. With R-3 'here,' we will be able to keep the density down 'here' as well. That's what we are able to accomplish with that."

Ms. Jenkins continued, "And so, in our communications with the neighbors, with the ability to access this property from Agua Fria, which is where it has frontage, the ability to serve this property with a private lot access driveway, we are able to keep the density what we're reflecting here. So, if we are successful this evening, our next step would be a subdivision plat. We plan to take all 3 tracts through the subdivision process simultaneously, and again, the caveat to this plan, obviously is the R-3 zoning 'here,' and again the ability to access these 3 little, 8-lot subdivisions, if you will, to access them via private lot access driveways with base course surfacing."

Ms. Jenkins continued, "We're not proposing any access at the Power Line Easement. That is eliminated. That 'ship has sailed.' The Council was very clear at our hearing in February that they did not want to see any access 'here,' so we have completely removed that from the plan, which sort of informed how this design came about. So, with that, I think we'll just leave it at that for the moment. I think that covers the high points, and be happy to stand for any questions."

Questions from the Governing Body

Councilor Rivera said the Fire Department typically requires two means of egress, and he doesn't see that here.

Ms. Jenkins said, "It's my understanding, Mayor, Councilors, that you can serve up to 30 dwellings with one means of egress and ingress. So, with doing just 8 lots each, there shouldn't be an issue with the emergency access.

Councilor Rivera asked if this has been cleared with the Fire Marshal.

Ms. Jenkins said there are earlier versions of this plan, and Ray Gonzales had looked at those plans, and there were similar concepts to this early on.

Councilor Rivera noted one of the residents on the other side of the property used Power Line Road to get in and out, and asked if he will still have access.

Ms. Jenkins said that is Mr. Tapia. She said, "We actually platted him an easement, just a narrow little 15 ft. easement only for the benefit of his property, so it's something that is private. It does not allow for any sort of cut-through traffic, or anything of that nature, but we have platted that easement to formalize his access."

Councilor Ives said Ms. Lamboy's Memo in the packet, notes that the Planning Commission recommended, "An emergency access shall be provided to the site from Agua Fria Street."

Ms. Jenkins said, "That was an earlier version of the plan where the R-5 parcel to the north only had access from Rufina. So we were accessing that entire stretch of property north of Rufina, only from Rufina. So in that program, they did want a secondary emergency access to Agua Fria. In this scenario, it wouldn't be necessary."

Councilor Dominguez asked Ms. Jenkins, "Do you have a handout of that."

Ms. Jenkins said no, she didn't bring reduced copies of that. She said, "I would be happy to provide that.."

Councilor Dominguez asked, "If there is any way, just for the hearing tonight, Geno, that we can identify that as Exhibit A or something, just to make it very clear."

Mr. Zamora said yes.

Mr. Jenkins said, "And we can provide this. We always provide all of our visual aids to the recorder, so that can be part of the record [Exhibit "6"]."

Speaking to the request

All those speaking were sworn en masse.

Linda Wilder Flatt, Las Acequias, 950 Vuelta del Sur [previously sworn]. Ms. Flatt said the Governing Body just received a letter from the Las Acequias Association and Board [Exhibit "5"].

Ms. Flatt said, "This has been a long process. You guys have seen us quite a bit, and we're hoping this resolves everything. I would like to say this meeting tonight is very important, because this rezoning decision will set the stage for what happens with the 11 ½ acre parcel, Aguafina. You see the 9 listed conditions below [Exhibit "6"]. We believe, and we want to clarify the exact conditions we have set down in order for us to feel safe and guaranteed that the property will be developed as promised when it is rezoned to R-1. Unless all of the conditions listed below be made legally binding and enforceable in this actual plat, we will not have any guarantee that anything will be followed through with, from the owner, the JenkinsGavin Design Team or the buyers that purchase any one or all of the 24 lots as shown in the Jenkins/Gavin new plan."

Ms. Flatt continued, "I'm not going to read any more, but I would like for you to know that the most important thing is Number 1, is that we must be guaranteed that all conditions and restrictions will cover both pieces of land, both north which is R-5 and in the County at this time, and the one that you're deciding on tonight for R-3, which is the southern part. We must be guaranteed that that it will be legally binding and enforceable for being in the plat and that it will be on the record for all 11½ acres as one property. Thank you."

William Mee, 2073 Caminos de la Montoya, Agua Fria Village [previously sworn]. Mr. Mee said, "My concerns have basically been taken care of with Linda Flatt's Las Acequias letter [Exhibit "6"], and it will be on Section 9, which addresses the access to Agua Fria Street. There's a precedent that none of the City subdivisions actually enter Agua Fria Street, but we are willing to break that precedent with this particular subdivision with only 8 lots having access to Agua Fria, and then there would be an emergency gate between those 8 lots and the next 8 lots, which would then access Rufina. And the County Public Works Department has issued a conditional driveway permit to JenkinsGavin based on, if they fill in the plat with restrictions that cover number 9 in the Las Acequias letter [Exhibit "6"]. So, we're okay with it because it is such minimal use. Thank you."

Response by Applicant

Ms. Jenkins said, "I'm seeing this for the first time. A lot of this is not unexpected, but there are a few items that would be important to access. We are absolutely not in agreement to restrict guest houses. These are generous lots. They range from 3/4 acre to 1/3 acre. They're the largest lots in the vicinity. And the City Code permits accessory dwelling, mother-in-law units, and so we do not believe that is a fair request."

Ms. Jenkins said, "We are in agreement to, obviously as you can see from the plan we showed you, that there be no access via Power Line, except for Mr. Tapia and his family. We do not believe it is our responsibility to construct a gate. If that's something that Mr. Tapia chooses to do for his access, I think that would be... I don't think we're in a position to impose something on Mr. Tapia with respect to his access."

Ms. Jenkins said, "We are happy to work out something with respect to #6, regarding, when we go through the subdivision phase, if the City would prefer to provide park area, or would prefer us to provide Impact Fee funds. The City has already said they would prefer land at this point, but we can work that out at the subdivision stage. We do not feel it is our responsibility to fund a wall on Power Line, when we're not even using Power Line."

Ms. Jenkins said, "We are in agreement with the rest of these items, and just making it clear that the visual aid that you see before you, the concept that we would love the opportunity to implement, is contingent on a couple upon a couple of things. It's contingent upon our getting access to Agua Fria from the north parcel which we have already addressed with the County Clerk [inaudible] and we're able to serve each of these 8-lot subdivisions with private base course lot access driveways. That's how this is viable. And so we are in agreement with everything else listed in the letter, so I'd be happy to stand for more questions. Thank you."

Remarks from the Las Acequias Neighborhood Association

Ms. Flatt said, "I would like to explain a little bit further. We felt that, and I talked with Carmichael Dominguez before, that the situation with having park property was a decision that we also had a voice in, because we were right next to the property. And what we are requesting is, rather than having a small park in where they are, we would rather have the money put toward the wall, that would go along.... and that would help our park, if that makes sense."

Mayor Coss said then it would be an improvement to the park.

Ms. Flatt said, "It would be an improvement to the park, and it would certainly help the poor people that would be behind that wall, because it would stop the noise from the park. That is what we're willing to give, or to want for the park, which is what we would be asking for which would be park improvements."

Ms. Flatt continued, "I would like to correct one thing. I don't believe... I was sort of listening to William when he was saying that there would be an emergency exit to the south of those north 8 lots. Is that correct William."

Mr. Mee said, "Yes."

Ms. Flatt said, "Okay. That would go across the driveway from Mr. Tapia, and the other part that I feel is the responsibility of everybody involved, is to help support Mr. Tapia, in that he has the right-of-way across that easement on Power Line Road. And we felt, as an Association, we were trying to support his benefit in saying that there should be fencing along each side of that drive back to where he is and across Aguafina, so there is no access for the Aguafina people to get onto his road. Does that make sense. Okay. The second part to that is, we felt that because of the situation, a part of the money that would have been dedicated for the park preservation or upkeep or whatever, would be the wall and the second part would be that iron gate, because that would keep people from parking along the side of the park, which we've had a great deal of problem with. So part of that money would go toward that gate so that Mr. Tapia would have the ability to be able to get and out or all of his people get in and out. Does that make sense."

Ms. Flatt continued, "Let's see. I think everything else... the other thing is the guest house. One of the things that our Committee was concerned about was, is that we oftentimes see that a guest house ends up being split into another section on the property, where they end up having two individual families living on a one-family unit dwelling property. Does that make sense too. Okay."

Mayor Coss said, "Yes."

Ms. Flatt said, "Yes. The other thing is that we did cross out, as you see, on requiring homes have a permanent foundation, whether it be stick built or modular. Jennifer did say, in her last meeting, that she would attempt to have it set so there would be no manufactured homes if that was written in the covenants and in the information for the subdivision. Was there anything else Jennifer. Okay. We could share."

Ms. Jenkins said, "We are in agreement that obviously stick built homes will be on a permanent foundation. We're also in agreement, if there are modular homes or manufactured homes they will also be on a permanent foundation. We are not discriminating against what people may want to put there, but we have very strict architectural guidelines and covenants that address that. And we talked about those at the last hearing. And so everything will be at-grade and stuccoed and all these types of provisions to make sure it is an attractive neighborhood. And we know we are going to have stick built product in the neighborhood. We may have manufactured or modular homes in the neighborhood – we don't know for sure. But our goal is to make sure all that works cohesively and harmoniously together via the architectural guidelines that we're implementing. I think that's it. Thank you."

Ms. Lamboy said, "I am having a big concern here, because we are considering a rezoning this evening, which, we're trying to determine whether something is appropriate. There has been a lot of work

that the Las Acequias Neighborhood Association has put into this development, and I do laud them for their involvement. However, a lot of these are conditions that are dealt with at a site plan level.”

Ms. Lamboy continued, “With reference to the guest house issue, it’s quite possible, and actually staff has brought this up with the applicant whether no lots splits would be allowed and a note be placed on the plat. These are some issues that can be solved quite simply. But there’s danger there too, that in dealing with the street sizes and the street types, those have not been reviewed by Mr. Romero. Mr. Romero is here tonight to speak to these issues, but we have not had the benefit of the Development Review Team to be completely involved in this.”

Ms. Lamboy continued, “Another issue to remember, with reference to parks, is that there is a trail, the Acequia Trail that traverses the Power Line Road and connects to Cielo Azul to the west, where there is an easement that is already dedicated. And so, at some point in the site plan review, it would be appropriate for staff to make sure that there’s connectivity, at least pedestrian connectivity up from Agua Fria Road all the way through to Rufina, allowing the residents of this development to connect to the park facility that, if Las Acequias were to benefit from the funds, then the residents ought to benefit from something as well.”

Ms. Lamboy continued, “These are all site plan issues that can be worked out, at the Planning Commission level, but what is before the Council tonight is whether the density is appropriate and whether this is right for this part of town. And our Southwest Area Master Plan and our Code does provide for this density and is contemplated in our General Plan.”

Kelley Brennan, Assistant City Attorney, said, “I wanted to reinforce what Heather said, that this is a rezoning. A subdivision and development plan approval would come before the Planning Commission, and many of these comments should be addressed in that context. I understand that the Applicant has agreed, as a condition, if zoned to R-3, to develop the other parcel to R-3, and to make some design concessions. Those are things that are being offered up, but you cannot start tonight. It hasn’t been advertised. It’s not within the jurisdiction, right now, of this Council to impose a lot of these conditions on rezoning.”

Mayor Coss said we might want to ask which ones we can impose right now, and which ones we can’t.

Councilor Bushee said, “That’s where I was headed, before even Heather stood up, is exactly what we can apply as a condition of approval, and also noting they could go out and strike up their own kind of contract or agreement with the applicant or developer, apart from what we can condition. So I guess, I’d like to be really clear before we vote on anything, what exactly we can condition approval on, in terms of the rezoning. “

Ms. Brennan said, "The applicant has offered a number of things, specifically, as I recall to develop the other parcel, now zoned R-5, to the R-3, and then to bring them forward as a single parcel and to address the road issues that were identified at the last hearing for the neighborhood."

Councilor Bushee would like these spelled out very clearly, noting we have the letter from the Neighborhood Association [Exhibit "5"], but we don't have clearly what the applicant has agreed to, to impose as a condition of approval, and how these are carried forward to the plat and development review stage, so we can be sure the thing they want most, which is a guarantee that restrictions would cover both pieces and would be legally binding and legally enforceable. She asked how that will be recorded, noting it would matter in terms of our decision in the rezoning being presented tonight.

Ms. Brennan said, "She has offered that, and you can accept that offer and do a rezoning."

Councilor Bushee asked, "How is that somehow recorded – just through our rezoning vote tonight. Does it go onto the Plat. And then the other road issues. Can you address those as well. I'm assuming we're limited on all the other design issues and park issues and the like."

Ms. Brennan said, "I think the Power Line Road issue is something that is identified as something that the applicant has offered."

Responding to Councilor Bushee, Ms. Brennan said, "I think the applicant is the person who can explain what they are offering, to accept as conditions to the rezoning of the subject parcel to R-3."

Councilor Bushee asked how the Neighborhood Association is guaranteed that those are conditions and how they're placed.

Ms. Brennan said, "It's a condition of the rezoning, and it will be carried forward in the record, and when they come forward for Planning Commission approval, those would be reflected in the application."

Councilor Bushee said, "And so a lot of this other stuff will be dealt with through private contract, through covenants or what have you."

Ms. Brennan said, "And yes, before the Planning Commission Review process."

Councilor Bushee said, "Okay. So maybe I can hear from Jennifer what actually you are willing to impose as conditions."

Mayor Coss asked Councilor Dominguez if he has remarks, and he said no.

Ms. Jenkins said, "I do want to acknowledge staff's concerns. This is a conceptual site plan and we're not here doing subdivision today. However, we all know that with rezone applications, you can't really talk about a rezone until you know what the plan is, and that is why we have tried to be very

transparent and forthcoming throughout this entire process with our concepts, which changed a little as we got feedback from staff about different access requirements and everything.”

Ms. Jenkins continued, “So this is where we have sort of ended up, with respect to our request this evening. So, with respect to the parcels that are the subject of tonight’s hearing, which are the 3.4 acre parcel “here,” and the 2.4 acre parcel on the south side of Rufina. Oh, I’m sorry, can we have the screen on, there we go. So again, this map is also what you see down here, so this is the 3.4 little over acre parcel here and the 2.4 ‘here.’ What we would like the opportunity to do when we come in for subdivision is to two, 8-lot subdivisions that are served by base course lot access driveways. Those two things go together. You can’t separate them. That is a critical part of this, and we’ve been very candid and up front with Las Acequias as well throughout this process about... they like this plan, we like this plan. I think there was some general consensus about this plan here. And with the ability to do that on these parcels we’re talking about tonight, it enables us to keep the density low on the northern R-5 parcel as well. And it’s just because these parcels happened to be under the same ownership.”

Ms. Jenkins continued, “It is my understanding that we can’t place a condition on a neighboring parcel as a result of the rezoning, but I have been very candid, and very much on record about this being our intent. And my hope is, that as we move through the subdivision process, we are able to accomplish this. This is what we want to do. This is what the neighbors want us to do.”

Councilor Bushee said, “The neighborhood is treating it as one subdivision plan for 11½ acres. Jennifer is mentioning the 3.4 and a 2.4 and not mentioning the other... has this been advertised.”

Councilor Dominguez said he heard the Applicant say earlier they would be willing to treat all 3 in one subdivision application.

Councilor Bushee said, then we don’t need to rezone the other anyhow.

Ms. Brennan said, “You can’t rezone the other right now. It does not need rezoning. They have agreed to develop it to a lower intensity and that will be...”

Councilor Bushee said, “We’re a step ahead of ourselves with the discussion of how the neighbors want to proceed. But it is essentially lowering the density overall, which is the main thrust of what the neighborhood would like to get out of this rezoning. Although, I think the road issues are key, and I’m not really getting that in writing anywhere from anybody, other than the Neighborhood Association. I just want something spelled out for the record, for all of us, to know what we’re voting on. The conditions of approval. Still not there yet.”

Ms. Jenkins said, “With respect to the Power Line easement, we find it incredibly acceptable to say that none of the Aguafina lots would be entitled to access to Power Line easement. And as a condition of the rezone, we would be happy to agree to that, and that’s also something we would definitely put on the subdivision plat.”

Councilor Bushee said, "Okay. And on Agua Fria."

Ms. Jenkins said, "We currently have a condition, if you will, sort of agreement with the County Public Works Department. Santa Fe County controls that stretch of Agua Fria, so we had to work directly with them about the possibility of accessing this property. And their caveat is, they're comfortable, as Mr. Mee stated, Santa Fe County is comfortable with allowing access to Agua Fria for that northern parcel as long as it is limited to 8 lots."

Councilor Bushee said, "And you're in agreement essentially with the language."

Ms. Jenkins said yes.

Councilor Bushee said, "Thirdly. Do we deal with parks here at all, or are we ahead of ourselves again."

Ms. Jenkins said we probably are a little ahead, noting that is at subdivision.

Councilor Bushee said, "It came up in the last hearing and that's why I'm wondering where we are with that, and I think that's all we can address here."

Ms. Brennan said, "Parks would be part of the planning process. And also, in further answer to your question about how this is embodied, we will do Findings of Fact and Conclusions of Law to embody your decision."

Councilor Bushee said, "I do recall the first hearing discussing parks and parks dedication and the City's request for land, and so I'd like to be as clear as we can be on this."

Ms. Brennan said, "There is a condition in your staff report, relating to parks that requires land to be dedicated for neighborhood parks. The conceptual site plan that has been provided, does not address park dedication. The applicant should provide park area for the development as part of the subdivision plat process, or commit to payment of park impact fees in order to comply with the Land Development Code requirement."

Ms. Flatt said, "Jennifer and her group, we have worked together. I'm not trying to present this and make it sound like we're presenting all this stuff that isn't a part of what we've discussed. The reason that I presented all of this, I was told by several people, legal people, that it is important for us to make sure that during this rezoning process, because it is only for one part of it, that we make it very clear that the whole thing needs to work together as one subdivision. That's one thing. And the second part is, is that all of these conditions are very important to us and it is an integral part, I think, of making it successful, and I

wanted it entered as a part of the record. And what Patti was asking is very true. Even though it's not really applicable to tonight's discussion, it is important and it needs to be recorded, and that's why I did the presentation."

Mayor Coss said, "That helps. Thank you."

Councilor Dominguez asked Ms. Brennan, "In terms of Findings of Fact and all that legalese stuff, would it still be appropriate enough for us to articulate some of these requests that aren't required for rezoning, maybe not accepted, but considered at the next phase. Just so that we make sure that we get it part of the record and it's not just a testimony, but that it be part of the Findings of Fact and Conclusions of Law."

Ms. Brennan said, "I think you can ask the Planning Commission and any other reviewing body to consider the concerns of the neighborhood as expressed tonight." Responding to Councilor Dominguez, Ms. Brennan said you could make a Finding and a recommendation.

The Public Hearing was closed

MOTION: Councilor Dominguez moved, seconded by Councilor Rivera, to Adopt Ordinance No. 2013-12, approving Case #2012-104, and "along with that approval are the conditions that the applicant has agreed to, one of them is that the parcel to the north of Power Line Road be 8 lots as it's been articulated in the presentation by the applicant; limited access to Agua Fria; that Power Line Road also not be used as an access for the applicant or for the development or any other lots actually; essentially that one subdivision plan will be provided for all 11 ½ acres, asking if this is something we can do and Ms. Brennan said the applicant has agreed to that;" and with all conditions of approval as recommended by the Planning Commission, "and if there's anything that's conflicting that they be resolved appropriately."

DISCUSSION: Councilor Ives said, "And on that point, presumably, the emergency access from Agua Fria Street, if we're talking about that design doesn't apply."

Ms. Brennan said, "To the extent that this body's decision creates conditions that conflict with the Planning Commission's, this body's decision would control."

Councilor Dominguez said, "Okay, well then, there you go. Is that clear."

Ms. Brennan said it is clear.

DISCUSSION: Councilor Dominguez said, "So, then I guess, all the other things, I just want to make sure that that they're part of the record and findings, but I'll address those after."

Councilor Dominguez continued, "Let me just continue real quick, and maybe the second wants to speak to that. I just want to make sure that the Planning Commission and the applicant really consider the idea of requiring that all homes be on a permanent foundation, etc., I think that stuff has been articulated by the neighborhood already. I also want for the applicant to consider what the neighborhood has said with regards to the park and the monies that maybe would be allocated for the park, that they be used for some of the other amenities that they're looking at. And the other stuff, like Items #7 and #8, are really part of the covenants. Maybe the applicant can make sure that they work with the neighborhood to strengthen the covenants. We're really going to rely on the neighborhood to make sure that the covenants are followed, and that would even pertain to the idea that we have guest houses. The neighborhood is really going to have to make sure that the City is following the rules that we have in place with regard to guest houses, so I just want to make that part of the record as well. And I think that's it."

Councilor Rivera thanked Ms. Jenkins and the Neighborhood Association for getting together, and really listening to the concerns of this Council, and for you listening to the concerns of the neighbors, and for coming up with "what I think is a very reasonable plan, and for being transparent on what you plan to do with the northern piece is very helpful for my vote personally."

Councilor Rivera said, "What I wanted to do is to clarify and it's something that Councilor Ives brought up, but the emergency access off Agua Fria was only when the road was going to stretch from Rufina all the way to Agua Fria."

Ms. Jenkins said, "Yes. And I actually have a plan in here in my presentation that shows that. But yes, we had an earlier version of this when we were connecting to Power Line Road. We had no access to Agua Fria because of the quantity of lots, and we realized that probably wasn't going to be a reasonable solution, and we would end up creating a through street between Rufina and Agua Fria, and nobody wants that. And so, in the earlier version of the plan, when we met with Ray Gonzales, he said we're going to be serving this property in terms of emergency response from that Agua Fria Station. And so, that's when the emergency access was necessary."

Ms. Jenkins continued, "Under this program we have regular, full access to Agua Fria, so a secondary emergency... and Ray's perfectly comfortable serving 8 lots with a generous emergency turnaround, of course per his standards, and plenty of room to back up."

Councilor Rivera said then the recommendation made by the Planning Commission or staff, is a moot point.

Ms. Jenkins said it is not applicable, based on the program they are showing tonight.

Councilor Rivera said, "Mr. Mee was saying one thing about emergency access between the two turnaround points."

Ms. Jenkins said, "That hasn't come up yet. If that's something that Ray felt was important we could look at that. Based on my experience, I don't see that it's something he's going to want, but he might. And obviously, through the subdivision process, we'll be meeting with Ray and exploring that. What we like about this plan, is it really keeps Power Line Road out of the mix. There's no opportunities for cut-through traffic. And so, if that's something that Fire Marshal Gonzales wanted, we would just have to be very strategic about how we did that, because again, we don't want to encourage any traffic getting onto the Power Line Easement. It hasn't come up at this point, that it's necessary, but again, through the subdivision process, we will work that out with the Fire Marshal."

Councilor Rivera said in Ms. Jenkins initial presentation, she said that was not an option, that you were not going to have emergency access.

Ms. Jenkins said, "No. It's not our preference and I don't believe it will be necessary, per my understanding of the International Fire Code and access provisions."

Councilor Rivera said he believes she is right.

Councilor Ives said, "My recollection from our last time on this matter, was that the Power Line Easement was actually an easement held by the City, is that correct?"

Ms. Lamboy said, "The Power Line Easement was recently dedicated through the lot split process that separated the R-5 parcel from that lower tract. And previously, there was no formal easement that was there. There was an informal drive, to the north of Las Acequias Park, was used by Mr. Tapia to access his property. As part of that review, we formalized that access easement so he would have access in perpetuity."

Councilor Ives said, "I'm think more of the Power Line Easement which is part and parcel of the Las Acequias, that's a City owned easement. So, presumably, we have some say or control over what use is made of it. Is that correct?"

Ms. Lamboy said that is correct.

Councilor Ives said, "Again, I think it's within the Governing Body's power to deal with that and I appreciate the offer of the applicant to limit the use, but I really think that's probably more an inherent power of the Governing Body than the applicant in the first instance, and that is something that would play out presumably in the subdivision platting process."

Ms. Lamboy said, "I would certainly want to consult Ben Gurule of the Parks Department first to see what the role of that is, before we make any changes."

Councilor Ives agreed. He said, "I note in the letter from the neighborhood, they want no changes to any of the shown plans from the new design, and honestly, this hasn't been through the Land Use Department yet, and they may impose additional requirements, obviously all designed to ensure that the property adheres to applicable City Codes and is safe. So it's not a matter of not necessarily wanting what you want, but there's a whole body of City law out there designed to ensure that any property which gets developed is developed properly, and will need to go through those processes, and I do trust Matt and his office to do the good job that they usually do in addressing any subdivision and plans that are submitted to them. I think that's all I have."

Councilor Dominguez said, "It's really about trying to get an appropriate density, that's really what we're leaning towards, and I think that's something that needs to be considered overall. That's it."

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera and Councilor Trujillo.

Against: None.

18. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

19. COMMUNICATIONS FROM THE GOVERNING BODY

A copy of "Bills and Resolutions scheduled for introduction by members of the Governing Body," for the Council meeting of March 13, 2013, is incorporated herewith to these minutes as Exhibit "7."

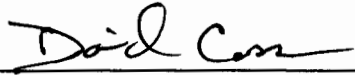
Councilor Dimas

Councilor Dimas congratulated the Santa Fe High School Demon girls for making it to the semi-finals, noting St. Michael's won tonight and will be in the semi-finals. He said the Santa Fe Indian School girls will be in the semi-finals as well, but he doesn't know about Capital High. He said we wish everyone the best of luck.

Councilor Calvert

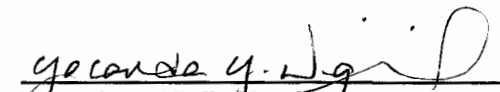
Councilor Calvert introduced a Resolution supporting continued enforcement and funding of the Federal Endangered Species Act. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "8."

Approved by:



Mayor David Coss

ATTESTED TO:



Yolanda Y. Vigil, City Clerk

Respectfully submitted:



Melessia Helberg, Council Stenographer

City of Santa Fe, New Mexico

**Governing Body Meeting
October 22, 2020**

Exhibit C

August 20, 2020 Planning Commission

- 1. Staff Report and Packet**
- 2. Findings**
- 3. Minutes**

dwelling units per acre) to R-5 (Residential – five dwelling units per acre) for a property located at 4701 Rufina Street. The property is approximately 3.44 acres. (Lee Logston, Case Manager, llogston@santafenm.gov, 955-6136).

Case #2020-2287. 4702 Rufina Street Aguafina Rezoning. Liaison Planning Services, Inc., Agent, for Aguafina Development, LLC, Owner, requests approval of a rezoning from R-3 (Residential – three dwelling units per acre) to R-6 (Residential – six dwelling units per acre) for a property located at 4702 Rufina Street. The property is approximately 2.42 acres. (Lee Logston, Case Manager, llogston@santafenm.gov, 955-6136).

I. RECOMMENDATION:

The Commission should **RECOMMEND APPROVAL BY THE GOVERNING BODY** of the amendment to the conditions of approval of the zoning ordinance, by amending the conditions of approval attached to that ordinance via the Findings of Fact and Conclusions of Law for that case (Case #2020-2273); and

The Commission should **RECOMMEND APPROVAL BY THE GOVERNING BODY** of the rezonings (Case #2020-2274 and Case #2020-2287).

Six motions will be required, in the following order, for this case:

- *Recommend the Governing Body approve or deny the Rezoning Ordinance Amendment for Case #2020-2273, by amending the conditions of approval of that ordinance via the Findings of Fact and Conclusions of Law for that case (Case #2020-2273, Item#13-0191);*
- *Recommend the Governing Body approve or deny the rezoning for Case #2020-2274;*
- *Recommend the Governing Body approve or deny the rezoning for Case #2020-2287;*
- *Approve the Findings of Fact and Conclusions of Law for Case #2020-2273 (Exhibit A(1));*
- *Approve the Findings of Fact and Conclusions of Law for Case #2020-2274 (Exhibit A(2)); and*
- *Approve the Findings of Fact and Conclusions of Law for Case #2020-22877 (Exhibit A(3))*

II. CONDITIONS OF APPROVAL

As a rezoning ordinance amendment and rezoning case, staff does not recommend any conditions of approval.

III. EXECUTIVE SUMMARY:

This Application is comprised of three requests:

1. Amend zoning Ordinance #2013-12 to remove conditions of approval found in the Findings of Fact and Conclusions of Law (Item #13-0191) for Case #2012-104 that requires the three properties to be developed as a 23-lot subdivision on lot access driveways;
2. Rezoning request from R-3 (Residential- three dwelling units per acre) to R-5 (Residential- five dwelling units per acre) for 4701 Rufina Street; and
3. Rezoning request from R-3 (Residential- three dwelling units per acre) to R-6 (Residential- six dwelling units per acre) for 4702 Rufina Street.



The amendment to the conditions of approval of the rezoning ordinance is necessary to develop the property as a subdivision at the density requested. In this case, a recommendation for approval of the ordinance amendment requires a determination that a future development; consisting of public, paved roads with sidewalks and pedestrian connectivity is better for the public interest than a series of private, unpaved lanes without sidewalks and pedestrian connectivity.

A recommendation for approval of all three requests would allow a future proposal for a subdivision of sixty-one (61) lots on three tracts of land located at 4262 Agua Fria and 4701 and 4702 Rufina Street. The overall premises comprises approximately 11.47 acres.

Governing Body action on the original rezoning case (Case #2012-104) conditioned through the findings that each of the three Tracts would be developed as dead-end, private lot access driveways, with eight lots on the northern Tract C-1, eight lots on the center Tract C-2, and seven lots on the southern Tract B-1. Assuming approval of the rezoning ordinance request, the Applicant would propose a future preliminary subdivision 28 lots on Tract C-1, 18 lots on Tract C-2, and 15 lots on Tract B-1.

The rezoning request for Tract B-1 is at slightly higher R-6 density to match the density of adjacent land to the south, intended to be proposed as the Casa de Todos preliminary subdivision at R-6 density. Tract B-1 would connect to the road in Casas de Todos, making a through street from Rufina down to Calle Atajo near Airport Road, providing road connectivity recommended by the General Plan and Chapter 14.

The overall plan for both developments is in accordance with negotiations with the expressed desires of the Las Acequias Neighborhood Association to have stick-built homes in the Aguafina development and stick-built or modular homes in Casas de Todos development. The City Traffic Engineer is requiring the road in Casas de Todos to connect through to Rufina Street.

The proposed rezoning amendment and rezoning request meet all relevant development standards and approval criteria, and do not create or increase any non-conformities with Chapter 14; therefore, staff recommends approval of all three components of the Applicant's request.

IV. BACKGROUND:

This subdivision began with the rezoning request and concluded with the Governing Body granting an appeal of the Planning Commission's denial of the preliminary subdivision and variance.

These properties went through a series of public hearings between 2012 and 2014, with density and road connectivity being the primary concerns of area residents. There were significant misalignments among the concerns of existing residents, current code requirements, staff recommendations, and past Governing Body decisions. Residents were able to secure a number of agreements and concessions from the Applicant through this more recent planning process.

The relevant past case history is summarized below.

Case #2012-104 Rezoning - Planning Commission 12/6/2012: The case was first heard by the Planning Commission on December 6, 2012. The Applicant originally requested a rezoning for Tracts C-2 and B-1 (5.89 acres total) from R-1 to R-5, but the Commission would only recommend R-3 because

they determined that impacts to traffic and parks would be too great.

Case #2012-104 Rezoning - Governing Body 1/30/2013: The Governing Body considered the case next on January 30, 2013. Having negotiated with neighbors, the Applicant had agreed to effectively develop all three Tracts at a lower density (R-3) than the zoning would allow (up to R-5 for Tract C-1), and agreed not to propose a road connection to Calle Atajo at Powerline Road. Necessary for this proposal was the development of the land as three private, base course lot access driveways, each servicing seven or eight homes, the maximum allowed on such roads. Staff did not support the proposal because of lack of connectivity, lack of pedestrian amenities, and because of a belief that the proposal, while amenable to the immediate neighbors, was contrary to the greater public good.

After significant discussion about parks, density, and the appropriateness and/or necessity of road connectivity, the Governing Body denied the R-5 rezoning request. However, at their following public hearing on February 13, 2013, the Governing Body rescinded its denial and chose to re-hear the case on March 13, 2013 to consider the rezoning request at a reduced R-3 density.

Case #2012-104 Rezoning - Governing Body 3/13/2013: Staff recommended approval of the rezoning request, but included several conditions related to subdivision design: (1) Rezone Tract C-2 and B-1 to R-3; (2) Tract C-2 should have access from Rufina as right-in, right-out, left-in only; (3) provide traffic impact analysis of the design; (4) an emergency access to Tract C-1 (which would have primary access at Agua Fria) would be provided at Powerline Road. City staff requested better road connections, but both the Applicant and the neighbors wanted to develop at a lower density than allowed so as to not require public paved roads or sidewalks. Council conditionally **approved** the rezoning request, thus establishing the permissible density and design of the subdivision.

These conditions were spelled out in the Findings of Fact for the Case (Item #13-0191), collectively called the “Applicant Undertakings”, as the Applicant had offered to develop the property in this way in to meet the desires of the neighbors. The Applicant agreed to:

1. Submit its request for subdivision and/or development plan approval to the Planning Commission for both the Property and the Adjacent Parcel as a single application;
2. Develop the Adjacent Parcel consistent with R-3 zoning, notwithstanding that it is zoned R-5;*
3. Not request use of Powerline Road as either a primary or secondary access for either the Property or the Adjacent Parcel as part of its application for such Commission approval, but to instead propose three base-course lot access driveways, serving eight lots each; and*
4. Grant an easement to Abe and Kathleen Tapia and their successors across the Adjacent Parcel to permit them to access Powerline Road.

****The rezoning amendment request before you tonight specifically proposes removing Undertaking #2, and to remove the underlined part of Undertaking #3.***

The original proposal, a 23-lot subdivision designed to include three dead-end, base course private lot access driveways, was approved by the Governing Body, despite staff’s concern that the design did not meet the requirements of Chapter 14. Staff could not recommend approval, as staff saw no compelling reason to deviate from the code requirements for connectivity and infrastructure standards required by SFCC 14-9.2. Staff highlighted the lack of sidewalks, and argued this omission would hinder pedestrian

movement and safety for new residents, and leave Las Acequias Park without a logical new pedestrian connection.

The subdivision was heard three more times, including another appeal to Governing Body after staff did not support the subdivision as proposed because the design violated several sections of SFCC 14-9.2 related to public health, safety, and welfare related to road design and pedestrian connectivity. The Governing Body approved the subdivision at the appeal but this subdivision was never recorded and the approval expired. Because of this, those cases are not described in detail here. Any conditions attached to that subdivision approval expired with it.

For reference, those cases are:

- Case #2013-58 Preliminary Subdivision & Variance – Planning Commission 8/1/2013
- Case #2012-93 Appeal of Planning Commission Denial of Variance and Preliminary Subdivision – Governing Body 1/8/2014
- Case #2014-06 Final Subdivision Approval – Planning Commission 3/13/2014

V. CURRENT PROJECT SUMMARY:

The Applicant has held a series of ENNs and other meetings with residents. Originally, the Applicant wanted to develop the property as originally approved, but current staff had the same concerns as when the subdivision was originally proposed in 2012. The Applicant then decided to redesign the site at a greater density. It was at this time that the conditions attached to the rezoning were discovered, and it was realized that the zoning ordinance would need to be amended to allow for development of the site at higher density.

Through continued conversations with surrounding neighbors, the Applicant learned that the primary concerns of residents revolved around issues related to the housing type and quality. The Applicant agreed to commit to stick-built homes in Aguafina, and stick-built or modular homes in Casa de Todos. The Las Acequias Neighborhood Association agreed to overall higher density development if the Applicant would commit to develop the parcels to include high-quality site built and modular homes exclusively.

VI. EXISTING CONDITIONS:

The Rodriguez properties are comprised of three parcels, stretching from Agua Fria Street to south of Rufina Street, totaling approximately 11.47 acres. The Cielo Azul subdivision, Roadrunner West and Sierra Vista mobile home parks, and the Las Acequias subdivision surround the properties.

	Property Address	Zoning
North	Agua Fria Traditional Village	N/A
West	Cielo Azul Subdivision, Road, Roadrunner West & Sierra Vista Mobile	R-6 (Residential – Six dwelling units per acre) & MHP (Mobile Home Park)

	Property Address	Zoning
	Home Parks	
South	Sierra Vista Mobile Home Park, vacant land, and Las Acequias Subdivision	MHP (Mobile Home Park), R-1, and R-7 PUD (Residential – Seven dwelling units per acre, Planned Unit Development)
East	Las Acequias Subdivision	R-5 (Residential – Five dwelling units per acre) & R7 PUD (Residential – Seven dwelling units per acre, Planned Unit Development)

VII. CONCEPTUAL PROJECT ANALYSIS

The following section describes the conceptual subdivision, which is not under consideration for approval now, but will be proposed if the zoning amendment and rezonings are granted.

Access

The northernmost tract of land, Tract C-1 (Zoning Ordinance Amendment Case #2020-2273) will access Agua Fria Street. This 42' wide public right of way (ROW) will run approximately 1,600 feet south before dead-ending in a gate at the easement platted as "Powerline Road".

The center portion, Tract C-2 (Rezoning Case #2020-2274), will access Rufina Street, running north before dead-ending at Powerline Road. The home at 1152 Calle Atajo will keep its access along Powerline Road to Calle Atajo, and an emergency access easement, established at the time of a future preliminary subdivision, will connect the dead-end of the north and south roads. While Chapter 14 requires complete road connectivity to serve the area better, residents oppose it, and the previous Council action on Ordinance 2013-12, specifically mandated that any future road running south from Agua Fria Street not connect to Calle Atajo via Powerline Road.

Tract B-1 (Rezoning Case #2020-2287) will access Rufina Street, running south before ending in a fire-approved turnaround. This portion will eventually connect as a through street to the future proposed preliminary subdivision of Casa de Todos, all the way south to Calle Atajo, near the intersection with Airport Road. It is for this Tract that the Applicant seeks the rezoning to R-6, so that this Tract can be developed at higher density to match Casa de Todos.

The conceptual configuration of roads for both the future potential Aguafina and Casas de Todos subdivisions was approved by the City Traffic Engineer. The traffic impact analysis (TIA) performed for the conceptual future preliminary subdivision showed that the Aguafina Subdivision would not change the level of service for the intersections of Rufina Street & Calle Atajo, Rufina Street and Joshua/Lois Lane, Aguafina/Casa de Todos Road & Rufina Street and Agua Fria & Aguafina/Martin Mora Road.

Trail connection

The project area includes a trail alignment along Powerline Road Trail in the 1983 Bikeways Master Plan, envisioned as a connection to the Acequia Trail. While developments built subsequent to this plan to the east make it unlikely that a completed section of trail here would connect to the Acequia Trail, a 10' wide pedestrian easement was created as part of the Cielo Azul Subdivision.

Archaeology and Environmental Resources

The project is located within the River and Trails Archaeological Review District. Per Subection14-3.13(B)(3)(a), an archaeological survey of the property was performed, and a clearance permit was issued on June 6, 2013. An historic acequia was identified on Tract C-1. Per the conditions of the permit, a 20' wide conservation easement has been added to the plat to protect the acequia. The site will be assessed for prairie dogs and any colonies will be relocated prior to issuance of construction permits.

Santa Fe HOMES Program

The Project will comply with current Santa Fe Homes Program ("SFHP") regulations per SFCC Section 26-1.8(A). The applicant will enter into a contract with The City of Santa Fe Housing Opportunity Program. Pursuant to the provisions of the SFHP, 12 lots (20%) will be affordable.

VIII. REZONING ORDINANCE AMENDMENT

SFCC Section 14-3.5 governs the authority and procedures for rezonings. SFCC Subsections 14-3.5(B)(1)(a)&(b) state that "All proposed rezonings shall be submitted to the planning commission for review and recommendation at a public hearing", and that "the planning commission shall transmit the application, including any plan, to the governing body , together with a recommendation as to findings and conditions, desirable changes and recommendations for approval or disapproval".

The requested rezoning ordinance amendment is necessary to develop the property as proposed. Chapter 14 provides specific criteria which must be met in order to rezone a property, but provides no specific criteria for evaluating a request to amend the conditions of a prior rezoning. The rezoning criteria are based on a determination that the public interest is not harmed, and is better served by development under the amended zoning ordinance rather than the original zoning, and that existing infrastructure can accommodate or be modified to accommodate the future development. In this case, the Planning Commission would be deciding on whether or not development consisting of public paved roads, rather than a series of private unpaved lanes without sidewalks, is better for pedestrian connectivity and the overall public interest. Removing the current zoning conditions that stipulate the properties will be developed at a density of R-3 and that the roads be developed as private lanes will then allow the Applicant to develop the parcels at a density of R-5 and R-6 and provide paved public streets with proper pedestrian amenities.

These conditions were spelled out in the Findings of Fact for Case #2012-104, collectively called the "Applicant Undertakings". If in agreement with Staff analysis, the Planning Commission would be removing Undertaking #2, that the Applicant "Develop the Adjacent Parcel (Tract C-1) consistent with R-3 zoning, notwithstanding that it is zoned R-5", and to strike the portion of Undertaking #3 that reads "but to propose instead three base-course lot access driveways, each serving eight lots".

IX. REZONING APPROVAL CRITERIA

The Planning Commission and the Governing Body shall review all rezoning proposals on the basis of the criteria provided in this section, and the reviewing entities must make complete findings of fact sufficient to show that these criteria have been met before recommending or approving any rezoning:

<p>Criterion 1 [14-3.5(C)(1)(a)]: one or more of the following conditions exist:</p> <ul style="list-style-type: none"> (i) there was a mistake in the original zoning; (ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning; (iii) a different use category is more advantageous to the community, as articulated in the General Plan or other adopted city plans; 	<p>Criterion Met: (Yes/No) YES</p>
<ul style="list-style-type: none"> (i) Not Applicable (ii) The surrounding area has seen housing development with the annexation of land and expansion of infrastructure. The proposed density is consistent with existing residential development patterns in the area. (iii) The Future Land Use Map designation of Low Density Residential allows for 3-7 dwelling units per acre. The proposed R-5 and R-6 zoning will enable development of much needed housing at densities that are consistent with surrounding development. 	
<p>Criterion 2 [14-3.5(C)(1)(b)]: all the rezoning requirements of Chapter 14 have been met;</p>	<p>Criterion Met: (Yes/No) YES</p>
<p>The Applicants have met the Chapter 14 procedural requirements for re-zoning, including holding an Early Neighborhood Notification Meeting, posting and mailing of notification requirements, and submitting required application submittals including a Traffic Impact Analysis. The Applicant is not requesting any variances.</p>	
<p>Criterion 3 [14-3.5(C)(1)(c)]: the rezoning is consistent with the applicable policies of the General Plan, including the future land use map;</p>	<p>Criterion Met: (Yes/No) YES</p>
<p>R-5 and R-6 zoning is consistent with the Southwest Area Master Plan (SWAMP) Future Land Use designation of Residential Low Density (3-7 dwelling units per acre). No amendments to the General Plan are requested.</p>	
<p>Criterion 4 [14-3.5(C)(1)(d)]: the amount of land proposed for rezoning and the proposed use for the land is consistent with city policies regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the growth of the city;</p>	<p>Criterion Met: (Yes/No) YES</p>
<p>This proposal is located in an area that the City annexed to provide for future growth. The proposed rezoning exceeds the two-acre threshold below which rezonings will not be considered (14-3.5(C)(2)(b)), and is consistent with the General Plan in terms of density. The rezoning request will help to provide infill development consistent with General Plan policies supporting the preservation of the scale and character of established neighborhoods, in an area already served by City water and sewer.</p>	
<p>Criterion 5 [14-3.5(C)(1)(e)]: the existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development.</p>	<p>Criterion Met: (Yes/No) YES</p>
<p>Existing infrastructure, including water and sewer, is sufficient to serve the increased density resulting from the rezoning. Impacts to the existing road network will be mitigated by distributing new traffic to</p>	

<p>Agua Fria Street and Rufina Street. Open space will be provided in the future subdivision, and pedestrian access to Las Acequias Park will be improved.</p>	
<p>Criterion 6 [14-3.5(C)(2)]: Unless the proposed change is consistent with applicable General Plan policies, the planning commission and the governing body shall not recommend or approve any rezoning, the practical effect of which is to:</p> <ul style="list-style-type: none"> (a) allow uses or a change in character significantly different from or inconsistent with the prevailing use and character in the area; (b) affect an area of less than two acres, unless adjusting boundaries between districts; (c) or benefit one or a few landowners at the expense of the surrounding landowners or general public. 	<p>Criterion Met: (Yes/No) YES</p>
<ul style="list-style-type: none"> (a) As a proposed low-density residential subdivision, it is consistent with the prevailing low to moderate density residential uses in the surrounding area. The adjacent Las Acequias subdivision is built at a density of approximately 7.1 dwelling units per acre. (b) The project comprises approximately 11.47 acres. (a) The project will not benefit one or a few landowners at the expense of the surrounding landowners or general public. The proposed density will enable the construction of quality homes that will harmonize with the adjacent Las Acequias development. 	
<p>Criterion 7 [14-3.5(D)(1)]: If the impacts of the proposed development or rezoning cannot be accommodated by the existing infrastructure and public facilities, the city may require the developer to participate wholly or in part in the cost of construction of off-site facilities in conformance with any applicable city ordinances, regulations or policies;</p>	<p>Criterion Met: (Yes/No) YES</p>
<p>DRT review indicated that the proposed road infrastructure would be able to handle the requested density. The project can be accommodated by the existing infrastructure and public facilities, as detailed in C(1)(e) above.</p>	
<p>Criterion 8 [14-3.5(D)(2)]: If the proposed rezoning creates a need for additional streets, sidewalks or curbs necessitated by and attributable to the new development, the city may require the developer to contribute a proportional fair share of the cost of the expansion in addition to impact fees that may be required pursuant to Section 14-8.14.</p>	<p>Criterion Met: (Yes/No) YES</p>
<p>The City of Santa Fe's Traffic Engineer has determined that the public roads as proposed in the concept plan will serve the proposed development, and that public sidewalks will serve the surrounding neighborhood better than private lanes without sidewalks.</p>	

X. EARLY NEIGHBORHOOD NOTIFICATION

Because the Aguafina subdivision proposal has gone through numerous changes and will be integrated with development of the possible Casas de Todos Development, multiple ENN meetings have been held. The Applicant also engaged with the Las Acequias Neighborhood Association in several informal meetings as well. The prior proposal discussed at an ENN was based on 43 lots. Since that ENN, the Applicant and Las Acequias residents had several discussions and meetings which resulted in an

agreement that quality, stick-built homes were a priority for the community, and that the Association was willing to accept higher density in exchange for higher quality housing. Residents had also reconsidered the potential negative impacts of a network of dirt roads without pedestrian connections.

The most recent ENN meeting was held via Zoom on June 1, 2020. The purpose of this meeting was to discuss the new proposal and the connection to the proposed Casa de Todos subdivision. The proposal now consisted of three paved roads with sidewalks. The number of lots on the top tract of land had not changed (23), but the center tract and the southern tract now were proposed to have 18 and 15 lots respectively, reflecting the requested density. Las Acequias residents had several requests: 1) That the homes be architecturally compatible with Las Acequias 2) That a block wall be built on both sides of the project for its entire length 3) That Road Impact Fees from this project specifically be applied to improvements to the intersection of Rufina Street and Lopez Lane. The Applicant stated that block walls of that length would be prohibitively expensive, and that fences were more likely. The maintenance of fences and complications of potentially incorrect property line understandings was discussed, and both parties agreed to continue to discuss this in the future. It was agreed to continue discussing the potential of using Impact Fees in the way described.

XI. EXPIRATION

The zoning ordinance amendment and the rezoning request, if approved by the Governing Body, run with the land, are transferrable, and will not expire.

XII. ATTACHMENTS:

~~EXHIBIT A:~~

- ~~1. Draft Findings of Fact & Conclusions of Law Case #2020-2273~~
- ~~2. Draft Findings of Fact & Conclusions of Law Case #2020-2274~~
- ~~3. Draft Findings of Fact & Conclusions of Law Case #2020-2287~~

EXHIBIT B: Maps and Photos

1. Future Land Use Map
2. Current Zoning Map
3. Aerial Photo
4. Google Views

EXHIBIT C: Early Neighborhood Notification

1. ENN Packet
2. ENN Meeting Notes

EXHIBIT D: Applicant Materials

1. Project Report (Conceptual subdivision Exhibit 1 in Project Report)
2. ~~Ordinance #2013-12~~
3. ~~Case #2012-104 FOF COL (Item #13-0191)~~
4. ~~Governing Body Meeting Minutes 3/13/2013~~
5. Traffic Impact Analysis Summary

APPROVED BY:

Title	Name	Initials
Land Use Division Director	Elias Isaacson, AICP	ESI
Land Use Planner Manager	Noah Berke, AICP	NLB
Land Use Department Case Manager	Lee Logston, AICP	LL

City of Santa Fe, New Mexico

Exhibit B

Maps and Photos

- 1. Future Land Use Map**
- 2. Current Zoning Map**
- 3. Aerial Photo**
- 4. Google Views**

Exhibit B4: Google Aerial Views

Tract C-1



Looking west over Las Acequias Park



Tract B-1 (left) and Tract C-2 (right)



Tract B-1 (lower) and Tract C-2 (upper)



City of Santa Fe, New Mexico

Exhibit C

Early Neighborhood Notification

- 1. ENN Packet**
- 2. ENN Meeting Notes**

LIAISON Planning Services Inc.

P.O. Box 1835 Santa Fe, NM 87504 (505) 920-6839 liaisonplanning@gmail.com

May 15, 2020

Re: Early Neighborhood Notification Meeting
Subdivision, Rezoning and Zoning Amendment for Aguafina Subdivision

Dear Neighbor,

Due to social distancing statewide requirements and health concerns associated with the Corona Virus (COVID 19), an ENN meeting will be conducted online via Zoom Video/ Teleconference for Aguafina Subdivision.

The purpose of this neighborhood meeting is to discuss an application for Preliminary Plat approval for a 61-lot residential subdivision, an Ordinance Amendment and a Rezoning. The subdivision comprises three parcels: 4701 Rufina St. (Tract C-2, totaling ±3.43 acres), 4702 Rufina St. (Tract B-1, totaling ±2.45 acres), and 4262 Agua Fria Street (Tract C, totaling ±5.63 acres). The applicant is requesting a rezoning for Tract C-2, from R-3 to R-5; and a rezoning for Tract B-1, from R-3 to R-6. The applicant also seeks to amend conditions that the Governing Body placed on Tracts B-1, C-1, and C-2 when it approved the previous rezoning ordinance (Ord. #2013-12). Specifically, the applicant seeks to remove condition #2, which requires Tract C-1 to be developed "consistent with R-3 zoning notwithstanding that it is zoned R-5," and to modify condition #3, by removing the requirement for "three base-course lot access driveways, each serving eight lots."

In accordance with the requirements of the City of Santa Fe's Early Neighborhood Notification ordinance, this is to inform you that a meeting is scheduled for:

Topic: Aguafina Rezoning and Preliminary Subdivision ENN Meeting

Time: Jun 1, 2020 05:30 PM Mountain Time (US and Canada)

Join Zoom Meeting:

<https://us02web.zoom.us/j/72305110054?pwd=ZXdlNzRYNUppdUxxcjRuM1ZraWpmQT09>

Meeting ID: 723 0511 0054

Password: 013262

One tap mobile

+16699006833,,72305110054#,,1#,013262# US (San Jose)

+12532158782,,72305110054#,,1#,013262# US (Tacoma)

Dial by your location

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)
+1 929 436 2866 US (New York)
+1 301 715 8592 US (Germantown)
+1 312 626 6799 US (Chicago)

Meeting ID: 723 0511 0054

Password: 013262

Where: Please join this meeting from your computer, tablet or smartphone.

The Early Notification ordinance provides for an exchange of information between perspective applicants for development projects and the project's neighbors before the application becomes too firm to respond meaningfully to community input.

Attached, please find a vicinity map outlining the project area. If you have any questions or comments, please contact Liaison Planning Services Inc., (505) 920-6839.

Sincerely,

Dolores I. Vigil

Attachments: Vicinity Map

Special Note: Persons with disabilities in need of special accommodations or the hearing impaired in need of an interpreter please contact the Land Use Office (505) 6820 5 days prior to the hearing or meeting date.



ENN GUIDELINES

Applicant Information

Project Name: Aguafina Subdivision, Ordinance Amendment and Rezoning

Name: Aguafina Development LLC

Last First M.I.

Address: 701 A Los Lovatos

Street Address

Suite/Unit #

Santa Fe

NM 87501

City

State ZIP Code

Phone: (505) 920-6839

E-mail Address: c/o liaisonplanning@gmail.com

Please address each of the criteria below. Each criterion is based on the Early Neighborhood Notification (ENN) guidelines for meetings, and can be found in Section 14-3.1(F)(5) SFCC 2001, as amended, of the Santa Fe City Code. A short narrative should address each criterion (if applicable) in order to facilitate discussion of the project at the ENN meeting. These guidelines should be submitted with the application for an ENN meeting to enable staff enough time to distribute to the interested parties. For additional detail about the criteria, consult the Land Development Code.

(a) EFFECT ON CHARACTER AND APPEARANCE OF THE SURROUNDING NEIGHBORHOODS *For example: number of stories, average setbacks, mass and scale, landscaping, lighting, access to public places, open spaces and trails.*

The property is located on the north and south side of Rufina Street and north of Agua Fria. The applicant is requesting subdivision plat approval and rezoning for a 61-lot residential subdivision. The subdivision is comprised of three parcels: 4701 Rufina St. (Tract C-2, totaling ±3.43 acres), 4702 Rufina St. (Tract B, totaling ±2.45 acres), and 4262 Agua Fria Street (Tract C, totaling ±5.63 acres). The applicant is requesting a rezoning for Tract C-2, from R-3 to R-5; and a rezoning for Tract B-1, from R-3 to R-6. The applicant also seeks to amend conditions that the Governing Body placed on Tracts B-1, C-1, and C-2 when it approved the previous rezoning ordinance (Ord. #2013-12). Specifically, the applicant seeks to remove condition #2, which requires Tract C-1 to be developed "consistent with R-3 zoning notwithstanding that it is zoned R-5," and to modify condition #3, by removing the requirement for "three base-course lot access driveways, each serving eight lots."

The applicant is proposing stick-built homes as recommended by the adjacent property owners along with paved roads with curb/gutter lighting, landscaping, open space and trails. This type of housing and density is consistent with the surrounding developments.

(b) EFFECT ON PROTECTION OF THE PHYSICAL ENVIRONMENT *For example: trees, open space, rivers, arroyos, floodplains, rock outcroppings, escarpments, trash generation, fire risk, hazardous materials, easements, etc.*

The proposed development will protect the physical environment by meeting all development standards.

(c) IMPACTS ON ANY PREHISTORIC, HISTORIC, ARCHAEOLOGICAL OR CULTURAL SITES OR STRUCTURES, INCLUDING ACEQUIAS AND THE HISTORIC DOWNTOWN *For example: the project's compatibility with historic or cultural sites located on the property where the project is proposed.*

The property will not impact any prehistoric, historic, archeological, or cultural sites and structures including acequias and is located outside of the historic downtown.

(d) RELATIONSHIP TO EXISTING DENSITY AND LAND USE WITHIN THE SURROUNDING AREA AND WITH LAND USES AND DENSITIES PROPOSED BY THE CITY GENERAL PLAN *For example: how are existing City Code requirements for annexation and rezoning, the Historic Districts, and the General Plan and other policies being met.*

Approving this application will not adversely affect the public interest. The Project will benefit the public interest by providing much needed housing for Santa Fe residents on Rufina Street and Agua Fria with close proximity to public transportation and employments centers. The Project is also close to many amenities such as grocery stores, pharmacies, restaurants, and medical services. The term "Public Interest" is not defined in Chapter 14; however, the Governing Body has implemented the General Plan and Chapter 14 in order to establish minimum standards for health, safety and welfare affecting land uses and developments as a means to protect the public interest. This development proposal will provide buildable lots that will supplement much needed housing for the City of Santa Fe. The City's 1999 General Plan supports infill development in urban centers where feasible, and to "Promote a compact urban form and encourage sensitive/compatible infill development" (Section 1. 7.9).

The application is in keeping with the densities in the vicinity and providing "stick built" homes will provide a solid economic base.

(e) EFFECTS ON PARKING, TRAFFIC PATTERNS, CONGESTION, PEDESTRIAN SAFETY, IMPACTS OF THE PROJECT ON THE FLOW OF PEDESTRIAN OR VEHICULAR TRAFFIC AND PROVISION OF ACCESS FOR THE DISABLED, CHILDREN, LOW-INCOME AND ELDERLY TO SERVICES *For example: increased access to public transportation, alternate transportation modes, traffic mitigation, cumulative traffic impacts, pedestrian access to destinations and new or improved pedestrian trails.*

The applicant proposes to provide adequate ingress and egress to meet the minimum requirements for development. The proposed application will maintain adequate road standards, will provide access to public transportation and pedestrian trails. A Traffic Impact Analysis is being compiled that will identify cumulative traffic impact to the surrounding neighborhoods.

(f) IMPACT ON THE ECONOMIC BASE OF SANTA FE *For example: availability of jobs to Santa Fe residents; market impacts on local businesses; and how the project supports economic development efforts to improve living standards of neighborhoods and their businesses.*

While new development is frequently perceived to create a negative impact on existing property owners in the immediate vicinity, that impact must be weighed against the benefit to the public, or the expense to the public, of not building the development. The development of this property as proposed would provide reasonably priced, infill housing close to shopping, and employment. The public interest of increasing the supply of market rate and affordable housing stock is served by this project.

(g) EFFECT ON THE AVAILABILITY OF AFFORDABLE HOUSING AND AVAILABILITY OF HOUSING CHOICES FOR ALL SANTA FE RESIDENTS *For example: creation, retention, or improvement of affordable housing; how the project contributes to serving different ages, incomes, and family sizes; the creation or retention of affordable business space.*

According to the section 1.7.1 within the General Plan affordable housing is encouraged for all incomes throughout the City and should be provided close to jobs to encourage to promote transit use. The proposed subdivision and rezoning will provide affordable housing in a setting that is in need of such development. The project is not limited to an age group, nor income.

(h) EFFECT UPON PUBLIC SERVICES SUCH AS FIRE, POLICE PROTECTION, SCHOOL SERVICES AND OTHER PUBLIC SERVICES OR INFRASTRUCTURE ELEMENTS SUCH AS WATER, POWER, SEWER, COMMUNICATIONS, BUS SYSTEMS, COMMUTER OR OTHER SERVICES OR FACILITIES *For example: whether or how the project maximizes the efficient use or improvement of existing infrastructure; and whether the project will contribute to the improvement of existing public infrastructure and services.*

Public water and sewer are readily available at this site and have sufficient capacity to handle the additional load from this development. All other outside utility providers agree that this site is well served by existing infrastructure, with all dry utilities either already on, adjacent to, or in close proximity to the property. Dry utilities are of sufficient capacity to serve the project at full development. While Public Works staff acknowledges that all development has an incremental impact on public roadway networks, they concur with the Consulting Engineer's conclusion that the roadway network will continue to operate at an acceptable Level of Service (LOS) based on transportation standards for intersection operation.

(i) IMPACTS UPON WATER SUPPLY, AVAILABILITY AND CONSERVATION METHODS *For example: conservation and mitigation measures; efficient use of distribution lines and resources; effect of construction or use of the project on water quality and supplies.*

The development will be served by City Water and sewer. Conservation methods will be incorporated into the project as required by Code.

(j) EFFECT ON THE OPPORTUNITIES FOR COMMUNITY INTEGRATION AND SOCIAL BALANCE THROUGH MIXED LAND USE, PEDESTRIAN ORIENTED DESIGN, AND LINKAGES AMONG NEIGHBORHOODS AND RECREATIONAL ACTIVITY AND EMPLOYMENT CENTERS *For example: how the project improves opportunities for community integration and balance through mixed land uses, neighborhood centers and/or pedestrian-oriented design.*

The property is surrounded by residential. The proposed rezoning will clearly improve the site and will be designed to easily integrate with surrounding developments. The applicant proposes a site that compliments the streetscape to ensure compatibility with adjacent properties and the Future Land Use Map/ Transitional Mixed Use.

(k) EFFECT ON SANTA FE'S URBAN FORM *For example: how are policies of the existing City General Plan being met? Does the project promote a compact urban form through appropriate infill development? Discuss the project's effect on intra-city travel and between employment and residential centers.*

The lot on which the development is proposed is presently underutilized. Infill development of this type is supported by the Plan in reference to this Section 1. 7.11, because it calls for new development to be "oriented from established neighborhoods to urban context and promotes active street and outdoor life". The proposed design will provide connectivity with the surrounding neighborhoods.

The applicant is requesting approval for a "rezoning ordinance amendment" for Tract C-1 and a rezoning for Tracts C-2 to R-5 and B-1 to R-6.

The rezoning ordinance amendment (Ord #2013-12) is to remove condition #2 requiring C-1 "be developed consistent with R-3", and modify #3 to remove the three base course drive requirement in the "Applicant Undertakings".



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

<i>Project Name</i>	Aguafina Rezoning, Zoning Ordinance Amendment, and Preliminary Subdivision
<i>Project Location</i>	4262 Agua Fria Street and 4701 & 4702 Rufina Street
<i>Project Description</i>	Rezoning to R-5 and R-6, Amendment to Ord #2013-12, and 61 Lot Subdivision, Preliminary
<i>Applicant / Owner</i>	Rudy Rodriguez
<i>Agent</i>	Liaison Planning, Dolores Vigil
<i>Pre-App Meeting Date</i>	January 10, 2019
<i>ENN Meeting Date</i>	June 1, 2020
<i>ENN Meeting Location</i>	Virtual Meeting – Zoom
<i>Application Type</i>	Rezoning, Ordinance Amendment, Preliminary Subdivision
<i>Land Use Staff</i>	Lee Logston
<i>Other Staff</i>	Noah Berke
<i>Attendance</i>	Lee Logston, Dolores Vigil (Agent), Rudy Rodriguez (Applicant), 22 members of the public

Notes/Comments:

The virtual meeting began a little after 5:30 PM in order to make sure everyone had joined. Mr. Logston briefly explained the history of the property, the nature of the application now and why it had changed. The desire of residents to have stick-built homes and paved roads with sidewalks necessitated higher density to make the project financially feasible. While we are discussing the Preliminary Subdivision now, that will not move forward as an application until the rezoning and ordinance amendment go through both Planning Commission and Governing Body approval.

Ms. Vigil then gave a brief summary of the proposal, sharing her ENN guidelines on her screen. The discussion explained what had changed from the last proposal: The top tract had not changed, the middle tract and southern tract now had a total of 33 more lots, with those two tracts now having paved roads. Ms. Vigil also briefly showed the Casa de Todos conceptual layout, which the neighbors had already seen in a prior ENN, for the purpose of showing how the two developments would fit together.

Mr. Logston then briefly returned to the subject of the Rezoning Ordinance Amendment. He shared Ordinance #2013-12 on the screen, and explained that the conditions attached to the properties were found in the Findings of Fact and Conclusions of Law rather than the ordinance itself, and were referred to as the “Applicant Undertakings”. Mr. Logston explained that one condition would be struck, and another modified so that the development could proceed as proposed, but that the other conditions set back in 2013 would not be changed.

Then Mr. Logston and Ms. Vigil began a question and answer session with the residents. Topics of discussion(answers in parentheses):

- One resident wanted to see the last version so she could understand what changed. (Ms. Vigil agreed to send her the last version).
- The first of several residents spoke of problems on the property in recent months with homeless people, a fire, trash, etc.
- Another resident reiterated these concerns and added that it makes it difficult to trust Mr. Rodriguez moving forward to be a good developer. She also pointed out that some Las Acequias residents were treating the vacant property as their own by storing things on it. (Ms. Vigil explained that Covid had slowed some responses, but that Mr. Rodriguez was working on all of these issues now).
- Fabian Trujillo, Las Acequias Board Member, made several requests: A full block wall on both sides for both developments, to see a more complete preliminary subdivision, to know the approval schedule. (Ms. Vigil explained that a block wall of that length would be cost prohibitive, and that fencing was more likely). He then asked how traffic impacts of this development would be addressed at Lopez and Rufina and asked if this project’s impact fees could specifically be applied there (Mr. Logston explained that the City Traffic engineer would determine if the TIA needed to be adjusted, and the topic of impact fees would be raised). How would the development meet the affordable housing requirement? (By selling affordable lots). Would the applicant do an Economic Impact Analysis? (Mr. Berke explained that it is not required but if Fabian’s office could provide some data it could be considered).
- Linda Flatt, Las Acequias Board Member, thanked us for the background and stressed that it is important for us to keep communication open moving forward. She asked if William Mee, Agua Fria Village president, had “approved the road and lots accessing Agua Fria”. (Ms. Vigil said that she had met with Las Acequias and Mr. Mee some time ago and had showed him the plan and that Mr. Mee had not protested). She then spoke of street parking and asked if each lot could be designed to accommodate three cars (Will consider). She then asked the applicant to address a rumor that the Casas de Todos connection to Avenida de Las Acequias was intended to connect further to Lopez Lane. (Ms. Vigil explained that no, there was no plan to do that).
- A resident returned to the subject of walls. If fencing, would the applicant repair existing fencing or replace it? (Rudy and Ms. Vigil said that they are offering to repair or replace where deemed necessary. The topic of two fences and a space in between was discussed and deemed a bad solution).
- William Mee then joined the meeting and said that Ms. Vigil had never shown him the plan. (Ms. Vigil stated that yes, she had, we all met at Second Street and you saw it and never said anything after that.) Mr. Mee said that she shouldn’t regard no comment as approval, and Ms. Vigil was misrepresenting his approval. (Ms. Vigil then asked why he never said anything if he didn’t approve of it).
- Fabian Trujillo asked if the eight affordable lots would have manufactured homes. (Ms. Vigil said that no, she was going to honor the wishes of residents).

- Linda Flatt returned to the topic of fencing. She said that in Las Acequias, fences are shared by property owners, but that whichever owner built it was responsible for its maintenance thereafter. Would that be the case here? (Ms. Vigil agreed and said she would put it in the covenants. Mr. Logston cautioned everyone to think about that and continue the discussion. He said that ten years down the road, property owners might not want someone else accessing their property to do repairs).
- A resident pointed out that he knew his fence was not on his property line, and that it was on the vacant property. (Mr. Logston again stated that everyone should think harder about the implications of a continuous fence and that Las Acequias should make sure their residents want the fence work done, because new fencing would be built on the property line, but some residents might discover that their property line wasn't where they thought – effectively losing part of “their yard”).
- Fabian Trujillo then stated that residents would like the new homes to be architecturally compatible with Las Acequias homes.

At this point, Ms. Vigil lost her connection, but it seemed that the residents had had all their questions answered. Mr. Logston was unable to host and unmute attendees, but confirmed that the meeting was finished. Mr. Logston again told everyone to email him with questions and explained that he is available by phone but only on his cell. Phone calls to his office phone would come to his email and he would check there.

The meeting then concluded at approximately 6:45.

City of Santa Fe, New Mexico

Exhibit D

Applicant Materials

1. Project Report (Conceptual subdivision Exhibit 1 in Project Report)
2. ~~Ordinance #2013-12~~
3. ~~Case #2012-104 FOFCOL (Item #13-0191)~~
4. ~~Governing Body Meeting Minutes 3/13/2013~~
5. Traffic Impact Analysis Summary

REZONING and AMENDMENT TO ZONING CONDITIONS

Aguafina Subdivision
Santa Fe NM

Applicants:
Aguafina Development LLC

Land Planning Consultant:

Liaison Planning Services Inc.
P.O. Box 1835
Santa Fe, NM 87504
(505) 920-6839
liaisonplanning@gmail.com

June 22, 2020

Table of Contents

1. Introduction and Request.....2-3
2. Existing Zoning and Future Land Use.....3-4
3. Property Description.....4
4. Traffic Impact.....4
5. Rezoning Criteria Statement.....4-6
6. Amendment to Rezoning Conditions.....6-7
5. Conclusion.....7

Exhibits

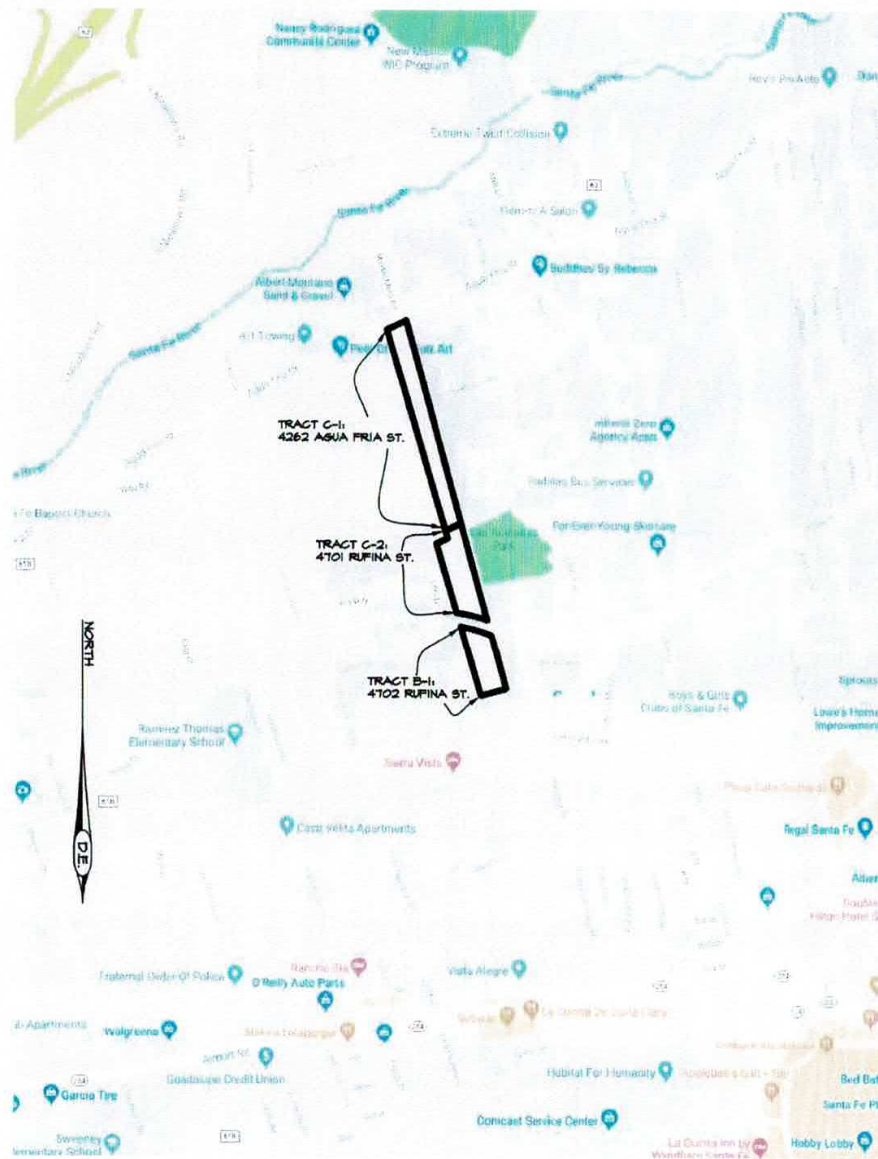
1. Site Plan
2. Ord. #2013-12
3. Findings of Fact and Conclusions of Law
4. Zoning Map
5. Future Land Use Map
6. Archaeological Boundary Map
7. Archaeological Clearance Permit

Appendices

- Appendix A Traffic Impact Report
Appendix B Legal Lots of Record

1. Introduction and Request:

The property is located on the north and south side of Rufina Street and north of Agua Fria (See Vicinity Map). The applicant is requesting a rezoning for a 61-lot residential subdivision. The subdivision is comprised of three parcels: 4262 Agua Fria Street (Tract C-1, totaling 5.612 acres \pm), 4701 Rufina St. (Tract C-2, totaling 3.437 acres \pm), and 4702 Rufina St. (Tract B-1, totaling 2.423 acres \pm).



Vicinity Map- Not To Scale

The applicant is requesting a rezoning for Tract C-2, from R-3 to R-5; and a rezoning for Tract B-1, from R-3 to R-6 (See Exhibit 1 Site Plan). The applicant also seeks to amend conditions that the Governing Body placed on Tracts B-1, C-1, and C-2. when the previous rezoning was approved (See Exhibit 2 Ord. #2013-12). Specifically, the applicant seeks to remove condition #2, which requires Tract C-1 to be developed "consistent with R-3 zoning notwithstanding that it is zoned R-5," and to modify condition #3, by removing the requirement for "three base-course lot access driveways, each serving eight lots." (See Exhibit 3 Findings of Fact and Conclusions of Law).

Currently all three lots are vacant and are accessed off of Agua Fria and Rufina Street. Adequate wet and dry utilities are available to the site.

Ultimately, the applicant would like to develop a single-family residential subdivision as shown on the enclosed conceptual site plan. The plan is for reference only and is not a requirement for this request. This site plan is used as a tool to demonstrate the density, open space and probable future access to the site.

2. Existing Zoning and Future Land Use:

Tract C-1 is zoned R-5 (but is limited to development beyond R-3 as conditioned by the Governing Body), Tract C-2 and B-1 are R-3 (See Exhibit 4 Zoning Map). The applicant is requesting to rezone Tract C-2 to R-5 and Tract B-1 to R-6. The parcels are bounded by a mix of residential zones, MHP to the southwest, R-6 to the west, R-5 to the east R-7 PUD to the southeast and R-6 to the south.

This request falls within the parameters of the Future Land Use Map Low Density 3-7 dwelling units per acre (See Exhibit 5). This application does not require a General Plan Amendment.

The properties are located within the Southwest Area Master Plan. Tracts C-1 and C-2 fall within the Rivers and Trails Archeological Review District and Tract B-1 in the Suburban Archeological Review District. An archaeological clearance permit has been obtained (See Exhibits 6 and 7)

3. Property Description:

The property is vacant and is comprised of 3 tracts as shown on the enclosed legal lots of record (See Appendix B). The development will provide affordable housing, open space, large livable lots and access to Agua Fria to the north and Rufina to the south.

The land slopes primarily slopes towards the west and dry and wet utilities are available.

4. Traffic Impact:

Enclosed is a Traffic Impact Report Narrative prepared by Morey Walker and Associates Engineering Inc. (See Appendix A), where a determination of impact was studied at the intersections of Rufina Street and Calle Atajo, Joshua Lane and Aguafina Lane/Casa de Todos and Rufina Street and Agua Fria and Aguafina Road.

In conclusion: "the single family lots for this development will have minimal impact on the level of service for these intersections."

5. Rezoning Approval Criteria Statement:

The applicant provides the following responses to the City Code criteria for approval of the rezoning request.

(1) The planning commission and the governing body shall review all rezoning proposals on the basis of the criteria provided in this section, and the reviewing entities must make complete findings of fact sufficient to show that these criteria have been met before recommending or approving any rezoning:

(a) one or more of the following exist:

(i) there was a mistake in the original rezoning; (ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning; or (iii) a different use category is more advantageous to the community, as articulated in the general plan or other adopted city plans;

There has been some significant change to the surrounding area. An increase in density has occurred once the City expanded its limits and began to provide infrastructure to the area. The annexation and expansion of services has altered the character of Airport Road and Rufina. Rezoning this property will bring it into compliance with the General Plan and Future Land Use Map of Low Density Residential (3-7 dwelling units/acre).

(b) all rezoning requirements of Chapter 14 have been met;

The rezoning requirements of Chapter 14 are addressed herein and the application is consistent with those requirements.

(c) the rezoning is consistent with the applicable policies of the general plan, including the future land use map;

The zoning request to R-5 and R-6 is consistent with the General Plan's Low Density future land use designation (See Exhibit 5).

(d) the amount of land proposed for rezoning and the proposed use for the land is consistent with city policies regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the growth of the city; and

The rezoning request will provide infill development consistent with the General Plan's policy supporting the preservation of the scale and character of established neighborhoods while promoting appropriate infill development in an area already served by City water and sewer.

(e) the existing and proposed infrastructure, such as the street system, sewer and water lines and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development.

Existing infrastructure, including water and sewer is sufficient to serve the increased density resulting from the rezoning. Existing road networks will be impacted by this rezoning but will be mitigated by access to Agua Fria and Rufina Street.

6. Amendment to Rezoning Conditions:

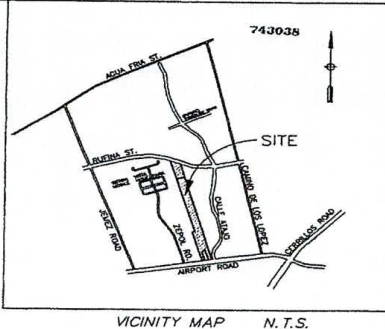
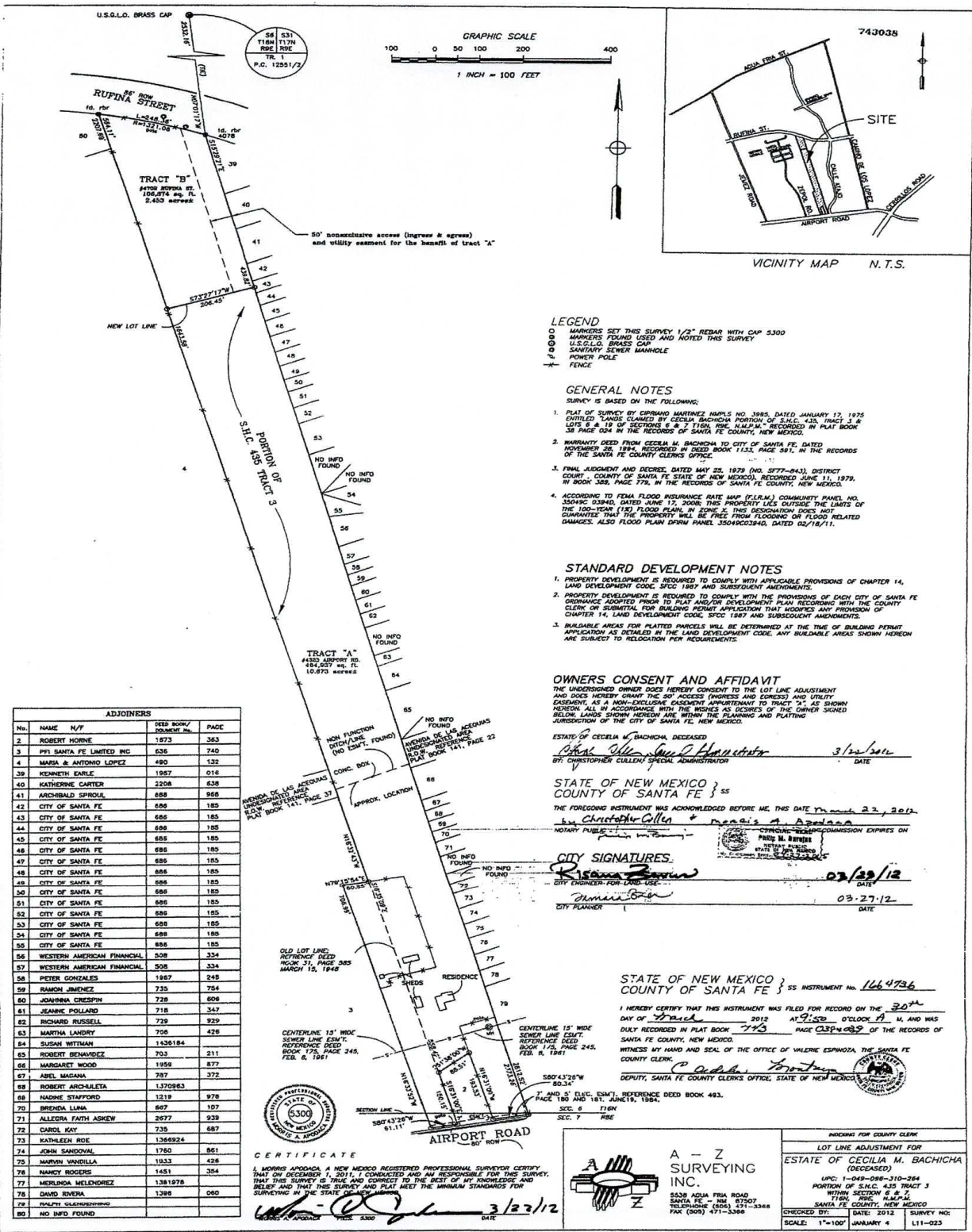
When the rezoning occurred in 2013 pursuant to Ordinance No. 2013-12, two conditions of approval were placed upon the rezoning: A) Tract C-1 be development "consistent with R-3 zoning notwithstanding that it is zoned R-5," (See Exhibit 3 Findings of Fact and Conclusions of Law Condition #2), B) and to build "three base-course lot access driveways, each serving eight lots." (See Exhibit 3 Findings of Fact and Conclusions of Law Condition #3). Tract C-1 was *not* part of the 2013 rezoning action by the City of Santa Fe.

The Applicant recognizes that, as a matter of expediency, the previous owner of the Tract C-1 offered and accepted a condition that Tract C-1 be limited in its development to the R-3 standards. For a couple of reasons, the Applicant requests that this condition be removed, along with the condition that only a base course roadway be built. First, as a policy matter, the artificial limitation unnecessarily restricts the badly needed increase in Santa Fe's housing supply. The recent pandemic is driving people to Santa Fe in ever increasing numbers, and the limited housing supply is quickly driving prices upward in a manner that prevents the average working family from being able to afford to buy a home and live here. Second, the imposition of the conditions on the zoning is not enforceable under New Mexico case law. In the Mechem v. City of Santa Fe, 96 N.M. 668 (1981), the New Mexico Supreme Court held that a condition on a special exception was not enforceable, *even though it was offered and agreed to by the applicant for the special exception*. Given the questionable enforceability of placing a condition on a tract that had existing zoning, i.e., it was not part of the property being rezoned when the condition was imposed, the Applicant requests that it be expressly revoked.

With respect to the removal of Condition #3, if approved the rezoning action would require paved roads and curb and gutter. Condition #3 would be inconsistent with those requirements.

7. Conclusion:

The request for rezoning to R-5 and R-6 Districts for Tracts C-2 and B-1 to be utilized as a residential subdivision, is in keeping with the intent of the General Plan and Future Land Use Map of Low Density Residential (3-7 dwelling units/acre).



LEGEND

- MARKERS SET THIS SURVEY 1/2" REBAR WITH CAP 3300
- MARKERS FOUND USED AND NOTED THIS SURVEY
- U.S.G.L.D. BRASS CAP
- SANITARY SEWER MANHOLE
- POWER POLE
- - - FENCE

GENERAL NOTES

- SURVEY IS BASED ON THE FOLLOWING:
1. PLAT OF SURVEY BY CIRIACIO MARTINEZ MAPS NO. 3985, DATED JANUARY 17, 1975, CONTAINING LOTS 1-30, CLAIMED BY CECILIA BACHICHA PORTUGAL DE S.M.C. 433, TRACT 3 & LOTS 6 & 19 OF SECTIONS 6 & 7 T18N, R9E, ALP.M., RECORDED IN PLAT BOOK 38 PAGE 004 IN THE RECORDS OF SANTA FE COUNTY, NEW MEXICO.
 2. WARRANTY DEED FROM CECILIA M. BACHICHA TO CITY OF SANTA FE, DATED NOVEMBER 28, 1998, RECORDED IN DEED BOOK 1153, PAGE 391, IN THE RECORDS OF THE SANTA FE COUNTY CLERK'S OFFICE.
 3. FINAL JUDGMENT AND DECREE, DATED MAY 25, 1979 (NO. 577-843), DISTRICT COURT COUNTY OF SANTA FE STATE OF NEW MEXICO, RECORDED JUNE 11, 1979, IN BOOK 308, PAGE 779, IN THE RECORDS OF SANTA FE COUNTY, NEW MEXICO.
 4. ACCORDING TO FEMA FLOOD INSURANCE RATE MAP (F.I.R.M.) COMMUNITY PANEL NO. 33040C D384D, DATED JUNE 17, 2008, THIS PROPERTY LIES OUTSIDE THE LIMITS OF THE 100-YEAR (1% FLOOD PLAIN, IN ZONE X. THIS INFORMATION DOES NOT GUARANTEE THAT THE PROPERTY WILL BE FREE FROM FLOODING OR FLOOD RELATED DAMAGES. ALSO FLOOD PLAN 039M PANEL 33040C0394D, DATED 02/18/11.

STANDARD DEVELOPMENT NOTES

1. PROPERTY DEVELOPMENT IS REQUIRED TO COMPLY WITH APPLICABLE PROVISIONS OF CHAPTER 14, LAND DEVELOPMENT CODE, SFCO 1987 AND SUBSEQUENT AMENDMENTS.
2. PROPERTY DEVELOPMENT IS REQUIRED TO COMPLY WITH THE PROVISIONS OF EACH CITY OF SANTA FE ORDINANCE ADOPTED FROM TO PLAT AND/OR DEVELOPMENT PLAN RECORDING WITH THE COUNTY CLERK OF SUBMITTAL FOR BUILDING PERMIT APPLICATION THAT MODIFIES ANY PROVISION OF CHAPTER 14, LAND DEVELOPMENT CODE, SFCO 1987 AND SUBSEQUENT AMENDMENTS.
3. SUITABLE AREAS FOR PLATTED PARCELS WILL BE DETERMINED AT THE TIME OF BUILDING PERMIT APPLICATION AS DETAILED IN THE LAND DEVELOPMENT CODE. ANY SUITABLE AREAS SHOWN HEREON ARE SUBJECT TO RELOCATION PER REQUIREMENTS.

OWNERS CONSENT AND AFFIDAVIT

THE UNDERSIGNED OWNER DOES HEREBY CONSENT TO THE LOT LINE ADJUSTMENT AND DOES HEREBY GRANT THE 50' ACCESS (INGRESS AND EGRESS) AND UTILITY EASEMENTS, AS A NON-EXCLUSIVE CASUALTY APPURTENANT TO TRACT "A", AS SHOWN BELOW, LAND SHOWN HEREON ARE WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE CITY OF SANTA FE, NEW MEXICO.

ESTATE OF CECILIA M. BACHICHA, DECEASED
Christopher E. Gullen 3/22/12
 BY: CHRISTOPHER GULLEN, SPECIAL ADMINISTRATOR DATE

STATE OF NEW MEXICO }
 COUNTY OF SANTA FE } SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME, THIS DATE March 22, 2012, BY Christopher Gullen & Debra A. Apollonia

NOTARY PUBLIC IN AND FOR THE STATE OF NEW MEXICO
 PABLO M. BERRIO
 1000 W. 1ST ST. SUITE 200
 SANTA FE, NM 87502
 TEL: (505) 426-2300

CITY SIGNATURES

Rosanna Torres 03/22/12
 CITY ENGINEER FOR LAND USE

James Brown 03-27-12
 CITY PLANNER

STATE OF NEW MEXICO }
 COUNTY OF SANTA FE } SS INSTRUMENT NO. 1664796

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON THE 30th DAY OF MARCH, 2012, AT 12:50 O'CLOCK, P. M. AND WAS DULY RECORDED IN PLAT BOOK 743 PAGE 0394-039 OF THE RECORDS OF SANTA FE COUNTY, NEW MEXICO.

WITNESS MY HAND AND SEAL OF THE OFFICE OF VALENTIN ESPINOZA, THE SANTA FE COUNTY CLERK.

V. Espinoza
 DEPUTY, SANTA FE COUNTY CLERK'S OFFICE, STATE OF NEW MEXICO

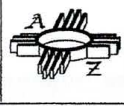
ADJOINERS			
No.	NAME N/Y	DEED BOOK / DOCUMENT NO.	PAGE
1	ROBERT HORNE	1873	363
2	PFL SANTA FE LIMITED INC	636	740
3	MARIA & ANTONIO LOPEZ	490	132
39	KENNETH EARLE	1987	016
40	KATHERINE CARTER	2208	638
41	ARCHIBALD SPINDLE	688	968
42	CITY OF SANTA FE	688	185
43	CITY OF SANTA FE	688	185
44	CITY OF SANTA FE	688	185
45	CITY OF SANTA FE	688	185
46	CITY OF SANTA FE	688	185
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55	CITY OF SANTA FE	688	185
56	WESTERN AMERICAN FINANCIAL	508	334
57	WESTERN AMERICAN FINANCIAL	508	334
58	PETER GONZALES	1987	248
59	RAMON JIMENEZ	735	754
60	JOANNA CRESPIN	728	608
61	JEANNE POLLARD	718	347
62	RICHARD RUSSELL	729	929
63	MARINA LINDRY	708	428
64	SUSAN WITMAN	1528184	
65	ROBERT BENAVIDEZ	703	211
66	MARGARET WOOD	1958	877
67	ABEL MAGANA	787	372
68	ROBERT ARCHULETA	1370983	
69	NADINE STAFFORD	1219	978
70	BRENDA LUNA	607	107
71	ALLEENA FAITH ASKEW	2677	939
72	CAROL KOY	735	687
73	KATHLEEN ROE	1366924	
74	JOHN SANDOVAL	1750	861
75	MARVIN VANDILLA	1933	428
76	NANCY ROGERS	1451	354
77	MERLUCA MELANDRIZ	1381978	
78	DAVID BENTRA	1398	060
79	RALPH GLENDORFING		
80	NO INFO FOUND		



CERTIFICATE

I, MORRIS APODACA, A NEW MEXICO REGISTERED PROFESSIONAL SURVEYOR, CERTIFY THAT ON DECEMBER 1, 2011, I CONDUCTED AND AM RESPONSIBLE FOR THIS SURVEY. THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THIS SURVEY AND PLAT MEET THE MINIMUM STANDARDS FOR SURVEYING IN THE STATE OF NEW MEXICO.

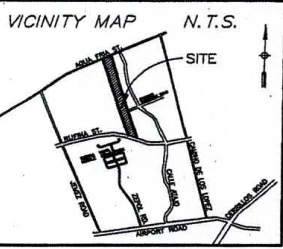
Morris Apodaca 3/22/12
 MORRIS APODACA, NO. 3300 DATE



A - Z SURVEYING INC.

5538 AGUA FRIA ROAD
 SANTA FE - NM 87507
 TEL: (505) 471-3368
 FAX: (505) 471-3366

INDEXING FOR COUNTY CLERK			
LOT LINE ADJUSTMENT FOR			
ESTATE OF CECILIA M. BACHICHA (DECEASED)			
UPC: 1-048-098-310-264			
PORTION OF S.M.C. 433 TRACT 3 WITHIN SECTION 6 & 7 T18N, R9E, ALP.M., SANTA FE COUNTY, NEW MEXICO			
CHECKED BY:	DATE: 2012 JANUARY 4	SURVEY NO:	111-023
SCALE: 1"=100'			

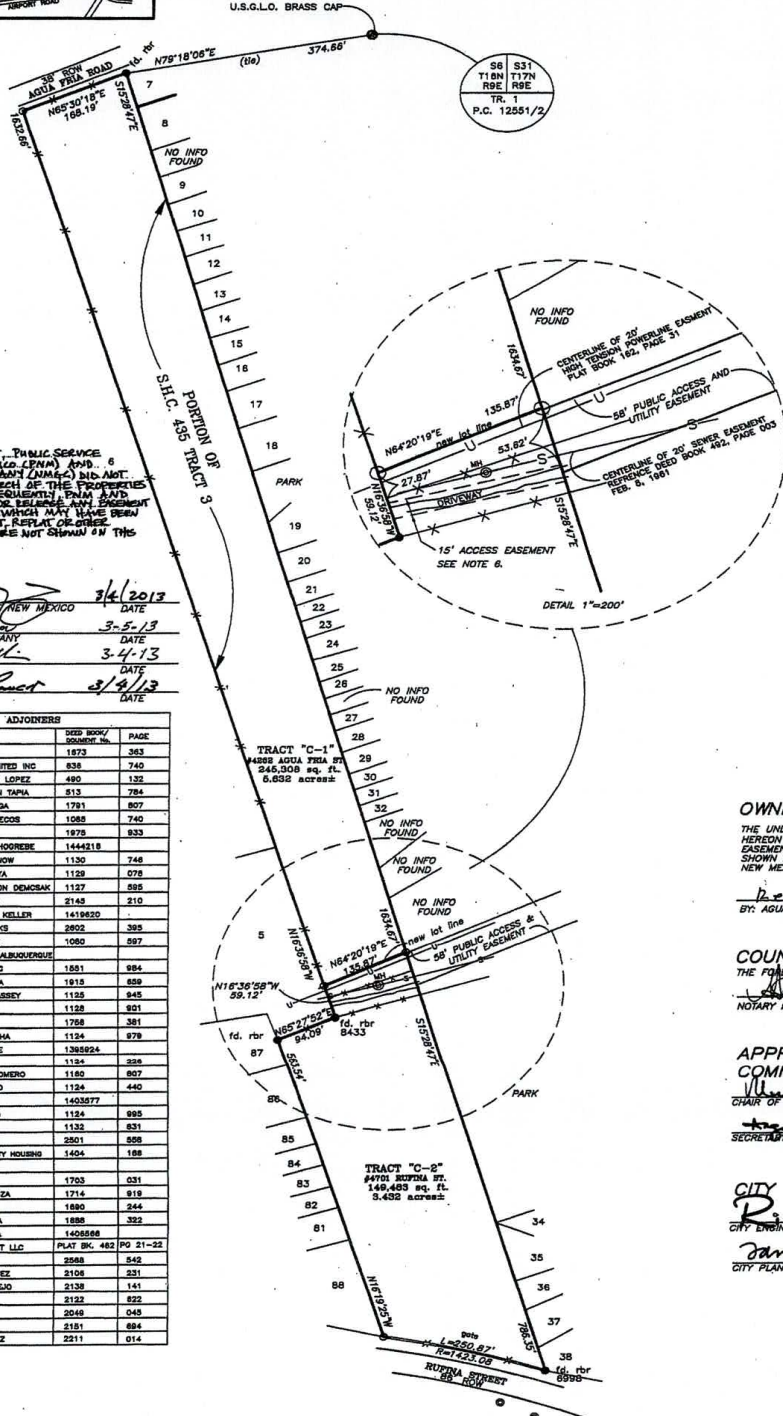
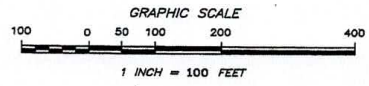


LEGEND
 MARKERS SET THIS SURVEY 1/2" REBAR WITH CAP 5300
 MARKERS FOUND USED AND NOTED THIS SURVEY
 U.S.G.L.O. BRASS CAP
 SANITARY SEWER MANHOLE
 POWER POLE
 FENCE
 OVERHEAD UTILITY LINE

AGUAFINA LOT SPLIT (CASE# 2012-145)

PURPOSE: TO CREATE TWO RESIDENTIAL LOTS

755039



GENERAL NOTES

- SURVEY IS BASED ON THE FOLLOWING:
- REFERENCE PLAT OF SURVEY BY MORRIS A. APODACA N.M.P.L.S. NO. 5300, DATED MARCH 30, 2012 ENTITLED "BOUNDARY OF REMNANT PARCEL, ESTATE OF CECILIA M. BACHICHA (DECEASED)... PORTION OF S.H.C. 435 TRACT 3, WITHIN SECTIONS 6 & 7 T16N, R9E, N.M.P.M. SANTA FE COUNTY, NEW MEXICO" RECORDED IN PLAT BOOK 743 PAGE 039 IN THE RECORDS OF SANTA FE COUNTY, NEW MEXICO.
 - PLAT OF SURVEY BY CIPRIANO MARTINEZ N.M.P.L.S. NO. 3985, DATED JANUARY 17, 1975 ENTITLED "LANDS CLAIMED BY CECILIA BACHICHA PORTION OF S.H.C. 435, TRACT 3 & LOTS 6 & 19 OF SECTIONS 6 & 7 T16N, R9E, N.M.P.M." RECORDED IN PLAT BOOK 38 PAGE 024 IN THE RECORDS OF SANTA FE COUNTY, NEW MEXICO.
 - WARRANTY DEED FROM CECILIA M. BACHICHA TO CITY OF SANTA FE, DATED NOVEMBER 29, 1994, RECORDED IN DEED BOOK 1133, PAGE 591, IN THE RECORDS OF THE SANTA FE COUNTY CLERKS OFFICE.
 - FINAL JUDGMENT AND DECREE, DATED MAY 25, 1979 (NO. S777-843), DISTRICT COURT, COUNTY OF SANTA FE STATE OF NEW MEXICO, RECORDED JUNE 11, 1979, IN BOOK 381, PAGE 778, IN THE RECORDS OF SANTA FE COUNTY, NEW MEXICO.
 - ACCORDING TO FEMA FLOOD INSURANCE RATE MAP (F.I.R.M.) COMMUNITY PANEL NO. 3504903940, DATED JUNE 17, 2008; THIS PROPERTY LIES OUTSIDE THE LIMITS OF THE 100-YEAR (1% FLOOD PLAIN, IN ZONE X; THIS DESIGNATION DOES NOT GUARANTEE THAT THE PROPERTY WILL BE FREE FROM FLOODING OR FLOOD RELATED DAMAGES.
 - FIFTEEN FOOT ACCESS EASEMENT GRANTED BY THIS PLAT FOR THE BENEFIT OF THE TARA PROPERTY AS SHOWN ON THE PLAT ENTITLED "PLAT OF SURVEY FOR WILLIE CHAVEZ WITHIN SMALL HOLDING CLAIM 435 TRACT 3 OF SECTIONS 6 & 7 T. 16 N., R.9E., N.M.P.M. SANTA FE COUNTY, NEW MEXICO" PREPARED BY CIPRIANO MARTINEZ, N.M.P.L.S. #3985, DATED JUNE 29, 1979, AND SUCCESSORS IN INTEREST.

CITY OF SANTA FE NOTES AND CONDITIONS:

- PROPERTY DEVELOPMENT IS REQUIRED TO COMPLY WITH THE APPLICABLE PROVISIONS OF CHAPTER 14, LAND DEVELOPMENT CODE, SFCO 1987 AND SUBSEQUENT AMENDMENTS.
- PROPERTY DEVELOPMENT IS REQUIRED TO COMPLY WITH THE PROVISIONS OF EACH CITY OF SANTA FE ORDINANCE ADOPTED PRIOR TO PLAT AND/OR DEVELOPMENT PLAN RECORDING WITH THE COUNTY CLERK OR SUBMITTAL FOR BUILDING PERMIT.
- ANY DEVELOPMENT ON THE PROPERTY SHALL COMPLY WITH INTERNATIONAL FIRE CODE (IFC) 2009 EDITION.
- THE PROPERTY SHALL HAVE A FIRE DEPARTMENT TURN AROUND AS PER IFC 2009 EDITION IF DRIVEWAY EXCEEDS 150FT OR ANY NEW CONSTRUCTION SHALL HAVE A FIRE PROTECTION SYSTEM THROUGH AN INTERNAL SPRINKLER SYSTEM.
- THE PROPERTY SHALL HAVE A DRIVABLE SURFACE THAT WILL BEAR THE WEIGHT OF A FIRE ENGINE AND MAINTAINED IN ALL-WEATHER CONDITIONS.
- EACH LOT SHALL BE SERVED BY SEPARATE WATER AND SEWER CONNECTIONS.
- NO FENCES, WALLS, OR OTHER OBSTRUCTIONS SHALL BE PLACED OR CONSTRUCTED ACROSS OR WITHIN PUBLIC SANITARY SEWER EASEMENTS.
- WASTEWATER UTILITY EXPANSION CHARGES (WEC) SHALL BE PAID AT THE TIME OF BUILDING PERMIT APPLICATION.
- PRIOR TO BUILDING PERMIT APPLICATION, THE APPLICANT SHALL SUBMIT A SEWER SERVICE TECHNICAL EVALUATION FOR THE PROPERTY TO THE WASTEWATER DIVISION.
- PROPERTIES INSIDE THE CITY LIMITS: WHEN THE CITY SEWER SYSTEM IS ACCESSIBLE, CONNECTION TO THE CITY PUBLIC SEWER SYSTEM IS MANDATORY AT TIME OF DEVELOPMENT OR IMPROVEMENT.

DISCLAIMER
 IN ACCEPTING THIS PLAT, PUBLIC SERVICE COMPANY OF NEW MEXICO (P.S.C.) 6 CONTRACT NO. NEW MEXICO CONTRACT (N.M.C.) DID NOT CONDUCT A TITLE SEARCH OF THE PROPERTIES SHOWN HEREON. CONSEQUENTLY, P.S.C. DOES NOT WARRANT OR RELEASE ANY EASEMENT OR EMBODIMENT RIGHTS WHICH MAY HAVE BEEN GRANTED BY TITLE PLAT REPEAT OF OTHER DECLARATION AND WHICH ARE NOT SHOWN ON THIS PLAT.

UTILITIES

PUBLIC SERVICE CO. OF NEW MEXICO	DATE
NEW MEXICO GAS COMPANY	3-5-13
COMCAST	3-4-13
CENTURYLINK	3-4-13

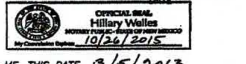
ADVERTISERS

No.	NAME	R/T	DEED BOOK/ SOURCE	PAGE
1	ROBERT HORNE		1973	343
2	PET SANTA FE LIMITED INC		834	740
3	MARIA & ANTONIO LOPEZ		490	132
4	ABE OR KATHLEEN TAMPA		513	784
5	STEVE G. LARRAMENDIA		1791	807
6	DAVID & MARIA PECOS		1088	740
7	ADY KAPLAN		1973	833
8	ROSE & DIANA HODRERE		144218	
9	JULIE & BILLY SHAW		1130	748
10	ELFA A. ARCHULETA		1129	078
11	MICHAEL & SHARON DEMOSAK		1127	888
12	VANNEY DEARDURO		2148	210
13	ERIC & DEBORAH KELLER		141820	
14	STEVEN FREDERICKS		2602	305
15	JEAN RUSTAMANTY		1080	897
16	NATIONAL BANK OF ALBUQUERQUE			
17	RICHARD E. CHAND		1881	884
18	DENNIS ARCHULETA		1915	859
19	BARBARA JEAN MASSEY		1125	845
20	MAURICE LOPEZ		1128	821
21	CONNY WALTER		1798	381
22	ELIZABETH BACHICHA		1134	879
23	MARTIN HAMPSHIRE		138924	
24	THOMAS BONEZ		1124	236
25	JUAN ORLANDO ROMERO		1180	807
26	BRYAN G. ROMERO		1124	440
27	DENNIS WISBIT		140377	
28	TERESA TRULLIO		1124	895
29	RUDY MARTINEZ		1132	831
30	JUAN ROMERO		2501	858
31	SANTA FE COMMUNITY HOUSING		1404	188
32	NO INFO FOUND			
33	JOSE TRULLIO		1703	031
34	ROSEMARY MENDOZA		1714	819
35	WILLIAM SEDLAR		1890	244
36	JEFFERY QUINTANA		1898	352
37	ENDERINA GAMBOLA		140588	
38	ROADRUNNER WEST LLC		PLAT BK. 482	PG 21-22
39	JOSHUA RIOS		2588	542
40	ENRIQUE DOMINEZ		2108	231
41	ALEJANDRO CORNELIO		2138	141
42	DAWN MONTANO		2132	822
43	LUIS AMTA		2048	048
44	DAVID MONTES		2181	884
45	JORGE A. MARTINEZ		2211	014

OWNERS CONSENT AND AFFIDAVIT

THE UNDERSIGNED OWNER(S) DO HEREBY CONSENT TO THE LOT LINE ADJUSTMENT, ALL AS SHOWN HEREON IS IN ACCORDANCE WITH THE WISHES AND DESIRES OF THE OWNER(S) SIGNED BELOW. EASEMENTS SHOWN HEREON ARE EITHER OF RECORD, VACATED, OR GRANTED WITH THIS PLAT. LANDS SHOWN HEREON ARE WITH THE PLANNING AND PLATTING JURISDICTION OF THE CITY OF SANTA FE, NEW MEXICO.

Rosalva Uruela 3/05/13
 BY: AGUAFINA DEVELOPMENT, LLC



COUNTY OF SANTA FE } ss
 THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME, THIS DATE 3/5/2013
[Signature]
 NOTARY PUBLIC MY COMMISSION EXPIRES ON

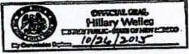
APPROVED BY THE CITY OF SANTA FE SUMMARY COMMITTEE ON JANUARY 10, 2013, CASE# 2012-145
[Signature] 3/7/13
 CHAIR OF THE SUMMARY COMMITTEE DATE
[Signature] 3/7/13
 SECRETARY OF THE SUMMARY COMMITTEE DATE

CITY SIGNATURES
[Signature] 03/07/13
 CITY ENGINEER FOR LAND USE DATE
[Signature] 3/7/13
 CITY PLANNER DATE

STATE OF NEW MEXICO }
 COUNTY OF SANTA FE } ss INSTRUMENT NO. 1698665

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD ON THE DAY OF March 8 2013 AT 2:25 O'CLOCK P. M. AND WAS DULY RECORDED IN PLAT BOOK 755 PAGE 039 OF THE RECORDS OF SANTA FE COUNTY, NEW MEXICO.
 WITNESS MY HAND AND SEAL OF THE OFFICE OF GERALDINE SALAZAR, THE SANTA FE COUNTY CLERK.
[Signature]
 DEPUTY, SANTA FE COUNTY CLERKS OFFICE, STATE OF NEW MEXICO

ACKNOWLEDGEMENT FOR NATURAL PERSONS
 STATE OF NEW MEXICO)
 COUNTY OF SANTA FE) ss
 This instrument was acknowledged before me on 3/4/2013
 by Morris A. Apodaca
 My Commission expires 10/24/2015
[Signature]
 Notary Public



CERTIFICATE
 I, MORRIS APODACA, A NEW MEXICO REGISTERED PROFESSIONAL SURVEYOR CERTIFY THAT ON DECEMBER 1, 2011, I CONDUCTED AND AM RESPONSIBLE FOR THIS SURVEY, THAT THIS SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THIS SURVEY AND PLAT MEET THE MINIMUM STANDARDS FOR SURVEYING IN THE STATE OF NEW MEXICO.
[Signature] 3-9-13
 MORRIS A. APODACA P.L.S. 5500 DATE



A - Z SURVEYING INC.
 5638 AGUA FRIA ROAD
 SANTA FE, NM 87507
 TELEPHONE (505) 471-3368
 FAX (505) 471-3368

INDEXING FOR COUNTY CLERK		
LOT SPLIT FOR AGUAFINA DEVELOPMENT LLC		
UPC: 1-048-086-310-284		
PORTION OF S.H.C. 435 TRACT 3		
WITHIN SECTION 6		
T16N, R9E, N.M.P.M. SANTA FE COUNTY, NEW MEXICO		
CHECKED BY:	DATE: 2012	SURVEY NO:
SCALE: 1"=100'	DECEMBER 28	L12-032

TRAFFIC IMPACT REPORT

For

Aguafina Development

Prepared for

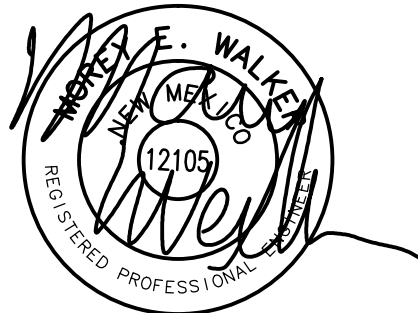
Liaison Planning

Prepared by

**MOREY WALKER AND ASSOCIATES
ENGINEERING, INC.**

November 15, 2019

Rev: July 8, 2020



Aguafina Subdivision

TRAFFIC IMPACT STUDY

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Aguafina Subdivision

TRAFFIC IMPACT STUDY

I. INTRODUCTION

A. Project Location and Description

The Aguafina Subdivision will consist of 61 single family fee simple lots between Airport Road and Agua Fria and within the City of Santa Fe. The southern section of 33 lots will have access to Rufina Road of which 18 units are north of Rufina and 15 units are south of Rufina. The northern section of 28 lots will have access directly Agua Fria. Refer to Figure 1 for location map and to Figure 2 for site plan.

B. Purpose

The purpose of this Traffic Impact Study is to determine the impact of the Aguafina Subdivision at the intersections of Rufina Street & Calle Atajo, Rufina Street and Jusha/Lois Lane, Aguafina Road & Rufina Street and Agua Fria & Aguafina/Martin Mora Road. Refer to location map for intersections studied.

II. ROAD CONDITIONS

A. Existing and Proposed Conditions

At the study area, Rufina Street is a two-lane road with dedicated left turn lanes in all directions at the intersection of Calle Atajo. The speed limit for this section of Rufina is 35 mph. Agua Fria is a two-lane roadway with a speed limit of 35 mph. Current traffic lane configuration for the all four studied intersections is shown on Figure 3.

The intersection of Calle Atajo & Rufina Street is controlled by traffic signal lights with dedicated left turn lanes. The remaining studied intersections are unsignalized and controlled by stop signs on the minor north/south roads.

Aguafina Subdivision

TRAFFIC IMPACT STUDY

B. Existing Traffic Volumes

At the intersection of Calle Atajo and Rufina Street, AM and PM peak hour traffic counts were conducted on January 15, 2019 (Appendix A). At the intersection of Rufina Street and Joshua/Loris Lane, a peak hour traffic counts were conducted by Walker Engineering on October 9, 2019 for AM and PM peak hours (Appendix B). At the intersection of Agua Fria and Martin Mora Road, AM and PM peak hour traffic counts were conducted on October 8, 2019 (Appendix C). Refer to Figure 4 for current background traffic volumes.

C. Future Traffic Volumes

A design year of 2024 has been selected for this development. Based upon NMDOT standards, a 3% yearly increase was used to simulate traffic growth in this area. Figure 5 shows the Year 2024 increase in background traffic for the studied intersections.

III. TRIP GENERATION AND TRAFFIC DISTRIBUTION

A. Trip Generation

The AM and PM peak hour traffic volumes are derived from the Institute of Transportation Engineers, Trip Generation, 9th edition. Land Use category 210 residential single family lots were used in the analysis. Data from Trip Generation for both entrances are found in Appendix D. Table 1 summarizes the information found in Trip Generation.

Table 1
AM and PM Peak Hour Traffic Volumes

Location	Size	Section	AM Peak		PM Peak	
			Entering	Exiting	Entering	Existing
Northern Section	28 Units	NB to Agua Fria	5	16	18	28
Southern Section	18 Units	SB to Rufina	4	10	12	6
	15 Units	NB to Rufina	3	9	10	5

Aguafina Subdivision

TRAFFIC IMPACT STUDY

B. Site Traffic Movements

Based upon current traffic patterns and directional percentages and upon the average trip generation as shown on Table 1, the Aguafina Subdivision traffic was distributed at the studied intersections. This distribution is shown on Figure 6.

C. Design Traffic Movements

Using the 2024 background traffic from Figure 5 and the traffic distribution from Figure 6, the combined background and site traffic for the studied area is shown on Figure 7. Figures 5 (No Build) and 7 (Build) were used to conduct the level of service evaluation.

IV. TRAFFIC EVALUATION

A. Level of Service

Synchro Ver 10 software was used to determine the operational level for the intersection. An LOS is conducted for year 2024 design year. The design year includes the annual increase in background traffic and the site traffic. Level of service is ranked from A-F, with A being the highest level of service with the least delays and F indicating a break-down in the operation of the intersection.

Figures 8, 9 and 10 are the Synchro computer models for the 2024 AM & PM No Conditions and 2024 AM & PM Build Conditions for the four studied intersections.

B. Calle Atajo and Rufina Street Intersection

Derived from the Synchro Ver 10 computer runs, Table 2 is a summary of the level of service for the intersection of Calle Atajo and Rufina Street. Traffic volumes were taken from both Figures 5 and 7 for the design year 2024 traffic. The computer printouts can be found in Appendix E. Traffic Signal Timing was obtained from the City of Santa Fe and is attached in Appendix I.

Aguafina Subdivision

TRAFFIC IMPACT STUDY

Table 2
Level of Service Analysis
Calle Atajo and Rufina Street Intersection
2024 Developed Conditions

Movement	Figure 5 No Build		Figure 7 w/ Aguafina Subdivision	
	AM Delay/LOS	PM Delay/LOS	AM Delay/LOS	PM Delay/LOS
Calle Atajo SB	19.0/B	18.5/B	19.5/B	19.0/B
Calle Atajo NB	22.4/C	21.1/C	22.9/C	21.4/C
Rufina St WB	16.0/B	28.6/C	15.9/B	29.6/C
Rufina St EB	33.0/C	20.0/B	34.2/C	20.0/B
Intersection	25.7/C	24.8/C	26.5/C	25.3/C

C. Rufina Street and Joshua/Lois Lane Intersection

Derived from the Synchro Ver 10 computer runs, Table 3 is a summary of the level of service for the intersection of Rufina Street and Joshua/Lois Lane. Traffic volumes were taken from both Figures 5 and 7 for the design year 2024 traffic. The computer printouts can be found in Appendix F.

Table 3
Level of Service Analysis
Rufina Street and Joshua/Lois Lane Road Intersection
2024 Developed Conditions

Movement	Figure 5 No Build		Figure 7 w/ Aguafina Subdivision	
	AM Delay/LOS	PM Delay/LOS	AM Delay/LOS	PM Delay/LOS
Rufina Street EB	7.9/A	8.8/A	7.9/A	8.8/A
Rufina Street WB	8.6/A	8.2/A	8.6/A	8.2/A
Lois Lane SB	19.5/C	25.0/D	19.6/C	25.4/D
Joshua Lane NB	15.4/C	13.0/B	15.5/C	13.0/B

Aguafina Subdivision

TRAFFIC IMPACT STUDY

D. Aguafina/Casa de Todos Road and Rufina Street Intersection

Derived from the Synchro Ver 10 computer runs, Table 4 is a summary of the level of service for the intersection of Aguafina/Casa de Todos Road and Rufina Street. Since this is a new intersection, only 2024 build conditions were analyzed. Traffic volumes were taken from both Figure 7 for the design year 2024 traffic. The computer printouts can be found in Appendix G.

Table 4
Level of Service Analysis
Aguafina Road and Rufina Street Drive Intersection (new)
2024 Developed Conditions

Movement	Figure 7 w/ Aguafina Subdivision	
	AM Delay/LOS	PM Delay/LOS
Aguafina Rd SB	16.1/C	23.2/C
Casa de Todos Rd NB	14.1/B	13.7/B
Rufina St WB	8.7/A	8.2/A
Rufina St EB	7.9/A	8.9/A

E. Agua Fria and Agufina Street/Martin Mora Road Intersection

Derived from the Synchro Ver 10 computer runs, Table 5 is a summary of the level of service for the intersection of Agua Fria and Agufina Street/Martin Mora Road. Traffic volumes were taken from both Figures 4 and 6 for the design year 2024 traffic. The computer printouts can be found in Appendix I. As noted before, this is a stop controlled intersection.

Aguafina Subdivision TRAFFIC IMPACT STUDY

Table 5
Level of Service Analysis
Agua Fria and Agufina Street/Martin Mora Road Intersection
2024 Developed Conditions

Movement	Figure 5 No Build		Figure 7 w/ Aguafina Subdivision	
	AM Delay/LOS	PM Delay/LOS	AM Delay/LOS	PM Delay/LOS
Martin Mora Rd SB	11.2/B	11.6/B	11.6/B	12.4/B
Agufina Rd NB			11.9/B	10.7/B
Agua Fria WB			8.2/A	7.8/A
Agua Fria EB	7.6/A	7.9/A	7.6/A	7.9/A

F. Conclusion

For the intersections of Rufina Street & Calle Atajo, Rufina Street and Jusha/Lois Lane, Aguafina Road & Rufina Street and Agua Fria & Aguafina/Martin Mora Road subdivision traffic, there was not a reduction of service for all directions.

Aguafina Subdivision

TRAFFIC IMPACT STUDY

V. SUMMARY AND RECOMMENDATIONS

The 61 single family lots for the Aguafina Subdivision will have minimal impact on the level of service for the intersections of Rufina Street & Calle Atajo, Rufina Street and Jusha/Lois Lane, Aguafina/Casa de Todos Road & Rufina Street and Agua Fria & Aguafina/Martin Mora Road. The following design requirements should be addressed at final design:

1. Stop signs to be installed for exiting traffic from the subdivision
2. All interior roads to meet City of Santa Fe standards.

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

Case #2020-2273

4262 Agua Fria Street, and 4701 and 4702 Rufina Street - Aguafina Rezoning Ordinance Amendment

Owner's/Applicant's Name- Aguafina Development, LLC
Agent's Name- Dolores Vigil, Liaison Planning Services, Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on August 20, 2020 upon the application (Application) of Liaison Planning Services, Inc., as agent for Aguafina Development, LLC (Applicant).

The Application pertains to properties located at 4262 Agua Fria Street and 4701 and 4702 Rufina Street, totaling approximately 11.5 acres (Property). The Applicant seeks to amend the conditions that the Governing Body attached to the Findings of Fact and Conclusions of Law adopting Ordinance No. 2013-12, which rezoned the properties at 4701 and 4702 Rufina Street to R-3 (Residential – Three Dwelling Units per acre). Specifically, the Applicant seeks to remove condition #2, which would require the Applicant to develop 4262 Agua Fria Street “consistent with R-3 zoning, notwithstanding that it is zoned R-5,” and to strike a portion of condition #3, which would require the Applicant “to propose . . . three base-course lot access driveways, each serving eight lots.”

The Applicant plans to create a sixty-one-lot subdivision. In related Case #2020-2274, the Applicant seeks to rezone a property located at 4701 Rufina Street, totaling approximately 3.44 acres, from R-3 (Residential- three dwelling units per acre) to R-5 (Residential- five dwelling units per acre). In related Case #2020-2287, the Applicant seeks to rezone a property located at 4702 Rufina Street, totaling approximately 2.42 acres, from R-3 (Residential – three dwelling units per acre) to R-6 (Residential – six dwelling units per acre).

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

FINDINGS OF FACT

Background

1. On December 6, 2012, the Planning Commission (Commission) considered the previous owner's R-5 rezoning application for Tract C-2 (4701 Rufina Street) and Tract B-1 (4702 Rufina Street), totaling approximately 5.89 acres (Case #2012-104).
2. At a public hearing held December 6, 2012, residents testified in opposition to the rezoning, citing concerns about traffic impacts and overall density.
3. The Commission voted to recommend lower R-3 zoning for both tracts due to concerns about traffic and density.

4. Subsequent to the hearing, in negotiations with adjacent residents, the owner agreed to develop 4262 Agua Fria Street and 4701 and 4702 Rufina Street at lower density (effectively R-3), despite the fact that 4262 Agua Fria is zoned R-5, and to develop all three tracts as private, base-course lot access driveways.
5. On January 30, 2013, the Governing Body held a public hearing to consider the rezoning request.
6. After significant discussion about appropriate density and road connectivity, the Governing Body voted to deny the rezoning request.
7. On February 13, 2013, the Governing Body rescinded its denial and decided to rehear the case, considering the rezoning request at reduced density.
8. On March 13, 2013, the Governing Body reheard the rezoning request and approved the rezoning request with conditions that were enumerated in the Findings of Fact and Conclusions of Law, which were filed by the City Clerk as Item #13-0191.
9. These conditions, referred to as "the Applicant Undertakings," formalized the previous owner's offer to: (1) submit any request for subdivision and/or development plan approval for 4701 and 4702 Rufina Street and the adjacent parcel (4262 Agua Fria Street) as a single application; (2) develop 4262 Agua Fria Street consistent with R-3 zoning, notwithstanding that it is zoned R-5; (3) not request to use Powerline Road as a primary or secondary access for new development at 4262 Agua Fria Street, 4701 Rufina Street, or 4702 Rufina Street, but to propose instead three base-course lot access driveways, each serving eight lots; and (4) grant an easement to Abe and Kathleen Tapia and their successors across 4262 Agua Fria Street to permit them to access Powerline Road.
10. The previous owner submitted an application for a subdivision that met the conditions described as "the Applicant Undertakings." The application went through a series of hearings and was ultimately approved; but the subdivision was never recorded, and the approval expired.
11. In 2019, the Applicant initially proposed a subdivision with the same configuration as the previously approved subdivision, which had expired.
12. In discussing the initial 2019 proposal with the Applicant, Staff raised concerns about connectivity and roads, which were consistent with the concerns raised by staff in 2013.
13. The Applicant conducted a series of meeting with neighbors, which resulted in a series of design changes to the Project.
14. In these meetings, area residents expressed a willingness to accept higher density if it would guarantee higher quality homes and proper roads.
15. The Applicant has revised the proposal and design, and seeks to develop at a density that will financially support paved streets, pedestrian amenities, and quality stick-built homes.

General

16. 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.
17. The Santa Fe City Code (SFCC) Section 14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [SFCC Section 14-3.1(E)]; (b) an Early Neighborhood Notification (ENN) meeting [SFCC Section 14-3.1(F)(2)(a)(iii)&(iv)]; and (c) compliance with notice and public hearing requirements [SFCC Section 14-3.1(H)-(I)].

18. A pre-application conference was held on January 10, 2019 in accordance with SFCC Section 14-3.1(E).
19. Pursuant to SFCC Section 14-3.1(H), notice of the ENN meeting was properly given.
20. Pursuant to SFCC Section 14-3.1(F), a virtual ENN meeting was held via Zoom on June 1, 2020. The ENN meeting was attended by several representatives of the Applicant and members of City staff. Twenty-two members of the public attended. Residents expressed concerns, including traffic impacts to neighborhoods surrounding the property, but were generally happy that the proposal would include stick-built homes. The Applicant and residents agreed to continue negotiating over a wall or fencing between the new development and existing homes, as there could be property line issues to be resolved.
21. Pursuant to the SFCC Section 14-3.5(A)(1)(d), any person may submit a written request for a rezoning or a zoning ordinance amendment, along with all submissions required by Chapter 14 of the SFCC and any other necessary information requested by the land use director (Submittal Requirements).
22. Following the ENN, the Applicant submitted an application seeking to amend the conditions of approval for Ordinance No. 2013-12 (Case #2012-104), as set forth in the Findings of Fact and Conclusions of Law filed by the City Clerk as Item #13-0191.
23. City staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable SFCC requirements and provided the Commission with a written report of its findings (Staff Report), which evaluated the factors relevant to the Application.
24. Staff recommended that the Commission should recommend that the Governing Body grant the request to amend Ordinance 2013-12 and modify the Findings of Fact and Conclusions of Law by removing the requirement in condition #2 that the applicant must develop 4262 Agua Fria Street "consistent with R-3 zoning, notwithstanding that it is zoned R-5," and by striking the portion of condition #3 that requires the Applicant "to propose . . . three base-course lot access driveways, each serving eight lots."

Zoning Ordinance Amendment

25. Pursuant to SFCC Section 14-3.19(D)(1), the procedures for a substantive amendment to the conditions of a prior rezoning ordinance are the same as the procedures that apply to a new application for a rezoning ordinance.
26. Pursuant to SFCC Section 14-2.3(C)(7)(c) and 14-3.5(B)(1), the Commission has the authority to review and make recommendations to the Governing Body regarding a proposed rezoning or zoning ordinance amendment.
27. SFCC Section 14-3.5(B) sets out procedures for rezoning and requires the Planning Commission to hold a public hearing, review the Application, and make a recommendation to the Governing Body to approve or deny the Application.
28. SFCC Section 14-3.5(C) sets out approval criteria and requires the Planning Commission to make complete findings of fact sufficient to show that these criteria have been met before recommending approval a rezoning ordinance amendment.
29. Most of the approval criteria in SFCC Section 14-3.5(C) are inapplicable to a request to amend the conditions attached to a prior zoning ordinance, and the SFCC does not provide specific criteria for evaluating a request to amend such conditions.

30. The Planning Commission finds that the rezoning criteria are intended to ensure that the public interest is not harmed by the rezoning, that development under the new zoning will serve the public more than development under the original zoning, and that infrastructure can handle or be modified to handle the proposed new development.
31. In this case, the Planning Commission finds that "Applicant Undertaking #2," which is the condition that Tract C-1 (4262 Agua Fria Street) should be developed consistent with R-3 zoning, notwithstanding that it is zoned R-5, should be removed from the Findings of Fact and Conclusions of Law for Ordinance No. 2013-12 because removing that condition would not harm the public interest, and building at greater density will allow the construction of stick-built homes, streets, and sidewalks in conformance with adjacent residents' desires.
32. The Planning Commission finds that "Applicant Undertaking #3," which is the condition that the Applicant shall not request to use Powerline Road as a primary or secondary access for the subdivision and that the subdivision must be developed as three private, base-course lot access driveways, should be removed from the Findings of Fact and Conclusions of Law for Ordinance No. 2013-12 because the Land Use Code and General Plan express a strong preference for road connectivity; these types of conditions are more appropriate for consideration in conjunction with a subdivision application (not a rezoning application); and because the public interest will be better served by paved public roads with sidewalks.

CONCLUSIONS OF LAW

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

General

1. Pursuant to SFCC Section 14-3.1, all procedures regarding the pre-application conference, ENN meeting, and notice of public hearing requirements have been followed.

Rezoning Ordinance Amendment

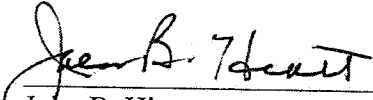
2. The Applicant has the right under the SFCC to propose amendments to the conditions of approval attached to the ordinance that rezoned the Property.
3. The Commission has the power and authority at law and under the Code to review the proposed amendments to the conditions attached to the rezoning ordinance and to make recommendations regarding the proposed amendments to the Governing Body.
4. The Applicant met the applicable Submittal Requirements.
5. The Findings of Fact and Conclusions of Law adopting Ordinance 2013-12 should be amended by removing "Applicant Undertaking #2" and "Applicant Undertaking #3" because all applicable code requirements have been met, the public interest will not be harmed, development under the new zoning will serve the public, and the infrastructure can handle the proposed new development.

WHEREFORE, IT IS ORDERED ON THE 20th DAY OF AUGUST 2020 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

Case #2020-2273

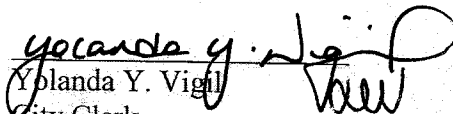
4262 Agua Fria Street, and 4701 and 4702 Rufina Street - Aguafina Rezoning Ordinance Amendment

Considering the foregoing findings and conclusions, the Commission recommends that the Governing Body amend the conditions attached to Ordinance No. 2013-12 by removing Applicant Undertaking #2 and Applicant Undertaking #3.


John B. Hiatt
Chairperson

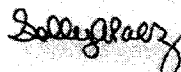
8.24.20
Date

FILED:


Yolanda Y. Vigil
City Clerk

8/24/20
Date

APPROVED AS TO FORM:


Sally A. Paez
Assistant City Attorney

August 21, 2020
Date

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

Case #2020-2274

4701 Rufina Street - Aguafina Rezoning

Owner's/Applicant's Name- Aguafina Development, LLC

Agent's Name- Dolores Vigil, Liaison Planning Services, Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on August 20, 2020 upon the application (Application) of Liaison Planning Services, Inc., as agent for Aguafina Development, LLC (Applicant).

The Application pertains to a property located at 4701 Rufina Street totaling approximately 3.44 acres (Property). The Applicant requests approval of a rezoning from R-3 (Residential- three dwelling units per acre) to R-5 (Residential- five dwelling units per acre). The Applicant plans to create 18 lots on the Property as part of a 61-lot subdivision.

In related Case #2020-2287, the Applicant seeks to rezone a property located at 4702 Rufina Street totaling approximately 2.42 acres. The Applicant requests approval of a rezoning from R-3 (Residential – three dwelling units per acre) to R-6 (Residential – six dwelling units per acre).

Additionally, in related Case #2020-2273, the Applicant seeks to amend the conditions that the Governing Body attached to the Findings of Fact and Conclusions of Law adopting Ordinance No. 2013-12, which rezoned the properties at 4701 and 4702 Rufina Street to R-3 (Residential – Three Dwelling Units per acre). Specifically, the Applicant seeks to remove condition #2, which would require the Applicant to develop the adjacent parcel at 4262 Agua Fria Street “consistent with R-3 zoning, notwithstanding that it is zoned R-5,” and to strike a portion of condition #3, which would require the Applicant “to propose . . . three base-course lot access driveways, each serving eight lots.”

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

FINDINGS OF FACT

Background

1. On December 6, 2012, the Planning Commission (Commission) considered the previous owner's R-5 rezoning application for Tract C-2 (4701 Rufina Street) and Tract B-1 (4702 Rufina Street), totaling approximately 5.89 acres (Case #2012-104).
2. At a public hearing held December 6, 2012, residents testified in opposition to the rezoning, citing concerns about traffic impacts and overall density.
3. The Commission voted to recommend lower R-3 zoning for both tracts due to concerns about traffic and density.

4. Subsequent to the hearing, in negotiations with adjacent residents, the owner agreed to develop 4262 Agua Fria Street and 4701 and 4702 Rufina Street at lower density (effectively R-3), despite the fact that 4262 Agua Fria is zoned R-5, and to develop all three tracts as private, base-course lot access driveways.
5. On January 30, 2013, the Governing Body held a public hearing to consider the rezoning request.
6. After significant discussion about appropriate density and road connectivity, the Governing Body voted to deny the rezoning request.
7. On February 13, 2013, the Governing Body rescinded its denial and decided to rehear the case, considering the rezoning request at reduced density.
8. On March 13, 2013, the Governing Body reheard the rezoning request and approved the rezoning request with conditions that were enumerated in the Findings of Fact and Conclusions of Law, which were filed by the City Clerk as Item #13-0191.
9. These conditions, referred to as "the Applicant Undertakings," formalized the previous owner's offer to: (1) submit any request for subdivision and/or development plan approval for 4701 and 4702 Rufina Street and the adjacent parcel (4262 Agua Fria Street) as a single application; (2) develop 4262 Agua Fria Street consistent with R-3 zoning, notwithstanding that it is zoned R-5; (3) not request to use Powerline Road as a primary or secondary access for new development at 4262 Agua Fria Street, 4701 Rufina Street, or 4702 Rufina Street, but to propose instead three base-course lot access driveways, each serving eight lots; and (4) grant an easement to Abe and Kathleen Tapia and their successors across 4262 Agua Fria Street to permit them to access Powerline Road.
10. The previous owner submitted an application for a subdivision that met the conditions described as "the Applicant Undertakings." The application went through a series of hearings and was ultimately approved; but the subdivision was never recorded, and the approval expired.
11. In 2019, the Applicant initially proposed a subdivision with the same configuration as the previously approved subdivision, which had expired.
12. In discussing the initial 2019 proposal with the Applicant, Staff raised concerns about connectivity and roads, which were consistent with the concerns raised by staff in 2013.
13. The Applicant conducted a series of meeting with neighbors, which resulted in a series of design changes to the Project.
14. In these meetings, area residents expressed a willingness to accept higher density if it would guarantee higher quality homes and proper roads.
15. The Applicant has revised the proposal and design, and seeks to develop at a density that will financially support paved streets, pedestrian amenities, and quality stick-built homes.

General

16. 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.
17. The Santa Fe City Code (SFCC) Section 14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [SFCC Section 14-3.1(E)]; (b) an Early Neighborhood Notification (ENN) meeting [SFCC Section 14-3.1(F)(2)(a)(iii)&(iv)]; and (c) compliance with notice and public hearing requirements [SFCC Section 14-3.1(H)-(I)].

18. A pre-application conference was held on January 10, 2019 in accordance with SFCC Section 14-3.1(E).
19. Pursuant to SFCC Section 14-3.1(H), notice of the ENN meeting was properly given.
20. Pursuant to SFCC Section 14-3.1(F), a virtual ENN meeting was held via Zoom on June 1, 2020. The ENN meeting was attended by several representatives of the Applicant and members of City staff. Twenty-two members of the public attended. Residents expressed concerns, including traffic impacts to neighborhoods surrounding the property, but were generally happy that the proposal would include stick-built homes. The Applicant and residents agreed to continue negotiating over a wall or fencing between the new development and existing homes, as there could be property line issues to be resolved.
21. Pursuant to the SFCC Section 14-3.5(A)(1)(d), any person may submit a written request for a rezoning, along with all submissions required by Chapter 14 of the SFCC and any other necessary information requested by the land use director (Submittal Requirements).
22. City staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable SFCC requirements and provided the Commission with a written report of its findings (Staff Report), which evaluated the factors relevant to the Application.
23. Staff recommended that the Commission should recommend that the Governing Body approve the rezoning.

Rezoning

24. Pursuant to SFCC Section 14-2.3(C)(7)(c) and Section 14-3.5(B)(1), the Commission has the authority to review and make recommendations to the Governing Body regarding rezonings.
25. SFCC Section 14-3.5(B) sets out procedures for rezoning and requires the Commission to hold a public hearing, review the Application, and make a recommendation to the Governing Body.
26. SFCC Section 14-3.5(C) sets out approval criteria and requires the Commission to make complete findings of fact sufficient to show that these criteria have been met before recommending a rezoning.
27. Pursuant to SFCC Section 14-3.5(C)(1)(a)(ii)-(iii), the rezoning is justified because the proposed density is allowed by the Future Land Use Map designation of Low Density Residential, and because the proposed density is consistent with surrounding homes.
28. Pursuant to SFCC Section 14-3.5(C)(1)(b), the Commission finds that all the rezoning requirements of Chapter 14 have been met.
29. Pursuant to SFCC Section 14-3.5(C)(1)(c), the Commission finds that the proposed rezoning is consistent with the applicable policies of the general plan, including the future land use map. Specifically, R-5 zoning is consistent with the Southwest Area Master Plan (SWAMP) Future Land Use Map designation of Residential Low Density (3-7 dwelling units per acre) and will provide lots of similar size to the adjacent neighborhood.
30. Pursuant to SFCC Section 14-3.5(C)(1)(d), the Commission finds that rezoning the property to accommodate infill by creating a sixty-one-lot subdivision is consistent with city policies regarding the provision of urban land sufficient to meet the amount, rate, and geographic location of the growth of the city.
31. Pursuant to SFCC Section 14-3.5(C)(1)(e), the Commission finds that the existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities,

such as fire stations and parks, will be able to accommodate the impacts of the proposed development.

32. Pursuant to SFCC Section 14-3.5(C)(2)(a), the Commission finds that the proposed change in density will not result in a change in character inconsistent with the prevailing use and character of the area, and that the R-5 zoning is consistent with the surrounding density, such as the adjacent R-7 Las Acequias subdivision.
33. Pursuant to SFCC Section 14-3.5(C)(2)(b), the Commission finds that the proposed rezoning is permissible because it would not affect an area of less than two acres.
34. Pursuant to SFCC Section 14-3.5(C)(2)(c), the Commission finds that the proposed rezoning will not benefit one or a few landowners at the expense of the surrounding landowners or general public. The proposed density will enable the construction of homes that will harmonize with the adjacent Las Acequias subdivision.
35. Pursuant to SFCC Section 14-3.5(D)(1), the Commission finds that the proposed additional density can be accommodated by the existing and proposed road infrastructure.
36. Pursuant to SFCC Section 14-3.5(D)(2), the Commission finds that the public roads proposed in the concept plan will serve the proposed development, and that public sidewalks will serve the surrounding neighborhood better than private lanes without sidewalks.

CONCLUSIONS OF LAW

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

General

1. Pursuant to SFCC Section 14-3.1, all procedures regarding the pre-application conference, ENN meeting, and notice of public hearing requirements have been followed.

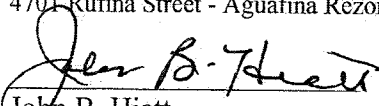
Rezoning

2. The Applicant has the right under the SFCC to propose the rezoning of the Property.
3. The Commission has the power and authority at law and under the Code to review the proposed rezoning of the Property and to make recommendations regarding the proposed rezoning to the Governing Body.
4. The Applicant met the applicable Submittal Requirements.
5. The Commission should recommend approval of the requested rezoning because all applicable code requirements and criteria for recommendation of approval of the proposed rezoning have been met.

WHEREFORE, IT IS ORDERED ON THE 20th DAY OF AUGUST 2020 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

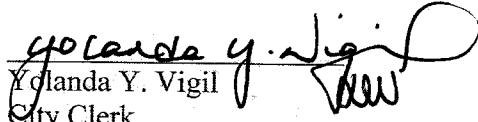
Considering the foregoing findings and conclusions, the Commission recommends approval of the proposed rezoning.

Case #2020-2274
4701 Rufina Street - Aguafina Rezoning


John B. Hiatt
Chairperson

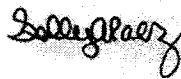
8-24-20
Date

FILED:


Yolanda Y. Vigil
City Clerk

8/24/20
Date

APPROVED AS TO FORM:


Sally A. Paez
Assistant City Attorney

August 20, 2020
Date

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

Case #2020-2287

4702 Rufina Street Aguafina Rezoning

Owner's/Applicant's Name- Aguafina Development, LLC

Agent's Name- Dolores Vigil, Liaison Planning Services, Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on August 20, 2020 upon the application (Application) of Liaison Planning Services, Inc., as agent for Aguafina Development, LLC (Applicant).

The Application pertains to a property located at 4702 Rufina Street totaling approximately 2.42 acres (Property). The Applicant requests approval of a rezoning from R-3 (Residential- three dwelling units per acre) to R-6 (Residential- six dwelling units per acre). The Applicant plans to create 15 lots on the Property as part of a 61-lot subdivision.

In related Case #2020-2274, the Applicant seeks to rezone a property located at 4701 Rufina Street totaling approximately 3.44 acres from R-3 (Residential- three dwelling units per acre) to R-5 (Residential- five dwelling units per acre).

Additionally, in related Case #2020-2273, the Applicant seeks to amend the conditions that the Governing Body attached to the Findings of Fact and Conclusions of Law adopting Ordinance No. 2013-12, which rezoned the properties at 4701 and 4702 Rufina Street to R-3 (Residential – Three Dwelling Units per acre). Specifically, the Applicant seeks to remove condition #2, which would require the Applicant to develop the adjacent parcel at 4262 Agua Fria Street “consistent with R-3 zoning, notwithstanding that it is zoned R-5,” and to strike a portion of condition #3, which would require the Applicant “to propose . . . three base-course lot access driveways, each serving eight lots.”

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

FINDINGS OF FACT

Background

1. On December 6, 2012, the Planning Commission (Commission) considered the previous owner's R-5 rezoning application for Tract C-2 (4701 Rufina Street) and Tract B-1 (4702 Rufina Street), totaling approximately 5.89 acres (Case #2012-104).
2. At a public hearing held December 6, 2012, residents testified in opposition to the rezoning, citing concerns about traffic impacts and overall density.
3. The Commission voted to recommend lower R-3 zoning for both tracts due to concerns about traffic and density.

4. Subsequent to the hearing, in negotiations with adjacent residents, the owner agreed to develop 4262 Agua Fria Street and 4701 and 4702 Rufina Street at lower density (effectively R-3), despite the fact that 4262 Agua Fria is zoned R-5, and to develop all three tracts as private, base-course lot access driveways.
5. On January 30, 2013, the Governing Body held a public hearing to consider the rezoning request.
6. After significant discussion about appropriate density and road connectivity, the Governing Body voted to deny the rezoning request.
7. On February 13, 2013, the Governing Body rescinded its denial and decided to rehear the case, considering the rezoning request at reduced density.
8. On March 13, 2013, the Governing Body reheard the rezoning request and approved the rezoning request with conditions that were enumerated in the Findings of Fact and Conclusions of Law, which were filed by the City Clerk as Item #13-0191.
9. These conditions, referred to as "the Applicant Undertakings," formalized the previous owner's offer to: (1) submit any request for subdivision and/or development plan approval for 4701 and 4702 Rufina Street and the adjacent parcel (4262 Agua Fria Street) as a single application; (2) develop 4262 Agua Fria Street consistent with R-3 zoning, notwithstanding that it is zoned R-5; (3) not request to use Powerline Road as a primary or secondary access for new development at 4262 Agua Fria Street, 4701 Rufina Street, or 4702 Rufina Street, but to propose instead three base-course lot access driveways, each serving eight lots; and (4) grant an easement to Abe and Kathleen Tapia and their successors across 4262 Agua Fria Street to permit them to access Powerline Road.
10. The previous owner submitted an application for a subdivision that met the conditions described as "the Applicant Undertakings." The application went through a series of hearings and was ultimately approved; but the subdivision was never recorded, and the approval expired.
11. In 2019, the Applicant initially proposed a subdivision with the same configuration as the previously approved subdivision, which had expired.
12. In discussing the initial 2019 proposal with the Applicant, Staff raised concerns about connectivity and roads, which were consistent with the concerns raised by staff in 2013.
13. The Applicant conducted a series of meeting with neighbors, which resulted in a series of design changes to the Project.
14. In these meetings, area residents expressed a willingness to accept higher density if it would guarantee higher quality homes and proper roads.
15. The Applicant has revised the proposal and design, and seeks to develop at a density that will financially support paved streets, pedestrian amenities, and quality stick-built homes.

General

16. 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.
17. The Santa Fe City Code (SFCC) Section 14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [SFCC Section 14-3.1(E)]; (b) an Early Neighborhood Notification (ENN) meeting [SFCC Section 14-3.1(F)(2)(a)(iii)&(iv)]; and (c) compliance with notice and public hearing requirements [SFCC Section 14-3.1(H)-(I)].

18. A pre-application conference was held on January 10, 2019 in accordance with SFCC Section 14-3.1(E).
19. Pursuant to SFCC Section 14-3.1(H), notice of the ENN meeting was properly given.
20. Pursuant to SFCC Section 14-3.1(F), a virtual ENN meeting was held via Zoom on June 1, 2020. The ENN meeting was attended by several representatives of the Applicant and members of City staff. Twenty-two members of the public attended. Residents expressed concerns, including traffic impacts to neighborhoods surrounding the property, but were generally happy that the proposal would include stick-built homes. The Applicant and residents agreed to continue negotiating over a wall or fencing between the new development and existing homes, as there could be property line issues to be resolved.
21. Pursuant to the SFCC Section 14-3.5(A)(1)(d), any person may submit a written request for a rezoning, along with all submissions required by Chapter 14 of the SFCC and any other necessary information requested by the land use director (Submittal Requirements).
22. City staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable SFCC requirements and provided the Commission with a written report of its findings (Staff Report), which evaluated the factors relevant to the Application.
23. Staff recommended that the Commission should recommend that the Governing Body approve the rezoning.

Rezoning

24. Pursuant to SFCC Section 14-2.3(C)(7)(c) and Section 14-3.5(B)(1), the Commission has the authority to review and make recommendations to the Governing Body regarding rezonings.
25. SFCC Section 14-3.5(B) sets out procedures for rezoning and requires the Commission to hold a public hearing, review the Application, and make a recommendation to the Governing Body.
26. SFCC Section 14-3.5(C) sets out approval criteria and requires the Commission to make complete findings of fact sufficient to show that these criteria have been met before recommending a rezoning.
27. Pursuant to SFCC Section 14-3.5(C)(1)(a)(ii)-(iii), the rezoning is justified because the proposed density is allowed by the Future Land Use Map designation of Low Density Residential, and because the proposed density is consistent with surrounding homes.
28. Pursuant to SFCC Section 14-3.5(C)(1)(b), the Commission finds that all the rezoning requirements of Chapter 14 have been met.
29. Pursuant to SFCC Section 14-3.5(C)(1)(c), the Commission finds that the proposed rezoning is consistent with the applicable policies of the general plan, including the future land use map. Specifically, R-6 zoning is consistent with the (SWAMP) Future Land Use Map designation of Residential Low Density (3-7 dwelling units per acre) and will provide lots of similar size to the adjacent neighborhood.
30. Pursuant to SFCC Section 14-3.5(C)(1)(d), the Commission finds that rezoning the property to accommodate infill by creating a sixty-one-lot subdivision is consistent with city policies regarding the provision of urban land sufficient to meet the amount, rate, and geographic location of the growth of the city.
31. Pursuant to SFCC Section 14-3.5(C)(1)(e), the Commission finds that the existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities,

- such as fire stations and parks, will be able to accommodate the impacts of the proposed development.
32. Pursuant to SFCC Section 14-3.5(C)(2)(a), the Commission finds that the proposed change in density will not result in a change in character inconsistent with the prevailing use and character of the area, and that the R-6 zoning is consistent with the surrounding density, such as the adjacent R-7 Las Acequias subdivision.
 33. Pursuant to SFCC Section 14-3.5(C)(2)(b), the Commission finds that the proposed rezoning is permissible because it would not affect an area of less than two acres.
 34. Pursuant to SFCC Section 14-3.5(C)(2)(c), the Commission finds that the proposed rezoning will not benefit one or a few landowners at the expense of the surrounding landowners or general public. The proposed density will enable the construction of homes that will harmonize with the adjacent Las Acequias subdivision.
 35. Pursuant to SFCC Section 14-3.5(D)(1), the Commission finds that the proposed additional density can be accommodated by the existing and proposed road infrastructure.
 36. Pursuant to SFCC Section 14-3.5(D)(2), the Commission finds that the public roads proposed in the concept plan will serve the proposed development, and that public sidewalks will serve the surrounding neighborhood better than private lanes without sidewalks.

CONCLUSIONS OF LAW

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

General

1. Pursuant to SFCC Section 14-3.1, all procedures regarding the pre-application conference, ENN meeting, and notice of public hearing requirements have been followed.

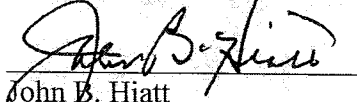
Rezoning

2. The Applicant has the right under the SFCC to propose the rezoning of the Property.
3. The Commission has the power and authority at law and under the Code to review the proposed rezoning of the Property and to make recommendations regarding the proposed rezoning to the Governing Body.
4. The Applicant met the applicable Submittal Requirements.
5. The Commission should recommend approval of the requested rezoning because all applicable code requirements and criteria for recommendation of approval of the proposed rezoning have been met

WHEREFORE, IT IS ORDERED ON THE 20th DAY OF AUGUST 2020 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

Considering the foregoing findings and conclusions, the Commission recommends approval of the proposed rezoning.

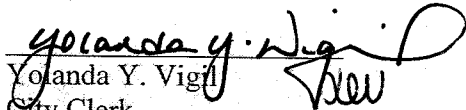
Case #2020-2287
4702 Rufina Street Aguaфина Rezoning



John B. Hiatt
Chairperson

8-24-20
Date

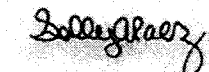
FILED:



Yolanda Y. Vigil
City Clerk

8/24/20
Date

APPROVED AS TO FORM:



Sally A. Paez
Assistant City Attorney

August 20, 2020
Date

**SUMMARY INDEX
PLANNING COMMISSION MINUTES
AUGUST 20, 2020**

ITEM	ACTION TAKEN	PAGE(S)
1) Roll Call	Quorum Present	1
B. Pledge of Allegiance	Recited	1
C. Approval of Agenda	Approved as published	2
D. Approval of Minutes	None	2
Findings/Conclusions	None	2
E. Old Business:	None	2
F. New Business		
1) Ordinance Amendment Table of Uses Section 1-6.1(C)	Approved	2-4
2) Ordinance Amendment Creating Fees and new sections in Code 7-1.3	Approved w/Amendments	4-7
3) Case #2020-2266 Sangre Azul, Final Subdiv. Findings / Conclusions	Approved Approved	7-10 10-11
4) Case #2020-2273 4262 Agua Fria Street and 4701 & 4702 Rufina St. Rezoning Amendments Findings/Conclusions	Approved Approved	11-24 24
5) Case #2020-2274 4262 Agua Fria Street Rezoning Amendments Findings / Conclusions	Approved Approved	24-25 25
6) Case #2020-2287 and 4701 & 4702 Rezoning Amendments	Approved	25

Findings / Conclusions	Approved	25
G. Staff Communications	Comments	25-26
H. Matters from the Commission	Comments	26
I. Adjournment	Adjourned at 8:40 pm	26

MINUTES OF THE CITY OF SANTA FE PLANNING COMMISSION
Thursday, August 20, 2020 - 6:00pm
VIRTUAL HEARING

CALL TO ORDER

A regular meeting of the City of Santa Fe Planning Commission was called to order by Chair Hiatt on the above date at approximately 6:00 p.m. at a virtual meeting held at <https://www.youtube.com/user/cityofsantafe>.

A. ROLL CALL

Roll Call indicated the presence of a quorum for the meeting

Members Present

Commissioner John B. (Jack) Hiatt, Chair
Commissioner Janet Clow
Commissioner Lee Garcia
Commissioner Brian Patrick Gutierrez
Commissioner Jessica Lawrence
Commissioner Dominic Sategna

Members Absent

Commissioner Mark Hogan, Vice Chair, excused
Commissioner Pilar Faulkner, Secretary, excused
(One Vacancy)

Others Present:

Mr. Elias Isaacson, Land Use Director
Mr. Jason Kluck, Assistant Land Use Director
Mr. Noah Berke, Planner Manager and Staff Liaison
Mr. Carlos Gemora, Senior Planner
Ms. Sally Paez, Assistant City Attorney
Ms. Melissa D. Byers, Stenographer

NOTE: All items in the Committee packet for all agenda items are incorporated herewith by reference. The original Committee packet is on file in the Land Use Department.

B. PLEDGE OF ALLEGIANCE

Chair Hiatt led the pledge of allegiance.

C. APPROVAL OF AGENDA

MOTION: Commissioner Lawrence moved, seconded by Commissioner Clow, to approve the agenda, as presented.

VOTE: The motion passed by unanimous roll call vote with Commissioners Clow, Garcia, Gutierrez, Lawrence and Sategna voting in favor and none voting against.

D. APPROVAL OF MINUTES

None

E. APPROVAL OF FINDINGS/CONCLUSIONS

None

F. OLD BUSINESS:

None

G. NEW BUSINESS

1. **An Ordinance Amending the Table of Permitted Uses in Section 14-6.1(C) SFCC 1987 to Include Commissary Kitchens as a Permitted Use Requiring a Special Use Permit in C-1 Zoning Districts; and Amending Section 14-12.1 to Add the Definition of Commissary Kitchens.** (Councilors Lindell and Villarreal) (Eli Isaacson, Land Use Department Director, esisaacson@santafenm.gov, 955-6730)

Ms. Paez advised that witnesses be sworn in for this quasi-judicial item.

Staff Report

Director Isaacson explained the purpose of the bill was to add the definition Commissary Kitchen to the Code and amend the use table in SFCC Section 14-6.1-1. This would approve Commissary Kitchens as a permitted use and require a special use permit in a C1 zoning district when located within 200 feet of a residential zone.

He introduced Hilary Kilpatric and Andrea Abedi, who initiated the amendment.

Constituent Presentation

Andrea Abedi, 1622 Camino Porvenir and Hilary Kilpatric, 2323 Calle Halcon, were sworn in. They provided a PowerPoint presentation which explained the purpose for a

All of the planned developments, both approved and Kate's Way, and all the other properties not formally presented to the City were included. They assumed the density based on the City's and the study shows that the intersection works well.

Mr. Romero said one thing that might happen that would be a positive effect. The building of the apartments could improve traffic. The school districts build their schools in a reactive approach and build new schools when they get to capacity. It is likely once the apartments come in, the number of students will push the district boundary out and some would go to another school district. That would make this population more appropriate for the area. Most of the traffic issues in the area are in the morning because of the school and many of the kids will be walking to school with the apartments so close. That will reduce people driving their children to school.

He said that theory isn't included in the model, but it does include all of the existing traffic plus future traffic going through the intersections. He sees no safety and definitely no capacity issues with the access of Kate's Way onto South Meadows. The City often builds access on curves and has only had an issue when access was on the inside of a curve. It makes it hard to see cars coming around the curve, but there is ample site distance on the outside of the curve. Kate's Way allows you to see down both sides of South Meadows.

MOTION: In Case #2020-2266, Sangre Azul, Final Subdivision Plat, Commissioner Sategna moved to approve subject to the conditions of approval and technical corrections recommended by staff, and to approve Findings of Fact and Conclusions of Law as proposed in Exhibit A2. The motion was seconded by Commissioner Lawrence.

VOTE: The motion passed by unanimous roll call vote with Commissioners Garcia, Gutierrez, Lawrence and Sategna voting in favor and none voting against.

Ms. Guerrerortiz noted they have been working on another entrance to this area for over six months and doing surveys to bring another road into the area. They hope to connect to the frontage road off of South Meadows roundabout.

4. **Case #2020-2273. 4262 Agua Fria Street and 4701 & 4702 Rufina Street Aguafina Rezoning Ordinance Amendment.** Liaison Planning Services, Inc., Agent, for Aguafina Development LLC, Owner, requests an amendment to Ordinance 2013-12 to remove condition #2 requiring Tract C-1 to be developed consistent with R-3 zoning, and modifying condition #3 to remove the requirement for three base-course lot access driveways. The properties are zoned R-5 (Residential- five dwelling units per acre) and R-3 (Residential- three dwelling units per acre) and total approximately

11.47 acres. (Lee Logston, Case Manager, lrllogston@santafenm.gov, 955-6136).

5. **Case #2020-2274. 4701 Rufina Street Aguafina Rezoning.** Liaison Planning Services, Inc., Agent, for Aguafina Development, Owner, requests approval of a rezoning from R-3 (Residential – three dwelling units per acre) to R-5 (Residential – five dwelling units per acre) for a property located at 4701 Rufina Street. The property is approximately 3.44 acres. (Lee Logston, Case Manager, lrllogston@santafenm.gov, 955-6136).
6. **Case #2020-2287. 4702 Rufina Street Aguafina Rezoning.** Liaison Planning Services, Inc., Agent, for Aguafina Development LLC, Owner, requests approval of a rezoning from R-3 (Residential – three dwelling units per acre) to R-6 (Residential – six dwelling units per acre) for a property located at 4702 Rufina Street. The property is approximately 2.42 acres. (Lee Logston, Case Manager, lrllogston@santafenm.gov, 955-6136).

Commissioner Clow returned to the meeting at 6:56 p.m.

Staff Report

Mr. Logston provided the staff report. Case #2273 has to do with all three properties. This is a rezoning ordinance amendment to remove Condition #2, requiring the tract to be developed R-3 and modify Condition #3 to remove the requirement for the three to have base course access driveways. Case #2274 is a rezoning from R3 to R5 and the Case #2287 is rezoning from R3 to R6.

Mr. Logston showed a brief PowerPoint presentation. He indicated this will be heard as one case but is three different cases.

Background from 2012 was provided. A separate applicant sought rezoning R1 to R5 for 4701/4702 and the Commission recommended R3. The Governing Body reheard the case in 2013, first rejecting it. They reheard the case and approved the rezoning of a 23-lot subdivision and the applicant agreed to conditions of the two Rufina parcels. The conditions restricted how the Agua Fria parcel could be developed, even though not part of the rezoning application.

An overview of the tracts and their locations were shown. The Commission was asked to rezone two lots and change conditions attached to all three parcels, including tract C1. There are three components, to amend the zoning ordinance #2013-12 to remove conditions of approval in the Findings/Conclusions requiring to be developed requiring the 3 properties to be developed as a 23-lot subdivision on 3 lot access driveways. And rezoning requests for 4701 and 4702.

The conditions placed on the three properties known as the “applicant’s undertakings” are: The applicant is to submit the request for the subdivision as a single application; to develop the adjacent parcel (Agua Fria parcel) consistent with R3 zoning, notwithstanding it was zoned R5; the applicant would not request to connect Power Line Road as primary or secondary access for the property or for the Agua Fria parcel, but instead propose specifically 3 base-course lot access driveways, each serving a maximum of 8 lots; and last, the applicant would grant an easement to the Tapias’ home and their successors across to Power Line Road.

The amendment proposed would specifically strike the second condition to develop the Aqua Fria parcel consistent with R3 zoning, and strike through the part that has been struck through on the third condition.

Mr. Logston clarified this application honors the wishes of the residents to not connect Powerline Road as a road. To make that work they would be striking the second part of Condition #3. The rezone for 4701 is from R3 to R5 to match the density of the north tract C-1 and to allow development at a density that enables paved roads, sidewalks, and site built or stick-built homes. Rezoning for 4702 R3 to R6, to match the density of the future Casa de Todos subdivision and allow density that enables paved roads, etc. and a road connection to Casa de Todos.

Chapter 14 does not have specific criteria for an ordinance amendment. The Commission should base their decision roughly on criteria for rezoning. This case is a decision on whether or not a development that has paved roads, instead of a series of private unpaved roads, is better for pedestrian connectivity and overall public interest. He summarized the gist of the Code on rezoning is the land-use - in this case the density - is more advantageous to the public good, is consistent with general plan policies, infrastructure can handle it, and is consistent with surrounding density and land use. The proposal is consistent with surrounding density and would provide public paved roads and sidewalks, and it is consistent with the wishes of Las Acequias residents for site-built homes consistent with their neighborhood.

Staff Recommendation

Staff recommended the Commission recommend the Governing Body approve the amendment and the rezonings. Six motions are required and are included in the staff report.

Applicant’s Presentation

Dolores Vigil, PO Box 1835, was sworn. She represents the applicant, Rudy Rodriguez, Sr. who was present. Mr. Rodriguez is the managing partner for Agua Fria Subdivision. She thanked Mr. Logston for doing a good job paraphrasing the case. They have met many times with neighbors and the previous approval had expired. At an ENN

with the neighbors and surrounding properties the applicant proposed a manufactured housing subdivision. The neighbors were adamantly opposed, and the applicant began to think it would be better to propose stick-built homes. Also, Las Acequia Subdivision residents have enjoyed the open space and the applicant assured them he would incorporate connectivity to the park. Sidewalks will be added, which will be safer than base course roads. And Power Line Road will not be part of this development. The neighbor who uses that road will continue to have access to his property.

Ms. Vigil shared the site plan noting the surrounding area and location of Power Line Road. She gave a general overview of the proposal and tracts: Tract C1 will have a gate at the end of Powerline Road for fire access, a turnaround for solid waste, and landscape on both sides with sidewalks. Tract C2 she hopes to rezone would have a paved roadway with access for fire and a turnaround for solid waste.

She explained the amendments requested are the conditions in 2013 when approved. The conditions were found in the Findings/Conclusions and the previous owner had agreed to develop property to R3 despite that it is zoned R5. That is the reason for the request to remove that condition, including the base course driveways.

Ms. Vigil introduced consultants with her who could help with questions, Karl Sommer, Ms. Guerrerortiz with Design Enginuity and Walker Engineering.

Chair Hiatt confirmed the consultants wanted to wait until after the public hearing to speak.

Mr. Berke reminded the Commission this is a rezoning case and there is no subdivision application submitted or being reviewed currently. The Commission would likely hear a subdivision plat in the future if rezoning is approved. There will be both a preliminary and a final subdivision plat to review.

Mr. Berke provided instructions for those wanting to speak.

Public Hearing

Fabian Trujillo, previously sworn, reminded the Commission that Las Acequias Neighborhood Association has 653 homes and over 3100 residents. He said we are 60% minority community with per capita income about \$35,459 and 26% live below the poverty line.

He noted the Association has been meeting since November 2019 with Ms. Vigil and Liaison Planning. They are happy they have agreed to build stick-built homes. But the neighborhood still has some concerns on the rezoning with regard to traffic. He has made the same comments about all the development around them. The traffic will be spilling into an already failing intersection at Lopez Lane and Rufina. The Association

would like the applicant to be required to provide impact fees if approved for rezoning. The development will add approximately 400 more cars at that intersection.

William Henry Mee, 2073 Camino Samuel Montoya, was sworn in. He stated that he is president of the Agua Fria Village Association. We approved the accessing of Agua Fria Street in 2013 by the eight homes in C1 using a base course road. The request now to allow a paved road with higher density is against our community plan. The traffic of all of the trailer parks and subdivisions along Aqua Fria is limited to Agua Fria. All have locked gates for emergency vehicle purposes only and the Association prefers that. One [condition] of the 2013 plan was at Power Line Road, to block off the access to Agua Fria Street. The Association does not want a through street from Rufina to Agua Fria.

Chair Hiatt asked Mr. Mee if the property fell within the Village.

Mr. Mee indicated it is not in the traditional community, but the portion of Agua Fria Street is in the traditional store community. It requires a Santa Fe County driveway permit.

Chair Hiatt closed the public hearing.

Commission Discussion

Commissioner Gutierrez asked to see the access to the Tapia property.

Mr. Logston showed the Powerline Road easement and Tapia home. He noted a condition in the rezoning ordinance that access would be preserved, would be included in the preliminary subdivision.

Commissioner Gutierrez asked if the home mostly fell within tract C1.

Mr. Logston replied technically it is its own property, but it is correct that more of it is adjacent to C1 than C2.

Commissioner Gutierrez asked to see the three gravel driveways.

Mr. Logston showed a view of the driveways. He explained the overall plan was to keep the density low and the track was already zoned R5 and allows the proposed number of homes. The base course private driveways with emergency access gates at the ends were shown.

Mr. Logston noted in regard to Mr. Mee's comment, it was never a through road and is not currently proposed as a through drive. It would be paved roads and still have the gates.

Commissioner Gutierrez asked Ms. Vigil if the applicant had asked the neighborhood for connectivity all the way through to Agua Fria.

Ms. Vigil said it has never been a through road since she has been on the case and that was never discussed. The road has always ended at Power Line with gates or bollards for each lot. That is still the intent.

Commissioner Sategna noted in the previous cases staff did not support the proposal because of a lack of connectivity, specifically with Power Line Road. He asked Mr. Logston what made this different than the previous recommendation and if he found the connection impractical.

Mr. Logston replied as a planning professional he felt that road connections should be made when possible. In this case the neighbors were adamant, and it was conditioned as part of the approval of the subdivision. This time around in the early meetings with neighbors they were clear they do not want the road to connect. He, John Romero, the applicant/owner, the former land-use director and Ms. Vigil reviewed the combined subdivision concepts. They discussed where roads should and should not connect.

He doesn't necessarily agree with the lack of connection as a planning professional but recognizes this is what the neighbors want. The neighbors have already compromised by accepting higher density and is when staff tends to fail before City Council. Staff was overruled last year in City Council with Dos Acequias. Staff is not recommending the connection now because they have learned when residents really don't want something, City Council will most likely uphold that.

Mr. Logston said the Commission was able to recommend other than what he recommended in his staff report.

Commissioner Sategna appreciated the concerns of the community and consideration of the Governing Body voting in favor of the community's perspective of "not in my backyard". But the Commission is bound by Chapter 14 and 9.2 Street Improvement and Design Standards guidance for approving connectivity. Time and time again there is another case where because of staff's past interactions with the Governing Body or an upset neighborhood association, the City puts up bollards to create an access road where two roads should obviously connect. That access into communities is somehow swept under the rug and he disagreed. He believes they should follow Chapter 14 unless as it states it would be impractical.

He said in this situation he did not believe it would be impractical to connect these roads or to use what staff stated in 2013; that it makes sense to connect the roads. He could respect that neighboring communities feel it is important not to connect, however, the Commission is bound to Chapter 14.

Commissioner Sategna asked Mr. Logston if the conditions being set were originally tied to the Findings/Conclusions and how are they bound, and if the Commission would have opportunity to comment again. He asked if this would be creating conditions when the subdivision comes before the Commission, that prevents them from reconsidering the connection of these roads.

Mr. Logston said he respects Commissioner Sategna's opinion on connectivity. In general, staff recommends that no conditions be placed on the rezoning for the reason they are before the Commission tonight. It creates more process to go back and amend later. That the conditions were in the Findings/Conclusions rather than the ordinance was unusual and not how it is done today. He asked that Ms. Paez comment.

Mr. Berke asked before Ms. Paez spoke, to have John Romero talk about future connectivity and why Power Line Road will never be a through road. It was platted as an easement in the 80s.

Ms. Paez indicated when looking at the applicant undertakings one slide shows what the applicant proposes to strike from the previous conditions. Some conditions will remain conditions but attached to the zoning with the properties. The previous applicant had submitted regarding the first condition, a single application encompassing all three tracks. Ms. Vigil plans to do the same.

Chair Hiatt asked Ms. Vigil if that was her intent.

Ms. Vigil confirmed it was her intent.

Ms. Paez stated she didn't believe that precluded a road connection. The second will be eliminated; that the adjacent parcel is rezoned consistent with R3 zoning. The third condition that the applicant would not request to use Power Line Road as primary or secondary access, would remain. She wasn't sure that would dictate what is done with other connections from Rufina to Agua Fria and is just specific to Power Line. That condition is proposed to be retained. That cannot be changed at the subdivision approval stage. The three base course lot access driveways would be eliminated and the easement to the Tapias will remain but doesn't necessarily dictate a road layout.

Mr. Romero, City Traffic Engineer, said a lot of connectivity potential or decisions apply to this subject area. First, the intent of Power Line Road was to be a major east/west connection through the City but was replaced by Rufina. The Power Line alignment was abandoned with that decision. Other connectivity Commissioner Sategna brought up is relative regarding the type of connections to neighborhoods and how they are managed within the neighborhood sentiments.

In this case, they felt the pedestrian connectivity was good enough that a formal connection from a traffic standpoint from the development to Power Line Road would not

serve a specific traffic issue. He supports the connection for Dos Acequias as an example because it was different and provided legitimate connections for the neighborhood through the development and vice versa. It also facilitates a potential extension through Montano Road.

Mr. Romero said in this case he doesn't see a connection to Calle Atajo or the same degree of benefit. There is enough gray area that it wasn't worth pushing it through. Especially when the neighborhood doesn't want it. If they were to make Power Line Road a through connection from Calle Atajo to Cielo Azul, it would provide little benefit. Having a pedestrian connection work and with a proposed development, they are looking at how to extend the pedestrian connection through a trail system that eventually connects the two.

Commissioner Sategna explained he didn't really have a question. He thought Mr. Berke wanted Mr. Romero to comment to his question of whether this condition would be attached to the subdivision when it came for approval.

Commissioner Clow said Commissioner Sategna had asked if the Commission put conditions on this similar to the previous Findings/Conclusions would they be stuck when this is before them as a development plan. Her understanding is that would be yes. If the Commission recommends a condition and the City Council approves, when it returns to the Commission for the development plan the Commission is bound by those conditions.

Ms. Paez confirmed that was correct. She noted that Karl Sommer, attorney representing the applicant, wanted to speak.

Commissioner Sategna asked if Mr. Sommer was speaking on behalf of the applicant or during public comment.

Chair Hiatt asked to confirm he would speak on behalf of the applicant.

Karl Sommer, PO Box 2476, was sworn in. He confirmed he was speaking on behalf of the applicant and wanted to address comments of Commissioner Sategna and Mr. Romero on connectivity. His understanding was that Commissioner Sategna was asking about the north/south connectivity to Agua Fria and to Rufina in part, and Mr. Romero was talking about connectivity to Power Line Road.

Mr. Sommer said this property was purchased by Mr. Rodriguez, who is someone doing quality development in town for a very long time. The cost of the infrastructure requires that you get density. A trade off to get that approved at every level with the City is the trade-off on the north-south connection from Agua Fria to Rufina. This is a proposed balance of stick-built homes and paved roads and sidewalks between all of those interests. What was given up in connectivity was traded for increased connectivity for

pedestrians and a more quality living environment. They are sensitive to Code, but connectivity requires the tradeoff to be in the interest of the community and balanced with the ability to develop the property in a manner that would make it affordable for Mr. Rodriguez.

Commissioner Clow asked if correct that connectivity is not mandated, it is recommended, and there is flexibility of issues like connectivity for walking and harmony in the neighborhood, etc.

Mr. Berke replied when the condition was made in 2013 the Code wasn't revised for connectivity and different laws were in place. A lot of connectivity goals are stipulated in the General Plan. They are looking for consistency with that when opening a rezoning case and the policies that guide it. They now have rules for connectivity, but this today is only a zoning amendment.

Mr. Logston pointed out that the Commission is bound by the previous Council's decision on the ordinance rather than the Code. The ordinance runs with the land and the conditions bind them.

Commissioner Clow said it is also important to note that the issue has not been brought before the Commission and the applicant has not asked for that condition to be changed. It is appropriate when City Council made that a condition and the new issues were brought to the Commission that the issue was not presented to the Commission. It would complicate everything. The Commission does not have standing to do that and it is not before them. She said she read that 20% of the lots will be affordable. She asked if that was correct.

Ms. Vigil answered that was correct; it would be eight lots.

Commissioner Clow asked to confirm that all of the homes would be stick built homes on the 3 parcels. She was told yes.

Commissioner Sategna said he respectfully disagreed with Commissioner Clow. He thought the Commission's job is to stick their nose into some of these issues. He understood this was not brought to the Commission's attention. And he could appreciate their consideration for the Governing Body and how they make their decisions. But it is the Commission's responsibility to take things into consideration regarding Chapter 14. It is relevant because it is not traditional that conditions are attached to rezonings.

He also disagreed with Mr. Logston that the Commission is bound by previous conditions. Here they are making recommendations to the Governing Body to remove conditions, or alter them, so the Commission does have some say in that. He feels the Commission plays an important role to address Chapter 14 and should be evaluating connectivity and regardless if on merit, it should be considered.

Chair Hiatt said he was struggling whether Commissioners should be talking about the connectivity in a rezoning consideration. He asked Ms. Paez if relevant at this point.

Ms. Paez said to the extent that the conditions are in the Findings/Conclusions and adopted in the previous rezoning and speak to connectivity issues and road connections, they are relevant. She didn't see the idea of a north to south connection mentioned, so that was off the table, but comments about Power Line can be considered.

Chair Hiatt said he thought they should talk about Power Line and not about the north to south connection.

Commissioner Sategna clarified that he was addressing Power Line Road. He has concerns about only one path of ingress/egress there. While there is a solution, he was not addressing that.

Commissioner Sategna addressed Mr. Logston's point saying when we are attaching conditions to rezoning, which is not usually done, it creates this mess.

He asked Ms. Paez, given that the criteria the Commission measures in rezoning doesn't necessarily address additional conditions, he was trying to decide if he votes no and provides specifics to the Governing Body, what criterion would the attached conditions fall under.

Ms. Paez wasn't sure how to approach this. It is unusual that the conditions were set forth in the Findings/Conclusions and not attached to the rezoning ordinance. It is very messy to find the Findings/Conclusions approved a rezoning ordinance but didn't address all the parcels that were addressed in the Findings of Fact and Conclusions of Law. She thought that the City's position was those were never challenged. They were issued by the Governing Body in a final action and order by the Governing Body that can only be changed by the Governing Body. The Governing Body has the authority to do that.

She said the Commission could make recommendations to that effect. It doesn't tie into the express conditions of a zoning change. It is more about a piece of legislation and falls more into the category of changing an ordinance on a bill. The Governing Body has separate authority to do that outside the zoning criteria itself.

Commissioner Sategna asked if they should be making a decision or a recommendation on this to begin with. Given this is a position of the Governing Body and not necessarily attached to criteria the Commission would assess in a rezoning. He suggested rather than a no vote against criteria, he would recommend the Governing Body remove the additional criteria with the intent of upholding Chapter 14 and that criteria.

Commissioner Gutierrez noted that Ms. Paez stated the Commission should only be looking at what's in front of them. But they are charged with looking at the General Plan that includes connectivity. That puts them in the position to look at this with blinders. He asked if he had interpreted that wrong.

Ms. Paez said if she could go back to 2013, she would recommend to the Governing Body not to attach some of the conditions in the Findings/Conclusions in the rezoning stage. They are more appropriate at the subdivision stage and really address more how the City lays out roads. The connectivity issues, are really a subdivision issue. That would be the appropriate time to impose conditions. However, the Governing Body did include some connectivity and subdivision layout conditions in the previous rezoning case when they issued their Findings/Conclusions. Now that those are in there, it is appropriate to address them, but she didn't recommend going beyond that limited scope.

Ms. Paez added they will be looking at the subdivision plat with proposed roads, layout and connectivity issues. There would be nothing wrong to express general observations about connectivity. It would be helpful, but when looking at rezoning they should stick to the road issues and the rezoning conditions and the Findings for 2013.

Commissioner Gutierrez confirmed if connectivity were north to south it should be addressed when the preliminary subdivision comes back to the Commission.

Ms. Paez said that is what she recommends.

Commissioner Gutierrez said he requested the minutes for this case from 2012/2013 and it appeared the mindset and reason tract C1 was mandated to rezoning versus the R5, was because they wanted a softer footprint into the Agua Fria area. He asked what has changed since for them to advocate for the zoning requested.

Mr. Logston replied that was new to him, he had not read that. He understood it to be part of the overall package and that they wanted as few homes as possible on that stretch and the lot access driveway was a way to achieve that. That was a maximum of eight homes. That wasn't the specific impact on Agua Fria, it was the overall impact to the neighborhood and an attempt to keep the density low.

Commissioner Gutierrez explained he read in the Governing Body minutes that C1 went into R3 because they wanted less impact closer to Agua Fria than Rufina. He asked what changed from 2013 to now, that staff recommends approval to R5 or R6.

Mr. Logston said tract C1 has always been zoned R5 and was never part of the original rezone. The Council at the time conditioned it be developed at a lower density as part of the overall package. He clarified that it was stated in earlier public testimony that that section of Agua Fria is County jurisdiction, but it is not. The City map boundary

of Agua Fria Village comes close, but the Village boundary comes over the road across to the north. He respected Mr. Mee's concerns, but it does not require a County permit.

Ms. Vigil asked if Morey Walker could speak about traffic counts based on the new additional lots and R5 zone.

Mr. Berke suggested the applicant answer Commissioner Gutierrez's question and why the changes are warranted.

Ms. Vigil responded that neighbors now want more connectivity. This road will allow sidewalks and the applicant is providing more of a community. The previous design was just for eight lots with dirt roads that would be unsafe. She has seen this before when people don't approve of base course roads because there are no sidewalks. She has been hearing that since working with the neighborhood. They feel paved roads would be a benefit and also the density helps to create a subdivision with amenities and keeps the dust down. In the previous design the road was on the side of Las Acequias and against their fences. So, the applicant moved the road to the west side of the lot. Those changes were a result of meetings and studies conducted, and the traffic study that also supports the additional lots.

Mr. Sommer said Commissioner Gutierrez's question goes to the criteria for rezoning the two parcels to the south and what has changed in the neighborhood. He thought criteria #2 in section 14-3.5C(1)(a)(ii). The City has developed this area in such a way that the infrastructure and density has changed. Properties have grown up around this that is different than R3 zoning that dovetails into the third criteria, a category more advantageous to the community. Now R5 zoning is more consistent with the overall area than at the time of the restriction and R3 zoning placed on the two other southern tracts.

Commissioner Gutierrez indicated he had asked Mr. Logston to check on the infrastructure.

Mr. Logston replied Rufina and Agua Fria are serviced with water and sewer. Stan Holland of the City Wastewater Division reviewed the request and approved with minor corrections. The infrastructure could handle this, and the wastewater plans would include to expand the lines in the future if necessary.

Commissioner Gutierrez asked Mr. Romero regarding Mr. Mee's statement if they would have to go through the County for anything on Agua Fria.

Mr. Romero replied that Agua Fria is checkerboarded in this area because of the County annexation. He wasn't sure where it stood.

Commissioner Gutierrez offered to look it up on the GIS map.

Chair Hiatt asked Commissioner Gutierrez why the Commission would care if the County is going to be involved, at this juncture.

Commissioner Gutierrez replied if this returns in the future, so he would know the answer.

Commissioner Sategna addressed Ms. Paez. These seem best positioned when the approval for the subdivision comes to the Commission, rather than trying to make recommendations for the approval of some conditions versus others. He asked if he could make a motion to recommend that the Governing Body remove all the conditions of approval with the intent to be addressed later by staff and the applicant during the subdivision approval. The Commission could then readdress the conditions at that level instead of attaching them to the rezoning ordinance.

Commissioner Sategna said if they were to do that, the zoning ordinance is already R5 and the Commission could still recommend approval to the Governing Body for the rezoning of the other two requests.

Ms. Paez replied that would be an appropriate motion and recommendation. There is no guarantee that the Governing Body would go that far because they are also aware their opportunity for more input on this is only at the zoning level. The subdivision will come back to the Commission for approval and not go to the Governing Body unless appealed. An option could be to remove the two conditions that speak to road connectivity and all of condition #3, and the base course driveways. The Commission's recommendation could be more nuanced.

Director Isaacson suggested rather than striking all of the conditions, possibly striking all of condition #3. That would speak to some of the concerns expressed and leave the question to the subdivision plat process, where those issues are more appropriately addressed.

Commissioner Clow agreed they should keep the first condition that all three properties come together as one development. She also would not change the easement access with the homeowner and agreed striking condition #3 would be good.

MOTION: In Case #2020-2273, 4262 Agua Fria Street and 4701 & 4702 Rufina Street, Commissioner Clow moved to recommend the Governing Body approve the amendments to the Findings of Fact and Conclusions of Law, Item 13-0191, striking condition #2 and to strike condition #3 in its entirety. Commissioner Sategna seconded the motion.

Commissioner Sategna said he would have appreciated since he made the suggestion, to make the motion but it is okay. He is aligned with Commissioner Clow. He wanted to comment, however, that while he raised

the issue of condition #3, he was concerned about the integrity of how the Commission handles the cases in the future. He respects the position of the Governing Body on controversial cases like this when communities are fighting connectivity and maintaining the integrity of Chapter 14. And how they deal with rezoning that has conditions attached to it, where traditionally that is not how this would take place.

Commissioner Sategna said he seconds Commissioner Clow's motion but wants to look at how to better address this in the future with the applicant and the community, so they are not passing along conditions going forward to the Governing Body. He suggested in the future considering removing conditions so they are pushed down to the subdivision review where they should be considered.

Chair Hiatt agreed it was a good point. He apologized for missing Commissioner Sategna for the motion.

Commissioner Gutierrez asked that condition #3 be shown on the screen.

Commissioner Clow restated the motion. Commissioner Sategna agreed that was his understanding of the motion. He still seconds the motion.

VOTE: The motion passed by unanimous roll call vote with Commissioners Clow, Garcia, Gutierrez, Lawrence and Sategna voting in favor and none voting against.

Chair Hiatt asked Ms. Paez if the Commission will have to make major changes in the Findings.

Ms. Paez thought major changes wouldn't be needed but they do need to add the nuance. She suggested it might be cleanest to resubmit those at the next hearing.

Chair Hiatt said unless there are objections, they could postpone the Findings of Fact and Conclusions of Law.

Commissioner Sategna objected. He asked to work the findings out now so the applicant wouldn't have to wait another month. He preferred taking care of it unless Ms. Paez objected that doing so would be too difficult.

MOTION: In Case #2020-2273, 4262 Agua Fria Street and 4701 & 4702 Rufina Street, Exhibit A1, Commissioner Clow moved approval of Findings of Fact and Conclusions of Law with the amendment that the condition of approval in

the Findings of Fact and Conclusions of Law, Condition #3, be stricken in its entirety. Commissioner Sategna seconded the motion.

VOTE: The motion passed by unanimous roll call vote with Commissioners Clow, Garcia, Gutierrez, Lawrence and Sategna voting in favor and none voting against.

MOTION: In Case #2020-2274, 4701 Rufina Street Aguafina Rezoning, Commissioner Clow moved to recommend to the Governing Body to approve rezoning from R3 to R5. The motion was seconded by Commissioner Sategna.

VOTE: The motion passed by unanimous roll call vote with Commissioners Clow, Garcia, Gutierrez, Lawrence and Sategna voting in favor and none voting against.

MOTION: In #2020-2274, 4701 Rufina Street Aguafina Rezoning Findings of Fact and Conclusions of Law, Commissioner Clow moved to approve as found in Exhibit A2. Commissioner Sategna seconded the motion.

VOTE: The motion passed by unanimous roll call vote with Commissioners Clow, Garcia, Gutierrez, Lawrence and Sategna voting in favor and none voting against.

MOTION: In Case #2020-2287, 4702 Rufina Street Aguafina Rezoning, Commissioner Clow moved to recommend to the Governing Body to approve rezoning the property from R3 to R6. The motion was seconded by Commissioner Sategna.

VOTE: The motion passed by unanimous roll call vote with Commissioners Clow, Garcia, Gutierrez, Lawrence and Sategna voting in favor and none voting against.

Ms. Paez pointed out the zoning is from R3 to R6 not R5.

Commissioners Clow and Sategna both agreed and changed the motion to reflect rezoning to R6.

REVOTE: The motion passed by unanimous roll call vote with Commissioners Clow, Garcia, Gutierrez, Lawrence and Sategna voting in favor and none voting against.

MOTION: In Case #2020-2287, 4702 Rufina Street Aguafina Rezoning Findings of Fact and Conclusions of Law, Commissioner Clow moved to recommend

approval to the Governing Body. Commissioner Sategna seconded the motion. He noted an error of an additional 7 and agrees this is Case #2287.

VOTE: The motion passed by unanimous roll call vote with Commissioners Clow, Garcia, Gutierrez, Lawrence and Sategna (with comment) voting in favor and none voting against.

Commissioner Sategna commented he appreciated all of the work done by staff and the applicant to bring this forward, and the involvement of the community on the issue.

Chair Hiatt agreed and added his appreciation. He addressed Ms. Vigil and said this is complicated. He appreciated both she and the applicant /owners and staff and all those who have worked on this. And he appreciated everyone's comments.

Chair Hiatt said this is been approved and will move forward with the Commission's recommendations. He agreed with Commissioner Sategna it would be better if they had an easier way to do this. He thanked them for their comments.

Mr. Logston noted the property owner wanted to comment.

Mr. Rudy F. Rodriguez, applicant, 701 Los Lovatos, was sworn in. He said he appreciated all the work that went into this and thanked Ms. Vigil, Mr. Sommer and everyone involved.

Chair Hiatt thanked him for this project.

H. STAFF COMMUNICATIONS

Director Isaacson apologized for his camera being off during the majority of the meeting. He explained he had Internet issues and trouble hearing.

Mr. Berke informed the Commission the first meeting in September was canceled and an email was sent to everyone. The second meeting in September has not been canceled but he and Director Isaacson need to discuss whether to have it. A text amendment might be presented at that meeting if they get it together, otherwise, September appears to have no cases. The text amendments should be quick if there is a second meeting. October will be very busy with big and controversial cases, two of which are Board of Adjustment cases. The Board of Adjustment has yet to meet in the virtual format. There will probably be two meetings in October. Also, everyone should have received the DRT contact list of key staff.

Chair Hiatt said he would have to recuse himself for one of those cases. That raises the question if there is any information on the appointment of a 9th member.

Director Isaacson replied he is in the process of working with the Mayor and City Manager to discuss appointments to Land Use boards. They will communicate this week on that.

Chair Hiatt reminded him to open the slot for a Citywide appointment.

I. MATTERS FROM THE COMMISSION

Commissioner Sategna said he also may have to recuse himself from an upcoming case in September or October.

Mr. Berke told Commissioner Sategna that his case did not get turned in and wouldn't be heard in September or October.

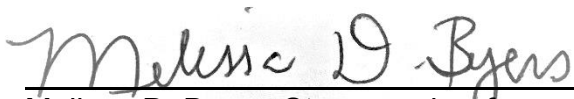
Commissioner Lawrence said she was surprised to receive a paper packet, electronic is fine. She asked what the plan was going forward.

Mr. Berke said it would be helpful to let him know again who preferred paper. Commissioners Sategna, Garcia, Lawrence and Gutierrez were okay with digital and Commissioners Clow and Hiatt both wanted paper.

J. ADJOURNMENT

Chair Hiatt adjourned the meeting at 8:40 pm.

Submitted by:



Melissa D. Byers, Stenographer for
Byers Organizational Support Services

Approved by:

John B. Hiatt, Chair



City of Santa Fe, New Mexico

Memorandum



DATE: October 8, 2020

TO: Governing Body

VIA: Regina Wheeler, Public Works Department Director *RW*

FROM: Sam Burnett, Public Works Property Maintenance Manager

ITEM AND ISSUE:

Request for the Approval of Amendment #10 to Service Contract 18-0552 increasing compensation in the Total Amount of \$96,529.61 plus NMGRT for temporary CARES related Security Services for select City Parks and the Salvation Army Shelter; Universal Protection Services, LP dba Allied Universal Security. To be complete by 12/31/2020; Sam Burnett, Public Works Property Maintenance Manager, jsburnett@santafenm.gov, 505-795-2498)

BACKGROUND AND SUMMARY:

Since July 1, 2018 Universal Protection Services LP, dba Allied Security, has been providing security services for a variety of City facilities. These facilities currently include the Santa Fe Railayrd, Genoveva Chavez Community Center, La Farge Library, Main Library, South-side Library, Midtown Campus, Municipal Courts, Municipal Courts at Pete's Place, Santa Fe Regional Airport, Santa Fe Trails and a mobile unit that patrols City Parking Facilities.

Amendment #10 to this will add security services at select City Parks and the Salvation Army Shelter using funds that are reimbursable by the CARES Grant. The Parks will receive services 24 hours per day, seven days per week. This will include a Level 2 Officer, a HELIAUS Cellphone and a Patrol Vehicle. The Parks included are East and West De Vargas Park, Salvador Perez Park, General Franklin Miles Park, Herb Martinez Park, Las Acequias Park, SWAN Park and the Santa Fe Railyard Park. These services will begin in October and terminate in December. The Salvation Army Shelter will receive service 16 hours per day seven days per week. These services will begin in November and terminate in December.

Amendment History:

Amendment #1:

1. Add 4 hours of professional security services at the LaFarge Library branch on Sundays. \$4,320.56 plus applicable gross receipts taxes
2. Add 100 hours of event services at the Genoveva Chavez Community Center. \$1,928.00 plus applicable gross receipts taxes
3. Add professional security services to the Railyard Visitor Center seasonally Monday-Saturday during the months of April – October. \$27,454.72 plus applicable gross receipts taxes

Amendment #2:

1. Add Performance Requirements and Contract Liquidated Damages that were included in the RFB, but failed to be incorporated in the original contract.

Amendment #3:

1. Add professional security services to the Santa Fe University of Art and Design Campus. \$56,020.48 plus applicable gross receipts taxes.

Amendment #4:

1. Add an additional 3,600 hours of level-1 security officer hours of coverage and 2,400 hours of level-3 security officer hours of coverage at the University of Art and Design campus. \$145,876.64 plus applicable gross receipts taxes.

Amendment #5:

1. Add an additional 72-hours of level-3 security officer hours of coverage and 1,032 hours of level-1 security officer hours of coverage at the Santa Fe Regional Airport. \$21,821.06 plus applicable gross receipts taxes.

Amendment #6:

1. Eliminate the City Hall/Santa Fe Community Convention Center security post effective 15 February 2019 per a request by City Management.

Amendment #7:

1. Extend the City of Santa Fe's contract with Universal Protection Service LP dba Allied Universal Security Services through 30 June 2020.
2. Remove the Railyard Visitor Center location as requested by the Tourism Department.
3. Approved a billing rate increase of 2%.

Amendment #8:

1. Extend the City of Santa Fe's contract with Universal Protection Service LP dba Allied Universal Security Services through 30 June 2022.

Amendment #9:

1. Add security services at the Santa Fe Railyard, which will run from 8pm-4am 7 days per week.

PROCUREMENT METHOD:

The procurement method is RFB 18/35/P, which was issued and awarded in 2018 and expired on 6/30/2022.

CONTRACT NUMBER:

The FY20 Munis contract number is 3201972

FUNDING SOURCE:

Fund Name/Number: Various

Munis Org Name/Number: Various

Munis Object Name/Number: Various



City of Santa Fe, New Mexico

Memorandum



ACTION REQUESTED:

Please approve this contract amendment with Universal Protection Services, LP dba Allied Universal Security in the amount of \$96,529.61 plus applicable New Mexico Gross Receipts Tax (8.4375%).

**CITY OF SANTA FE
AMENDMENT No. 10 TO
PROFESSIONAL SERVICES AGREEMENT
ITEM# 18-0552**

AMENDMENT No. 10 (the "Amendment") to the CITY OF SANTA FE PROFESSIONAL SERVICES AGREEMENT, dated June 11, 2018 the "Agreement"), between the City of Santa Fe (the "City") and Universal Protection Service, LP d/b/a Allied Universal Security Services (the "Contractor"). The date of this Amendment shall be the date when it is executed by the City and the Contractor whichever occurs last.

RECITALS:

A. Under the terms of the Agreement, Contractor has agreed to provide professional security services for the City of Santa Fe.

B. Pursuant to Article 18 of the Agreement, and for good and valuable consideration, the receipt and sufficiency of which are acknowledged by the parties, the City and the Contractor agree as follows:

1. SCOPE OF SERVICES

Article 1 of the Agreement, as described in Exhibit A, is amended to add: I. One (1) Level 2 Security Officer, one (1) HELIAUS Cell Phone, and one (1) Vehicle; twenty-four hours a day, seven days per week; for a three month term (October-December) for service at the following City Parks: East and West De Vargas Park, Salvador Perez Park, General Franklin Miles Park, Herb Martinez Park, Las Acequias Park, SWAN Park and the Santa Fe Railyard Park; II. One (1) Level 2 Security Officer, one (1) HELIAUS Cell Phone, and one (1) Vehicle; sixteen hours per day, seven days per week; for a two month term (November-December) for service at the Salvation Army and Pete's Place Shelters as quoted by Allied Universal Security, the details of which can be seen on Exhibit A,

so that Article 1 reads as follows:

A. The Contractor shall provide scope of services as defined in Exhibit A – Scope of Services, Amendment #10.

2. COMPENSATION.

Article 3, paragraph A of the Agreement is amended to increase the amount of compensation by a total of nine hundred seventy-four thousand three hundred forty-six dollars and seventy-seven cents (\$78,692.40), plus applicable gross receipts taxes and as described in Exhibit “A” attached hereto so that Article 3, paragraph A reads in its entirety as follows:

A. The City shall pay to the Contractor in full payment for services rendered, a sum not to exceed two million seven hundred and seventy eight, three hundred and four dollars and five cents (\$2,872,130.85), plus applicable gross receipts taxes. Payment shall be made for services actually rendered at a rate identified:

Item	Hourly Rate	Holiday Rate
SF University of Art and Design Patrol Vehicle	\$ 6.00	\$ 6.00
Patrol Vehicle	\$ 6.81	\$ 6.81
Level 1 Security Officer	\$ 19.67	\$ 29.50
Level 2 Security Officer	\$ 20.79	\$ 31.18
Level 3 Security Officer	\$ 23.11	\$ 34.67
Account Manager	\$ 26.79	\$ 40.18

An additional sum of twenty five thousand dollars (\$25,000.00) is included and shall be encumbered in the event that additional security service is required for emergencies, holidays, or special events.

3. AGREEMENT IN FULL FORCE.

Except as specifically provided in this Amendment, the Agreement remains and shall remain in full force and effect, in accordance with its terms.

IN WITNESS WHEREOF, the parties have executed this Amendment No. 10 to the City of

Santa Fe Professional Services Agreement as of the dates set forth below.

CITY OF SANTA FE:

CONTRACTOR:

Universal Protection Service, LP d/b/a Allied
Universal Security Services

ALAN WEBBER, MAYOR

NAME

TITLE

Date: _____

Date: 10/19/20

ATTEST:

CRS #: 03-282745-00-08
Business License: 20-110418

YOLANDA Y. VIGIL, CITY CLERK

CITY ATTORNEY'S OFFICE:

Marcos Martinez

Marcos Martinez (Oct 19, 2020 08:02 MDT)

SENIOR ASSISTANT CITY ATTORNEY

APPROVED AS TO BUDGET:

MARY MCCOY, FINANCE DIRECTOR

Business Unit/Line Item: VAROUS 5150403.572970

AL
AL

EXHIBIT A

Location: City of Santa Fe Parks

Start Date: 10/16/2020

End Date: 12/31/2020

Position	HPW	Wage Rate	Bill Rate	OT/Holiday Wage Rate	OT/Holiday Bill Rate	Weekly Estimate	Monthly Estimate
Security Officer (Level 2)	168	\$ 14.26	\$ 20.79	\$ 21.39	\$ 31.19	\$ 3,492.72	\$ 12,806.64
Vehicle (part time vehicle rate)	168		\$ 6.81	\$ -	\$ 10.22	\$ 1,144.08	\$ 4,194.96
				\$ -	\$ -	\$ -	\$ -
Totals (Labor Hours)						\$ 4,636.80	\$ 17,001.60

Direct-Bill Items	#	Monthly Rate	Total Monthly Estimate
Smart Phone with HELIAUS	1	\$ 150.00	\$ 150.00
			\$ -
			\$ -
Estimated Totals (Direct-Bill Items)			\$ 150.00

Total Term Pre-Tax Estimate

(Includes Labor and Direct Bill items)

Term: Oct 16, 2020 - Dec 31, 2020

\$ 51,454.80

Location: City of Santa Fe - Salvation Army

Start Date: 11/1/2020

End Date: 12/31/2020

Position	HPW	Wage Rate	Bill Rate	OT/Holiday Wage Rate	OT/Holiday Bill Rate	Weekly Estimate	Monthly Estimate
Security Officer (Level 2)	112	\$ 14.26	\$ 20.79	\$ 21.39	\$ 31.19	\$ 2,328.48	\$ 10,145.52
Vehicle (part time vehicle rate)	112		\$ 6.81	\$ -	\$ 10.22	\$ 762.72	\$ 3,323.28
				\$ -	\$ -	\$ -	\$ -
Totals (Labor Hours)						\$ 3,091.20	\$ 13,468.80

Direct-Bill Items	#	Monthly Rate	Total Monthly Estimate
Smart Phone with HELIAUS	1	\$ 150.00	\$ 150.00
			\$ -
			\$ -
Estimated Totals (Direct-Bill Items)			\$ 150.00

Total Term Pre-Tax Estimate

(Includes Labor and Direct Bill items)

Term: Nov 1, 2020 - Dec 31, 2021

\$ 27,237.60

Totals (Parks Term: Oct 16, 2020 - Dec 31, 2020 | Salvation Army Term: Nov 1, 2020 - Dec 31, 2021)

Location	Type	HPW	Bill Rate	Weekly Estimate	Monthly Estimate	Total Term Pre-Tax Est.
City of Santa Fe Parks	Labor	168	\$ 20.79	\$ 3,492.72	\$ 12,806.64	\$ 38,419.92
City of Santa Fe Parks	Vehicle	168	\$ 6.81	\$ 1,144.08	\$ 4,194.96	\$ 12,584.88
City of Santa Fe Parks	HELIAUS	N/A	\$ 150.00	N/A	\$ 150.00	\$ 450.00
City of Santa Fe - Salvation Army	Labor	112	\$ 20.79	\$ 2,328.48	\$ 10,145.52	\$ 20,291.04
City of Santa Fe - Salvation Army	Vehicle	112	\$ 6.81	\$ 762.72	\$ 3,323.28	\$ 6,646.56
City of Santa Fe - Salvation Army	HELIAUS	N/A	\$ 150.00	N/A	\$ 150.00	\$ 300.00
Total Term Pre-Tax Estimate (Includes Labor and Direct Bill items)						\$ 78,692.40






2020 10 15 Amendment#10 Allied CARES act

Final Audit Report

2020-10-19

Created:	2020-10-15
By:	Irene Romero (ikromero@ci.santa-fe.nm.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAARVpER7Ylu3T-aiUT3FTEMQrdbREr8gm

"2020 10 15 Amendment#10 Allied CARES act" History

-  Document created by Irene Romero (ikromero@ci.santa-fe.nm.us)
2020-10-15 - 2:03:20 PM GMT- IP address: 63.232.20.2
-  Document emailed to Marcos Martinez (mdmartinez@santafenm.gov) for signature
2020-10-15 - 2:03:54 PM GMT
-  Email viewed by Marcos Martinez (mdmartinez@santafenm.gov)
2020-10-19 - 2:02:16 PM GMT- IP address: 174.56.49.116
-  Document e-signed by Marcos Martinez (mdmartinez@santafenm.gov)
Signature Date: 2020-10-19 - 2:02:34 PM GMT - Time Source: server- IP address: 174.56.49.116
-  Agreement completed.
2020-10-19 - 2:02:34 PM GMT

CITY OF SANTA FE RFP PROCUREMENT CHECKLIST

Contractor Name:
Allied Universal Security

Procurement Title:
Contract Amendment #10 with Allied Universal Security, Inc for City-Wide Security Services

Solicitation RFP#: 18/35/P

Department Requesting/Staff Member:
Public Works Department. Sam Burnett, Property Maintenance Manager

Procurement Requirements:

A procurement file shall be maintained for all contracts, regardless of the method of procurement. The procurement file shall contain the basis on which the award is made, all submitted bids, all evaluation materials, score sheets, quotations and all other documentation related to or prepared in conjunction with evaluation, negotiation, and the award process. The procurement shall contain a written determination from the Requesting Department, signed by the purchasing officer, setting forth the reasoning for the contract award decision before submitting to the Committees..

REQUIRED DOCUMENTS FOR APPROVAL BY PURCHASING*

YES N/A

- | | | |
|-------------------------------------|-------------------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Approved Procurement Checklist (by Purchasing) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Departments Recommendation of Award Memo addressed to Finance |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Evaluation Committee Report |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | BAR |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | FIR |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Contract, Agreement or Amendment – How does Purchasing staff verify the contract has been approved to form by City Attorney? |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Current Business Registration and CRS numbers on contract or agreement |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Summary of Contract |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Certificate of Insurance |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Other: _____ |

J Sam Burnett, Public Works Property Maintenance Manager
Department Rep Printed Name and Title


Department Rep Signature attesting that all information included


Fran Dunaway (Oct 20, 2020 10:55 MDT)

Purchasing Officer attesting that all information is reviewed

REQUIRED DOCUMENTS FOR RFP FILE*

YES N/A

- | | | |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Final RFP Document |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Copy of legal solicitation published in the newspaper, website, etc. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | All addendums |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Plan holders list |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Copies of all RFP submittals |

*

- | | | |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Complete evaluation score sheets |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Non-Responsive/Non-Responsibility Form and correspondence or letters from Department to vendor regarding disqualifications |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Oral presentations (sign-in sheets, presentation materials, etc.) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Documentation sent to Proponents/Offerors and responses received regarding clarifications, decisions, negotiations, and/or best and final offers, etc. |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Reference Reviews/Reference Check Questionnaires |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Pricing evaluation |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Final overall evaluation matrix or summary of evaluator scores |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Other: _____ |

AWARD*

YES N/A

- | | | |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Fully executed Memo to Committees from the Department with recommendation of award |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Winning proposal (this is a copy that has all confidential/proprietary information excluded) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Contract Award Notice |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Email or notification sent to all Proponent(s)/Offerors that award was made |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Waiver or "No Action Taken" from Procurement Office |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | If IFB and not awarded to lowest responsive, responsible bidder; written explanation |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Other: _____ |

DISCLOSURES*

YES N/A

Contractor Disclosures & Conflicts of Interest

- | | | |
|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Disclosures & Conflicts of Interest Form(s) (winning proponent(s)/offeror(s)) |
|--------------------------|-------------------------------------|---|

Contractor –Conflicts of Interest

- | | | |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Purchasing Office Letter or e-mail to designated individual regarding potential conflict |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Conflict of Interest Form signed by all parties |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Letter from Procurement Office regarding the potential conflict |

Subcontractor Disclosures

- | | | |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Disclosures & Conflicts of Interest form of Subcontractor(s) |
|--------------------------|-------------------------------------|--|

Subcontractor –Conflicts of Interest

- | | | |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Purchasing Officer Letter or email to designated individual regarding potential conflict |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Conflict of Interest form signed by all parties |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Letter from Legal Office regarding the potential conflict |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Other: _____ |

CONTRACT*

YES N/A

- | | | |
|-------------------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Copy of Executed Contract |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Copy of all documentation presented to the Committees |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Finalized Council Committee Minutes |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Other: _____ |

MISCELLANEOUS FILE*

YES N/A

- | | | |
|--------------------------|-------------------------------------|---------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Local Preference Form |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | New Mexico Residence Form |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Veterans Exemption |

*

Other: _____

Include all other substantive documents and records of communication that pertain to the procurement and any resulting contract.

PROTEST (If applicable)*

YES	N/A	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Documentation from protester filed with the Purchasing Office
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Letter from Department to Purchasing Office Providing response to protest
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Letter from Purchasing Officer to protester and Department on final outcome
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Other: _____

Create a separate file folder which may contain any documents with trade secrets or other competitively sensitive, confidential or proprietary information.

YES	N/A	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Original proposal (s) with no redactions

J Sam Burnett, Public Works Property Maintenance Manager

Department Rep Printed Name and Title



Department Rep Signature attesting that all information included



City of Santa Fe Summary of Contracts, Agreements, & Amendments

Amount \$ -14,498.56 amendment # 7 Termination Date: 6/30/2019
Reason: Remove City Hall post

Amount \$ 930,694.98 amendment # 8 Termination Date: 6/30/2022
Reason: Extend contract Term

Amount \$ 88,927.04 amendment # 9 Termination Date: 6/30/2022
Reason: Add services at the Santa Fe Railyard

Amount \$ 78,692.40 amendment # 10 Termination Date: 6/30/2022
Reason: Add services at Parks and Shelters

Total of Original Contract plus all amendments: \$ \$2,872,130.85

5 Procurement Method of Original Contract: (complete one of the lines)

RFP# 18/35/P Date: March 13, 2018

RFQ _____ Date: _____

Sole Source _____ Date: _____

Other _____

6 Procurement History: Third year of up to a 4-year contract
example: (First year of 4 year contract)


Fran Dunaway (Oct 20, 2020 10:55 MDT)

Comments:

Purchasing Officer Review

Comments or Exceptions: *****
Object: 1000001 Organization: 490210 CARES Ledger: CARES20PRA

7 Funding Source: N/A 5150403 **BU/Line Item:** N/A 572970


Alexis Lotero (Oct 20, 2020 10:43 MDT)

Budget Officer Approval

Comments or Exceptions: _____

8 Any out-of-the ordinary or unusual issues or concerns:

None
(Memo may be attached to explain detail.)

9 Staff Contact who completed this form: Sam Burnett

Phone # 505-795-2491

10 Certificate of Insurance attached. (if original Contract)

Submit to City Attorney for review/signature
Forward to Finance Director for review/signature



City of Santa Fe Summary of Contracts, Agreements, & Amendments

Return to originating Department for Committee(s) review or forward to City Manager for review and approval (depending on dollar level).

To be recorded by City Clerk:

Contract # 18-0552

Date of contract Executed (i.e., signed by all parties): June, 11 2018

Note: If further information needs to be included, attach a separate memo.

Object: 1000001

Organization: 490210

CARES Ledger: CARES20PRA









GB PWD ALLIED AMENDMENT 10 & FORMS

Final Audit Report

2020-10-20

Created:	2020-10-20
By:	YODEL CATANACH (yocatanach@ci.santa-fe.nm.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAAuwI5Za_j_wAFPdf4XWRxCqPeFvGMaJy1

"GB PWD ALLIED AMENDMENT 10 & FORMS" History

-  Document created by YODEL CATANACH (yocatanach@ci.santa-fe.nm.us)
2020-10-20 - 3:37:26 PM GMT- IP address: 63.232.20.2
-  Document emailed to Alexis Lotero (aclotero@santafenm.gov) for signature
2020-10-20 - 3:45:42 PM GMT
-  Email viewed by Alexis Lotero (aclotero@santafenm.gov)
2020-10-20 - 4:42:27 PM GMT- IP address: 104.47.65.254
-  Document e-signed by Alexis Lotero (aclotero@santafenm.gov)
Signature Date: 2020-10-20 - 4:43:39 PM GMT - Time Source: server- IP address: 63.232.20.2
-  Document emailed to Fran Dunaway (fadunaway@santafenm.gov) for signature
2020-10-20 - 4:43:42 PM GMT
-  Email viewed by Fran Dunaway (fadunaway@santafenm.gov)
2020-10-20 - 4:51:41 PM GMT- IP address: 104.47.64.254
-  Document e-signed by Fran Dunaway (fadunaway@santafenm.gov)
Signature Date: 2020-10-20 - 4:55:35 PM GMT - Time Source: server- IP address: 63.232.20.2
-  Agreement completed.
2020-10-20 - 4:55:35 PM GMT