

City Attorney's Office Opening Statement---City Exhibit #1---for court reporter

I am Zachary Shandler from the City Attorney's Office.

I will make a four minute opening statement. Let me explain the order of events. The Appellants will make their presentation, then the Applicant will make their presentation. Then, we will have a public comment period. Then, we will have Council questions and answers. Then, there will be a vote on the matter.

Tonight you will hear about a proposed 8 lot subdivision off Hyde Park Road whose land was part of a larger re-zoning process in 1981. You will hear from the Applicant who believes it has met the applicable requirements of the 1981 rezoning ordinance—the legacy of those plans and those requirements from nearly 40 years ago are being met--and the Applicant believes it has exceeded the requirements that are generally required for standard 8 lot subdivisions. You will hear from the Applicant that its project will also spend private sector dollars to work to improve long-standing, off-site storm water drainage problems.

You will hear from Appellants who allege there are 47 Code violations associated with this project. It is possible the Appellants will claim you failed to truly listen to them unless you address each one. This is not correct because even in a court of law, a party does not have an unlimited amount of time to make their oral presentation. In this matter, the Appellants have submitted written material in the record in advance of the hearing for your review. Tonight, we focus on the key issues. What does this mean? I tabulated the alleged 47 Code violations and approximately 15 deal with escarpment issues. If you determine the siting of the lots is appropriate under the Escarpment Ordinance, then those 15 issues fall away. Similarly, approximately 20 violations deal with the 1981 Ordinance. And approximately 12 deal with allegations of a serial subdivision. If you deal with the main topic areas, then it will resolve much of the category of issues.

I want to push back for the record against this allegation of "corruption and preferential treatment for developers." There was no preferential treatment. There was a site visit. We wanted to see the actual drainage patterns. To see the rough terrain. And we also did get see a hobo who was still cooking his breakfast in one of his arroyos. Staff did meet with a series of developers and engineers and landscape experts. And the Applicant met with the public in ENN meetings. This is expressly allowed in the Code. Why did staff do this for a 8 lot subdivision? Because the worst thing that could happen tonight—given the litigious history of this area—is for you to ask a question and staff say "We didn't vet that, we didn't verify that." Now this may happen 1 or 2 times tonight, but hopefully not too often.

Finally, the legal standard is substantial evidence. Is there substantial evidence? This doesn't mean "beyond a reasonable doubt." This doesn't mean "I submitted more pages than you, so I win." The legal definition of substantial evidence is "relevant evidence as a reasonable mind might accept as adequate to support a conclusion." Thank you. Staff will be available for your questions during the question and answer period. I now yield the floor to the Appellants.

Mr. Mayor and City Councilors,

Thanks for your time, study and leadership on our appeal.

I'd like to start with a little history of my involvement with our neighborhood and the subject property.

My wife Sandra and I live adjacent to the Haciendas del Mirasol development. I first moved to the Callecita neighborhood in 1994 and participated in the neighborhood opposition to the 'Los Vicinos' development. In 1995, while walking my dog up the street, I discovered an old home for sale that was built by former Los Alamos engineer. I purchased the fixer upper where I currently live with Sandra. We have lived there together for almost 15 years.

Starting around 1999, I established contact with the remaining investor in the Los Vicinos project to discuss safety and care of the property adjacent to us. The owner was an absentee owner and I provided eyes and information for them. Around 2007 the property was quietly listed for a long time, eventually selling to a group of investors.

Around 2009, I met one of the partners that purchased the subject property and we discussed development using conservation easements for open space preservation. The concept had some validity for this investor. The partner liked the idea and eventually referred me to Ernie Romero, who was the local investment asset manager.

Mr. Romero and I made contact and we discussed long standing issues with the property and opportunities to develop a great project that works for the developer and the community. We discussed the financing concepts and the neighborly issues that could be addressed with the right type of development, such as proper roads, trails, sidewalks, drainage and traffic safety. I also recommended talking to a local non-profit to structure a conservation easement if there was interest (Commonweal Conservancy). These discussions went nowhere, and Mr. Romero and I did not talk for many months.

In Sept of 2012, my wife and I purchased a vacant lot next door to our home to manage our privacy and preserve some of the open space in the neighborhood. The property came with two parcels. We were accustomed to the dual lot configuration as we owned the property next door that had a similar condition.

Shortly after, Mr. Romero's group applied for a lot split of their 68+ acres. The stated purpose was liquidity (minutes of the November 1, 2012 Summary Committee). I testified in opposition to the lot-split citing many of the same concerns brought up in this appeal. I have attached my letter from that meeting and some minutes.

Sometime later, Mr. Romero contacted me regarding an introduction to a potential buyer and developer of the property, Mr. Cody North. Mr. Romero asked me to share my perspective on the property and we met in Mr. Romero's office. Mr. North, Mr. Romero and I discussed the property and strategies that Mr. North could utilize to develop the entire property, including parks, open space, trails, escarpment protection and road improvements. One aspect presented was the Greene family ownership of an adjacent vacant lot that could possibly be used for establishing an open space easement. There weren't any discussions of

Exhibit "27"

ownership or "interest" in the Mr. Romero or Mr. North's development for my wife and I. The introductory meeting ended without results, nor planned follow-up. I wished Mr. North good luck and encouraged him to build a great development. Mr. Romero commented later to me that he did not think that Mr. North understood what was possible with the lot-line adjustment or conservation easement that had been discussed during the meeting.

Some months later, Mr. North called me and informed me that he was further in the process of buying the entire property and asked about our vacant lot potentially being incorporated into the development. Again, we discussed options for how the entire property could be developed, but never price, equity stake or anything of substance for me or my family. I encouraged Mr. North to talk to local conservation easement professionals to see if it worked for his type of development, but he never seems to have followed up.

Since being appointed to the Planning Commission, I have avoided discussions with Mr. North.

With the recent development plans for the Haciendas del Mirasol, it became clear that Mr. North did not listen to our conversation nor the concerns of the neighbors. I raised concerns with Planning Department leadership that a number of violations were apparent, plans were incomplete and that some sort of proactive solution should be sought. I was informed that staffs' hands were tied.

I recused myself from the discussion and vote at the Planning Commission.

My interest is just to see this properly professionally developed for all involved. Not just a one sided deal for a developer.

Some of you know me from the civic work I have done over the years. Very early in my career, I was a volunteer organizer of the Railyards community planning process. Since then I have served on multiple non-profit boards, working groups and statewide committees. I currently serve on the Legislative Jobs Council and the Chamber of Commerce's Economic Development sub-committee. I am a mentor to young adults and start-up companies, helping launch the SFid accelerator and their cohort of companies this year.

But the one position I am most proud of is my seat on the Planning Commission. It is here that we should be able to move development towards quality and community benefit. This can be addressing market needs, institutional infrastructure and civic goals.

But all of this is done without compensation. It's a civic duty. It is my civic. I cherish it.

Beyond that, I am a generous person. I give lots of high quality, professional and strategic advice to my peers, my community and really, anyone who will listen. I cannot be blamed if Mr. North **did not get it**. He went about this development the wrong way and here we are. **His accusations of unethical behavior are offensive and denigrate my standing in this great community.**

Mr. North created this distraction and lies to try to draw your attention away from the real focus here. His incomplete and illegal development plans.

Thank you very much for giving me this time. I am ready for my presentation.

William Lamboy
Case Manager- Summary Committee
City of Santa Fe

October 31, 2012
Re: Case #2012-108
700 Hyde Park Road Lot Split

Dear My Lamboy (Bill),

Thank you for forwarding the information provided in the Lot Split Application to the Summary Committee scheduled for hearing November 1st, 2012. I am a neighboring property owner and concerned on a number of items that I do not think are being addressed as a part of the summary committee review.

1. Eligibility: Is this PRC (Planned Residential Community) zoned parcel eligible for a lot split by simple Summary Committee review. I am not sure there is/are precedents by which PRC parcels have undergone this process. The intent of PRC was to encourage master planned development plans. These master plans help holistically address a number of planning specifications that the city requires for successful development. These PRC development plans typically go before the full Planning Commission with a number of additional requirements.

2. Drainage and Terrain Management: This is a big piece of property with a number of arroyos and natural drainage areas that cross between the two proposed properties. Some civil review, plan and specifications should be established for the two properties. The lower property and neighboring properties are potentially effected by development of the upper parcel. Portions of the new property line cut across arroyos and leave pieces with limited access. Cutting the parcel into two pieces with limit opportunity to address the current problems that only a master plan can. The already under-developed and overloaded arroyo system should be addressed alongside any proposed development, big or small.

A full drainage plan, prepared by a civil engineer should be required prior to approval of even a simple lot-split. The plan would look at the effected drainage areas and specify requirements for check dams and other methods of terrain management. Most issues are going to be generated at the top parcel and controlled at the bottom parcel. Some effect neighboring properties as well.

3. Wastewater Civil Engineering: The wastewater drainage easements established in this plan lacks supporting civil engineering verifying load and slope requirements. Additionally, the proposed easements might have terrain management requirements and conflicts with arroyos and storm flows. Simple civil & topo plans of the affected areas would allow for verification that there are no conflicts with natural drainage and topography regulations.

4. Access: The plan shows access from a new intersection along Hyde Park Road. Is this new intersection and the street frontage along Hyde Park Road designed to specifications that can handle the new traffic pattern and load. Should there be a turn lane? Has a traffic study been preformed? Is a new intersection and street-scape improvements required for final approval.

Exhibit "2"

Exhibit "2B"

4a. Access: Access is shown from Hyde Park Road exclusively. Is this the only access point being allowed as a part of this Lot Split. Is this the only access being allowed or permitted as a part of this lot split and future development.

5. Requirements prior to final approval: Once plans and specifications are put into plans, will these detailed be required to be built prior to submission of final plans. Is the new intersection and access road construction being required for final approval. Will terrain management infrastructure be required prior to final Lot Split.

I hope these issues can be addressed at the or before the meeting. Please feel free to contact me if you feel like these concerns need further explanation. Thanks

Justin Greene
611 & 615 Campana Place
contactjustin@yahoo.com
505-577-8866

Excessive Speed - Radar readings

Safety is an issue at these intersections

High / Excessive rates and complex intersections

Traffic accident prone at Sunset and Artists intersection & along Hyde Park Road
this weekend December 8th (Volume, speed & visibility)

May 16, 2012 (Speed/DWI)

Summer 2006 (Speed / Stop sign)

Other minor ones and unreported accidents at intersection

2 car damaged - Child shaken

Property damage - no insurance

Property damage

Estancia Primera South Entrance

Posted 45 MPH speed limit

Traffic direction		
13-Dec Up	Down	
12:14pm	48	39 MPH
	47	58
	43	50
	48	46
	46	46
	42	48
	47	53
	49	51
	45	48
	41	
	50	
	48	

Posted 45 MPH speed limit

Traffic direction		
13-Dec Up	Down	
12:20pm	54	39 MPH
	53	58
	48	50
	50	46
	51	46
	50	48
	58	53
	50	51
	52	48
	48	
	48	
	52	

Obs.

Consistently over posted limit

Left turns blocked traffic a few times

Traffic is accelerating as it climbs hill

Does not catch all traffic volume. Mostly isolated or lead cars in a group

Captured sample over last two days (lunch time Tuesday and this morning)

Approx 30-50% of traffic volume

Artists Road and Sunset Street

Posted 25 MPH speed limit

Traffic direction		
13-Dec Up	Down	
12:40pm	37	30 MPH
	33	31
	39	38
	41	37
1pm	30	36

obs.

Just after while talking to a neighbor,

witnessed almost accident with inbound left onto Sunset

Traffic direction			
14-Dec Up	Down	MPH	obs
9:40am	37	32	
		35	
		41	
		40	
		38	
	48	42	
		34	
		38	
	34	36	
		30	RTD Bus
		36	
		33	
		34	
	32	36	
	37	36	
	38	39	
	42	35	
10am		43	

10am

Construction sign at intersection / construction below

Closure with flag men control both days

Lots of heavy vehicles, construction and delivery

Lots of down and left traffic onto Sunset

Recommend road safety improvements for master plan including:

Hyde Park Road curb & gutters, sidewalks, medians, landscaping, turn lanes and bike lanes

Also designing and implementing general traffic calming strategies

Supported by 14-9.2 design standard and General Plan

Exhibit "29"

Appeal support signatures HPR

Landmarks and Signatures

- Santa Fe Institute
- ★ Accident December 10, 2016
- ★ Accident on May 16, 2012
- Estancia Primera Entry
- Estancia Primera - N. Entry
- Paseo & Otero Intersection
- Washington/Bishops Lodge & Artists Road Intersection
- Washington & Paseo Intersection
- Hyde Park Road project street frontage
- Hyde Park Road project street frontage
- Ski Seasonal Parking issues
- Ski Seasonal Parking issues
- Greene
- Greene
- Mulkey
- Veneklassen
- Voorhees / Lawler
- Johnson / Rippel
- Potts

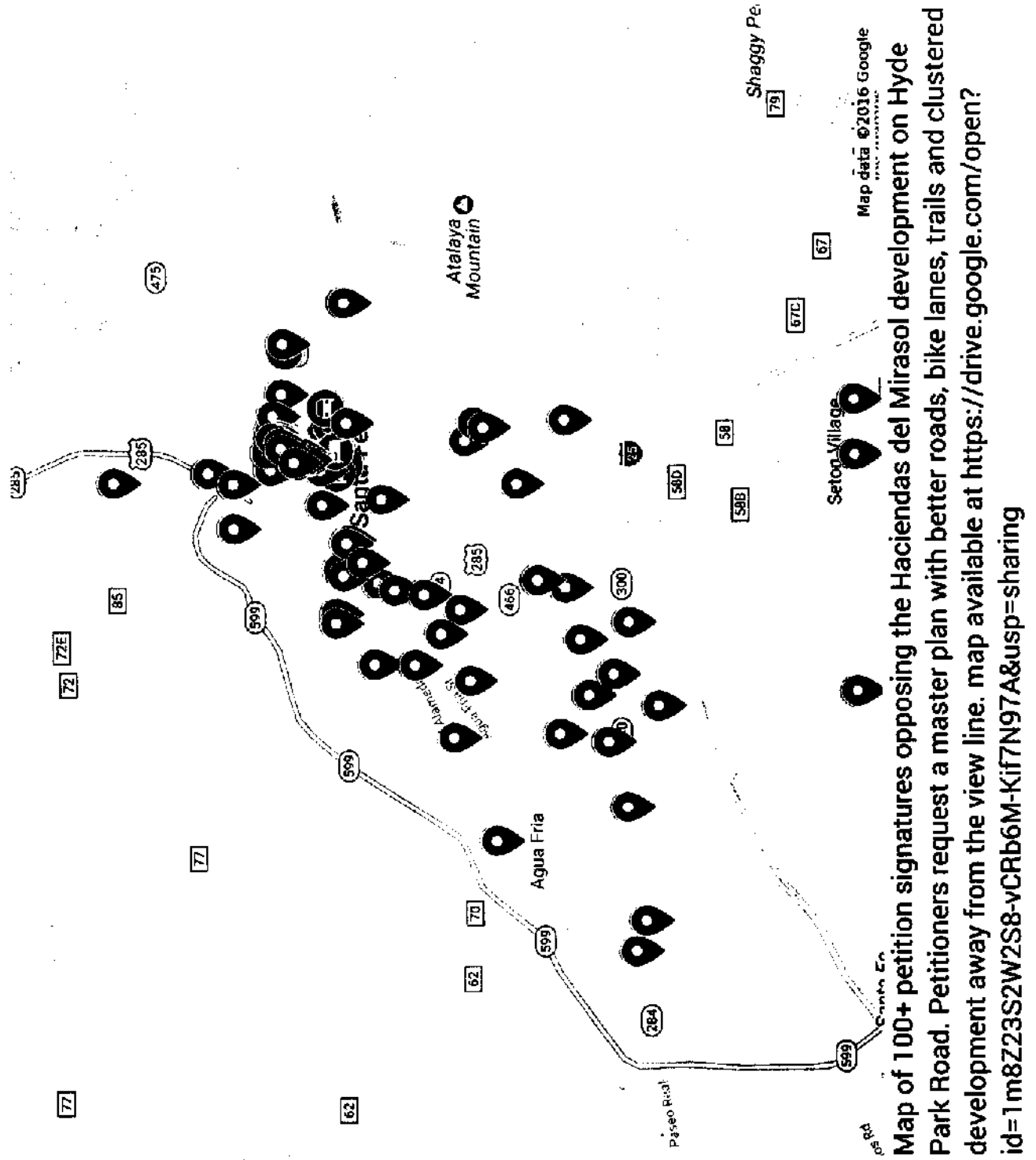
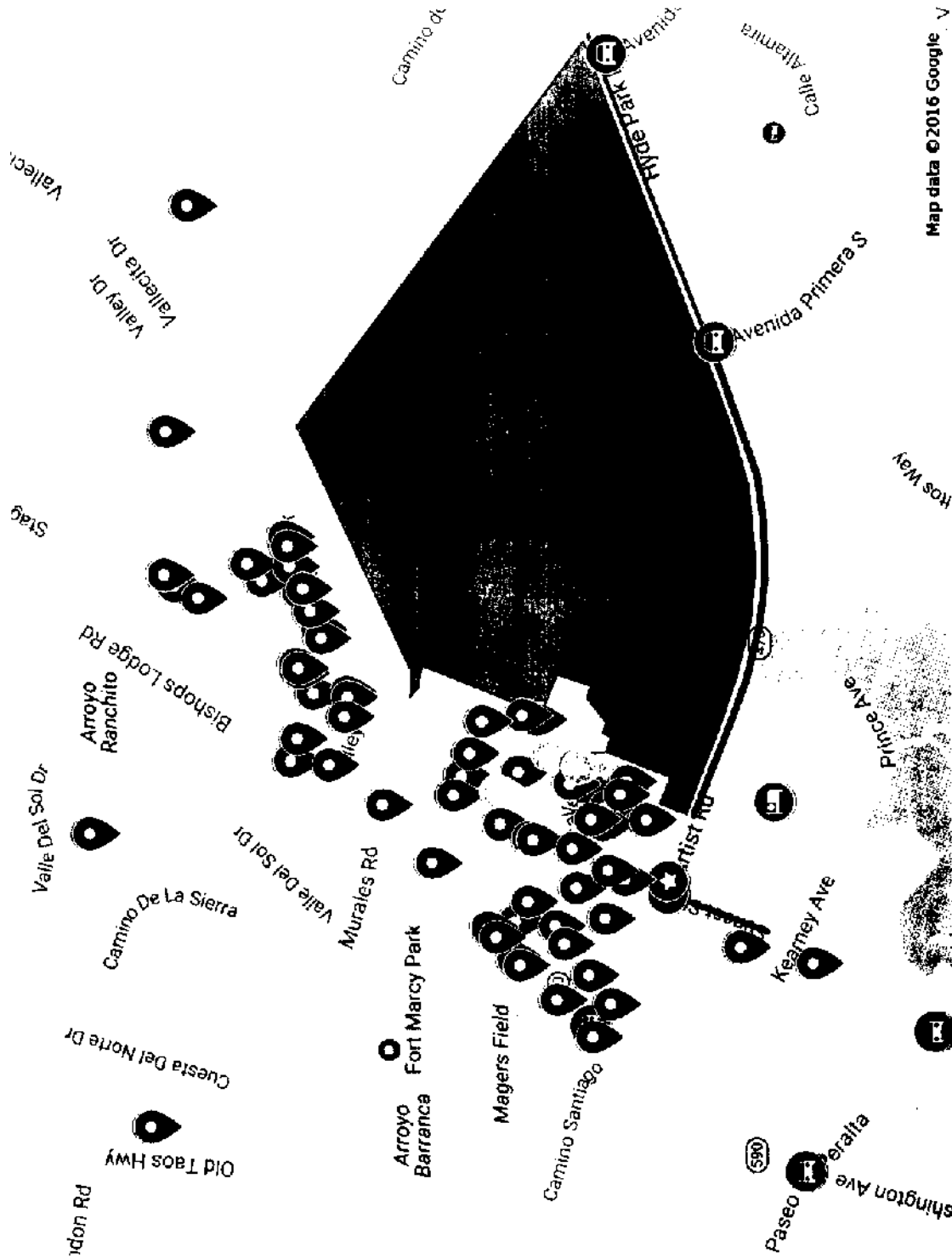


Exhibit "30"

Appeal support signatures HPR

Landmarks and Signatures

- 📍 Santa Fe Institute
- 📍 Accident December 10, 2016
- 📍 Accident on May 16, 2012
- 📍 Estancia Primera Entry
- 📍 Estancia Primera - N. Entry
- 📍 Paseo & Otero Intersection
- 📍 Washington/Bishops Lodge & Artists Road Intersection
- 📍 Washington & Paseo Intersection
- 📍 Hyde Park Road project street frontage
- 📍 Hyde Park Road project street frontage
- 📍 Ski Seasonal Parking issues
- 📍 Ski Seasonal Parking issues
- 📍 Greene
- 📍 Greene
- 📍 Mulkey
- 📍 Veneklassen
- 📍 Voorhees / Lawler
- 📍 Johnson / Rippel
- 📍 Potts



Map of 100+ petition signatures opposing the Haciendas del Mirasol development on Hyde Park Road. Petitioners request a master plan with better roads, bike lanes, trails and clustered development away from the view line. map available at <https://drive.google.com/open?id=1m8Z23S2W2S8-vCRb6M-Kif7N97A&usp=sharing>

I (undersigned) support the APPEAL by the neighbors of the Haciendas del Mirasol development (2016-116 & 117)
 We ask the City Council to stop the project until adequate and complete planning and infrastructure design is provided as required by Chapter 14, the PRC zoning and City Ord. 1981-3

Specific aspects we hope to see addressed are:

Master Plan Masterplan the entire Tract A (remaining Estancia Primera 68+ acres) to include:
Roads Roadway traffic and safety improvements including bike lanes, medians, turn lanes and cross walks.
Views Protection of the Hyde Park Road Viewscape by clustering any development behind ridge
Access Public access to trails, opens space and ridgeline park
Transport Sidewalk and bike lanes along Hyde Park Road, trails across property and bike amenities.
Drainage Comprehensive drainage solutions including curbs & gutters, storm drains and check dams
Impacts Proper analysis of the shortfall of impact on affordability, infrastructure fee and safety obligation

Name	Beth Kiyosaki	Address	PO Box 1047 Abiquiu	Zip	87510
Signature		Email	macbeth@santafe.edu		
Comment	I work on Hyde Park Rd (SFI)				
Name	Lindsay Qualls	Address	2600 W Zia Rd H10	Zip	87505
Signature		Email	lindsqualls@gmail.com		
Comment	I work on Hyde Park Rd				
Name	Scott Redner	Address	221 La Marla Ct. SE	Zip	87501
Signature		Email	redner@santafe.edu		
Comment	I ride regularly to work on Hyde Park Road				
Name	Andra Bohm	Address	118 Moore St	Zip	87501
Signature		Email	herdohk@santafe.edu		
Comment					
Name	MUSA GARCIA	Address	625 BISHOPS LODGE	Zip	87501
Signature		Email	MUSA.GARCIA@GMAIL.COM		
Comment	WORK AT SFI				
Name	Yoav Kallus	Address	815 BACA ST UNIT C	Zip	87505
Signature		Email	yoav@santafe.edu		
Comment	work at SFI, bike up and down Hyde Park Road				
Name	Marian Dumas	Address	262 1/2 W RANHALTA AVE	Zip	87501
Signature		Email	marian@santafe.edu		
Comment	work at SFI bike up to work				
Name	Scott Wagner	Address	640 CANYON RD	Zip	87501
Signature		Email	scottwagner@gmail.com		
Comment	work at SFI commute by bike, would like to see more protection for cyclists				
Name	Patricia Brunello	Address	4236 Berwick Rd	Zip	87507
Signature		Email	patb@santafe.edu		
Comment					
Name	Paul L.W. Schloff	Address	2159 Plaza de la Vista	Zip	87505
Signature		Email			
Comment	I am on Hyde Park Rd every workday + want it safe for everyone				
Name	Tom Rael	Address	2575 CIRCLE OF RINGS AVE SE	Zip	87507
Signature		Email	Tom & Tom Rael.com		
Comment	I USE HYDE PK ON MY BIKE AND FEEL NO SHOULDERS ARE DANGEROUS				
Name	NATHAN METHEN	Address	66 SPIRIT VALLEY / 1314 HYDE PK RD	Zip	87508/87501
Signature		Email			
Comment	Safety for cyclists!				

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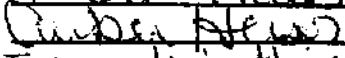
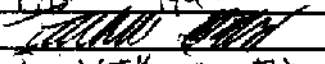
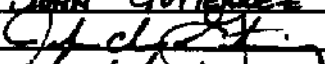
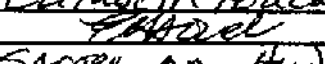
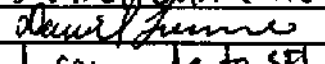
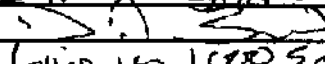
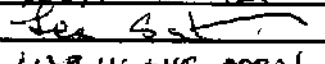

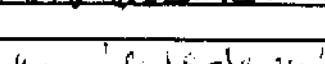
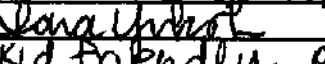
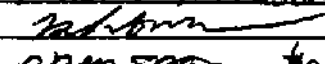

Master Plan Master plan the entire Tract A (remaining Estancia Primera 68+ acres) to include:
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Access Public access to trails, opens space and ridgeline park
Transportation Sidewalk and bike lanes along Hyde Park Road, trails across property and bike amenities.
Drainage Comprehensive drainage solutions including curbs & gutters, storm drains and check dams

Name	<u>Adonnah Langer</u>	Address	<u>17 Enclina Rd.</u>	Zip	<u>87508</u>
Signature	<u>[Signature]</u>	Email	<u>adonnah@zlangers.com</u>		
Comment					
Name	<u>MEG GROCHOWSKI</u>	Address	<u>15 W. CHURCH ST.</u>	Zip	<u>87105</u>
Signature	<u>M. Grochowski</u>	Email	<u>minimetomeg@comcast.net</u>		
Comment					
Name	<u>KATHY WRIGHT</u>	Address	<u>109 HURDISSED ST. SE</u>	Zip	<u>87501</u>
Signature	<u>Kathy Wright</u>	Email	<u>QUEBEEDUP@GMAIL.COM</u>		
Comment	<u>CONCERN FOR ARTIST ROAD TRAFFIC ISSUES</u>				
Name	<u>Elizabeth Chavez</u>	Address	<u>103 Turquoise Court</u>	Zip	<u>871052</u>
Signature	<u>[Signature]</u>	Email			
Comment:					
Name	<u>Robert J. Marsh</u>	Address	<u>1025 Lopez St</u>	Zip	<u>87501</u>
Signature	<u>[Signature]</u>	Email	<u>rob@robertmarsh.com</u>		
Comment					
Name	<u>Quinn J. Alvar</u>	Address	<u>1401 Maclovie St G</u>	Zip	<u>87505</u>
Signature	<u>[Signature]</u>	Email			
Comment					
Name	<u>Sarah Catalan</u>	Address	<u>183 Pablina St</u>	Zip	<u>87505</u>
Signature	<u>[Signature]</u>	Email			
Comment					
Name	<u>Brendan Kelley</u>	Address	<u>1721 ESPINOSA</u>	Zip	<u>87505</u>
Signature	<u>[Signature]</u>	Email			
Comment					
Name	<u>Anne M. Wipf</u>	Address	<u>203A TESQUE DRIVE</u>	Zip	<u>87505</u>
Signature	<u>[Signature]</u>	Email			
Comment					
Name	<u>Stephen J. Wright</u>	Address	<u>63 Condesa Rd.</u>	Zip	<u>87508</u>
Signature	<u>[Signature]</u>	Email			
Comment					
Name	<u>Seely Wright</u>	Address		Zip	<u>87508</u>
Signature	<u>[Signature]</u>	Email			
Comment	<u>traffic!</u>				
Name	<u>ANTHONY J. SOMORA JR</u>	Address	<u>2961 AQUA FERN, UNIT C</u>	Zip	<u>87607</u>
Signature	<u>[Signature]</u>	Email			
Comment					

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Name	Amber Huss	Address	2174 Chamisos Ct	Zip	87505
Signature		Email	peacecurry430@gmail.com		
Comment	I work in this neighborhood and would like better parking				
Name	Tyler Huss	Address	2174 Chamisos Court	Zip	87505
Signature		Email	tylerhuss330@gmail.com		
Comment	I work in this neighborhood and would like to see better parking				
Name	JOHN GUTIERREZ	Address	130 E. MARCY	Zip	87501
Signature		Email	gutierrezj@gmail.com		
Comment	I have business offices very nearby the area in question				
Name	Elizabeth Hunch	Address	5th Camino Tierra Alta	Zip	87501
Signature		Email	elhunch@gmail.com		
Comment:	SADLY on Hyde Park for walkers & bike. I live off HPR				
Name	Daniel Larremore	Address	728 Don Gaspar #3	Zip	87505
Signature		Email	larremore@santa Fe.edu		
Comment	I commute to SF everyday on HPR - NO shoulder to the road, which is scary!				
Name	DAVID SOIFER	Address	452 CANINO DE JENET	Zip	87501
Signature		Email	soifer@comcast.net		
Comment	Live in 1000 East, just above the project				
Name	LEA SOIFER	Address	452 CANINO DR JENET	Zip	87501
Signature		Email	soifer@comcast.net		
Comment	LIVE IN THE AREA!				
Name	ROYCE MUIR	Address	18 LAND LARGO	Zip	87501
Signature		Email	Buena Vista@aol.com		
Comment	LIVE Below development				
Name	David Soifer	Address	215 W. 11th Ave	Zip	87501
Signature		Email	soifer@comcast.net		
Comment	I live in the area				
Name	Sara Yurkovich	Address	333 Otero Unit 6	Zip	87501
Signature		Email	sarayurkovich@gmail.com		
Comment	Kid friendly, protect views				
Name	Paul Mikkelsen	Address	333 Otero St #6	Zip	87501
Signature		Email	paulmikk@gmail.com		
Comment	open space, trails, & views needed				
Name	John C. Pelly	Address	821 Colonial Highway	Zip	87501
Signature		Email			
Comment	Dog park needed				

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Name	<u>Edgar E. Ortega</u>	Address	<u>2735 Via Verde</u>	Zip	<u>87505</u>
Signature	<u>[Signature]</u>	Email	<u>edohina@newmexico.com</u>		
Comment	<u>Hyd Park</u>				
Name	<u>JANEY POTTS</u>	Address	<u>105 CALLECITA</u>	Zip	<u>87501</u>
Signature	<u>[Signature]</u>	Email	<u>potts.je@cybermesa.com</u>		
Comment	<u>storm drain at CALLECITA AND BISHOPS LODGE</u>				
Name	<u>Liza Marshall Frolikis</u>	Address	<u>Apache Ridge</u>	Zip	<u>87505</u>
Signature	<u>[Signature]</u>	Email			
Comment	<u>Protect views</u>				
Name	<u>Garry Cegarella</u>	Address	<u>PO Box 1907</u>	Zip	<u>87504</u>
Signature	<u>[Signature]</u>	Email			
Comment:	<u>Trail, open space, storm drains - no escarpment Bldg!</u>				
Name	<u>Debi Samii</u>	Address	<u>136 Valley Dr</u>	Zip	<u>87501</u>
Signature	<u>[Signature]</u>	Email	<u>debi.samii@yahoo.com</u>		
Comment	<u>want a dog park, include Almadura in Master Plan</u>				
Name	<u>John Voorhees</u>	Address	<u>2016 Williams</u>	Zip	<u>87501</u>
Signature	<u>[Signature]</u>	Email	<u>johnbvh@ee</u>		
Comment	<u>traffic - no connection to Williams</u>				
Name	<u>Mary Lawler</u>	Address	<u>201-C Williams</u>	Zip	<u>87501</u>
Signature	<u>[Signature]</u>	Email	<u>marylawl@mac.com</u>		
Comment	<u>traffic - no connection to Williams</u>				
Name	<u>Jennifer Johnson</u>	Address	<u>605 Sunset St.</u>	Zip	<u>87501</u>
Signature	<u>[Signature]</u>	Email	<u>gridded@mac.com</u>		
Comment	<u>no traffic to runoff</u>				
Name	<u>Lena Stevens</u>	Address	<u>100 Williams St</u>	Zip	<u>87501</u>
Signature	<u>[Signature]</u>	Email	<u>lenastevens@thepowerpath.com</u>		
Comment	<u>traffic no connection to Williams</u>				
Name	<u>Tana Holder</u>	Address	<u>3005 Sandia Cir</u>	Zip	<u>87507</u>
Signature	<u>[Signature]</u>	Email	<u>tana_holder@mcn.com</u>		
Comment	<u>views</u>				
Name	<u>Maria Cordero</u>	Address	<u>1745 Cordero</u>	Zip	<u>87505</u>
Signature	<u>[Signature]</u>	Email	<u>maria@newmexico.com</u>		
Comment	<u>Just came from Skiing!</u>				
Name	<u>[Signature]</u>	Address	<u>275 Alameda Rd</u>	Zip	<u>87505</u>
Signature	<u>[Signature]</u>	Email	<u>picked up SKIERS</u>		
Comment					

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Specific aspects we hope to see addressed are:

Master Plan	Master plan the entire Tract A (remaining Estancia Primera 68+ acres) to include:
Roads	Roadway traffic and safety improvements including bike lanes, medians, turn lanes and cross walks.
Views	Protection of the Hyde Park Road viewscape by clustering any development behind ridge
Access	Public access to trails, opens space and ridgeline park
Transportation	Sidewalk and bike lanes along Hyde Park Road, trails across property and bike amenities.
Drainage	Comprehensive drainage solutions including curbs & gutters, storm drains and check dams

Name	Susan Hart	Address	232 Artist	Zip	87501
Signature	<i>[Signature]</i>	Email	swht11@gmail.com		
Comment	High traffic neighborhood already				
Name	Henrik Olsson	Address	625 Bishop's Lodge Rd.	Zip	87501
Signature	<i>[Signature]</i>	Email	henri.olsson@gmail.com		
Comment	Bike important				
Name	FRANK HUNT	Address	601 SUNSET ST.	Zip	87501
Signature	<i>[Signature]</i>	Email			
Comment	NEIGHBORHOOD RESIDENT				
Name	JEFFREY BAKER	Address	400 CORNER PL. SANTA FE	Zip	87501
Signature	<i>[Signature]</i>	Email			
Comment:	PUBLIC ACCESS MAKING TRAILS				
Name	Melissa Smith	Address	9901 OSWEG RD NE, 130	Zip	87111
Signature	<i>[Signature]</i>	Email	M697.smith@gmail.com		
Comment	Need safe access and bike safety				
Name	BARRY S. CLAYAR	Address	1854 BARTHELIER CT	Zip	87503
Signature	<i>[Signature]</i>	Email			
Comment	Open Space/TRAILS DRAINAGE				
Name	Boss Kountree	Address	7 Chasco Rd	Zip	87503
Signature	<i>[Signature]</i>	Email			
Comment	Too much impact on traffic and impact open space				
Name	Mark Reynolds	Address	1908 Camino del Arroyo	Zip	87505
Signature	<i>[Signature]</i>	Email			
Comment					
Name	TIM WILLIS	Address	131 CALLE TOLD	Zip	87501
Signature	<i>[Signature]</i>	Email			
Comment	NEED MORE TRAILS				
Name	JULIAN TADE	Address	48 THISTON LODGE	Zip	87501
Signature	<i>[Signature]</i>	Email			
Comment	OPEN SPACE				
Name	Brent Soloway	Address	907 TRAIL CROSS CT.	Zip	87505
Signature	<i>[Signature]</i>	Email	bsoloway@gmail.com		
Comment	Important part of our city is trails open space				
Name	Carlos Ayala	Address	17 Calle de Placer	Zip	87507
Signature	<i>[Signature]</i>	Email	carlosayala@gmail.com		
Comment	don't think today and the low traffic was important				

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Name	<u>MIEKE ROTSHAERT</u>	Address	<u>26 SLEEPING DOG RD</u>	Zip	<u>87508</u>
Signature	<u>Mieke Rotshaert</u>	Email	<u>ROTSHAERT@NEWMEXICO.COM</u>		
Comment	<u>PRESERVE NATURE, MOUNTAIN VIEW, HIKING ETC....</u>				
Name	<u>William Rotsaert</u>	Address	<u>26 SLEEPING DOG RD</u>	Zip	<u>87508</u>
Signature	<u>William Rotsaert</u>	Email	<u>ROTSHAERT@XANUMEXICO.COM</u>		
Comment					
Name	<u>Peggy Wirtz</u>	Address	<u>10 Starfire Lane</u>	Zip	<u>87505</u>
Signature	<u>Peggy Wirtz</u>	Email	<u>peggywirtz@gmail.com</u>		
Comment					
Name	<u>Amanda Alexander</u>	Address	<u>675 Arnie Road</u>	Zip	<u>87505</u>
Signature	<u>Amanda Alexander</u>	Email	<u>amanda@peggyalex.com</u>		
Comment					
Name	<u>MARWIN LOVATO</u>	Address		Zip	<u>87505</u>
Signature	<u>Mari</u>	Email			
Comment	<u>Preserve the Nature</u>				
Name	<u>Dennis Medina</u>	Address		Zip	<u>87505</u>
Signature	<u>Dennis Medina</u>	Email			
Comment					
Name	<u>Gail Blair</u>	Address	<u>105 Valley Drive</u>	Zip	<u>87501</u>
Signature	<u>Gail Blair</u>	Email			
Comment					
Name	<u>Etzel Trimmer</u>	Address	<u>112 Valley</u>	Zip	<u>87501</u>
Signature	<u>Etzel Trimmer</u>	Email			
Comment					
Name	<u>K J RIPPEL</u>	Address	<u>605 Sunset</u>	Zip	<u>87501</u>
Signature	<u>K J Rippe</u>	Email	<u>jrippel@azlan.com</u>		
Comment	<u>walking trails, parks, etc</u>				
Name	<u>Corinne Dunning</u>	Address	<u>2174 Chamises Ct</u>	Zip	<u>87505</u>
Signature	<u>Corinne Dunning</u>	Email			
Comment	<u>walking trails and lots of trees</u>				
Name	<u>Randal Chism</u>	Address	<u>617 Franklin Ave #A</u>	Zip	<u>87505</u>
Signature	<u>Randal Chism</u>	Email	<u>randalc@mc.com</u>		
Comment					
Name	<u>Sandra Greene</u>	Address	<u>611 Campana Place</u>	Zip	<u>87501</u>
Signature	<u>Sandra Greene</u>	Email			
Comment	<u>safety, preserve landscape (low impact), drainage</u>				

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Name	BEN ROUTH K22	Address	7 CHUSCO	Zip	87305
Signature	<i>BEN ROUTH K22</i>	Email	7080 ct law Ben @ gmail . com		
Comment	NO 400				5mi
Name	Stephen Osneil	Address	26 Conine Sudester	Zip	87508
Signature	<i>Stephen Osneil</i>	Email	Steve C Osneil@gmail.com		
Comment					
Name	Elizabeth Schroeder	Address	127 9 Hiler Rd	Zip	87508
Signature	<i>Elizabeth Schroeder</i>	Email	emschroeder@gmail.com		
Comment					
Name	Donna	Address	316 ARTIST RD	Zip	87501
Signature	<i>Donna</i>	Email			
Comment	WIDER - SIDER - WIDER Hyde Park Rd (speeding turn)				
Name	Herbert S. Thomas	Address	222 Artist Rd.	Zip	87501
Signature	<i>Herbert S. Thomas</i>	Email	herb3thomas@earthlink.net		
Comment	Encroachment on natural beauty.				
Name	Jessica Grey Roberts	Address	402 Sunset	Zip	87501
Signature	<i>Jessica Grey Roberts</i>	Email	grey024@gmail.com		
Comment	Dangerous / congestion / traffic calming				
Name		Address	601 SUNSET	Zip	87501
Signature		Email			
Comment					
Name		Address		Zip	
Signature		Email			
Comment					
Name		Address		Zip	
Signature		Email			
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Signature		Email			
Comment					

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Name	Susan Pearson	Address	513 Fulton Lane	Zip	87505
Signature	Susan Pearson	Email			
Comment	Too much / No more Development				

Name _____ **Address** _____ **Zip** _____
Signature _____ **Email** _____
Comment: _____

Name _____ **Address** _____ **Zip** _____
Signature _____ **Email** _____
Comment _____

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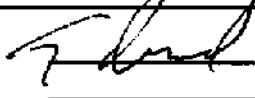
Name _____ Address _____ Zip _____
Signature _____ Email _____
Comment _____

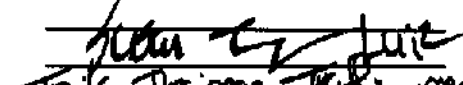
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Drainage Comprehensive drainage solutions including curbs & gutters, storm drains and check dams

Name		Address		Zip	
Signature		Email			
Comment					

Name		Address	800 Camino Centello	Zip	87507
Signature		Email			
Comment	Trails, Drainage, Traffic Imps. (SFT)				

Name	Cassandra Cox	Address	5948 Sierra Nevada	Zip	87507
Signature		Email	C78scorpio@hotmail.com		
Comment	Worx @ SFT				

Name		Address		Zip	
Signature		Email			
Comment:					

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Signature		Email			
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Name	Debra Grigo	Address	2607 Via Caballero del Norte	Zip	81505
Signature	Debra Grigo	Email			
Comment					

Name	Cynthia Peters	Address	3323 La Ave de San Marcos	Zip	87507
Signature	Cynthia Peters	Email			
Comment					

Name	CARMEN ZACARIAS	Address	4041 Milagro Oro SF	Zip	87507
Signature		Email			
Comment					

Name _____ Address _____ Zip _____
Signature _____ Email _____
Comment: _____

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Comment	_____				

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Comment	_____				

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Signature _____ **Email** _____
Comment _____

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Signature _____ **Email** _____
Comment _____

Name _____ Address _____ Zip _____
Signature _____ Email _____
Comment _____

12-14-16

To the Mayor & city Council,

RE: Haciendas del Mirasol Development

As neighbors to this community,
we enjoy the safety & security while
walking our dogs.

We are concerned the master
plan does not cover, trails
walkways, other safety issues.

And truly how big is this
project going to be. 7 houses or 40 houses

The neighborhood is unique in
Santa Fe, near the plaza with many
longtime residents.

A dense housing project brings
increased traffic to a already busy road
& there fore bringing more into our neighborhood

The projected property is on Arroyo's
which is not stable land, takes away
from our views & beauty.

Exhibit "B1"

→

please think seriously about
impact to the neighborhoods surrounding
project. As of now I do not support
this project.

Sincerely
John Doe - Ortiz

342 Otero St

SF CA 94101

505-690-1414

City Attorney's Exhibit #2

SHANDLER, ZACHARY A.

From: SHANDLER, ZACHARY A.
Sent: Tuesday, December 13, 2016 5:09 PM
To: SNYDER, BRIAN K.; BRENNAN, KELLEY A.
Cc: Richard Folks (richardfolks@earthlink.net); SHANDLER, ZACHARY A.; Justin Greene (contactjustin@yahoo.com); Jim Siebert (jim@jwsiebert.com); Karen Heldmeyer (kheld@earthlink.net)
Subject: FW: Request for time at Council Mtg 12-14-16

Dear City Manager Snyder:

I am forwarding this request (see below) for time for tomorrow's evening session (El Mirasol Land Use appeal). Please note, there are two sets of appellants and one applicant.

I told Mr. Folks today that Mayor Gonzales generally allows each side 20-25 minutes for land use appeals.

Please note, Mayor Gonzales generally consolidates appellants together (if there are overlapping issues).

I told Mr. Folks today that I would forward his request for time to you.

Please take this request under advisement. You do not have to respond.

It is my expectation that the Council meeting agenda is very full. It is my speculation that we may get to this item at approximately 7:45pm. It is my speculation that Mayor Gonzales will want all parties to be done with their presentations by 9:00 pm to allow the public comment period at 9:00 p.m.

I defer to Mayor Gonzales on this matter.

Please do not hit "REPLY ALL."

Thank you,
Zachary Shandler
City Attorney's Office
955-6303

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

From: Richard Folks [mailto:richardfolks@earthlink.net]
Sent: Tuesday, December 13, 2016 4:17 PM
To: SHANDLER, ZACHARY A. <zashandler@ci.santa-fe.nm.us>
Subject: Request for time at Council Mtg 12-14-16

Dear Mr. Shandler,

As you suggested, I am requesting, in writing, 45 minutes/per appellant for our presentations at tomorrow's council meeting. That time would include rebuttals after the developers presentation.

Exhibit "33"

We will be as organized and brief as possible.
Thank you for your attention to this matter.

Richard Folks
Greater Callecita Neighborhood Assoc.

City Attorney's
Exhibit 3

HACIENDAS DEL MIRASOL

March 16, 2016

**Land Use Department
City of Santa Fe
Post Office Box 909
200 Lincoln Avenue
Santa Fe, New Mexico 87504**

RE: HACIENDAS DEL MIRASOL AT EL MIRASOL, 700 HYDE PARK ROAD, SANTA FE, NEW MEXICO

To Whom It May Concern:

Attached please find our completed Early Neighborhood Notification Packet for the above referenced project. The attached consists of:

- **Early Neighborhood Notification Information and Procedures with completed submittal checklist.**
- **County Parcel Map depicting properties within 300 feet of the property's perimeter.**
- **ENN Notification Guidelines – Completed**
- **Legal Lot of Record (Plat) Information indicating current ownership.**
- **Mail Log**
- **Mailing, Emailing and Posting Affidavit of ENN Notice**
- **Request for Staff Attendance**
- **Draft Notice Letter**
- **Santa Fe Public Schools Notification Form**
- **Site Plan**
- **Vicinity Map**

Exhibit '33'

Please note that this is being submitted by the Owner of the property, so an Owner Authorization Letter is not required.

If you have any questions or comments, please contact Cody North at 505/699-9858 or buildnorth@gmail.com.

Sincerely,

Cody North

Attachments: Completed ENN Packet



**City of Santa Fe
Land Use Department
Early Neighborhood Notification
Information & Procedures**

Please refer to Section 14-3.1(F) of the Santa Fe City Code for a complete representation of all regulations pertaining to Early Neighborhood Notification

Early Neighborhood Notification

Early Neighborhood Notification (ENN) opens the lines of meaningful communication between the Applicant and impacted neighborhoods before the application process formally starts. The ENN provides an opportunity for neighbors to review, comment, and provide significant feedback on a variety of projects and proposals. The ENN can save the Applicant time and can help to build goodwill.

Projects subject to ENN requirements include:

Any project requiring public hearings before any of the following:

- Board of Adjustment
- Business-Capitol District Design Review Committee
- Planning Commission

ENN meetings shall be scheduled with the Land Use Department (LUD) prior to sending notice. (Ordinance 2007-45 § 30)

As soon as possible

- ☐ Pick up the ENN packet from the Land Use Department

21 Days before the proposed meeting date

- ☐ Submit the ENN packet and schedule the meeting date through the Land Use Department

No less than 15 days prior to scheduled meeting:

- ☐ Mail meeting notice (first class mail) to all of the following located within 300 feet of the subject property:

- Neighborhood Associations registered with the City
- Property owners of record
- Physical addresses

- ☐ Post the property with notice posters obtained from LUD (\$30 each)
☐ Email neighborhood associations registered with the City
☐ Notice shall be postmarked

No later than 10 days prior to the application:

- ☐ Hold ENN meeting - In a suitable "neutral" location that meets the City's accessibility requirements and has adequate parking

For additional information please contact Noah Berke at 505-955-8847 or by email at nberke@santafenm.gov

Early Neighborhood Notification Information & Procedures



Submittals Checklist

In order to schedule an ENN meeting, the following items must accompany the completed *Request for Staff Attendance Form*

- ☒ County Parcel Map depicting properties within 300 feet of property's perimeter – Available from County Assessor's Office, 102 Grant Avenue
- ☒ ENN Notification Guidelines (Completed)
- ☒ Legal Lot of Record (Plat) Information indicating current ownership
- ☒ Mailing Log
- ☒ Mailing, Emailing & Posting Affidavit of ENN Notice
- ☐ Owner Authorization Letter - *NOT REQUIRED*
- ☒ Request for Staff Attendance
- ☒ Draft Notice Letter
- ☒ Santa Fe Public Schools Notification Form
- ☒ Site Plan
- ☒ Vicinity Map

Land Use Department Staff Role

Land Use Department staff is here to help, answer questions, and even facilitate or mediate the meeting if necessary.

Additional Materials Necessary for the ENN Meeting

- ☐ Copies of the Completed Early Notification Guidelines (Ord. No. 2002-12 § 10)
- ☐ Drawing(s) showing at a minimum labeled streets and structures within a 300-foot radius from the perimeter of the property or properties, excluding rights-of-way (Ord. No. 2007-45 § 30)
- ☐ Sign-In sheets
- ☐ Site Plan
- ☐ Vicinity map

Visit www.santafenm.gov to view currently scheduled ENN meetings. From the left hand menu choose Early Neighborhood Notifications.

The Santa Fe City Code is available on line at:

www.santafenm.gov >Departments>Land Use>City Zoning Code



ENN GUIDELINES

Applicant Information

Project Name: **Haciendas del Mirasol at El Mirasol**

Name: **North** Cody

Last First M.I.

Address: **107 East Lupita Road**

Street Address

Suite/Unit #

Santa Fe

NM 87505

City

State ZIP Code

Phone: **(505) 699-9858**

E-mail Address: **buildnorth@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.

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 project will be very low density with only 8 homes on 28 acres. All the homes will follow the escarpment ordinance, the ordinance from February 2, 1981, and our CC&R's managed by an architectural review by the HOA. We are proposing an entry road, which will be built to city road standards. Then the road will turn to a private drive 20' wide. All roads will meet the code. All significant trees that are disturbed will be replanted or replaced. On these large parcels there are no set back infringements. There will be a lighting plan that will follow the escarpment ordinance and low street lights will be used if any. There is a trail system on the south side of Hyde Park for access to town, private trails on the property and the project is in close proximity to parks, schools and shops. There will be an entry sign to the development that will conform to the code.

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

All significant trees will be accounted for and replanted or replaced. The arroyos will be cleaned and erosion prevention will be implemented, which will include repairing existing structures and building new catch dams. We will have a SWPPP plan in place that will protect the environment and mitigate the fire risk, spill potential, and trash maintenance. Open space will be maintained by the Owners or HOA. Lighting will follow the escarpment code as will the screening of homes and roads by landscaping. Existing vegetation will be protected by limiting traffic off of designated roads and by marking protected areas. The construction will not require any significant grading.

(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.*

This property is not in the Historic District of Santa Fe, but will be in harmony with the design of Santa Fe and our heritage. An Archeological Study has already been approved by the Archeological Committee, on March 3, 1997, granting approval and a permit to remove or collect data from four non-significant archeological sites. One site LA-110505 was to be preserved and placed under an easement. This has been done and is shown on the plats. This was for the complete 69 acres. There are no archeological sites located on the 28-acre parcel.

(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.*

This property is zoned PRC and per the February 2, 1981 ordinance, shall not exceed 2.8 dwelling units per acre. With 8 homes with guesthouses on 28 acres, the project will be well within this density. The property will conform and will not exceed any surrounding limits. The project is surrounded by R-5, R-21 PUD and R-2 PUD.

(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.*

A Traffic Impact Analysis is in progress. The preliminary results indicate that there are no failing intersections for the existing condition. Offsite improvements to provide a left turn deceleration lane may be warranted.

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

The project will stimulate the construction industry and all that goes along with it like architecture, design, goods, furnishings, appliances and cleaning companies. Our custom homes are constructed using local workers, materials, craftsmen and artisans as much as possible. The owners of these homes will contribute to the wellbeing of restaurants and shops throughout Santa Fe. This project will raise property values by restoring a property that has been used for a trash site for decades.

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

The fees paid by this project will generate revenue for the affordable housing trust, which will go towards down payment assistance for qualified low-income individuals to buy a home.

(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.*

This project will have fire suppression, which will help reduce the need for fire protection. The homes will be sustainably built to reduce the use of water. This will be accomplished by utilizing smart design to lower domestic water use and water harvesting. There will be a private sewer system that will help mitigate the impact on the existing infrastructure. The homes will be required to have solar grid tie systems to supplement the power grid and reduce the use of electricity. Dry utilities are available adjacent to the site on Hyde Park Road.

(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.*

All the homes in this project will be required to meet or exceed the City of Santa Fe's green building code. We will use smart design to reduce water line runs and low flow fixtures through the homes. All roof water will be used either actively or passively on the property. With a low density, residential community the impact will remain very low.

(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.*

This will be a very walkable community both on the property and to the City. It will make access to downtown very appealing. With Fort Marcy Recreational Complex so close, it will give the opportunity for the residents of the project to access the facility on foot.

(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.*

This infill project conforms to the City of Santa Fe's General Plan and the Estancia Primera PRC. The site is in close proximity to downtown employment centers.

(l) ADDITIONAL COMMENTS (optional)

[illegible]

**STANTIS PERMUTATION
TESTING METHOD**

A BUREAU OF INVESTIGATION REPORT COMPLETED JAN. 10, 1946, BY SPECIAL AGENT IN CHARGE, NEW YORK, STATED THAT THE ABOVE NAMED PERSONS ARE BEING HELD IN THE NEW YORK PENITENTIARY.

[illegible]

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Philip B. Long

■ 1990 年 10 月 1 日
 ■ 1990 年 10 月 1 日

MAILING LOG

Names	Parcel #	Property Address	Date Sent	Date Received	Comments
HPR PROPERTIES LLC & CI OPPORTUNITY FUND PO BOX 22865 SANTA FE, NM 87502	98305501	702 HYDE PARK RD			
HRSCH, BENNETT M & LESLIE WALKER TRUSTE 604 LOS ALTOS NORTE SANTA FE, NM 87501	970002277	604 LOS ALTOS NORTE			
DIEKEMPER, LOU DUNN (TRUSTEE) PO BOX 2453 LUBBOCK, TX 79408	970002275	420 AVENIDA PRIMERA S			
ALLEGRO-NM INVESTMENTS, L P 6916 HILL FOREST DR DALLAS, TX 75230	970002276	600 LOS ALTOS NORTE			
DIKER, CHARLES CIELO DEL SUR ANTHONY, NM 88021	970002531	541 CAMINO LOS ALTOS			
SCOTT, JAMES S PO BOX 292 SAN RAFAEL, NM 870510292	12510848	537 CAMINO LOS ALTOS			
ROSCHEER, BRUCE & SUSAN KURIEN TRUSTEES 544 CAMINO LOS ALTOS SANTA FE, NM 87501	970002517	544 CAMINO LOS ALTOS			
POWELL, EVA JANZEN (TRUSTEE) 1139 N OAK PARK AVE OAK PARK, IL 60302	970002516	540 CAMINO LOS ALTOS			
PIERCE, SCOTTIE (TRUSTEE) 536 CAMINO LOS ALTOS SANTA FE, NM 87501	970002515	536 CAMINO LOS ALTOS			
WELLS, EILEEN A 532 CAMINO LOS ALTOS SANTA FE, NM 87501	970002520	532 CAMINO LOS ALTOS			
CLAY, JAMES R & SUSAN SLUSSER PO BOX 140 WESTFIELD CENTER, OH 44251	970002521	528 CAMINO LOS ALTOS			
MELTON, JOHN ROY & MICHIELLE 524 CAMINO LOS ALTOS SANTA FE, NM 87501-8305	970002528	524 CAMINO LOS ALTOS			
RASMUSSEN, NINA & PRESCOTT 520 CAMINO LOS ALTOS SANTA FE, NM 87501	970002527	520 CAMINO LOS ALTOS			
BECK, JAMES A & LINDA R BECK (TRUSTEE) 516 CAMINO LOS ALTOS SANTA FE, NM 87501	970002526	516 CAMINO LOS ALTOS			
ALEXANDER, R E 420 S AVENIDA PRIMERA SANTA FE, NM 87501	970002280	40 AVENIDA PRIMERA S			
SCHERMERHORN, CRAIG & GERALDINE 4175 CAMP CILCA RD CANTRALL, IL 62625	970002518	437 S AVENIDA PRIMERA			

MAILING LOG

Names	Parcel #	Property Address	Date Sent	Date Received	Comments
Estancia Primera HOA C/O James Fassett Los Nidos DR, Santa Fe NM 87501					
CITY OF SANTA FE 200 LINCOLN AVE SANTA FE, NM 87501	98303171	10 PRINCE AVE			
SMITH, ARMAND & ETAL CO-TRUSTEES PO BOX 159 CLOVIS, NM 88102	13049884	0 ARTIST RD			
REDOIX, BRUCE & ANN M BARNES 5463 N CAMINO DEL PENOSO TUCSON, AZ 85750-1457	18104421	341 PRINCE AVE			
SMITH, PATSY R 3700 CHEEK SPARGER RD STE 180 BEDFORD, TX 76021	18101711	320 ARTIST RD			
BECK, ROBERT E & JOYCE S 4751 GRAPEVINE TERRACE FORT WORTH, TX 76123	18101712	320 ARTIST RD			
PRATT, WILLIAM & LINDA PO BOX 4039 AMARILLO, TX 79116	18101713	320 ARTIST RD			
COUVRETTE, DAN & MARTHA YUET-MEI CHAN 3 DAULT RD TORONTO, MIN 1E5	18101714	320 ARTIST RD			
MORRISON, SARA & WILLIAM FRANCIS ROGERS 1141 OXFORD ST BERKELEY, CA 94707	18101715	320 ARTIST RD			
FRYER, VIRGINIA L 250 E ALAMEDA APT 818 SANTA FE, NM 87501	18101716	320 ARTIST RD			
MCGUIRE, SCOTT & VIRGINIA 7807 CREEKBLUFF DR AUSTIN, TX 78750	18101717	320 ARTIST RD			
BBB3 SANTA FE LLC 113 DOGWOOD LANE SAN ANTONIO, TX 78213	18101697	320 ARTIST RD			
MEYER, SANDRA L & THOMAS J (TRUSTEES) 424 NOTTINGHAM DR CHAPEL HILL, NC 27517	18101695	320 ARTIST RD			
MCNAMARA AND RUST LLC 7037 31ST ST NW WASHINGTON, DC 20016	18101694	320 ARTIST RD			

MAILING LOG

Names	Parcel #	Property Address	Date Sent	Date Received	Comments
RIVERA-DIRKS, ELIZABETH 320 ARTIST RD UNIT 36 SANTA FE, NM 87501	18101702	320 ARTIST RD			
HOWELL, PEGGY B 6300 TERREON DR ALBUQUERQUE, NM 87109	18101701	320 ARTIST RD			
SHEARER, GLENN H & 5502 E PERSHING AVE SCOTTSDALE, AZ 85254	18101700	320 ARTIST RD			
VOGEL, JASON 11141 TAMPA AVE NORTHBRIDGE, CA 91326	18101699	320 ARTIST RD			
JERRY & THEONA OSBORN FAMILY TRUST 16227 W ARROYO VISTA LN SURPRISE, AZ 85374	18101698	320 ARTIST RD			
RICHWINE, BILLY A & DONNA M 4525 N 66TH ST #45 SCOTTSDALE, AZ 85251	18101710	320 ARTIST RD			
BOLT, CHRISTINE ANN 1194 GUERRERO ST SAN FRANCISCO, CA 94110-2933	18101709	320 ARTIST RD			
BELYAEV, STANISLAV & 320 ARTIST RD UNIT 42 SANTA FE, NM 87501	18101708	320 ARTIST RD			
HARVEY, JOHN A & 617 B FRANKLIN AVE SANTA FE, NM 87501	18101707	320 ARTIST RD			
FORT MARCY CONDOS 9635 NAWASSA RD MIDWEST CITY, OK 73130	18101706	320 ARTIST RD			
HUNT, DEREK 46 FOREST ACRES RD NEW LONDON, NH 03257	18101705	320 ARTIST RD			
SUBOTNICK, MORTON & JOAN 25 MINETTA LANE 4B NEW YORK, NY 10012	18101704	320 ARTIST RD			
FORT MARCY LP 5222 WALNUT HILL LANE DALLAS, TX 75229	18101703	320 ARTIST RD			
FORT MARCY CONDOS INC 320 ARTIST RD #608 SANTA FE, NM 87501	18101726	320 ARTIST RD			

MAILING LOG

Names	Parcel #	Property Address	Date Sent	Date Received	Comments
HILDEBRAND, CARL & JUDITH H 110 QUAY ST ALEXANDRIA, VA 22314	18101725	320 ARTIST RD			
PATTERSON, GLEDA & MAX WADE 1116 1 RD COPELAND, KS 67837	18101727	320 ARTIST RD			
MALATY, JEAN PHILIPPE & TOM PO BOX 8387 ASPEN, CO 81612	18101724	320 ARTIST RD			
HOLDER, PAMELA 8022 CLARION WAY HOUSTON, TX 77040	18101723	320 ARTIST RD			
SMALLWOOD, JOHN & DOROTHY PO BOX 5154 SANTA FE, NM 875025154	18101728	320 ARTIST RD			
GRAY, LAWRENCE E & DIANE G EDMONDSON 409 E 14TH HOUSTON, TX 77008	18101887	320 ARTIST RD			
HILL, STEPHEN W & RHONA S 10 BELLA LOMA SANTA FE, NM 87506	18101888	320 ARTIST RD			
SCHERFEL, JAMES L & ELISE K 661 S OBENCHAIN ROAD EAGLEPOINT, OR 97524	18101889	320 ARTIST RD			
DUGAN, DENNIS M & MARY ANN SCHADE 3751 RIVERDALE AVE #6 A BRONX, NY 10463	18101890	320 ARTIST RD			
SHOCKLEY, EMMETT & DORIS 800 W FLORIDA ST DEMING, NM 88030-4582	18101891	320 ARTIST RD			
BOWELL, PATRICIA L & JOHN MICHAEL PO BOX 396 QUEENSTOWN, ME 21658	18101892	320 ARTIST RD			
FM 27 PTNERS 4519 BORDEAUX DALLAS, TX 75205	18101893	320 ARTIST RD			
HALLGREN, MARK S 5908 63RD ST LUBBOCK, TX 79424	18101896	320 ARTIST RD			
LUU, JENNIFER & ROBERTSON 6800 BEDCO CT COLLEYVILLE, TX 76034	18101895	320 ARTIST RD			

MAILING LOG

Person	Parcel #	Property Address	Date Sent	Date Received	Comments
GITOMER, STEVEN & JOYCE 1428 MIRACERROS LOOP SO SANTA FE, NM 87505	18101684	320 ARTIST RD			
OTERO, FE C 2113 SANTA CRUZ AVENUE MENLO PARK, CA 94025	18101683	320 ARTIST RD			
KAFN, WALTER & SUSAN 16 TUXEDO ROAD RUMSON, NJ 07760	18101682	320 ARTIST RD			
WEISS, STEVEN H & AMY A ERNST 5141 GLENWOOD POINTE LN NE ALBUQUERQUE, NM 87111	18101681	320 ARTIST RD			
NEWHOUSE, ERIC C 2909 N UNION AVE TACOMA, WA 98407	18101680	320 ARTIST RD			
SCHUIND, ANNE 981 NATTON CT KING OF PRUSSIA, PA 19406	18101679	320 ARTIST RD			
ROMANO, JOSEPH & JEANNE 1041 YELLOW SPRINGS RD MALVERN, PA 19355	18101678	320 ARTIST RD			
KURTZ, JOANNE E & M D HERMANN 1945 COMMONWEALTH #84 BRIGHTON, MA 02136	18101677	320 ARTIST RD			
PERSICK, LAWRENCE D & MADELINE 320 ARTIST RD unit 10 SANTA FE, NM 87501	18101676	320 ARTIST RD			
WILLIAMS, HATTIE MAE(FAMILY LIMITED PARTNERSHIP) 624 HOT SHOT LN	18101667	320 ARTIST RD			
FOSTER, MICHAEL H & CHRISTINE E TRUSTEES 226 CHESTNUT OAK DR MANDEVILLE, LA 70448	18101669	320 ARTIST RD			
WHITE, TIMOTHY M & KRENA L 903 W ALAMEDA ST #749 SANTA FE, NM 87501	18101671	320 ARTIST RD			
SCHMIT, ROBERT A & MARGARET J 17 BUGGY WHIP DR PALOS VERDES ESTATES, CA 90274	18101673	320 ARTIST RD			
SUNROOM LLC PO BOX 446 HOPLAND, CA 95448	18101675	320 ARTIST RD			

MAILING LOG

Names	Parcel #	Property Address	Date Sent	Date Received	Comments
VODENOS, ARNA 8306 WILSHIRE BLVD #5900 BEVERLY HILLS, CA 90211	18101674	320 ARTIST RD			
ROSS, DIANE 3708 GREGGORY WAY UNIT 1 SANTA BARBARA, CA 93105	18101672	320 ARTIST RD			
CROWDEN, JAMES & LINDA 344 KULIKE RD HAIKU, HI 96708	18101658	320 ARTIST RD			
FORT MARCY COMPOUND CONDO PO BOX 67590 ALBUQUERQUE, NM 87193	18101764	320 ARTIST RD			
SARGENT, ANNA LEISE 413 SUNSET ST SANTA FE, NM 87501	10550144	405 TO 445 SUNSET ST			
IONESCU, ION M & LAURA F 310 ARTIST RD SANTA FE, NM 87501	11914112	310 ARTIST RD			
DORBIN, JERRY B 316 ARTIST RD SANTA FE, NM 87501	12044928	316 ARTIST RD			
CAVIN, SEALY H JR 3235 CALLE DE DEBORAH NW ALBUQUERQUE, NM 87104	910004006	314 ARTIST RD UNIT 3			
WORRALL, JOHN GRIGGS III & LORI SCOTT PO BOX 1834 ROSWELL, NM 88202	910004007	314 ARTIST RD UNIT 2			
SCOTT EXPLORATION, INC PO BOX 1834 ROSWELL, NM 88202	910004008	314 ARTIST RD UNIT 1			
302 ARTIST LLC PO BOX 2503 SANTA FE, NM 87504	12132750	302 ARTIST RD			
GREENE, JUSTIN & SANDRA M H 515 SUNSET ST SANTA FE, NM 87501	910021079	501 SUNSET ST UNIT A			
EBERTS, LINDSAY E 501 SUNSET ST UNIT B SANTA FE, NM 87501	910021080	501 SUNSET ST UNIT B			
TANSEY, MICHAEL JOHN 501 SUNSET ST UNIT C SANTA FE, NM 87501	910021081	501 SUNSET ST UNIT C			

MAILING LOG

Names	Parcel #	Property Address	Date Sent	Date Received	Comments
ARTISTS CROSSING LLC 611 CAMPANA PLACE SANTA FE, NM 87501	910021082	501 SUNSET ST UNIT D			
GLAZNER, THOMAS H & LAURA L 138 RAINBOW DR #3865 LIVINGSTON, TX 77388	12494464	509 SUNSET ST			
GREENE, JUSTIN & SANDRA M H 611 CAMPANA PL SANTA FE, NM 87501	13043072	515 SUNSET ST			
DAVID, JAMES & GARY PEESE 8 SUGAR CREEK AUSTIN, TX 78746	12089456	242 HADISWAY AVE			
DAVID, JAMES & GARY PEESE 8 SUGAR CREEK AUSTIN, TX 78746	12159385	246 HADISWAY AVE			
STRICKS, BEN 250 HADISWAY AVE SANTA FE, NM 87501	11265920	250 HADISWAY AVE			
WILLIAMS, HAROLD & SUSAN ANGEBRANDT 369 HADISWAY AVE SANTA FE, NM 87501	12978890	369 HADISWAY AVE			
FRITCHIE, MICHAEL C 9581 MINOSA RD FRISCO, TX 75033	10307868	306 CALLECITA PL			
VAN BUSKIRK, CATHLEEN SUSAN 90 CESSNA DRIVE ERIE, CO 80516	16004725	304 CALLECITA PL			
PALUMBO, FRANK J 300 CALLECITA PLACE SANTA FE, NM 87501	11453568	300 CALLECITA PL			
SAKION, PAUL & VIRGINIA 223 N GUADALUPE #493 SANTA FE, NM 87501	12845580	321 CALLECITA PL			
SNYDER, STEVEN H & JEANNINE G (TRUSTEES) 134 SILVER FOX CT GREENWOOD VILLAGE, CO 80121	13015448	606 LLANO LARGO ST			
PORTER, CHARLES THOMAS JR & KAREN K 7 CAMPECHE ESTATES DR GALVESTON, TX 77554	16002650	208 WILLIAMS ST			
MULKEY, LILA A 223 N GUADALUPE # 542 SANTA FE, NM 87501	13013632	18 LLANO LARGO ST			

MAILING LOG

Names	Parcel #	Property Address	Date Sent	Date Received	Comments
PUTKONEN, ERIKA & KIMBERLY A 101 LLANO LARGO SANTA FE, NM 87501	10992256	101 LLANO LARGO ST			
QUNTANA PROPERTIES LLC 608 CAMPANA PL SANTA FE, NM 87501	12098944	608 CAMPANA PL			
SCHAIKUCK, MICHELLE T 3235 HARBOR VIEW DR SAN DIEGO, CA 92108-2917	11809152	210 WILLIAMS ST			
WRIGHT, GAVIN 211 WILLIAMS ST SANTA FE, NM 87501	10810498	211 WILLIAMS ST			
THE THERESA L. PADILLA REVOCABLE TRUST PO BOX 1773 SANTA FE, NM 87504 Greater Callecita HOA C/O Richard Folks 119 Valley Dr. Santa Fe NM 87501	11989120	209 WILLIAMS ST			



EARLY NEIGHBORHOOD NOTIFICATION MEETING

Request for Staff Attendance

Project Information	
Project Name:	Haciendas del Mirasol at El Mirasol
Address:	700 Hyde Park Road
Parcel Size:	28 Acres
Zoning:	PRC
Future Land Use:	Low Density Residential
Preapplication Conference Date:	March 17, 2016
Detailed Project Description:	We are proposing to split a 28 acre lot into 8 lots ranging from 1 acre to 8 acres. We will be providing the infrastructure and the roads to these lots as well as the HOA for this Development.
Property Owner Information	
Name:	700 HPR, LLC. Attention: Mr. Cody North, Managing Member
Address:	107 E. Lupita Road, Santa Fe, New Mexico, 87505
Phone:	505/699-9858
E-mail Address:	buildnorth@gmail.com
Applicant/Agent Information (if different from owner):	
Name:	Same As Above
Address:	
Phone:	
E-mail Address:	
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:

Proposed ENN Meeting Dates:		
Provide 2 options:	Preferred Option	Alternative
DATE:	April 8, 2016	April 6, 2016
TIME:	6:30 P.M.	5:30 P.M.
LOCATION:	LIBRARY CK	



NOTICE AFFIDAVIT

14-3.1(H)

Project Information

Project Name:

Haciendas del Mirasol

Project Location:

700 Hyde Park Rd.

Case Number(s):

Certification

I hereby certify that the attached Notice was mailed to property owners, tenants, and registered neighborhood associations within 300 feet of the proposed project site. Notices were mailed on 3-24-16, 20 .

I hereby certify that the attached Notice was sent via email to registered neighborhood associations within 300 feet of the proposed project site. Notices were emailed on , 20 .

I hereby certify that the subject property was posted with a sign provided by the City on

March 25, 2016. The sign was placed in a prominent position in public view, according to Instructions provided by Land Use Department staff.

Applicant Printed Name:

Cody North

Applicant Signature:

[Signature]

Notarization

STATE OF NEW MEXICO)

COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 11 day of April, 2016 by

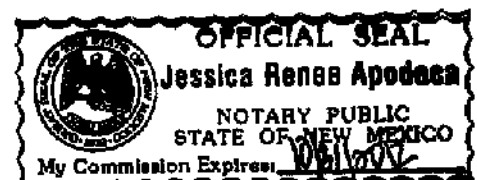
Cody L. North

[Signature]

Notary Public

My Commission Expires:

10/31/2017



HACIENDAS DEL MIRASOL

March 24, 2016

Dear Neighbor:

The ENN meeting scheduled for April 5, 2016 has been rescheduled for April 11, 2016. Please disregard my previous letter.

700 HPR, LLC. is proposing a subdivision of 28 acres at 700 Hyde Park Road. This one lot will be divided into eight (8) large parcels. These lots will be accessed by a private driveway via a connector road off of Hyde Park Road. This project will not need any variances to meet City of Santa Fe Land Use Code.

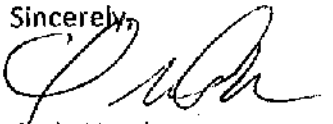
In accordance with the requirements of the City of Santa Fe' Early Neighborhood Notification regulations, this is to inform you that a meeting is scheduled for:

Time: 5:30 P.M.
When: April 11, 2016
Where: Santa Fe Public Library – Main
145 Washington Avenue
Santa Fe, New Mexico 87501

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

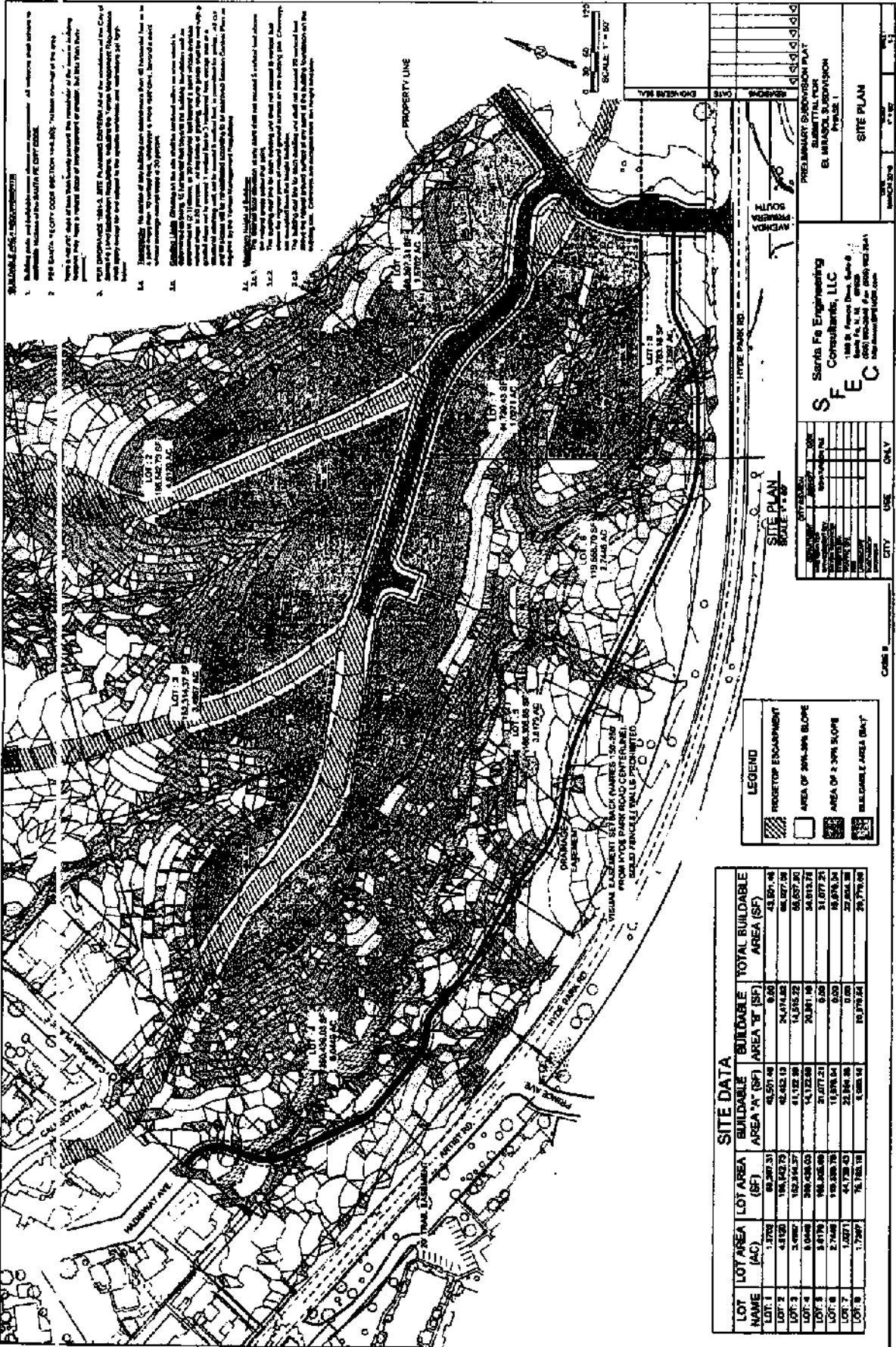
Attached, please find a vicinity map and proposed site plan. If you have any questions or comments, please contact Cody North at CodyLeroy@g.com.

Sincerely,



Cody North

Attachments: Vicinity Map
Site Plan



- NOTES:**
1. Building pads and building footprints shown are approximate. All setbacks shall adhere to applicable setbacks of the SANTA FE CITY CODE.
 2. PER SANTA FE CITY CODE SECTION 14.0.0.0, "Minimum Overall Lot Area" shall be 10,000 sq. ft. for lots 1 through 4 and 15,000 sq. ft. for lots 5 through 8.
 3. PER SFPD ORDINANCE 1981-5, "PERMITS AND CONSTRUCTION" and the conditions of the City of Santa Fe (1990) Submittal Requirements, including the "Design Requirements" and "Design Standards" for the proposed development, shall be followed.
 4. "PERMITS AND CONSTRUCTION" shall be followed for all construction of the proposed development.
 5. "DESIGN REQUIREMENTS" shall be followed for all construction of the proposed development.
 6. "DESIGN STANDARDS" shall be followed for all construction of the proposed development.
 7. "PERMITS AND CONSTRUCTION" shall be followed for all construction of the proposed development.
 8. "DESIGN REQUIREMENTS" shall be followed for all construction of the proposed development.
 9. "DESIGN STANDARDS" shall be followed for all construction of the proposed development.

LEGEND

- ROAD TOP ENCROACHMENT
- AREA OF 20% SLOPE
- AREA OF 2-3% SLOPE
- BUILDABLE AREA (BAY)

SITE DATA

LOT NAME	LOT AREA (AC)	LOT AREA (SF)	BUILDABLE AREA "A" (SF)	BUILDABLE AREA "B" (SF)	TOTAL BUILDABLE AREA (SF)
LOT 1	1.2702	88,287.31	63,501.48	0.00	63,501.48
LOT 2	4.8100	330,142.75	243,744.83	0.00	243,744.83
LOT 3	3.4987	240,144.27	161,132.58	0.00	161,132.58
LOT 4	6.0448	416,458.03	270,951.22	0.00	270,951.22
LOT 5	8.8179	608,458.09	370,071.21	0.00	370,071.21
LOT 6	2.2448	154,588.75	100,000.00	0.00	100,000.00
LOT 7	1.0201	70,128.43	46,344.48	0.00	46,344.48
LOT 8	1.7907	123,188.18	80,179.84	0.00	80,179.84
TOTAL			1,336,132.94	0.00	1,336,132.94

PRELIMINARY SUBDIVISION PLAT
EL PASO SUBDIVISION
PHASE 1
SITE PLAN

Santa Fe Engineering Consultants, LLC
 1000 S. Santa Fe Avenue, Suite 200
 Santa Fe, N.M. 87505
 (505) 833-1111
 www.santafeengineering.com

SCALE: 1" = 20'

DATE: 11/11/2011

BY: [Signature]

Santa Fe Engineering Consultants, LLC

Civil and Traffic Engineering
Construction Management
Land Development

1999 St Francis Drive, Suite B
Santa Fe, NM 87505
505 962-3945 Fax 505 962-3541

HACIENDAS DEL MIRASOL 700 HPR Properties, LLC

Public Meeting- Early Neighborhood Notification

April 11, 2016

Santa Fe Public Library- Main
145 Washington Avenue
Santa Fe, NM 87501

5:30 P.M.

Please sign in

Name	Address	Email	Phone
Gavin Wright	211 Williams St	hr233004@yahoo.com	505-699-8221
Sirany Bowler	694 La Vivera Ct	vgbrower-694@hotmail.com	820-7866
Chris Quintana	608 Campana Pl	QUINTANA7@GAMANET	505 699-6152
Gail Blair	103 Valley Drive		984-5031
Rick Tyner	821 Camino del Esk	rttyner@earthlink.net	972-6828
Ann Folks	120 Valley Dr	folksa@hotmail.com	984-8069
Martha Beecher	540 Los Niños		
Tom Beecher	" "		
Steve Ivish	560 Los Niños		
Roy Matton	524 Camino Los Altos	jroymatton@gmail.com	982-0813
Lucille Kippick	764 Aspen Camp		986 8524

Sim Kippick 764 Aspen Camp

ERRICK LEVINE 508 Los Niños

Santa Fe Engineering Consultants, LLC

Civil and Traffic Engineering
Construction Management
Land Development

1909 St Francis Drive, Suite B
Santa Fe, N.M. 87505
(505) 962-2845 Fax (505) 962-2841

HACIENDAS DEL MIRASOL
700 HPR Properties, LLC

Public Meeting- Early Neighborhood Notification

April 11, 2016

Santa Fe Public Library- Main

145 Washington Avenue

Santa Fe, NM 87501

5:30 P.M.

Please sign in

Name	Address	Email	Phone
Marissa Stadler	209 Williams St		505-983-3465
Kevin Daniels	104 Williams St		505-670-5611
Benita Vasoulla	533 Avenida Primera	benita.v@comcast.net	
Wanda Williams	369 HAZENWAY	wanda@azdo.com	982-4203
DICK PODMORE	211-D CALLETA FC	news@dircepodmore	989-8814
Michelle Schumann			949-412-8882
Greg Smith		City Staff	
A.L. Debbie Bortner	501 Camino Los Altos	Albert.rager@elco.global.net	820-1681
Jim Beck	516 Cam Los Altos	jandibeck@comcast.net	
Debi Samil	136 Valley	debi.samii@yahoo.com (415)	939-2007
APRIL LARSON	124 VACUITY DR	JANESTSF@GMAIL.COM	505-984-608

Roma Van Hoosier	125 Valley Drive	RH14@sbglobal.net	817-996-5598
SETH ROFFMAN	PO Box 8627, SP87504	SETH@NETS.COM	982-3481
Ryan Karsa	35 Canine Mark Rd.	Ryan@karsaerally.com	660-3231
KEVIN REBURN	P.O. Box 1000	Bob.Reburn@comcast.net	646-823-1608
Sandra Brink	705 Calle Kokopelli	sbrink@addycomcast.net	983-2402
LOUISE QUINN	901 ALABAMA WAY	LOUISE@ATTNLINK.NET	432-4525
Erika Benson	250 Hadisway Ave	erika.benson@gmail.com	660-4667
PICHAPOFOA	119 Valley Dr	Pichapofoa@attlink.net	982-1557
Kathryn Long	1200 Gonzales Ct	k2erbach@aol.com	695-5404
PAULINE WILCZINSKI	463 Bishop's Lodge	KOKO63@COMCAST.NET	413-2628440
Rebekah Wess	207 Sunset		989-1098
Ray Herrera	3796 Hillside Ave	rdherrer@3796.com	983-2379
Celia Hinton	127 Valley Dr	info@ggonicsanvale.com	877-8519
Jim Hays	400 Kochina Ct	kaysehay@comcast.net	982-5467
Brad Karp	653 Paseo de la Cumbre	brad.karp@comcast.net	(512) 971-5204
Sue Hartmann	1305 Calle Ramon	suehartmannsf@aol.com	984-1227
Ruth Ann Crook	763 Paseo de la Cumbre	racrook@aol.com	986-9316

[illegible]

Ernie Romero	PO Box 22865 SF 94187	ern@pharmawest.fr.com	505-6900823
Gennie Chew	123 Valley IV	bgnotful4CAGL.com	767-337-0250
R			
Charles W. Harts	407 Cable Knapdale Santa Fe, NM 87501		
Pam Burnham	115 Valley Dr 87501		
Julie Phil Murray	783 Stagecoach representative for neighborhood 333 Montezuma Ave 87501	phj1@dir.sva.hessen.com sibgy@SB-Associates.net	983-3755
Suby Barden			
John Vardhees	201C Williams	johnbohee@mac.com	982-5031
Laura Sinkler Weber	34 Bobcat Trail	laura.sinkler.weber@gmail.com	
Unstet Weber	" "	chw36@icloud.com	
Natalie Hamilton	320 Arizona Dr	nhamilton@asr-lodging.com	988-2800
Rick Martinez	725 Messilla	morgmartinez@yahoo	933-5643
Pete White	501 Hulsine Ave	PWHITE9098@AOL.COM	505-982-8536
Jim McCarroll	600 LA VINE ST		

HACIENDAS DEL MIRASOL

March 16, 2016

Dear Neighbor:

700 HRP, LLC. is proposing a subdivision of 28 acres at 700 Hyde Park Road. This one lot will be divided into eight (8) large parcels. These lots will be accessed by a private driveway via a connector road off of Hyde Park Road. This project will not need any variances to meet City of Santa Fe Land Use Code.

In accordance with the requirements of the City of Santa Fe' Early Neighborhood Notification regulations, this is to inform you that a meeting is scheduled for:

Time: 5:30 P.M.
When: Day, Date, 2016
Where: Location
Location Address
Santa Fe, New Mexico 8750_

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

Attached, please find a vicinity map and proposed site plan. If you have any questions or comments, please contact Cody North at CodyLeroy@q.com.

Sincerely,

Cody North

Attachments: Vicinity Map
Site Plan



Santa Fe Public Schools

Property & Asset Management

Residential Development Impact Information Form

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

1. Project Name: Haciendas del Mirasol
2. Location of Property: 700 Hyde Park rd
3. Owner/Agent Name: 7004PR LLC / Cody North
- Mailing Address: 107 E. Loop 4a Rd Santa Fe NM 87505
- Phone & Fax: 505.679-9858
4. Unit Matrix

PROJECT EFFECT ON STUDENT POPULATION		
Unit Type	Unit Quantity	Average Price
Single Family (detached)	8	\$1.5M
Single Family (attached)		
Townhome/ Apartment		
Multi-Family		
Commercial		

5. Elementary School Zone for Proposed Development: Carlos Gilbert
6. Middle School Zone for Proposed Development: Cajon
7. High School Zone for Proposed Development: Santa Fe High
8. Build out Rates (Year/s; #/yr): 5 years

Educational Services Center
810 Alta Vista
Santa Fe, NM 87505
Telephone (505) 487-2000
www.sfps.info

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

PROPOSED GRADING LIMITS

SCALE: 1" = 60'

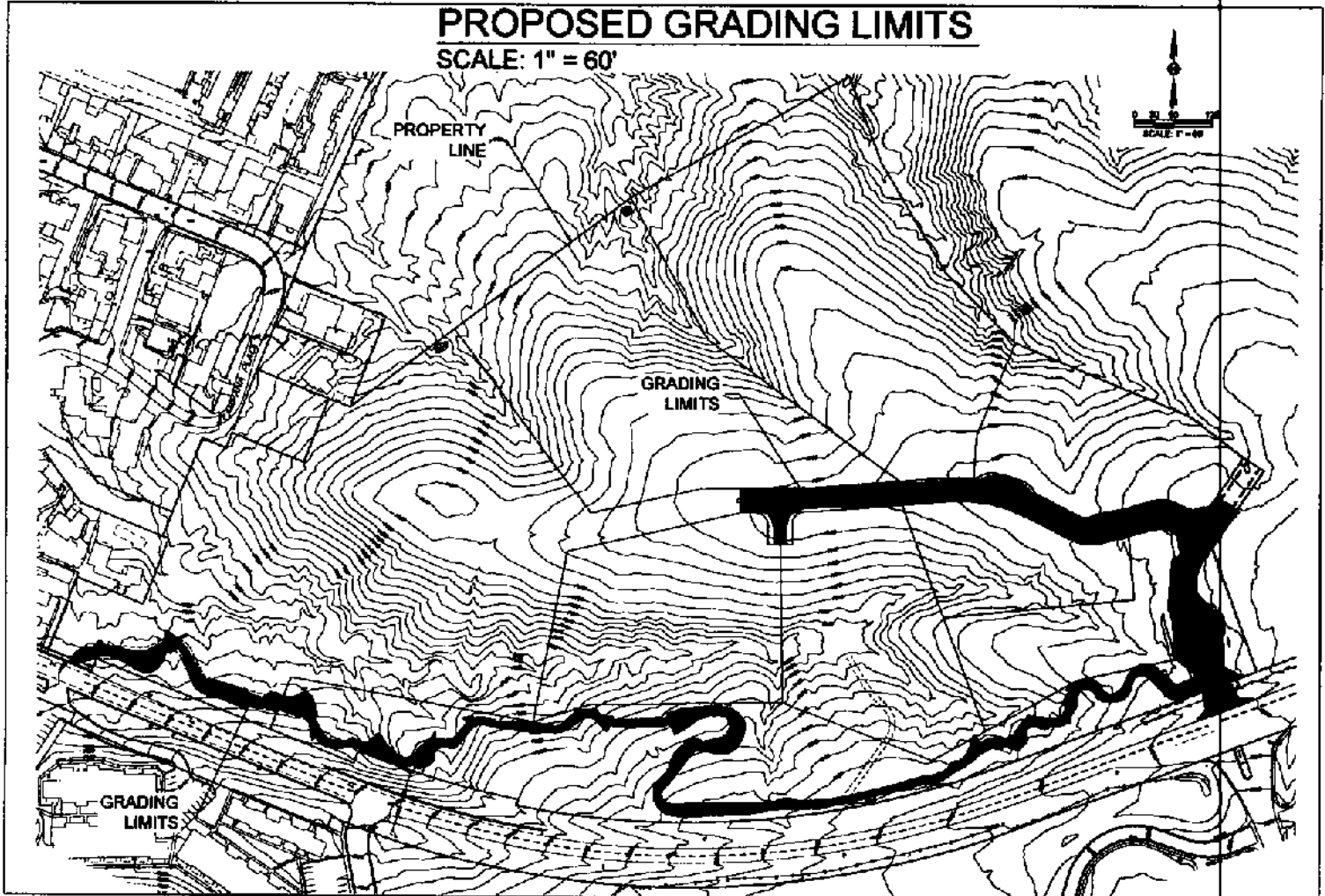
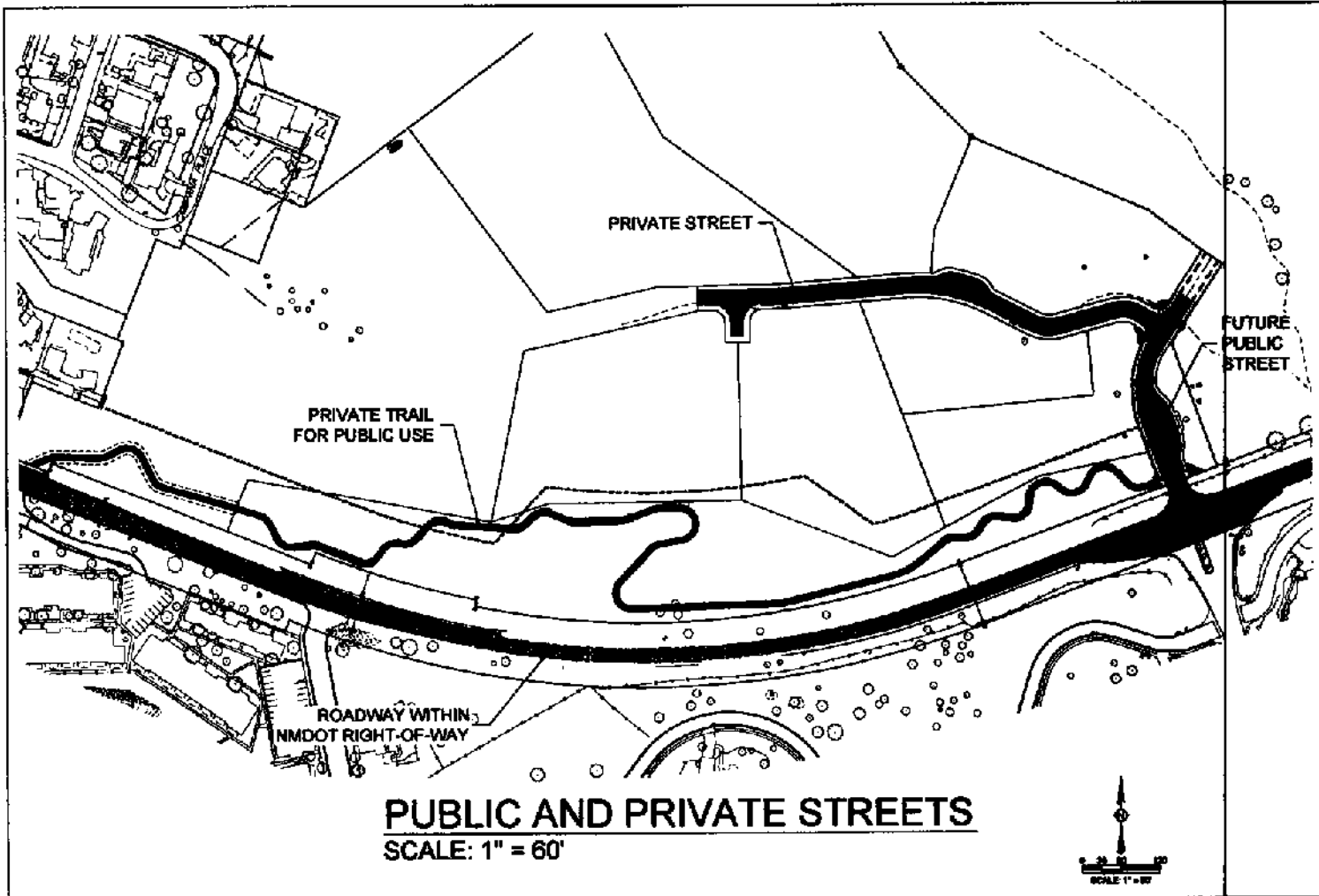


Exhibit "34"



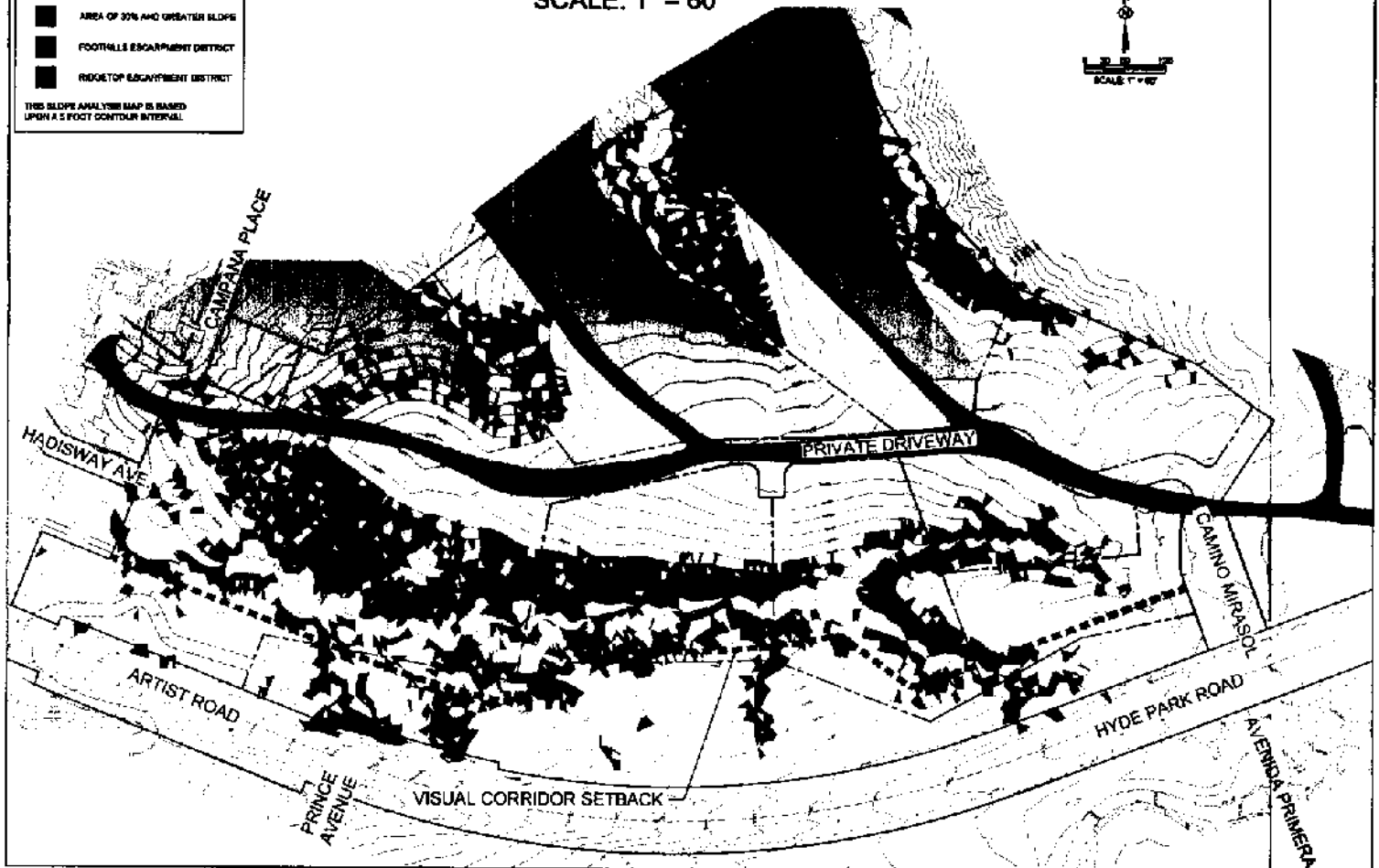
LEGEND

- LOT LINE
- AREA OF 30% AND GREATER SLOPE
- FOOTHILLS ESCARPMENT DISTRICT
- RIDGETOP ESCARPMENT DISTRICT

THIS SLOPE ANALYSIS MAP IS BASED UPON A 5 FOOT CONTOUR INTERVAL

SITE CONSTRAINTS

SCALE: 1" = 60'





SANITARY SEWER CONNECTION
SCALE: N.T.S.



I (undersigned) support the APPEAL by the neighbors of the Haciendas del Mirasol development (2016-116 & 117)
 We ask the City Council to stop the project until adequate and complete planning and infrastructure design is provided as required by Chapter 14, the PRC zoning and City Ord. 1981-3

Specific aspects we hope to see addressed are:

Master Plan	Master plan the entire Tract A (remaining Estancia Primera 68+ acres) to include:
Roads	Roadway traffic and safety improvements including bike lanes, medians, turn lanes and cross walks.
Views	Protection of the Hyde Park Road viewscape by clustering any development behind ridge
Access	Public access to trails, opens space and ridgeline park
Transportation	Sidewalk and bike lanes along Hyde Park Road, trails across property and bike amenities.
Drainage	Comprehensive drainage solutions including curbs & gutters, storm drains and check dams

Name	<u>Thomas Glazner</u>	Address	<u>509 Sunset St Santa Fe</u>	Zip	<u>87501</u>
Signature	<u>Thomas H. Glazner</u>	Email	<u>g/gzxx2@gmail.com</u>		
Comment					
Name	<u>Laura Glazner</u>	Address	<u>509 Sunset St, Santa Fe, NM</u>	Zip	<u>87501</u>
Signature	<u>Laura Glazner</u>	Email	<u>g/gzxx2@gmail.com</u>		
Comment					
Name		Address		Zip	
Signature		Email			
Comment					
Name		Address		Zip	
Signature		Email			
Comment:					
Name		Address		Zip	
Signature		Email			
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Name		Address		Zip	
Signature		Email			
Comment					
Name		Address		Zip	
Signature		Email			
Comment					

Exhibit "35"

Roadway requirements are incomplete

Hyde Park Road is an MPO¹ roadway classified as a 'secondary arterial':

- Subject to MPO/MTP² review and plan recommendations;
 - Designated as "secondary arterial" in 2015 MTP
 - Bike lane & pedestrian improvements are recommended and scheduled
 - No review and analysis was performed by MPO Office
- Subject to 14-2.9 roadway design criteria (see table & diagram 14-9.2-1);
 - Left-turn lanes or median (14')
 - Bike lanes (5' each side)
 - Sidewalks (5' each side)
 - Curb & Gutter (2' each side)
 - Landscape strip (5' each side)
 - Expensive but feasible (enough ROW).
- Subject to 1981-3 roadway obligations of developer but not assessed by City staff
 - Intersections into Estancia Primera street system (turn lanes, crosswalks, etc)
 1. Hyde Park Road street frontage and towards downtown (portion TBD)
 2. Otero & Paseo de Peralta intersection (portion TBD)
 3. Hyde Park Road intersection with Bishops Lodge Road (portion TBD)
 4. Washington & Bishops Lodge intersection (portion TBD)
- Subject to 2003 Scenic Byway Corridor Management Plan
 - Recommended bike lanes and pedestrian improvements
 - Recommends view-shed protection
- Design and safety standards are being ignored
 - Arterial roadway operating at high-traffic and high-speed
 - 4000+/- cars per day (more seasonally)
 - 45mph limit with frequent excessive speed
 - High bicycle use to City trails w/ no bike lanes
 - No sidewalk or trail
 - No bike lane or amenities cause risky behavior along heavily trafficked route
 - No curb and gutter with large surface run-off and pollution
 - New traffic dynamic / four-way intersection with no impact mitigation
 - No turn lanes or deceleration lanes for either direction
 - No crosswalk or pedestrian safety amenities
 - Accidents on May 16, 2012 and December 8, 2016 at Artists and Sunset Street
 - May 2012 due to drunk and uninsured driver.
 - Totaled a parked car; damaged wall outside Greene's property.
 - December 8, 2016 due to heavy traffic and low visibility at intersection
 - Severely damaged two cars. Young children involved and shaken.

¹ Metropolitan Planning Organization

² Metropolitan Transportation Plan

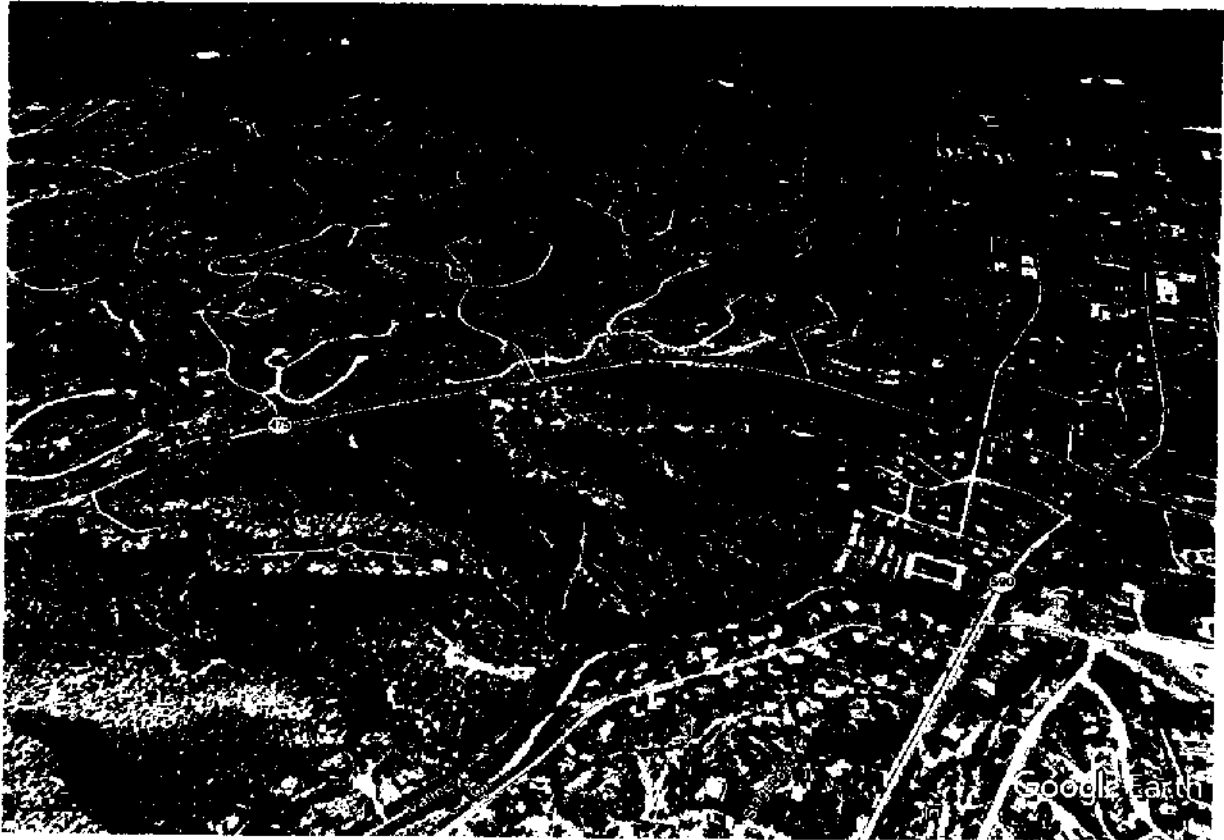
Exhibit "36"



Google Earth
feet 700
meters 200

Haciendas
del
Mirasol
1 of 19

Exhibit "3B"



North
feet
meters
2000
700

← TRACT 2 — ~~TRACT 1~~



ALMA
DURA
SUBDIVISION

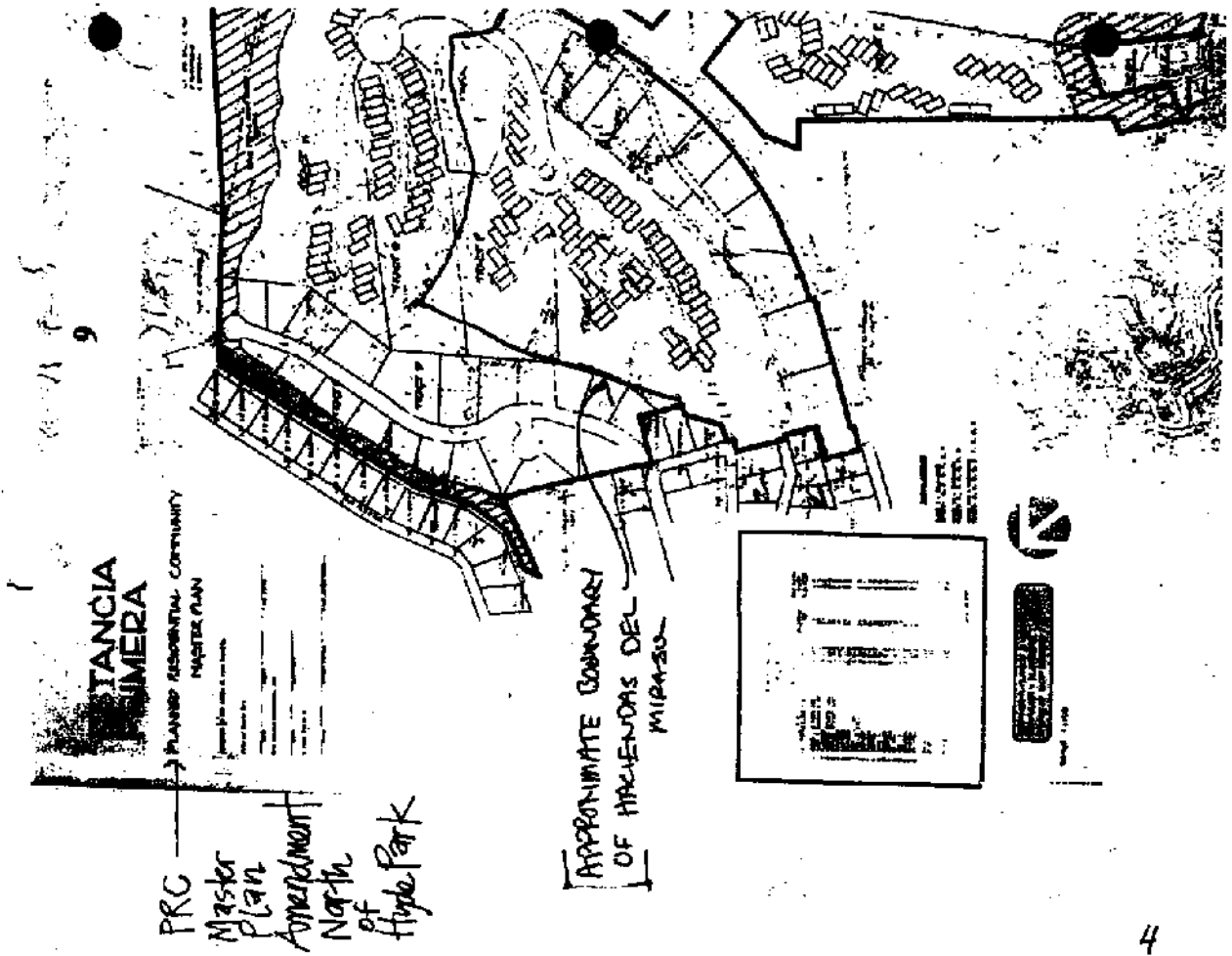
TRACT
1
↓
↑
TRACT
2

Google Earth

feet
meters

200

900



PRELIMINARY SUBDIVISION PLAT AND MASTER PLAN SUBMITTAL FOR → HACIENDAS DEL MIRASOL ← → AT EL MIRASOL ←



PREPARED FOR:
700 MPR, LLC
700 HYDE PARK ROAD
SANTA FE, NM 87501

**SANTA FE COUNTY, NEW MEXICO
LYING WITHIN PROJECTED
SECTION 18, T17N, R10E NMPM AND
SECTION 24, T17N, R0E NMPM**

I CERTIFY THAT TO THE BEST OF MY
KNOWLEDGE AND BELIEF AND BASED
UPON INFORMATION PROVIDED BY
OTHERS, I ACCEPT THE RECORD DATA AS
BEING ACCURATE AND APPLICABLE ON
EGRA.

MICHAEL D. BRYANT, LICENSE NO. 8751
SANTA FE ENGINEERING CONSULTANTS, LLC

APRIL
2016

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1-2	MASTER PLAN
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5-2	TYPICAL SECTIONS AND DETAILS
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8-2 TO 8-3	TRAIL PLAN AND PROFILES
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9-5 TO 9-6	GABION CHECK AND POND OUTLET SECTIONS
10-1	CROSS SECTION LOCATION MAP
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12-1 TO 12-2	MOOT STANDARD DRAWINGS AND DETAILS

**ENGINEER'S STORMWATER INFRASTRUCTURE
CERTIFICATION**
I, UNDERSIGNED, BEING A PROFESSIONAL ENGINEER IN
THE STATE OF NEW MEXICO, DO HEREBY CERTIFY THAT
THE RECORD INFORMATION SHOWN HEREON IS BASED
ON ACTUAL FIELD MEASUREMENTS AND VISUAL
INSPECTIONS CONDUCTED BY MYSELF OR UNDER MY
DIRECT SUPERVISION.

I FURTHER CERTIFY THAT THE RECORD CONDITION OF
THE SITE AS OF
IS IN SUBSTANTIAL COMPLIANCE WITH THE APPROVED
GRADING AND DRAINAGE PLAN PREPARED BY
DATE:

PRINTED NAME: NAME NO. DATE

PROPERTY DEVELOPMENT MUST COMPLY WITH
SECTION 146.12
(RELOCATION OF SUBDIVISION PLANS CODE)



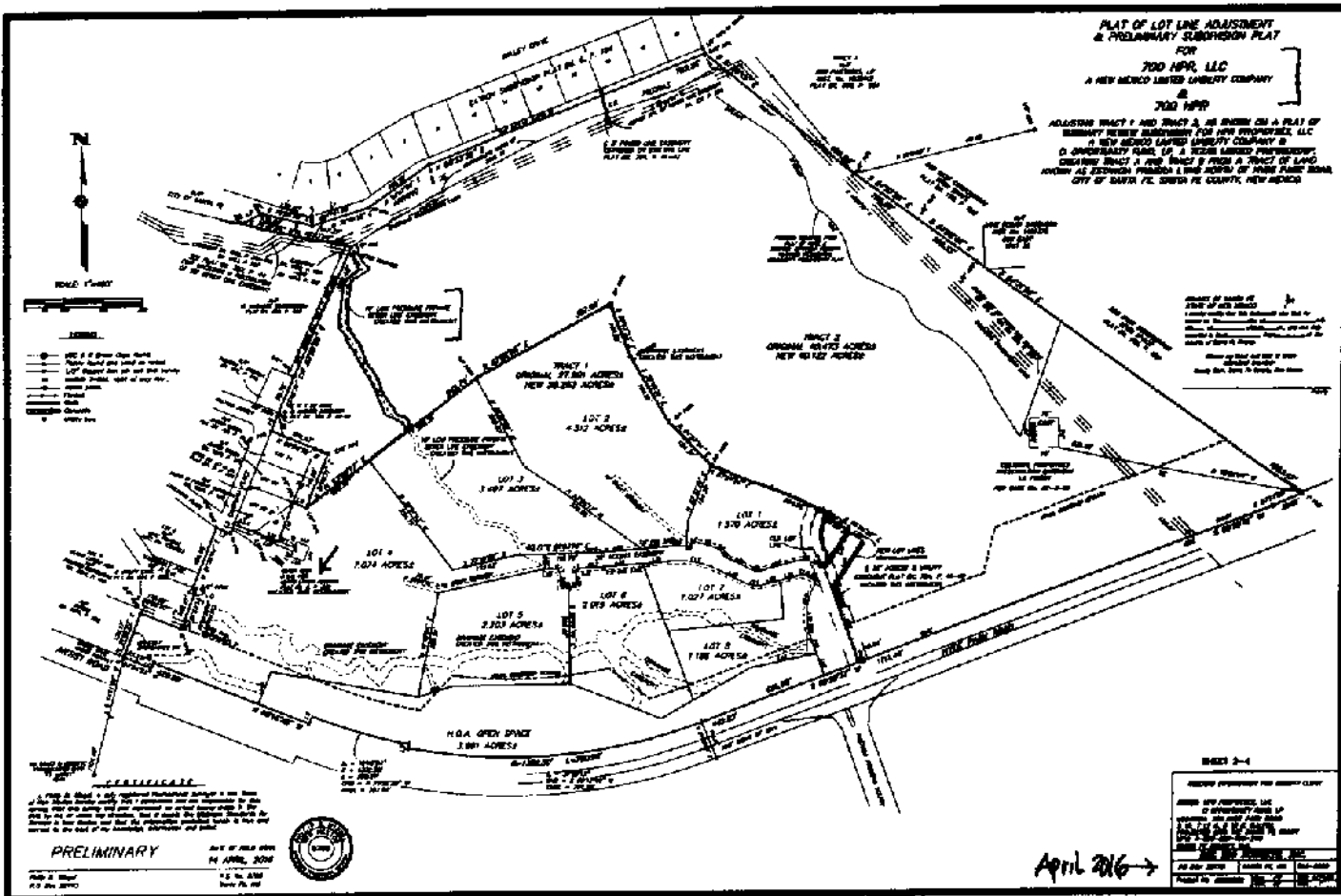
**Santa Fe Engineering
Consultants, LLC**
1000 N. Fourth Street, Suite 200
Santa Fe, NM 87505
800-888-8888 - Phone
505-833-8888 - Fax
www.sfeconsultants.com

BUILDING PERMIT INFO
GRADING: LANDSCAPE/UTILITIES
INFRASTRUCTURE
CONSTRUCTION ADDRESS:

CITY OF SANTA FE ENGINEERING

SUBJECT TO THE APPROVAL OF CITY OF SANTA
FE PERMIT AND DEVELOPMENT REVIEW DIVISION
STAFF, STORM DRAINAGE AND
SPROCKETMENT RECORDS, IMPROVEMENTS
SHALL BE EXECUTED IN CONJUNCTION WITH THE
CONSTRUCTION OF EACH SECTORS OF ROADS
AND UTILITIES. THESE IMPROVEMENTS SHALL BE
COMPLETED AND INSPECTED PRIOR TO THE
ISSUANCE OF BUILDING PERMIT.

APPROVED FOR CONSTRUCTION	
COVER SHEET AND INDEX OF SHEETS	SHEET 1-1



PLAT OF LOT LINE ADJUSTMENT
& PRELIMINARY SUBDIVISION PLAT

FOR
700 HPR, LLC
A NEW MEXICO LIMITED LIABILITY COMPANY

700 HPR

ADJUSTING TRACT 1 AND TRACT 2, AS SHOWN ON A PLAT OF
SUBDIVISION PREPARED BY NEW PROPERTY, LLC
A NEW MEXICO LIMITED LIABILITY COMPANY &
A PRELIMINARY PLAT, OF 2,700 ACRES, MORE OR LESS,
CONTAINING TRACT 1 AND TRACT 2, AND A TRACT OF LAND
KNOWN AS EIGHTH PRINCIPAL LAND ADJACENT TO TRACT 1 AND
CITY OF SANTA FE, SANTA FE COUNTY, NEW MEXICO

STATE OF NEW MEXICO
COUNTY OF SANTA FE
I, the undersigned, being a duly qualified and sworn
surveyor, do hereby certify that the foregoing is a true and
correct copy of the original plat on file in my office,
and that the same has been duly recorded in the public
records of said county.

RECORD 2-4

DATE OF RECORDING	11 APRIL 2016
BOOK	11
PAGE	2-4
FILE NO.	11-11-11
FILE NO.	11-11-11
FILE NO.	11-11-11

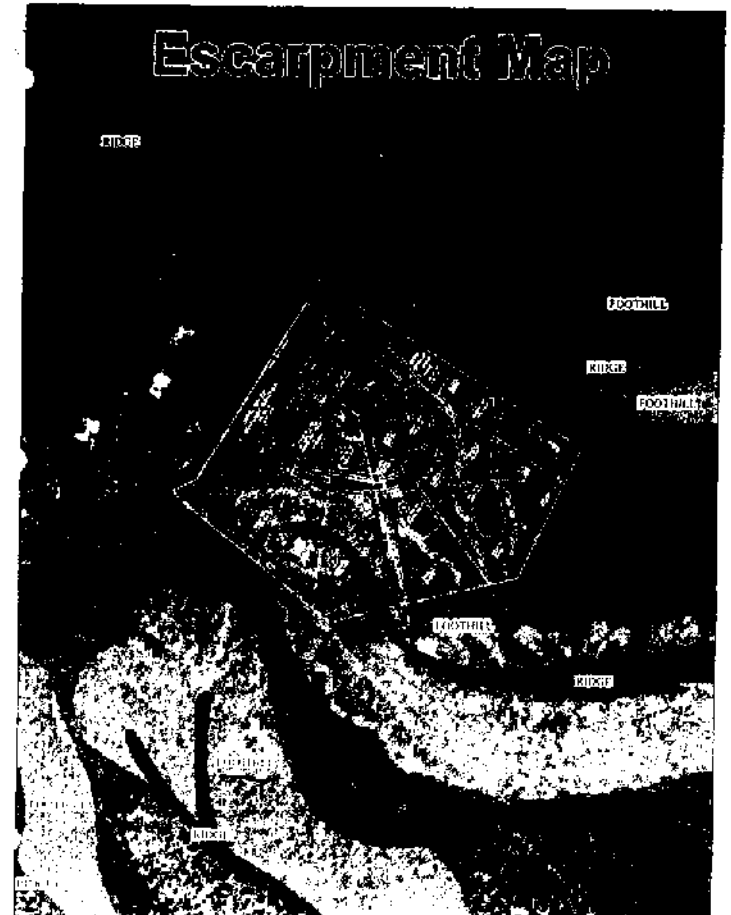
PRELIMINARY

DATE OF RECORD
11 APRIL 2016



April 2016 →





Alma, Dwa. 12

Santa Fe Engineering Consultants, LLC

Civil and Traffic Engineering
Construction Management
Land Development

**TRAFFIC IMPACT ANALYSIS
FOR PRELIMINARY SUBDIVISION PLAT
AND MASTER PLAN SUBMITTAL FOR
HACIENDAS DEL MIRASOL
AT EL MIRASOL
SANTA FE, NEW MEXICO**

Prepared For:

**700 HPR, LLC
700 Hyde Park Road
Santa Fe, New Mexico 87501**

Prepared By:

**Santa Fe Engineering Consultants, LLC
1599 S. St. Francis Drive, Suite B
Santa Fe, New Mexico 87505**

April 2016

**TRAFFIC IMPACT ANALYSIS
FOR PRELIMINARY SUBDIVISION PLAT
AND MASTER PLAN SUBMITTAL FOR
HACIENDAS DEL MIRASOL
AT EL MIRASOL
SANTA FE, NEW MEXICO**

EXECUTIVE SUMMARY

This property was originally a part of Estancia Primera, Phase 3. This property was subdivided in November 2015. The property now consists of two tracts of land. Tract 1 is owned by 700 HPR, LLC. Tract 2 is owned by HPR Properties, LLC, and C1 Opportunity Fund. Tract 1, also known as Haciendas del Mirasol at El Mirasol will consist of 8 single-family residential dwelling units located on approximately 27.50 ± acres. Tract 2, also known as El Mirasol, is currently in the planning process. It is unknown as to when the planning process will be completed. It is estimated by their planner, that Tract 2 will consist of a maximum of 39 single-family residential dwelling units located on approximately 40.47 ±.

The operational deficiencies for each analysis are presented as follows.

Existing Year Conditions

All intersections have adequate capacity. The intersection of Paseo de Peralta / Bishops Lodge Road / Washington Avenue operates at an overall level of service C. This intersection meets NMDOT operational standards for the existing condition.

Implementation Year Conditions

All intersections have adequate capacity, whether ITE Trip Generation Rates or Estancia Primera measured rates are used. The intersection of Paseo de Peralta / Bishops Lodge Road / Washington Avenue operates at an overall level of service C. The intersection meets NMDOT operational standards for the implementation year condition.

Horizon Year Conditions 2033

The Horizon Year Condition was run for planning purposes. All intersections have adequate capacity with the exception of Paseo de Peralta / Bishops Lodge Road / Washington Avenue for all the analysis periods. The Southbound leg of the intersection falls due to the increase in background traffic, which is compounded on a yearly basis. This indicates that re-timing of the coordinated network may be need in 2033 if growth assumptions occur.

*Traffic
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II. DESCRIPTION OF PROPOSED DEVELOPMENT

A. Land Use and Intensity

This property was originally a part of Estancia Primera, Phase 3. This property was subdivided in November 2015. The property now consists of two tracts of land. Tract 1 is owned by 700 HPR, LLC. Tract 2 is owned by HPR Properties, LLC, and CI Opportunity Fund. Tract 1, also known as Hacienda del Mirasol at El Mirasol will consist of 8 single-family residential dwelling units located on approximately 27.90 ± acres. A lot line adjustment is planned for these two tracts, which will change the acreage to 28.25 ± acres. Each single-family residential dwelling unit will be allowed one guesthouse per dwelling unit. Rental of these guesthouses will be restricted under the Homeowner Association's Covenants and Restrictions. Tract 2, also known as El Mirasol, is currently in the planning process. It is unknown as to when the planning process will be completed. It is estimated by their planner, that Tract 2 will consist of a maximum of 39 single-family residential dwelling units located on approximately 40.47 ± acres before the lot line adjustment. This estimate has been used for this report.

B. Phasing and Timing

The project is two separate developments. Hacienda del Mirasol, located on Tract 1 will start construction in 2016, and be completed in 2017. El Mirasol, is located on Tract 2 and is still in the planning process. However, the planners for the project estimate that they will be submitting plans for approval in late 2016 with construction to begin in 2017. The planners estimate that all units will be constructed by 2019.

C. Access Points

Access to the project site is provided by Hyde Park Road (NM 475).

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V. ANALYSIS OF IMPLEMENTATION YEAR CONDITIONS

The following conditions were to be analyzed for this report:

- Implementation Year without the Proposed Project (Tract 1) - 2017
- Implementation Year with the Proposed Project (Tract 1) - 2017
- Implementation Year without the Proposed Project (Tract 2) - 2019
- Implementation Year with the Proposed Project (Tract 2) - 2019

A. Traffic Projections

1. Background Traffic

Based upon the information obtained from the NMDOT Planning Department, growth factors for 2013 in Santa Fe are approximately 1%. As a result, it is assumed that the background traffic will increase at a rate of 1% per year.

2. Development Assumptions For Implementation Year Conditions

It is assumed that Tract 1 will be completed in the year 2017 and Tract 2 will be completed in the year 2019.

3. Trip Generation

The traffic generated by a development is dependent on the size and type of the land use and its characteristic pattern. Traffic Generation Rates were determined utilizing the Online Traffic Impact Study Software by Transoft Inc. (OTISS), dated 2012. The OTISS software is based upon the ITE Trip Generation Handbook, 9th Edition. Traffic generation rates were also evaluated using the site-specific traffic counts at the existing Estancia Primera development.

The trips generated by Single-Family Detached Housing (Land Use: 210) component were analyzed. Tract 1 consists of 8 residential dwelling units and Tract 2 consists of 39 residential dwelling units. Tract 1 will allow one guest house per dwelling unit. There will be no rental allowed of the guest houses, and

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traffic
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There are three independent variables available for projecting trip generations, the number of residents, the number of vehicles, and the total number of dwelling units. For this analysis, the number of dwelling units variable was used. The projected traffic generated by this land use is presented in Table 2. The Trip Generation Calculations are presented in Appendix D.

TABLE 3 SUMMARY OF TRIP GENERATION LAND USE 210 - SINGLE-FAMILY DETACHED HOUSING (INCLUDES GUEST HOUSES) CALCULATIONS		
Peak Hour of the Generator	Tract 1 16 Units	Tract 2 39 Units
A.M. Peak Hour Enter	5	9
A.M. Peak Hour Exit	16	28
A.M. Peak Hour Total	21	37
P.M. Peak Hour Enter	10	28
P.M. Peak Hour Exit	6	17
P.M. Peak Hour Total	16	45

Source: Institute of Transportation Engineers
Trip Generation, 9th Edition, 2012

However, it is anticipated that many of the residents will be second homeowners. These homes will not be their primary residence. This is similar to the homeownership in the existing Estancia Primera. ITE recommends conducting local Trip Generation Studies when a land use is not covered and to validate Trip Generation for a local application.

The two entrances to the existing Estancia Primera were counted to obtain an actual rate. The existing Estancia Primera consists of 177 single-family dwelling units. Some of the existing homes are occupied by second homeowners

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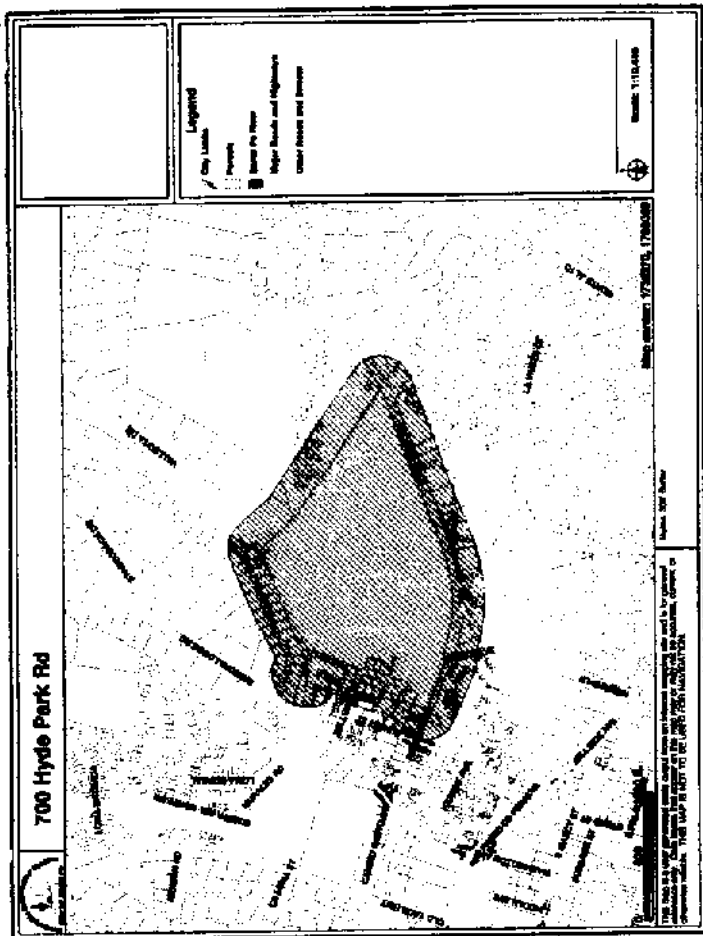
and retired individuals. The same demographic of homeowner may purchase homes in El Mirasol. Based upon the traffic counts, rates for Estancia Primera were calculated. Calculations are presented in Appendix C. A comparison of the traffic predicted for Haciendas Del Mirasol at El Mirasol Subdivision, Tract 1 and the adjacent Tract 2 using calculated rates is presented in Table 3.

TABLE 3 COMPARISON OF TRIP GENERATION RATES USING ITE VERSUS CALCULATED RATES			
Tract 1 (16 Dwelling Units)	Trips Generated Using Calculated Rates	Trips Generated Using ITE Rates	Trips Generated
Description			Difference
AM Enter	4	5	-1
AM Exit	3	16	-13
PM Enter	3	10	-7
PM Exit	2	6	-4
Tract 2 (39 Dwelling Units)			
Description	Using Calculated Rates	Using ITE Rates	Difference
AM Enter	9	9	0
AM Exit	6	28	-22
PM Enter	7	28	-21
PM Exit	6	17	-11

The actual traffic generated by Estancia Primera indicates a difference in the A.M. Peak Hour Traffic Exiting and P.M. Peak Hour Traffic Entering. This probably reflects the second homeownership and retired community in Estancia Primera. Due to the characteristics of the type of homeownership in this

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TRAFFIC
REPORT
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provisionary subdivision map application for the subject site has been submitted and is scheduled to be heard by the Planning Commission on September 3, 2014. The subject site is located at the intersection of Hyde Park Road and Hyde Park Road.

The plans have not been submitted to the Planning Commission for review. The subject site is located at the intersection of Hyde Park Road and Hyde Park Road. The subject site is located at the intersection of Hyde Park Road and Hyde Park Road.

There are currently no current plans for extension of Hyde Park Road beyond Tract 2, or for how the street might be extended within Tract 2. The subject site is located at the intersection of Hyde Park Road and Hyde Park Road. The subject site is located at the intersection of Hyde Park Road and Hyde Park Road.

Although the proposed use of a cul-de-sac road system with a single intersection on Hyde Park Road would provide adequate functional access and emergency access for the type and intensity of development proposed, this type of road network does not appear to be consistent with the intent of general plan policies that call for road connectivity to residential neighborhoods. Provision of access points through adjacent residential neighborhoods, although technically feasible, would likely be cost-prohibitive.

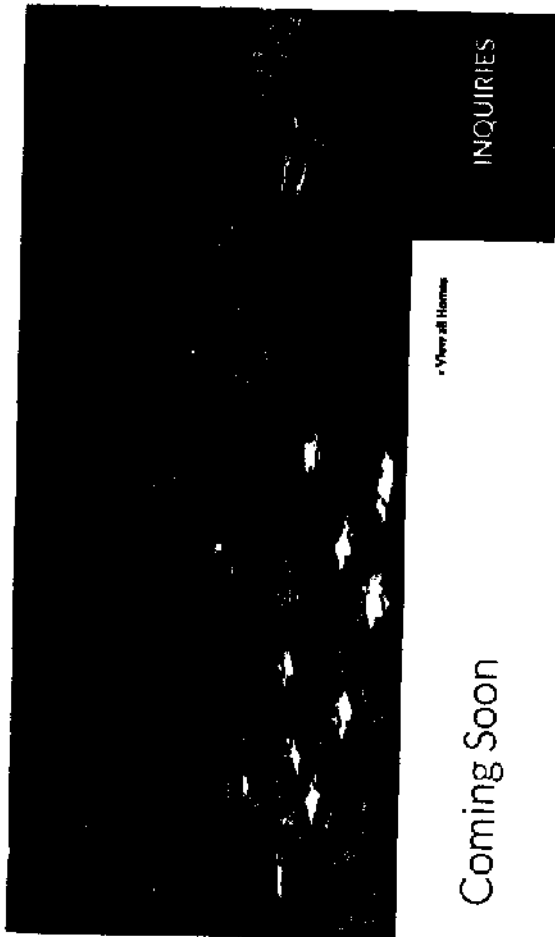
The policies for spacing of through streets and connectivity are subject to interpretation of feasibility and desirability. Staff analysis has identified the relatively low density of likely development and the steep topography as issues that affect the need and feasibility of providing connectivity. The Land Use Department and the City's Traffic Engineer are not recommending conditions of approval that would require additional access.

C. Utilities

The tracts are inside the City's service area. Connecting to the City's water and sewer is required. In order to determine specific requirements, water service infrastructure requirements will be evaluated at time of development. The subject site is located at the intersection of Hyde Park Road and Hyde Park Road.

D. Natural Features and Terrain Measurement

The property is subject to various provisions that affect grading and other development.



View all Homes

INQUIRIES

Coming Soon

<http://truenorthsantafe.com/inventory/new-projects>

"Serial Subdivisions" are prohibited by:

Santa Fe City Code

"14-3.7A-5-Common Promotional Plans:

A plan, or scheme of operation undertaken by a single applicant, or a group of applicants,

acting in concert to offer for sale, or lease, lots for the land

that is either contiguous, or part of the same area of land,

or is known, designated, or advertised as a common unit, or by a common name, shall constitute a single subdivision plat."

Santa Fe City Code

"14-4.3(I)

"PRC

Planned Residential Community District

(1) Purpose

The purpose of the PRC District is to
provide for the comprehensive and
coordinated planning

of large scale residential developments

that allows for a phasing of development

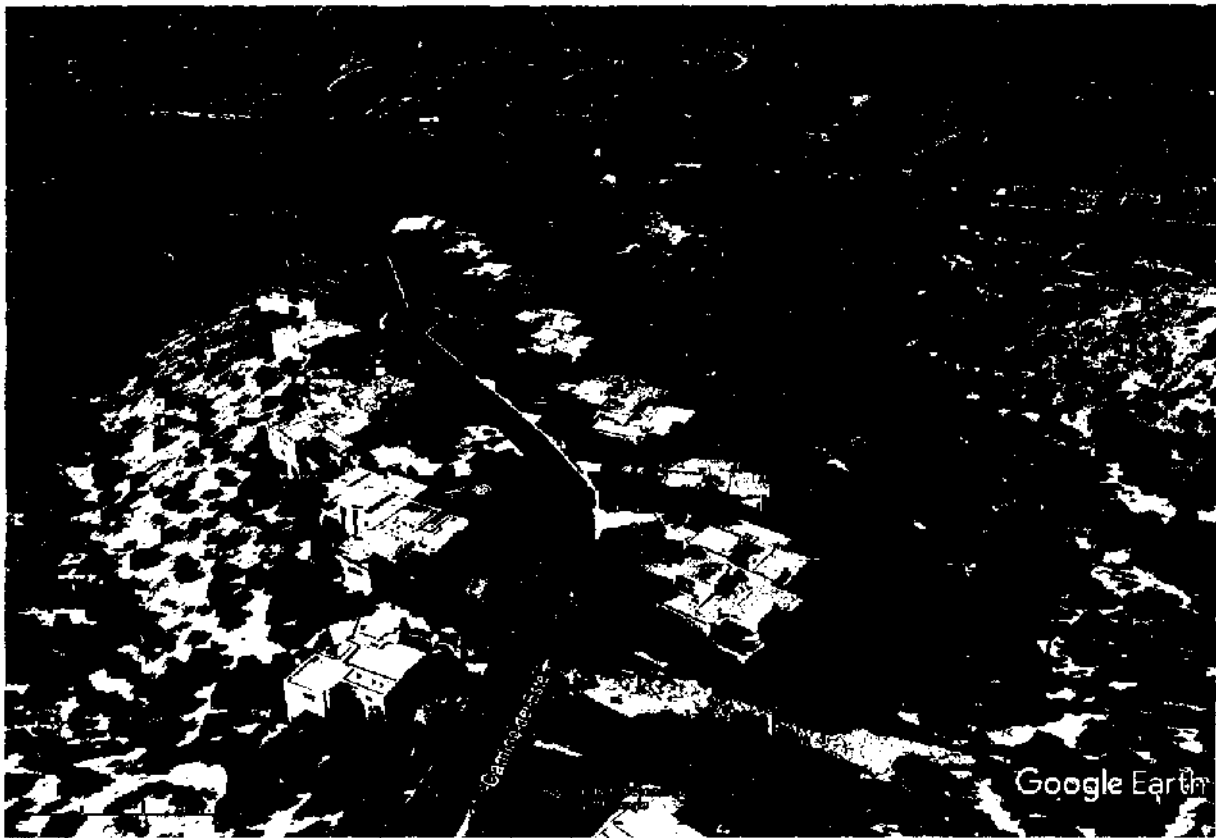
that will take place over a long period of
time.

For these reasons City Staff appropriately
recommended on the cover sheet of the
August 4, 2016 Planning Commission

Staff Report:

"The PRC district regulations require a
phasing program for roads, emergency
access and other infrastructure for both
Tract 1 and Tract 2.

Coordination with the infrastructure for a
third parcel located east of Tract 2 on
Vallecita Drive (Alma Dura Subdivision) but
outside the PRC is desireable."



feet
meters 300 100

"Haciendas
del
Mirasol"
will
look
just
like
"800
East"
Built
up
against
the
ridgetop
and
viewline
Haciendas
del
Mirasol
can
be
moved
downhill.

RESPONSE TO APPEALS
OF CASE # 2016-51
HACIENDAS DEL MIRASOL
PRELIMINARY PLAT
PREPARED BY
JAMES W. SIEBERT & ASSOC., INC
FOR
CITY COUNCIL MEETING
OF
DECEMBER 14, 2016

Exhibit "37"

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Tab 2	Warranty Deed for Romero Lot Tract 2
Tab 3	Summary of Drainage Report
Tab 4	Summary of Traffic Report
Tab 5	Reduction of Slope Analysis
Tab 6	Conditions Imposed by Planning Commission
Tab 7	Suby Bowden Code Violations & City Engineer Response
Tab 8	Minutes of ENN meeting
Tab 9	PRC Master Plan with Haciendas del Sol Boundary Superimposed

Appendices

Appendix A	Ordinance 1981-3
Appendix B	Minutes of Planning Commission Meeting
Appendix C	Findings of Fact & Conclusions of Law
Appendix D	Staff Report
Appendix E	Appeal from Justin & Sandra Green Appeal from Jim Folks. Et.al

SUMMARY STATEMENT

The basis for an appeal of the decision by the Planning Commission as set forth in Chapter 14 per 14-3.17 (2) (a) (b) (c) is:

- (a) to contest noncompliance of a final action with Chapter 14 or Sections 3-21-1 through 3-21-14 NMSA 1978;
- (b) To contest the application of Chapter 14; or
- (c) To appeal a decision lacking substantial evidence to support it.

Some translation is required to better understand what is meant by the above language.

- (a) This refers to the failure to comply with the underlying zoning districts. For example, a violation of the maximum height, minimum setback or lot coverage. The property is zoned Planned Residential Community and no variances were requested of the underlying zoning. Therefore, (a) would not apply in the appeal since variances from the City Code of the underlying zoning district are not included in the application or what was heard by the Planning Commission. Since there were no variances requested there is no violation of the land use provisions of the underlying zoning.
- (b) The application of Chapter 14 would include not only the provisions of the underlying zoning district but regulations applicable to subdivisions, including terrain management regulations, flood plain, and overlay districts and other regulatory provisions not directly related to the underlying zoning district. This report responds to the allegations made by the appellants that included in the approval of the subdivision by the Planning Commission were violations of certain provisions in Chapter 14 of the City Code.
- (c) For the appellants to address this criteria they would have to prove that the reports and data submitted by the applicant, and the staff review was insufficient documentation to support an approval action by the Planning Commission. The plan set consisting of 62, 24"x36" sheets is the most detailed plan set ever submitted to the City for an eight lot subdivision for preliminary plat review. By way of example a recent subdivision application for preliminary plat review in the Avenida Las Americas area consisting of 10 lots contained 35 sheets in the plan set. A traffic report was not required since it failed to meet the threshold at which point a traffic engineering report is required. The developer provided a traffic study that included not only the analysis of the intersection that immediately serves the Haciendas del Mirasol Subdivision but an analysis of four off-site intersections not related to the access for the Haciendas del Mirasol Subdivision. The drainage study provided detailed information on each drainage basin and the pre and post storm water condition for each drainage basin having an association with the project. Various methods for capturing storm water and rain water were described in the drainage report along with recommendations for reducing erosion on the property.

In addition to the City Code the appellants claim that provisions of Ordinance 1981-3 apply and that those provisions have been violated in the subdivision application. Ordinance 1981-3 was the ordinance which applied to the adoption of the Planned Residential Community for the Estancia Primera development. Land Use staff has prepared a summary of the principal provisions in Ordinance 1981-3. A summary of the Ordinance by itself can be misleading since it would seem that the provisions are applicable today. The majority of the provisions in Ordinance 1981-3 were satisfied at the time of the preliminary subdivision plat review completed in 1981 or 1982. Included in Appendix A is Ordinance 1981-3 as recorded in the Office of the City Clerk. Within the context of the complete Ordinance 1981-3 it is evident that the provisions of the approval in 1981 were complied with soon after the approval of the Estancia Primera PRC master plan.

The minutes of the Planning Commission meeting are included in the report as Appendix B. The approval of the preliminary plat for Haciendas del Mirasol was unanimous for the Planning Commissioners voting on the project.

It should also be noted that Mr. Green states in his appeal that he has a lot that is included within the boundary of the PRC zoning district and this somehow gives him special standing in the appeal. Our research of the property boundary did not substantiate Mr. Green's claim. Mr. Green approached Mr. North on several occasions to discuss with him including his lot into the Haciendas del Mirasol Subdivision. Mr. Green proposed to incorporate his lot into the project by means of a lot line adjustment in exchange for an interest in the development. Mr. North informed Mr. Green that he was not interested in the offer.

**RESPONSE TO APPEAL OF CASE
#2016-51
HACIENDAS DEL MIRASOL
SUBMITTED BY SANDRA AND
JUSTIN GREEN**

**PREPARED
BY
James W. Siebert & Assoc. Inc.**

**FOR
CITY COUNCIL MEETING
OF
DECEMBER 14, 2016**

Paraphrased Appeal Statement

Ordinance 1981-3 requires a comprehensive plan for all of the land zoned PRC for Estancia Primera.

Response

The adoption of the PRC zoning included a master plan for the entire property including Tract I, (the land subject to the appeal) where 69 dwellings were proposed. The requirement for a comprehensive plan for the property was satisfied in 1981. Mr. Green claims that the requirement for a comprehensive plan survives today when the requirement was satisfied in 1981.

Paraphrased Appeal Statement

Ordinance 1981-3- Condition #1 - Terrain Management Plan

Terrain management plans needs to include all of Estancia Primera. "This development plan does not address the current issues that affect downstream residents, nor does propose anything new beyond minor maintenance of existing structures"

Response

Estancia Primera south of Hyde Park Road is built out and terrain management improvements have been approved by the City and have been installed. Preparing plans for the "entire development" is not feasible since the majority of Estancia Primera is fully developed. Terrain management plans for Haciendas del Mirasol take into account drainage basins within Haciendas del Mirasol and the impacts on downstream land. Tab 3 is a summary of the drainage study for Haciendas del Mirasol prepared by Santa Fe Engineering, Inc.

Mr. Green alludes to improvements on Hadisway Avenue, which is off-site from the subdivision. 700 HRP LLC has no obligation nor authority to make such off-site drainage improvements. Mr. Green believes that 700 HRP LLC has an obligation to manage existing drainage that impacts Williams Street and The Matador Apartments. The drainage study describes the discharge of storm water that exits the property and drains in the direction of Williams Street. There is no increase in the volume or velocity storm water in these basins at the point of discharge from the property above the historic flows in the pre-development condition.

There is an assertion that the only measures taken to manage drainage by the developer were the "minor maintenance to existing structures." The drainage report prepared by Santa Fe Engineering, Inc. submitted with the application describes the pre and post drainage conditions and the various drainage improvements to be installed with the subdivision. The various methods for management of storm water and rainwater include:

- Revegetation of graded areas and areas previously denuded of vegetation from trespassers
- Swales along the contours of the land
- Rebuilding of existing check dams
- Rain gardens to capture of storm water along roadways
- Deflection banks along the drainage to reduce erosion
- Capture of rain water from roofs into storage cisterns for reuse on landscape
- New detention ponds

The Homeowners Association will be responsible for maintaining the above drainage improvements.

At the point of discharge from the property there is no increase in the volume or velocity of storm water. For the two most extensive and critical drainage basins there is a reduction in the discharge to Hadisway Ave. area from 50.56 Cubic Feet per Second (CFS) to 33.75 CFS and for the basin draining to Williams Street there is a reduction from 15.64 CFS to 11.24 CFS for the 100 year storm event. The drainage report was reviewed and approved by the City Engineer.

Paraphrased Appeal Statement

Ordinance 1981-3-Condition #2 – Roadway Improvements

Mr. Green claims that, "Incomplete or unrecorded plans of earlier phases should be brought up to date and the new 4-way intersection at Hyde Park Road and Estancia Primera south entrance properly designed to deal with current roads and proposed conditions." Level of Service analysis should be conducted for proposed intersection and off-site intersections. Engineering design should include "turn lanes, crosswalks, bike lanes, sidewalks and trails."

Response:

There is no such language in Ordinance 1981-3, condition #2 states:

Detailed engineering plans and reports for all on-site roadway improvements shall be submitted to the Department of Public Works of the City for the entire development at the time of preliminary plat approval for the first phase. Included in this condition is the design plans for the Hyde Park Road-Estancia Primera intersection.

The traffic study prepared by Santa Fe Engineering, Inc. evaluated the following intersections:

- Hyde Park Road and Estancia Primera South (north entrance)
- Hyde Park Road and Estancia Primera North (south entrance)
- Artist Road and Sunset Street
- Bishops Lodge Road and Artist Road
- Paseo de Peralta and Bishops Lodge Road/Washington Ave.

Levels of Service (LOS) for operations of the above intersections were evaluated in the traffic study prepared by Santa Fe Engineering, Inc. NMDOT and The Traffic Division accepted the recommendations of the traffic study prepared by Santa Fe Engineering, Inc. (see tab 4). No turn lanes or other off-site improvements were required by the NMDOT or the Traffic Division since they were not warranted. In fact a traffic study was not required since the peak hour volumes were less than 25 which does not require a traffic study. The developer has offered to construct a trail along Hyde Park Road. This trail was not a requirement of The City Traffic Division or the Metropolitan Planning Organization. The trail was voluntarily provided by the developer and will be open to the public but maintained privately by the Homeowners' Association.

Paraphrased Appeal Statement

Condition #7.B.1 – Platting Entire Parcel in Entirety

Preliminary plat for all parcels of Estancia Primera required including "lack of proper recording of the previous submittals". The developer needs "to go back to the beginning."

Response:

This condition pertained only to the initial PRC application in 1981 and was complied with at the time of the initial application to the City. All final plats on the south side of Hyde Park have been recorded. The lot split of the original tract was recorded in 2013 creating Tract 1 that is the subject of the appeal. Tab 1 is a reduction of the recorded plat creating Tracts 1 and 2.

Paraphrased Appeal Statement

Ordinance 1981-3, Conditions #7.B.5 Phasing Plan

"Up to date plan required for all future on-site and off-site improvements scheduled by tract and phase of all governed property." As-built plans need to be provided for all phases of Las Estancias, including off-site improvements. Contributions to off-site street intersections need to be provided.

Response:

The 1981-3 Condition #7.B.5 actually reads: *A phasing program for development incorporating schedules by tract or phase for all required on-site and off-site improvements shall be submitted with preliminary plat.*

This condition pertained only to the initial PRC application in 1981 and was complied with at the time of the preliminary plat submittal. Only the City would have a record of contributions to off-site road improvements and the pertinent records would exceed the records maintenance required by law and are no longer available. All subdivision improvements are described on the engineering plans submitted with the preliminary plat application for Haciendas del Mirasol.

Paraphrased Appeal Statement

Ordinance 1981-3, Condition #9.A and #9.B- Off-Site Improvements

"These intersections have current deficiencies and unanalyzed level of service assessments that should be studied and planned for as part of this development planning

Response:

Mr. Green fails to specify what he means by current deficiencies. If he means that the intersections fail at peak hour periods his allegation is incorrect. The following off-site intersections were analyzed for level of service:

- Hyde Park Road and Estancia Primera South (north entrance)
- Hyde Park Road and Estancia Primera North (south entrance)
- Artist Road and Sunset Street
- Bishops Lodge Road and Artist Road
- Paseo de Peralta and Bishops Lodge Road/Washington Ave.

None of the off-site intersections that were analyzed by Santa Fe Engineering failed at the AM or PM peak hour periods in the current condition or in the project build year of 2019 which included the traffic from the subdivision and increase in background traffic. Traffic studies prepared by Santa Fe Engineering, Inc. did evaluate on-site and off-site intersections for levels of service in conformance with the requirements of the NMDOT State Access Management Manual. No off-site road improvements were identified in the traffic report since they were not required by the NMDOT Access Management Manual or AASHTO.

Paraphrased Appeal Statement

Chapter 14-5.6 Escarpment Overlay District

There exist available building sites with less visual impact. Staff did not investigate building sites that better protected the view shed from Hyde Park Road. A site visit is needed to understand the visual impacts of buildings.

Response:

Plans were included with the preliminary plat submittals that demonstrate compliance with all provisions of the Escarpment Overlay District. Land Use staff did conduct a field observation of the property. Site visits by Planning Commission and City Council are difficult to accomplish due to ex-parte rules.

Paraphrased Appeal Statement

ENN Failures

Mr. Green points out several supposed failures in the presentation of the project by applicant at the ENN meeting.

Response:

It should be pointed out that the purpose of an ENN meeting as stated in City Code is:

The ENN is intended to provide for an exchange of information between the applicant and residents and property owner in affected neighborhoods before plans become too firm to respond meaningful to community input and before changes in plans might cause major financial losses by the applicant.

Minutes of the ENN meeting are provided in Tab 9. There was considerable interaction on a variety of concerns expressed by people attending the ENN. In addition to the ENN held on April 11, 2015 informal meetings with neighborhood associations were held on the following dates:

- Estancia Primera Homeowners Association: July 10, 2015
- Callecita Neighbors: July 23, 2015
- Greater Callecita Homeowners Association: August 13, 2015
- Greater Callecita Homeowners Association: September 1, 2015
- Los Altos Neighborhood Association: May 26, 2016

Response:

The developer of Haciendas del Mirasol satisfied the requirements of the ENN standards.

Mr. Green's claim:

- (a) "Access is restricted to the edge of the property".

Response:

No established trails are located on the property. There is nothing in City ordinances that requires a land owner to allow for public access to private property.

Mr. Green's claim

- (b) Nothing is done to prevent whole-sale grading of the property.

Response:

Every effort was made to restrict grading on the property. This is evidenced by the preliminary grading plan.

Mr. Green's claim:

- (c) Property is used for watching of Zozobra and should be reserved as a public place with public access permitted, especially to the ridgetop.

Response:

Trespassing on private land does not create a public easement.

Mr. Green's claim:

- (d) Low density of project does not address affordability, mixed use and multi-modal transportation.

Response:

The lower density is a result of the concerns presented by the residents to the west in the ENN and other informal meetings. Commercial uses would not be supported by the adjoining neighborhoods. Multi-modal transportation is not an option in this area lower density area of Santa Fe.

Mr. Green's claim:

- (e) Off-site street intersections should have been addressed.

Response:

This is a redundant claim made in Conditions #9.A#9.B made in previous statements. The response to this claim has been provided.

Mr. Green's claim:

- (f) Developers claim this is a trash site, if so why don't they clean it up?

Response:

Initial owner of the land has protected it from transients camping on the property, preventing dangerous brush fires from occurring. Removal of the trash has been considerable and is an on-going effort.

Mr. Green's claim:

- (g) Property is designed for the rich and doesn't take into account affordable housing or affordable business space.

Response:

The developer complies with the Santa Fe Homes requirements for affordability by paying a fee since the development consists of less than 11 lots. Commercial zoning does not exist in the area and certainly would not be supported by the neighbors.

Mr. Green's claim:

- (h) "New sewer utility lines are going to disturb some visible slopes."

Response:

A low pressure sewer system is proposed and supported by the Wastewater Division. This allows for a flexible sewer line to be constructed with a narrow trench snaking in and out of trees minimizing visual impact to the ground.

Mr. Green's claim:

- (i) Large homes use excessive water for irrigation purposes,

Response:

Rooftop water harvesting is a mandatory requirement imposed through the covenants. Rainwater is captured in a cistern and used for landscape irrigation. Schematic plans are provided in the preliminary plan set.

Mr. Green's claim:

- (k) This is not a clustered infill development that maintains a compact urban form.

Response:

Under the prior PRC master plan up to 69 homes could be developed on this tract of land (see Tab 10). After hearing the opposition to the project the developer reduced density to better address the concerns of the neighborhood.

Mr. Green's claim:

- (l) Per PRC zoning no consideration given to neighborhood commercial, open space or parks.

Response:

The master plan never proposed neighborhood commercial on the north side of Hyde Park Road. Eight dwellings does not warrant a park. There is a considerable amount of open space in the Hyde Park highway corridor where a trail has been proposed for public use.

RESPONSE TO APPEAL OF CASE

#2016-51

HACIENDAS DEL MIRASOL

SUBMITTED BY

**Richard Folks, Fred Rowe, Greater Collection
Neighborhood Association, Neighborhood Network,
Neighborhood Law Center**

PREPARED

BY

JAMES W. SIEBERT & ASSOCIATES, INC.

FOR

CITY COUNCIL MEETING OF

DECEMBER 14, 2016

Appeal Statement

"The El Mirasol proposal for 8 homes on 28 acres is a false pretext for building 56 large homes on the 68 acre Hyde Park Road tract and is Phase 1 of a 3-phase development of the entire tract."

"El Mirasol flouted code mandates for upfront disclosure of serial developments"

Response:

These two allegations are addressed as one since they refer to the same serial aspect of the project.

The application is limited to Tract 1 consisting of 27.9 acres as defined by a subdivision plat entitled Summary Review Subdivision for HPR Properties LLC and C-1 Opportunity Fund LP recorded in book 754 page(s) 41-42. This plat established the legal lot of record required by section 14-3.7(A)(7)(b) of SFCC. Tab 1 is the warranty deed for Hacienda del Mirasol Tract 1 of the Summary Review subdivision and a reduction of the current plat for the property. The adjoining lot (Tract 2) is owned by HPR Properties LLC & CI Opportunity Fund (see Tab 2 for warranty deed). Tract 1 and Tract 2 are owned by two distinct and unaffiliated entities. There is no agreement, written contract or verbal understanding between the owner of Tract 1 and Tract 2 to jointly plan or develop the two properties. It would be impossible to develop a comprehensive plan for Tracts 1 and 2 since the owner of Tract 2 has no immediate plans to develop the property and may not begin planning for Tract 2 for several years.

There is no violation of Chapter 14, since there is no joint venture between the property owners to develop the 68 acres.

Appeal Statement

"The project creates flooding risks to downhill neighbors worse than the abortive Los Vecinos Project disapproved twice by the City Council."

"The project fails to comply with Code mandates for full upfront provision of flood and other controls at the outset of preliminary subdivision applications."

Response:

Since the allegations are similar they are addressed as one complaint.

For preliminary plat applications Chapter 14 14-8.2 (G) (2) (a) states: "*a conceptual plan and report that shows the general approach proposed for terrain and storm water management, and how the proposed development meets all of the minimum standards described in Subsection 14-8.2(D);*"

14-8.2(D) (4) (a) further elaborates on the required submittals for preliminary plat:

Storm water Management

(a) *General Standards:*

- (i) *storm water management measures shall be selected to best accommodate the specific geologic, hydrologic and topographic features of the land to be developed;*
- (ii) *storm water management measures shall be designed as both a comprehensive and integral part of the development;*
- (iii) *storm water management measures shall be designed to directly address additional flows from the proposed development. Compliance with these standards shall not be achieved solely by alterations to flows upstream of a proposed development; and*
- (iv) *storm water management plans may be designed to incorporate measures that are shared by two or more developments; provided that the measures comply with the minimum standards of this Section 14-8.2, including provision of an enforceable legal agreement for construction and maintenance.*

Tab 3 of the report is a summary of the drainage report prepared by Santa Fe Engineering, Inc. describing compliance with the above described sections of chapter 14. The full report is of record with the Land Use Department.

Provided in the detailed drainage report submitted with the subdivision application is a reduction in the discharge of storm water for the drainage basin outlet at Hadisway Ave from 50.56 cubic feet per second (cfs) to 33.75 cfs for the 100 year storm. Several methods of storm water management are described by the engineer. This includes the following techniques:

- Revegetation of graded areas and areas previously denuded of vegetation from trespassers
- Swales along the contours of the land
- Rebuilding of existing check dams
- Rain gardens to capture of storm water along roadways
- Deflection banks along the drainage to reduce erosion
- Capture of rain water from roofs into storage cisterns for reuse on landscape
- Construction of new detention ponds

Appeal Statement

"The project poses dangerous traffic jams on lower Hyde Park Road esp. (especially) during the ski season, and corrupts a state-owned scenic highway."

There is no reference to a section of the City Code that is violated. The truth is that the Hacienda del Mirasol traffic study is the most extensive traffic study prepared for 8 lots ever received by the Traffic Division or NMDOT. Traffic counts were taken during the ski season and level of service calculations were prepared by a licensed professional engineer indicating that the future intersection onto Hyde Park Road at the South Avenida Primera (south entry) will operate at a level of service A, which is the highest level of service for an intersection with the least delays. With the exception of the southbound movement on Bishops Lodge Road all of the studied intersections operate at levels of service C or above for existing conditions and the 2019 build year for the subdivision. The southbound movement on Bishops Lodge has very little to do with the traffic generated by Hacienda del Mirasol. A traffic study was not warranted for this project by City Code or NMDOT requirements since the traffic generation for the peak hour period was less than 25 cars. The summary of the traffic report is provided under tab 4.

It should be noted that the Institute of Transportation Engineers (ITE) generation rates were used to run the level of service calculations. The actual traffic generated by the existing Estancia Primera development south of Hyde Park Road generates substantially less traffic than the ITE rates. This is most likely due to the number of second homes occupied at sporadic times during the year. The use of ITE rates, which are much greater than actual field observed rates, builds in a considerable safety factor into the engineering analysis.

The evaluation of the traffic study prepared by Santa Fe Engineering, Inc. was accepted by the City Traffic Division. NMDOT provided verbal acceptance of the traffic study to the consulting engineer for the subdivision.

Appeal Statement

"The project violates the City Charter's overriding directive for the preservation of neighborhoods."

Response:

First, the City Charter does not establish or create Land Use law. Secondly, there is no specifics provided on how this project consisting of 8 lots on 28 acres impacts the neighborhood to such an extent that it jeopardizes the preservation of the neighborhood, especially since the closest neighborhood has a density of 4 dwellings per acre and Hacienda del Mirasol has a proposed density of .29 dwellings per acre.

Appeal Statement

"The project violates statutory mandates for compliance with ordinance 1981-3 and code development provisions, including disturbance of 30% slopes along with evasions of code by treating current violations as "conditions"

Response

Section 14-8.2 (D) (2) (b) allows disturbance of 3 isolated occurrences of less than 1,000 square feet each. The plans slope analysis plan prepared by Santa Fe Engineering, Inc. describes the 30 percent slopes, indicating compliance with 14-8.2(D)(2)(b) describing disturbed natural slopes 30 percent or greater. Tab 5 is a reduction of the slope analysis plan.

Appeal Statement

"evasions of Code by treating current violations as "conditions"."

Response:

Tab 6 is a description of the conditions of approval prepared by the Land Use staff and imposed by The City Planning Commission. Conditions of approval are standard practice used by the Planning Commission as part of the normal development review process. The appellants do not specify which of the conditions violates Chapter 14. None of the conditions stated in the Hacienda del Mirasol report to the Planning Commission violate City Code.

Appeal Statement

"Nullification of Ordinance 1981-3, Treating Violations as "technical corrections"

Technical corrections are just that, minor changes to the plans to address staff comments. A review of Ordinance 1981-3 indicates that most of the conditions of approval imposed in 1981 were satisfied with the recording of the preliminary plat for Estancia Primera. As part of the preliminary plat submittals a response to Ordinance 1981-3 was submitted to the City. This response is provided in Tab 7 of the report.

Suby Bowden claims of Code violations

The claim of Code violations is not addressed in this report since the City Engineer addressed the supposed violations in the report to the Planning Commission. The Code violations asserted by Ms. Bowden and the report prepared by the City Engineer are found in Tab 8.

(4)

ST&E 150714/1R

Recorded 179102 11/06/15 SFC

SPECIAL WARRANTY DEED

CI Opportunity Fund I, LP, a Texas limited partnership, for consideration paid, grants to 700 HPR, LLC, a New Mexico limited liability company, whose mailing address is 107 East Lupita Street, Santa Fe, New Mexico 87505, the following described real estate located in Santa Fe County, New Mexico:

See Exhibit A attached hereto and incorporated herein by this reference;

Subject to those matters set forth on Exhibit B attached hereto and incorporated herein by this reference;

with warranty covenants.

WITNESS its hand and seal effective the ^{11th} 5th day of November, 2015.

CI Opportunity Fund I, LP,
a Texas limited partnership

By: CI Opportunity Fund I GP, LLC,
a Texas limited liability company
Its: General Partner

By: 
Barry Hancock
Its: Manager

COUNTY OF SANTA FE }
STATE OF NEW MEXICO } ss. SPECIAL WARRANTY DEED
PAGES: 3
I Herby Certify That This Instrument Was Recorded for
Record On The 6TH Day Of November, A.D. 2015 at 11:37:37 AM
And Was Duly Recorded as Instrument # 1779102
Of The Records Of Santa Fe County
Witness My Hand And Seal Of Office
Geraldine Salazar
County Clerk, Santa Fe, NM
Deputy - VDURAN



STATE OF TEXAS)
) ss.
COUNTY OF DALLAS)

This instrument was acknowledged before me this ^{11th} day of November, 2015, by Barry Hancock, as Manager of CI Opportunity Fund I GP, LLC, a Texas limited liability company, the general partner of CI Opportunity Fund I, LP, a Texas limited partnership, on behalf of such company and partnership.


Cindy Gregg
Notary Public

My Commission expires:

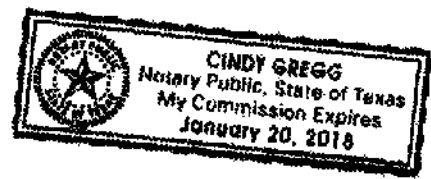


Exhibit A

Tract 1, as shown on plat entitled *Plat of Boundary Survey for 700 HPR, LLC, a New Mexico limited liability company, Tract 1 and Tract 2, as shown on a plat of Summary Review Subdivision for HPR Properties, LLC, a New Mexico limited liability company & CI Opportunity Fund, LP, a Texas limited partnership, creating Tract A and Tract B from a Tract of land known as Estancia Primera lying North of Hyde Park Road, City of Santa Fe, Santa Fe County, New Mexico*, by Philip B. Wiegel, NMPS No. 9758, dated July 21, 2015 and recorded November 4, 2015 in Plat Book 794 at page 025, records of Santa Fe County, New Mexico.

Exhibit B

1. Ad valorem taxes for the year 2015 and thereafter;
2. Terms and conditions of Conditions of Ordinance 1981-3 Estancia Primera P.R.C., recorded in Book 419, page 679, records of Santa Fe County, New Mexico;
3. Notes, conditions and easements and rights incident thereto, encroachment of rock wall and driveway, trail and Water Main right of way Llano Largo Addition and rights incident thereto and all other matters as shown on plat titled *Summary Review Subdivision for HPR Properties, LLC, a New Mexico Limited Liability Company & CI Opportunity Fund, LP, a Texas Limited Partnership creating Tract A and Tract B from a tract of land known as Estancia Primera Lying North of Hyde Park Road City of Santa Fe, Santa Fe County, New Mexico*, recorded January 25, 2013, in Plat Book 754, pages 041-042, as Instrument No. 1694689, records of Santa Fe County, New Mexico.
4. Notes, conditions and easements and rights incident thereto, encroachment of rock wall and driveway, trail and Water Main right of way Llano Largo Addition and rights incident thereto and all other matters as shown on plat titled *Plat of Boundary Survey for 700 HPR, LLC, a New Mexico limited liability company, Tract 1 and Tract 2, as shown on a plat of Summary Review Subdivision for HPR Properties, LLC, a New Mexico Limited Liability Company & CI Opportunity Fund, LP, a Texas Limited Partnership creating Tract A and Tract B from a Tract of land known as Estancia Primera Lying North of Hyde Park Road, City of Santa Fe, Santa Fe County, New Mexico*, filed in the office of the County Clerk, Santa Fe County, New Mexico on November 4, 2015 in Plat Book 794 at page 025, records of Santa Fe County, New Mexico.

ST&E 150714 LAR

SPECIAL WARRANTY DEED

CI Opportunity Fund I, LP, a Texas limited partnership, for consideration paid, grants to HPR Properties, LLC, a New Mexico limited liability company, whose mailing address is P.O. Box 22865, Santa Fe, NM 87502, an undivided one-half (1/2) interest in and to the following described real estate located in Santa Fe County, New Mexico:

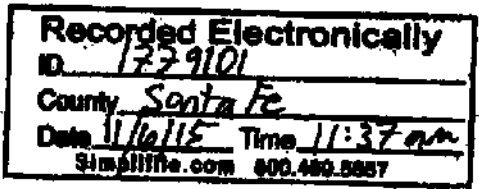
See Exhibit A attached hereto and incorporated herein by this reference;

Subject to those matters set forth on Exhibit B attached hereto and incorporated herein by this reference;

with warranty covenants.

WITNESS its hands and seals this 4th day of November, 2015.

CI Opportunity Fund I, LP,
a Texas limited partnership



By: CI Opportunity Fund I GP, LLC,
a Texas limited liability company
Its: General Partner

By: [Signature]
Barry Hancock
Its: Manager

STATE OF TEXAS)
) ss.
COUNTY OF DALLAS)

This instrument was acknowledged before me this 4th day of November, 2015, by Barry Hancock, as Manager of CI Opportunity Fund I GP, LLC, a Texas limited liability company, the general partner of CI Opportunity Fund I, LP, a Texas limited partnership, on behalf of such company and partnership.

[Signature]
Notary Public

My Commission expires:

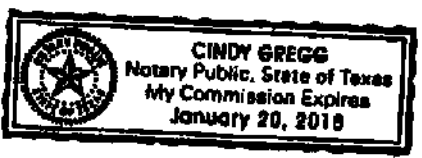


Exhibit A

Tract 2, as shown on plat entitled Plat of Boundary Survey for 700 HPR, LLC, a New Mexico limited liability company, Tract 1 and Tract 2, as shown on a plat of Summary Review Subdivision for HPR Properties, LLC, a New Mexico limited liability company & CI Opportunity Fund, LP, a Texas limited partnership, creating Tract A and Tract B from a Tract of land known as Estancia Primera lying North of Hyde Park Road, City of Santa Fe, Santa Fe County, New Mexico, by Philip B. Wiegel, NMPS No. 9758, dated July 21, 2015 and recorded November 4, 2015 in Plat Book 794 at page 025, records of Santa Fe County, New Mexico.

Exhibit B

1. Ad valorem taxes for the year 2015 and thereafter;
2. Terms and conditions of Conditions of Ordinance 1981-3 Estancia Primera P.R.C., recorded in Book 419, page 679, records of Santa Fe County, New Mexico;
3. Notes, conditions and easements, 20 foot power line easement; overhead transmission lines and poles and rights incident thereto, building setback line, encroachment of rock wall, driveway and trail onto the southwesterly portion of subject property, gate and dirt road, and all other matters as shown on plat titled *Plat of Boundary Survey for HPR Properties, LLC, a New Mexico limited liability company & CI Opportunity Fund, LP a Texas limited partnership a Tract of Land Known as Estancia Primero Lying North of Hyde Park Road, City of Santa Fe, Santa Fe County, New Mexico*, recorded December 20, 2011, in Plat Book 740, page 021, as Instrument No. 1654940, records of Santa Fe County, New Mexico;
4. Notes, conditions and easements and overhead transmission lines and poles and rights incident thereto; Cultural Properties Preservation Easement and building setback line, gate and all other matters as shown on plat entitled *Summary Review Subdivision for HPR Properties, LLC a New Mexico Limited Liability Company & CI Opportunity Fund, LP, a Texas Limited Partnership creating Tract A and Tract B from a Tract of Land known as Estancia Primera Lying North of Hyde Park Road City of Santa Fe, Santa Fe County, New Mexico*, recorded January 25, 2013, in Plat Book 754, pages 041-042, as Instrument No. 1694689, records of Santa Fe County, New Mexico; and,
5. Notes, conditions and easements and rights incident thereto, encroachment of rock wall and driveway, trail and Water Main right of way Llano Largo Addition and rights incident thereto and all other matters as shown on plat titled *Plat of Boundary Survey for 700 HPR, LLC, a New Mexico limited liability company, Tract 1 and Tract 2, as shown on a plat of Summary Review Subdivision for HPR Properties, LLC, a New Mexico Limited Liability Company & CI Opportunity Fund, LP, a Texas Limited Partnership creating Tract A and Tract B from a Tract of land known as Estancia Primera Lying North of Hyde Park Road, City of Santa Fe, Santa Fe County, New Mexico*, filed in the office of the County Clerk, Santa Fe County, New Mexico on November 4, 2015 in Plat Book 794 at page 025, records of Santa Fe County, New Mexico.
6. Mortgage from HPR Properties, LLC a New Mexico Limited Liability Company, as to an undivided one-half (1/2) interest, joined by CI Opportunity Fund I, LP, a Texas Limited Partnership as to an undivided one-half (1/2) interest, to the Jurgens & With, P.A. Profit Sharing Plan and Trust Dated January 1, 1993, dated January 31, 2013 and recorded on February 15, 2013, as Instrument No. 1696696, records of Santa Fe County, New Mexico.

Storm drainage computations for existing conditions were calculated using on site topographic mapping prepared for the project.

A. Existing Conditions

Drainage areas were delineated on the on-site topographic map prepared for the project. Drainage area and channel lengths were measured several times and average numbers used for this report. The Existing Conditions Drainage Map is presented in Figure 8, Appendix A. The drainages, which impact the site, are presented in Table 1.

TABLE 1 EXISTING DRAINAGE BASIN CHARACTERISTICS		
Basin	Description	Acres
Q1	Onsite basin exiting the site to the west.	1.96
Q1.1	Offsite basin entering Q1 from the southwest.	1.43
Q1.2	Offsite basin entering Q1 site from the southwest via a culvert.	0.22
Q2	Onsite basin exiting the site to the west.	22.72
Q2.1	Offsite basin entering Q2 from the south.	0.45
Q2.2	Offsite basin entering Q2 from the south.	0.21
Q2.3	Offsite basin entering Q2 from the south via a culvert.	3.68
Q2.4	Offsite basin entering Q2 from the south.	0.42
Q2.5	Offsite basin entering Q2 from the south.	0.81
Q2.6	Offsite basin entering Q2 from the south.	0.73
Q2.7	Offsite basin entering Q2 from the east.	0.36
Q2.8	Offsite basin entering Q2 from the east.	0.09
Q2.9	Offsite basin entering Q2 from the east.	0.18
Q3	Onsite basin exiting the site to the west.	0.13
Q4	Onsite basin exiting the site to the west.	0.27
Q5	Onsite basin exiting the site to the northwest.	0.49
Q6	Onsite basin exiting the site to the northwest.	2.06
Q7	Onsite basin exiting the site to the northwest.	0.36
Q8	Onsite basin exiting the site to the north.	0.55
Q9	Onsite basin exiting the site to the north.	3.17
Q10	Onsite basin exiting the site to the north.	0.67
Q11	Onsite basin exiting the site to the north.	0.45
Q12	Onsite basin exiting the site to the north.	7.31
Q12.1	Offsite basin entering Q12 from the east.	0.51

According to maps prepared by the United States Department of Commerce, presented in NOAA Atlas 14 Volume 1, Version 5, dated 2004, revised 2011, the following precipitation data in Table 2 should be used for the project:

TABLE 2		
PRECIPITATION DATA		
FREQUENCY	DURATION	PRECIPITATION
100 Year	24 Hour	3.16
50 Year	24 Hour	2.85
25 Year	24 Hour	2.55
10 Year	24 Hour	2.15
2 Year	24 Hour	1.50

The WinTR-55 software by the NRCS, version date May 2003, was used to calculate weighted runoff number, time of concentration, and peak flow for the existing standalone drainage basins. The graphical discharge method was used. If a drainage basin had separate sub basins flowing into it (such as Q1.1 draining into Q1, etc.), then the Hydroflow Hydrographs 2016 program was used to generate hydrographs to combine sub basins to establish peak flows for each basin. The 10, 25, 50, and 100-year frequency storms were calculated.

Drainage Calculations are presented in Appendix B. The Calculated Peak Flows are presented in Table 3.

**TABLE 3
PEAK FLOW QUANTITIES
EXISTING CONDITIONS**

Basin	Description	CN	Q10 (CFS)	Q25 (CFS)	Q50 (CFS)	Q100 (CFS)
Q1	Onsite basin exiting the site to the west.	85	3.52	4.69	5.58	6.52
Q1.1	Offsite basin entering Q1 from the southwest.	86	2.60	3.52	4.18	4.87
Q1.2	Offsite basin entering Q1 site from the southwest via a culvert.	83	0.34	0.47	0.57	0.67
Q2	Onsite basin exiting the site to the west.	83	25.57	35.12	42.65	50.65
Q2.1	Offsite basin entering Q2 from the south.	85	0.62	0.84	1.01	1.18
Q2.2	Offsite basin entering Q2 from the south.	82	0.29	0.41	0.49	0.59
Q2.3	Offsite basin entering Q2 from the south via a culvert.	84	5.02	6.82	8.23	9.73
Q2.4	Offsite basin entering Q2 from the south.	88	0.85	1.10	1.29	1.49
Q2.5	Offsite basin entering Q2 from the south.	86	1.52	2.00	2.37	2.77
Q2.6	Offsite basin entering Q2 from the south.	89	1.55	2.00	2.34	2.69
Q2.7	Offsite basin entering Q2 from the east.	77	0.25	0.38	0.48	0.59
Q2.8	Offsite basin entering Q2 from the east.	75	0.06	0.09	0.12	0.15
Q2.9	Offsite basin entering Q2 from the east.	75	0.12	0.19	0.24	0.30
Q3*	Onsite basin exiting the site to the west.	85	0.18	0.24	0.29	0.34
Q4*	Onsite basin exiting the site to the west.	84	0.33	0.45	0.54	0.64
Q5*	Onsite basin exiting the site to the northwest.	84	0.64	0.87	1.06	1.25
Q6*	Onsite basin exiting the site to the northwest.	81	2.00	2.84	3.50	4.22
Q7*	Onsite basin exiting the site to the northwest.	85	0.50	0.67	0.81	0.95
Q8*	Onsite basin exiting the site to the north.	84	0.70	0.96	1.16	1.37
Q9*	Onsite basin exiting the site to the north.	79	2.59	3.77	4.72	5.73
Q10*	Onsite basin exiting the site to the north.	84	0.86	1.18	1.42	1.69
Q11*	Onsite basin exiting the site to the north.	84	0.57	0.78	0.95	1.12
Q12	Onsite basin exiting the site to the north.	81	7.38	10.52	13.00	15.65
Q12.1	Offsite basin entering Q12 from the east.	75	0.34	0.53	0.69	0.86

* indicates a WinTR55 Calculation

B. Developed Conditions

The development of Haciendas del Mirasol will have an impact on storm water runoff due to the increase in impervious surfaces (driveways and roofs). In order to control this excess runoff, a number of alternatives for controlling drainage are proposed. Excess runoff from impervious surfaces (roofs and driveways) will be mitigated as follows:

On lot impervious areas are to be controlled as follows:

1. All roofs are to be provided with cisterns (active water harvesting techniques). The cisterns shall be sized to capture one gallon per square foot of roof area.
2. All impervious driveways, sidewalks, and patios shall use (passive water harvesting techniques), open ponds, and mulched water absorption swales are to collect 100% of the 100 year 24 hour precipitation.

Subdivision runoffs from streets are to be controlled as follows:

1. Rain gardens will be provided adjacent to the driveway. Rain gardens are sized to control 100% of the 100 year 24 hour precipitation.
2. Existing check dams are to be repaired.
3. The existing onsite watershed is to be cleaned. The onsite basins shall be revegetated and planted at the optimum time for plan survival.
4. New ponds are to be constructed to attenuate peak flows.
5. Additional check dams will be installed.
6. Inspection and maintenance for all storm water management facilities shall be performed by the Homeowners Association.

The proposed development and on-site grading will alter the existing local drainage patterns. The onsite basins are impacted by the development of the project. The Developed Conditions Drainage Map for the onsite basins are presented in Figure 9, Appendix A. The developed drainage basin characteristics are presented in Table 4.

event is controlled and will dissipate in 24 hours. The routing and pond designs are presented in the Hydraflow Hydrograph calculations. (See Appendix C, Pond Routing Calculations.) The results of the routings are presented in Table 6.

TABLE 6 POND ROUTING - HYDRAFLOW HYDROGRAPH DEVELOPED CONDITIONS - 100 YEAR STORM EVENT				
Description	Q10 (CFS)	Q25 (CFS)	Q50 (CFS)	Q100 (CFS)
Pond 1 - Routes flows from QD2B	3.55	4.41	4.85	5.32
Pond 2 - Routes flows from Pond 1 and QD2A	14.67	20.83	25.52	30.50
Pond 3 - Routes flows from Pond 2 and QD2	15.64	22.56	28.00	33.73
Pond 4 - Routes flows from QD12	3.96	6.75	8.87	11.24

A comparison between existing conditions peak outflows and developed conditions peak outflows from the site is presented in Table 7.

TABLE 7 COMPARISON OF PEAK OUTFLOWS BETWEEN EXISTING AND DEVELOPED CONDITIONS				
	Q2 vs QD2		Q12 vs QD12	
Storm	EX.	DEV.	EX.	DEV.
Q10 (CFS)	25.57	15.64	7.38	3.96
Q25 (CFS)	35.12	22.56	10.52	6.75
Q50 (CFS)	42.65	28.00	13.00	8.87
Q100 (CFS)	50.65	33.73	15.65	11.24

As shown in Table 7 above, improvements to the upstream watershed and the installation of check dams, rain gardens, mulched water absorption swales, and ponding at key locations will provide a significant reduction in peak flowrates exiting the site, especially for the residents below Q2 at Hadisway Avenue and Callecita Place. The provided reduction in peak storm water flow exceeds the terrain and storm water management requirements of the City of Santa Fe.

D. Flood Plains

The flooding situation in the County of Santa Fe has been investigated by the Federal Insurance Administration (FIA). Their studies are contained in a report titled "Flood Insurance Study, Santa Fe County, New Mexico and Incorporated Areas." The FEMA Flood Plain Map Number 35049C0411D, dated December 4, 2012 is presented in Figure 10, Appendix A. A review of the map indicates that there are no proposed buildings to be developed in the areas impacted by the 1% Annual Chance Flood of being equaled or exceeded in any given year (base flood).

V. GRADING AND EROSION CONTROL PLAN

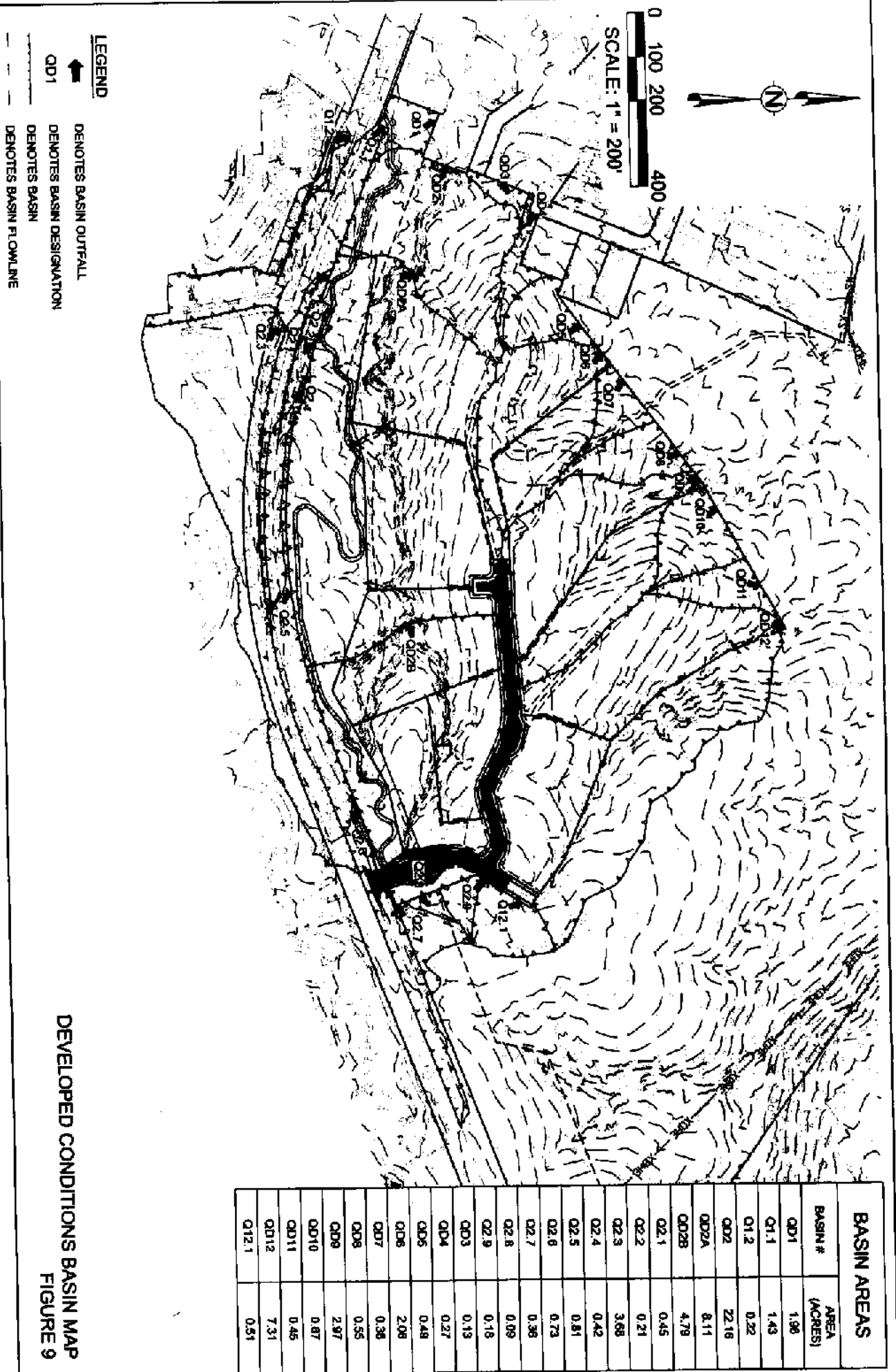
Grading plans have been prepared for this development. Included within these plans are existing road profiles, proposed profiles, and typical roadway cross-sections. Roadway construction methods to be utilized for this development will be pursuant to New Mexico Department of Transportation Specifications for Road and Bridge Construction.

The grading activity at the site will require cut and fill operations. Utility installation will be scheduled to coincide with roadway grading and will be located with the roadway section and parkway.

The following plans will be utilized for controlling erosion and drainage through construction:

- A. The limits of construction will be clearly delineated to avoid unnecessary disturbance of adjacent areas prior to construction.
- B. Cut and fill slopes will be as follows:
 - Fills - 1 vertical on 3 horizontal.
 - Cuts - 1 vertical on 2 horizontal.

- C. Roadway drainage structures (culverts, swales, and channel) will be constructed in conjunction with grading. No changes in the drainage ways or flood plain will be permitted except as shown on the Drainage Plans.
- D. Stabilization of cut or fills will begin soon after construction at the optimum time for plant survival, according to an approved landscaping plan
- F. The project will be inspected on a regular basis and additional measures such as silt fence, brow ditches, etc., will be utilized as required to meet field conditions and to control erosion.



DEVELOPED CONDITIONS BASIN MAP
FIGURE 9

**SUPPLEMENTAL INFORMATION
FOR THE
TRAFFIC IMPACT ANALYSIS
FOR PRELIMINARY SUBDIVISION PLAT
AND MASTER PLAN SUBMITTAL FOR
HACIENDAS DEL MIRASOL
AT EL MIRASOL
SANTA FE, NEW MEXICO**

November 30, 2016

A Traffic Impact Analysis report titled "Traffic Impact Analysis for Preliminary Subdivision Plat and Master Plan Submittal for Haciendas del Mirasol at El Mirasol, Santa Fe, New Mexico," dated April 2016, was prepared by Santa Fe Engineering Consultants, LLC. as a part of the submittal process.

At the time the report was completed, detailed crash information for Hyde Park Road (NM 475) had been requested, but had not been received. Density Maps of Crashes had been obtained from the University of New Mexico for the years 2013 through 2010, however this data may not be graphically accurate and does not designate a specific number of crashes or indicate the degree of injury or number of people involved.

Specific crash data has now been obtained from the New Mexico Department of Transportation (NMDOT). Review of NMDOT Crash Data from 2010 to 2014 shows one crash at the intersection of Avandia Primera / Hyde Park Road in the year 2014 with no reported injuries. (The report did not state whether this was the north or south entrance into Estancia Primera.)

Detailed information for this crash indicates that the major cause of the crash was Driver Inattention and the crash was classified as a Property Damage Crash.

Rusty Tambascio

From: Armijo, Ernest, NMDOT <Ernest.Armijo@state.nm.us>
Sent: Wednesday, November 30, 2016 3:17 PM
To: Rusty Tambascio
Subject: Haciendas del Mirasol at El Mirasol TIA

Rusty,

I have reviewed the TIA for this proposed development and I am satisfied with the recommendations of the report. I do not have any comments on this.

Ernest Armijo, P.E.
District 5 Traffic Engineer
New Mexico Department of Transportation
P.O. Box 4127/7315 Cerrillos Rd.
Santa Fe, NM 87502-4127
Ph: 505-995-7800

**TRAFFIC IMPACT ANALYSIS
FOR PRELIMINARY SUBDIVISION PLAT
AND MASTER PLAN SUBMITTAL FOR
HACIENDAS DEL MIRASOL
AT EL MIRASOL
SANTA FE, NEW MEXICO**

EXECUTIVE SUMMARY

This property was originally a part of Estancia Primera, Phase 3. This property was subdivided in November 2015. The property now consists of two tracts of land. Tract 1 is owned by 700 HPR, LLC. Tract 2 is owned by HPR Properties, LLC, and CI Opportunity Fund. Tract 1, also known as Haciendas del Mirasol at El Mirasol will consist of 8 single-family residential dwelling units located on approximately 27.90 \pm acres. Tract 2, also known as El Mirasol, is currently in the planning process. It is unknown as to when the planning process will be completed. It is estimated by their planner, that Tract 2 will consist of a maximum of 39 single-family residential dwelling units located on approximately 40.47 \pm .

The operational deficiencies for each analysis are presented as follows.

Existing Year Conditions

All intersections have adequate capacity. The intersection of Paseo de Peralta / Bishops Lodge Road / Washington Avenue operates at an overall level of service C. This intersection meets NMDOT operational standards for the existing condition.

Implementation Year Conditions

All intersections have adequate capacity, whether ITE Trip Generation Rates or Estancia Primera measured rates are used. The intersection of Paseo de Peralta / Bishops Lodge Road / Washington Avenue operates at an overall level of service C. The intersection meets NMDOT operational standards for the implementation year condition.

Horizon Year Conditions 2033

The Horizon Year Condition was run for planning purposes. All intersections have adequate capacity with the exception of Paseo de Peralta / Bishops Lodge Road / Washington Avenue for all the analysis periods. The Southbound leg of the intersection fails due to the increase in background traffic, which is compounded on a yearly basis. This indicates that re-timing of the coordinated network may be need in 2033 if growth assumptions occur.

There is one access point proposed for this project. In order to determine if the alignment with the existing south entrance to Estancia Primera is the best location for access to the development, a review of the options for placement of the entrance was performed. Items considered were distance from existing driveways along Hyde Park Road, site terrain, and grades along Hyde Park Road. According to Table 18.C-1 of the SAMM, for an Urban Minor Arterial, forty-five to fifty miles per hour, the distance between driveways for a full access driveway, must be 660 feet. Based on this distance, only two locations are possible. The existing proposed location, and a location midway between Avenida Primera (South Entrance) and Prince Avenue.

City Code does not allow disturbance of 30% slopes except for arroyo crossings and for no more than three isolated occurrences of sloped areas where each individual disturbance shall not exceed one thousand square feet, as approved by the City Engineer. Grades of the roadway were also calculated in the vicinity of the two possible driveway locations. Road grades affect sight distance with stopping distance increasing on downgrades and decreasing on upgrades. The driveway location between the Avenida Primera (South Entrance) and Prince Avenue is problematic since it would have to be built across 30% slopes. The Hyde Park roadway grade in this area is 5.8%, which impacts intersection safety. Based upon:

- Intersection spacing criteria;
- Impact on the terrain and disturbance of 30% slopes;
- The grades on Hyde Park Road; and,
- Overall safety.

the best driveway location for the entrance to the development is for the driveway to be aligned with the existing South Avenida Primera (South Entrance).

Speed change lanes were checked for all conditions. A left turn deceleration lane is required at the time that Tract 2 is built in the Implementation Year 2019.

IV. ANALYSIS OF EXISTING CONDITIONS

A. Daily Peak Hour Traffic Volumes

Site-specific peak hour traffic counts were conducted at the following intersections:

1. Hyde Park Road (NM 475) / South Avenida Primera (North Entrance) – Wednesday, January 27, 2016
2. Hyde Park Road (NM 475) / South Avenida Primera (South Entrance) – Wednesday, January 27, 2016
3. Artist Road (NM 475) / Hyde Park Road (NM 475) / Prince Avenue – Thursday, February 11, 2016
4. Artist Road (NM 475) / Sunset Street (Otero Street) – Tuesday, February 9, 2016
5. Bishops Lodge Road (NM 590) / Artist Road (NM 475) – Thursday, February 11, 2016
6. Paseo de Peralta / Bishops Lodge Road / Washington Avenue – Thursday, February 11, 2016

The purpose of the counts was to sample typical background traffic in the vicinity of the project. Counts were done in the winter when the Santa Fe Ski Basin was in full operation with a substantial snow pack. Tabulated traffic counts are presented in Appendix B. The Existing Peak Hour Traffic Volumes are presented in Figures 13 through 18, Appendix A. The Future Road Network Map prepared by the Santa Fe MPO shows that there are no future roadway improvements in the area. The Future Roadway Network Map is presented in Figure 19, Appendix A. The 2011 Average Annual Traffic for the City of Santa Fe as obtained from the Santa Fe MPO is presented in Figure 20, Appendix A.

TABLE 1 SUMMARY OF LEVELS OF SERVICE EXISTING CONDITIONS 2016				
Movement	AM Peak Hour		PM Peak Hour	
	Delay	LOS	Delay	LOS
Hyde Park Rd (NM 475) / S. Avenida Primera (North Entrance)				
Westbound	0.1	A	0.1	A
Northbound	11.0	B	9.4	A
Hyde Park Rd (NM 475) / S. Avenida Primera (South Entrance)				
Westbound	0.4	A	0.0	A
Northbound	10.2	B	N/D	N/D
Artist Road (NM 475) / Hyde Park Road (NM 475) Prince Avenue				
Westbound	0.1	A	0.0	A
Northbound	9.3	A	9.4	A
Artist Road (NM 475) / Sunset Street (Otero Street)				
Eastbound	N/D	N/D	0.1	A
Westbound	1.8	A	1.6	A
Northbound	10.5	B	11.7	B
Southbound	12.4	B	13.9	B
Bishops Lodge Road (NM 590) / Artist Road (NM 475)				
Eastbound	11.7	B	9.2	A
Westbound	12.2	B	11.6	B
Northbound	3.5	A	6.1	A
Southbound	2.9	A	4.8	A
Paseo de Peralta / Bishops Lodge Road (590) / Washington Avenue				
Eastbound	2.8	A	20.4	C
Westbound	12.0	B	19.8	B
Northbound	32.4	C	26.5	C
Southbound	40.9	D	55.3	E

N/D indicates no data.

All intersections have adequate capacity for the existing condition. The intersection of Paseo de Peralta / Bishops Lodge Road / Washington Avenue operates at an overall level of service C.

D. Safety Analysis

Crash information has been requested from NMDOT and will be provided once it becomes available. Density Maps of Crashes in Santa Fe were obtained from the University of New Mexico and are presented in Figures 21 through 24, Appendix A, for the years 2013 through 2010. The Density Maps of Crashes shows that the project is in a low-density crash area.

There are three independent variables available for projecting trip generations, the number of residents, the number of vehicles, and the total number of dwelling units. For this analysis, the number of dwelling units variable was used. The projected traffic generated by this land use is presented in Table 2. The Trip Generation Calculations are presented in Appendix D.

TABLE 2 SUMMARY OF TRIP GENERATION LAND USE 210 – SINGLE-FAMILY DETACHED HOUSING (INCLUDES GUEST HOUSES) CALCULATIONS		
Peak Hour of the Generator	Tract 1 16 Units	Tract 2 39 Units
A.M. Peak Hour Enter	5	9
A.M. Peak Hour Exit	16	28
A.M. Peak Hour Total	21	37
P.M. Peak Hour Enter	10	28
P.M. Peak Hour Exit	6	17
P.M. Peak Hour Total	16	45

Source: Institute of Transportation Engineers
Trip Generation, 9th Edition, 2012

However, it is anticipated that many of the residents will be second homeowners. These homes will not be their primary residence. This is similar to the homeownership in the existing Estancia Primera. ITE recommends conducting local Trip Generation Studies when a land use is not covered and to validate Trip Generation for a local application.

The two entrances to the existing Estancia Primera were counted to obtain an actual rate. The existing Estancia Primera consists of 177 single-family dwelling units. Some of the existing homes are occupied by second homeowners

and retired individuals. The same demographic of homeowner may purchase homes in El Mirasol. Based upon the traffic counts, rates for Estancia Primera were calculated. Calculations are presented in Appendix C. A comparison of the traffic predicted for Haciendas Del Mirasol at El Mirasol Subdivision, Tract 1 and the adjacent Tract 2 using calculated rates is presented in Table 3.

TABLE 3 COMPARISON OF TRIP GENERATION RATES USING ITE VERSUS CALCULATED RATES			
Tract 1 (16 Dwelling Units)	Trips Generated	Trips Generated	Trips Generated
Description	Using Calculated Rates	Using ITE Rates	Difference
AM Enter	4	5	-1
AM Exit	3	16	-13
PM Enter	3	10	-7
PM Exit	2	6	-4
Tract 2 (39 Dwelling Units)			
Description	Using Calculated Rates	Using ITE Rates	Difference
AM Enter	9	9	0
AM Exit	6	28	-22
PM Enter	7	28	-21
PM Exit	6	17	-11

The actual traffic generated by Estancia Primera indicates a difference in the A.M. Peak Hour Traffic Exiting and P.M. Peak Hour Traffic Entering. This probably reflects the second homeownership and retired community in Estancia Primera. Due to the characteristics of the type of homeownership in this

c. Build Condition Using ITE Rates

For the build condition, the measured traffic was increased at a rate of 1% per year for the background condition to the year 2017 for Tract 1 and to the year 2019 for Tract 2. The site-generated traffic using ITE rates for Tract 1 and Tract 2 were added to the background traffic respectively. The results are presented in Tables 8 and 9.

TABLE 8 SUMMARY OF LEVELS OF SERVICE BUILD CONDITIONS 2017 USING ITE RATES				
Movement	AM Peak Hour		PM Peak Hour	
	Delay	LOS	Delay	LOS
Hyde Park Rd (NM 475) / S. Avenida Primera (North Entrance)				
Westbound	8.3	A	7.5	A
Northbound	11.1	B	9.4	A
Hyde Park Rd (NM 475) / S. Avenida Primera (South Entrance) / Entrance to El Mirasol				
Eastbound	7.5	A	8.1	A
Westbound	8.0	A	7.6	A
Northbound	11.0	B	12.8	B
Southbound	9.7	A	10.9	B
Artist Road (NM 475) / Prince Avenue				
Westbound	7.9	A	7.5	A
Northbound	9.5	A	9.5	A
Artist Road (NM 475) / Sunset Street (Otero Street)				
Eastbound	7.5	A	8.0	A
Westbound	7.9	A	7.7	A
Northbound	10.6	B	11.8	B
Southbound	12.7	B	14.4	B
Bishops Lodge Road (NM 590) / Artist Road (NM 475)				
Eastbound	11.5	B	9.1	A
Westbound	12.2	B	11.6	B
Northbound	3.7	A	6.4	A
Southbound	3.0	A	5.0	A
Paseo de Peralta / Bishops Lodge Road (590) / Washington Avenue				
Eastbound	2.9	A	20.5	C
Westbound	12.4	B	20.0	C
Northbound	32.1	C	26.6	C
Southbound	41.2	D	59.3	E

N/D indicates no data.

All intersections have adequate capacity. The intersection of Paseo de Peralta / Bishops Lodge Road / Washington Avenue operates at an overall level of service C.

TABLE 9 SUMMARY OF LEVELS OF SERVICE BUILD CONDITIONS 2019 USING ITE RATES				
Movement	AM Peak Hour		PM Peak Hour	
	Delay	LOS	Delay	LOS
Hyde Park Rd (NM 475) / S. Avenida Primera (North Entrance)				
Westbound	8.3	A	7.5	A
Northbound	11.2	B	9.5	A
Hyde Park Rd (NM 475) / S. Avenida Primera (South Entrance) / Entrance to El Mirasol				
Eastbound	7.5	A	8.2	A
Westbound	8.0	A	7.6	A
Northbound	11.7	B	14.4	B
Southbound	10.0	B	10.9	B
Artist Road (NM 475) / Hyde Park Road (NM 475) Prince Avenue				
Westbound	8.0	A	7.6	A
Northbound	9.8	A	9.9	A
Artist Road (NM 475) / Sunset Street (Otero Street)				
Eastbound	7.5	A	8.0	A
Westbound	7.9	A	7.8	A
Northbound	10.8	B	12.1	B
Southbound	13.3	B	15.3	C
Bishops Lodge Road (NM 590) / Artist Road (NM 475)				
Eastbound	11.2	B	8.9	A
Westbound	12.1	B	11.6	B
Northbound	4.0	A	7.2	A
Southbound	3.3	A	5.3	A
Paseo de Peralta / Bishops Lodge Road (590) / Washington Avenue				
Eastbound	4.1	A	20.7	C
Westbound	15.4	B	20.7	C
Northbound	31.0	C	26.9	C
Southbound	43.9	D	69.1	E

N/D indicates no data.

All intersections have adequate capacity. The intersection of Paseo de Peralta / Bishops Lodge Road / Washington Avenue operates at an overall level of service C.

**TABLE 12
SUMMARY OF LEVELS OF SERVICE
BUILD CONDITIONS 2033
USING ITE RATES**

Movement	AM Peak Hour		PM Peak Hour	
	Delay	LOS	Delay	LOS
Hyde Park Rd (NM 475) / S. Avenida Primera (North Entrance)				
Westbound	8.5	A	7.6	A
Northbound	11.9	B	10.3	B
Hyde Park Rd (NM 475) / S. Avenida Primera (South Entrance) / Entrance to El Mirasol				
Eastbound	7.5	A	8.4	A
Westbound	8.2	A	7.6	A
Northbound	12.5	B	16.0	C
Southbound	10.3	B	11.4	B
Artist Road (NM 475) / Hyde Park Road (NM 475) Prince Avenue				
Westbound	8.1	A	7.7	A
Northbound	10.2	B	10.5	B
Artist Road (NM 475) / Sunset Street (Otero Street)				
Eastbound	7.6	A	8.2	A
Westbound	8.0	A	7.8	A
Northbound	11.4	B	13.1	B
Southbound	14.6	B	17.0	C
Bishops Lodge Road (NM 590) / Artist Road (NM 475)				
Eastbound	11.0	B	8.6	A
Westbound	12.0	B	11.6	B
Northbound	4.6	A	8.8	A
Southbound	3.7	A	6.2	A
Paseo de Peralta / Bishops Lodge Road (590) / Washington Avenue				
Eastbound	4.6	A	23.1	C
Westbound	16.4	B	23.2	C
Northbound	30.4	C	27.3	C
Southbound	43.1	D	105.7	F

N/D indicates no data.

All intersections have adequate capacity with the exception of Paseo de Peralta / Hyde Park Road (NM 590) / Washington Avenue for all the analysis periods. The Southbound leg of the intersection fails due to the increase in background traffic, which is compounded on a yearly basis. This indicates that re-timing of the coordinated network may be needed in 2033 if growth assumptions occur.

VII. SUMMARY OF DEFICIENCIES, ANTICIPATED IMPACTS

This property was originally a part of Estancia Primera, Phase 3. This property was subdivided in November 2015. The property now consists of two tracts of land. Tract 1 is owned by 700 HPR, LLC. Tract 2 is owned by HPR Properties, LLC, and CI Opportunity Fund. Tract 1, also known as Haciendas del Mirasol at El Mirasol will consist of 8 single-family residential dwelling units located on approximately 27.90 \pm acres. Tract 2, also known as El Mirasol, is currently in the planning process. It is unknown as to when the planning process will be completed. It is estimated by their planner, that Tract 2 will consist of a maximum of 39 single-family residential dwelling units located on approximately 40.47 \pm .

The operational deficiencies for each analysis are presented as follows.

Existing Year Conditions

All intersections have adequate capacity. The intersection of Paseo de Peralta / Bishops Lodge Road / Washington Avenue operates at an overall level of service C. This intersection meets NMDOT operational standards for the existing condition.

Implementation Year Conditions

All intersections have adequate capacity, whether ITE Trip Generation Rates or Estancia Primera measured rates are used. The intersection of Paseo de Peralta / Bishops Lodge Road / Washington Avenue operates at an overall level of service C. The intersection meets NMDOT operational standards for the implementation year condition.

Horizon Year Conditions 2033

The Horizon Year Condition was run for planning purposes. All intersections have adequate capacity with the exception of Paseo de Peralta / Bishops Lodge Road / Washington Avenue for all the analysis periods. The Southbound leg of the intersection fails due to the increase in background traffic, which is compounded on a yearly basis. This indicates that re-timing of the coordinated network may be needed in 2033 if growth assumptions occur.

There is one access point proposed for this project. In order to determine if the alignment with the existing south entrance to Estancia Primera is the best location for access to the development, a review of the options for placement of the entrance was performed. Items considered were distance from existing driveways along Hyde Park Road, site terrain, and grades along Hyde Park Road. According to Table 18.C-1 of the SAMM, for an Urban Minor Arterial, forty-five to fifty miles per hour, the distance between driveways for a full access driveway, must be 660 feet. Based on this distance, only two locations are possible. The existing proposed location, and a location midway between Avenida Primera (South Entrance) and Prince Avenue.

City Code does not allow disturbance of 30% slopes except for arroyo crossings and for no more than three isolated occurrences of sloped areas where each individual disturbance shall not exceed one thousand square feet, as approved by the City Engineer. Grades of the roadway were also calculated in the vicinity of the two possible driveway locations. Road grades affect sight distance with stopping distance increasing on downgrades and decreasing on upgrades. The driveway location between the Avenida Primera (South Entrance) and Prince Avenue is problematic since it would have to be built across 30% slopes. The Hyde Park roadway grade in this area is 5.8%, which impacts intersection safety. Based upon:

- Intersection spacing criteria;
- Impact on the terrain and disturbance of 30% slopes;
- The grades on Hyde Park Road; and,
- Overall safety.

the best driveway location for the entrance to the development is for the driveway to be aligned with the existing South Avenida Primera (South Entrance).

Speed change lanes were checked for all conditions. A left turn deceleration lane is required at the time that Tract 2 is built in the Implementation Year 2019.

City of Santa Fe, New Mexico

Planning Commission

Exhibit A

Conditions of Approval

Haciendas Del Mirasol

Case #2016-51

Preliminary Subdivision Plat

Condition of Approval	Department	Staff
<p>Sight Visibility:</p> <ul style="list-style-type: none">• The Developer shall provide a sight distance drawing, per the AASHTO method for the access to Hyde Park Road to be reviewed and approved by the Public Works Department.• The Developer shall add sight visibility easements at the driveway that accesses Hyde Park Road, on the plat and the landscaping plan sheet. The sight visibility areas shall be called out with a note that explains the restrictions on objects within the sight visibility triangles. <p>Street Light:</p> <ul style="list-style-type: none">• The Developer shall provide details for the Luminaire and a warranty for the Luminaire. The developer shall also provide details for the Street Light materials and installation. The Developer shall contact the City of Santa Fe PWD for specifications and other information regarding the street light notes.	Traffic Engineering/Public Works	John Romero (per Sandra Kassens)
<p>The following review comments are to be considered conditions of approval for the above-referenced case:</p> <ol style="list-style-type: none">1. On Sheet 2-5, identify the outlined areas.2. Show the location of the ridgetop and foothills escarpment sub districts on all relevant plan sheets.3. Add to the Plat the property addresses. - <i>After final plat</i>4. Add a note to the Plat indicating maintenance responsibilities for the access easement, drainage facilities, and any other common elements.5. Provide a long-term maintenance plan for stormwater ponds and appurtenances.6. Add a note to the Plat indicating that on-lot ponding is required.7. Sheet 7-1 contains a note indicating that "each individual lot owner is responsible for additional ponding to meet their individual lot requirements. See on-lot water harvesting details, sheet 7-4." Sheet 7-4 shows "typical on-lot water harvesting details." It is not clear whether these exact water harvesting details are required or suggested. This must be clarified. Please discuss with City Engineer to work out these details.8. Prior to recordation, provide HOA documents for City review of maintenance responsibilities and on-lot stormwater requirements.9. At the time of permitting, all requirements of Article 14-8.2 must be met.	City Engineer for Land Use	RB Zaxus

Haciendas Del Mirasol

Case #2016-51

Preliminary Subdivision Plat

Condition of Approval	Department	Staff
<ol style="list-style-type: none">1. As stated in Article 14-5.6(D)(1) "Location of Structures." For all lots subdivided after February 26th, 1992, development in the Ridgetop Subdistrict of the Escarpment overlay district, other than driveway access and utilities, is prohibited.2. For lots subdivided after February 26th, 1992, the structure shall be designed and built as far from the viewline as possible in the Foothills Subdistrict [Article 14-5.6(D)(3)(e)].3. All structures must be located within the buldable areas as delineated on the Plat.4. All development in the Foothills Subdistrict must comply with all the provisions of Article 14-5.6 "Escarpment Overlay District."5. Proposed monument sign must comply with Article 14-8.10(E)(4) "Freestanding Signs" which requires that an area equal to the sign area shall be landscaped at the base of the sign. Landscaping shall be with five-gallon shrubs with a minimum mature height of thirty (30) inches with one shrub planted for every ten (10) square feet.6. Outdoor lighting and accent lighting must comply with Article 14-8.9 "Outdoor Lighting."	Landscape Review/Technical Review Division	Somie Ahmed
Indicate clearly on the Utility plan set that it is a private sewer system or a private low pressure sewer system.	Wastewater Management Division	Stan Holland
An agreement to construct and dedicate will be required to build the proposed mains for the development. A water plan must be submitted directly to the Water Division and an approved water plan will be required for the Agreement to Construct and Dedicate to build new water infrastructure. Fire protection requirements are addressed by the Fire Department.	Water	Dee Beingessner
<ol style="list-style-type: none">1. All Fire Department access shall be no greater than a 10% grade throughout.2. Fire Department Access shall not be less than 20 feet width.3. 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.4. Fire Department shall have 150 feet distance to any portion of the building on any new construction.5. Shall have water supply that meets fire flow requirements as per IFC6. Must meet all fire protection requirements set forth by IFC 2009 edition for its classified occupancy.	Fire Marshal	Reynaldo Gonzales

City of Santa Fe, New Mexico

Planning Commission

Exhibit B

DRT Memos

WYNANT, DONNA J.

From: ZAXUS, RISANA B.
Sent: Tuesday, May 10, 2016 3:45 PM
To: WYNANT, DONNA J.
Subject: Case # 2016-51, Haciendas del Mirasol Preliminary Subdivision Plat

Ms. Wynant –

The following review comments are to be considered conditions of approval for the above-referenced case:

*On Sheet 2-5, identify the outlined areas.

*Add to the Plat the property addresses.

*Add a note to the Plat indicating maintenance responsibilities for the access easement, drainage facilities, and any other common elements.

*Add a note to the Plat indicating that on-lot ponding is required.

*Sheet 7-1 contains a note indicating that "each individual lot owner is responsible for additional ponding to meet their individual lot requirements. See on-lot water harvesting details, sheet 7-4." Sheet 7-4 shows "typical on-lot water harvesting details." It is not clear whether these exact water harvesting details are required or suggested. This must be clarified. Please discuss with City Engineer to work out these details.

*Prior to recordation, provide HOA documents for City review of maintenance responsibilities and on-lot stormwater requirements.

RB Zaxus, PE
City Engineer

City of Santa Fe



MEMO

Wastewater Management Division DEVELOPMENT REVIEW COMMENTS

E-MAIL DELIVERY

Date: April 27, 2016

To: Donna Wynant, Case Manager

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

Subject: Case 2016-51 Haciendas del Mirasol Preliminary Subdivision Plat

The subject property is accessible to the City public sewer system.

1. Indicate clearly on the Utility plan set that it is a private sewer system or a private low pressure sewer system.

City of Santa Fe
memo

DATE: May 9, 2016
TO: Donna Wynant, Land Use Senior Planner, Land Use Department
FROM: Dee Beingessner, Water Division Engineer *DB*
SUBJECT: Case #2016-51 Haciendas del Mirasol, 700 Hyde Park Road, Preliminary Subdivision Plat

An agreement to construct and dedicate will be required to build the proposed mains for the development. A water plan must be submitted directly to the Water Division and an approved water plan will be required for the Agreement to Construct and Dedicate to build new water infrastructure.

Fire protection requirements are addressed by the Fire Department.

City of Santa Fe, New Mexico

memo

DATE: April 29, 2016

TO: Donna Wynant, Case Manager

FROM: Reynaldo Gonzales, Fire Marshal *RDG*

SUBJECT: Case #2016-51 Haciendas del Mirasol, 700 Hyde Park Road

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

Prior to any new construction or remodel shall comply with the current code adopted by the governing body due to a change of use occupancy.

1. All Fire Department access shall be no greater than a 10% grade throughout.
2. Fire Department Access shall not be less than 20 feet width.
3. Shall meet the 150 feet driveway requirements must be met as per IFC, or an emergency turnaround that meets the IFC requirements shall be provided.
4. Fire Department shall have 150 feet distance to any portion of the building on any new construction.
5. Shall have a water supply that meets fire flow requirements as per IFC.
6. Must meet all fire protection requirements set forth by IFC 2009 edition for its classified occupancy.

City of Santa Fe, New Mexico

memo

DATE: May 3, 2016
TO: Donna Wynant, Land Use Planner Senior
FROM: Somie Ahmed, Planner Technician Senior
SUBJECT: Comments for Case #2016-51, Haciendas del Marisol, 700 Hyde Park Road
Preliminary Subdivision Plat

Below are staff's final comments for Haciendas del Marisol Preliminary Subdivision. Based on documentation provided dated April, 2015, the following comments are conditions of approval that shall be noted on Plat:

1. As stated in Article 14-5.6(D)(1) "Location of Structures," For all lots subdivided after February 26th, 1992, development in the Ridgeway Subdistrict of the Escarpment overlay district, other than driveway access and utilities, is prohibited.
2. For lots subdivided after February 26th, 1992, the structure shall be designed and built as far from the viewline as possible in the Foothills Subdistrict [Article 14-5.6(D)(3)(e)].
3. All structures must be located within the buildable areas as delineated on the Plat.
4. All development in the Foothills Subdistrict must comply with all the provisions of Article 14-5.6 "Escarpment Overlay District."
5. Proposed monument sign must comply with Article 14-8.10(E)(4) "Freestanding Signs" which requires that an area equal to the sign area shall be landscaped at the base of the sign. Landscaping shall be with five-gallon shrubs with a minimum mature height of thirty (30) inches with one shrub planted for every ten (10) square feet.
6. Outdoor lighting and accent lighting must comply with Article 14-8.9 "Outdoor Lighting."

14-8.2 TERRAIN AND STORMWATER MANAGEMENT (Ord. No. 2011-37 § 10)

SUBY BOWDEN + ASSOCIATES ANALYSIS OF "HACIENDAS DEL MIRASOL" PROPOSED SUBDIVISION + DEVELOPMENT:

June 7, 2016

To Whom It May Concern as City Land Use Staff, Greg Smith, Dan Esqueibel, Mr. Cody North, and the Greater Callecita Neighborhood Association, I am writing today on behalf of the "Greater Callecita Neighborhood Association".

The neighborhood has chosen to retain "Suby Bowden + Associates" for planning and architecture services to evaluate their code concerns listed below.

The adjacent neighbors have met three times with the developer Cody North (prior to Mr. North's purchase of the land and becoming the Owner of "700 HRP, LLC") to review his proposed request for a new PRC subdivision for 8 homes on 28 acres at 700 Hyde Park Road. Mr. North also has discussed at each of the neighborhood meetings, Tract Two of 40.473 acres for a future 39 homes. The Tract One land is not currently subdivided, and it sits within the Escarpment Overlay District, the Ridgetop Sub-district and the Foothills Sub-District. Mr. North is calling his proposed subdivision "Haciendas del Mirasol".

In each of those meetings, the neighbors have expressed existing failures in terrain management from the same (undeveloped) property. These failures are currently causing significant flooding on their properties below. In addition the neighbors have expressed concern regarding existing failures for traffic exiting or entering Estancia Primera. Because of these existing failures, the neighborhood is rightfully concerned about the impact of any future development.

The neighborhood is also rightfully concerned about the actual numbers of houses, or sizes of houses with too many occupants, such as AirBnB rentals. The current plan (one drawing) shows 8 homes of 5000 SF each. It is more likely the size of these homes will be larger due to the cost of the land underneath. Or the land owners will want to add guest houses (currently zoned for one accessory dwelling unit per house, thus actually 16 "homes"). In addition, Councilor Ives and City staff have spent the last six months developing zoning proposals to allow two accessory dwelling units per acre, which would increase the total "homes" to 24. And the City Council just approved 365 days a year of short term rentals such as "AirB-nB". This has a considerable impact on traffic that has not been addressed in the traffic study, and also has considerable impact on the erosion and flooding studies on steep sites.

The current siting of seven of these eight proposed homes violate Terrain Management and Escarpment District codes for ridgetop and foothills subdivisions after February 1992. Therefore, we were surprised to be told at the ENN, that Mr. North purchased the property after being encouraged by the City staff. Code clearly states new subdivisions after 1992, must meet ALL the code standards, which prohibits (the footprints and grading around) houses (in whole or in part) to be pushed up onto the ridgetop or foothills sub-district...when the houses could be built far below the view line. You will see in the attached information that 8 to 12 lots are buildable outside the "Foothills Sub-district"...yet the developer has not shown the City Staff those options.

After three neighborhood meetings and one ENN meeting, no drawings were provided by the developer to the neighborhood, addressing the neighbor's concerns. Therefore the neighborhood was appreciative during the April 5, 2016 ENN Meeting, when Mr. North agreed to provide the neighborhood the identical sets of drawings submitted to the City Staff on or about April 22, 2016. Only with this timely review of drawings were the adjacent neighborhoods able to participate, with hope to assure the downhill conditions are well protected.

In preparation for the City Staff reviewing those submittals, SBA and the Neighborhood Association highlight below in RED the existing concerns of "Code Violations" based on all of the Schematic Design drawings provided to the neighborhood during the 3 prior meetings, the ENN meeting and the City submitted sheets of drawings and the Traffic Impact Analysis.

We shall look forward to hearing from you at your earliest convenience, Suby Bowden

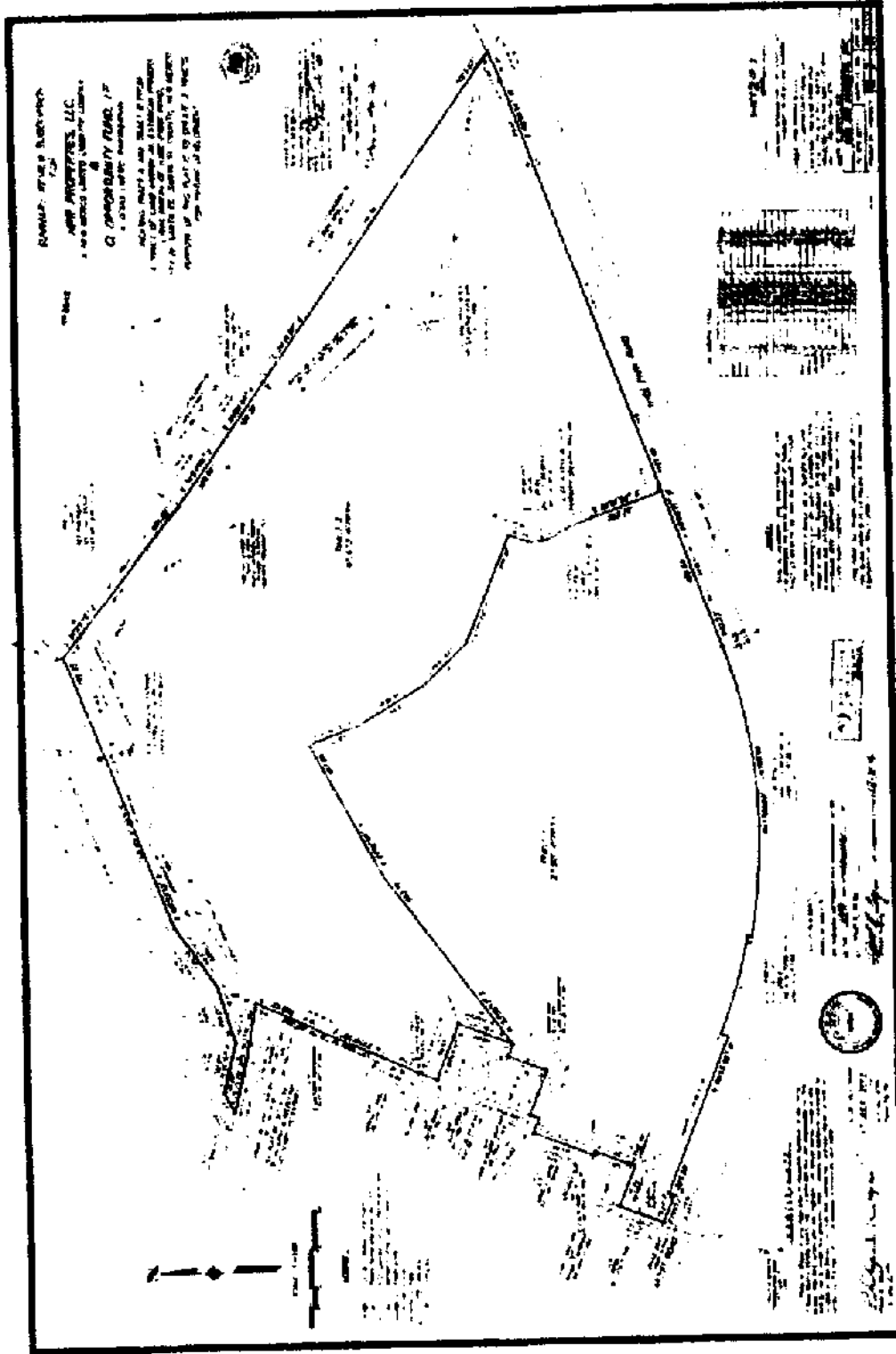
Suby Bowden + Associates, 333 Montezuma Avenue, Suite 200, Santa Fe, NM 87501, e-mail: Suby@SB-Associates.net, phone: 1-505-983-3755.

14-8.2 TERRAIN AND STORMWATER MANAGEMENT (Ord. No. 2011-37 § 10)



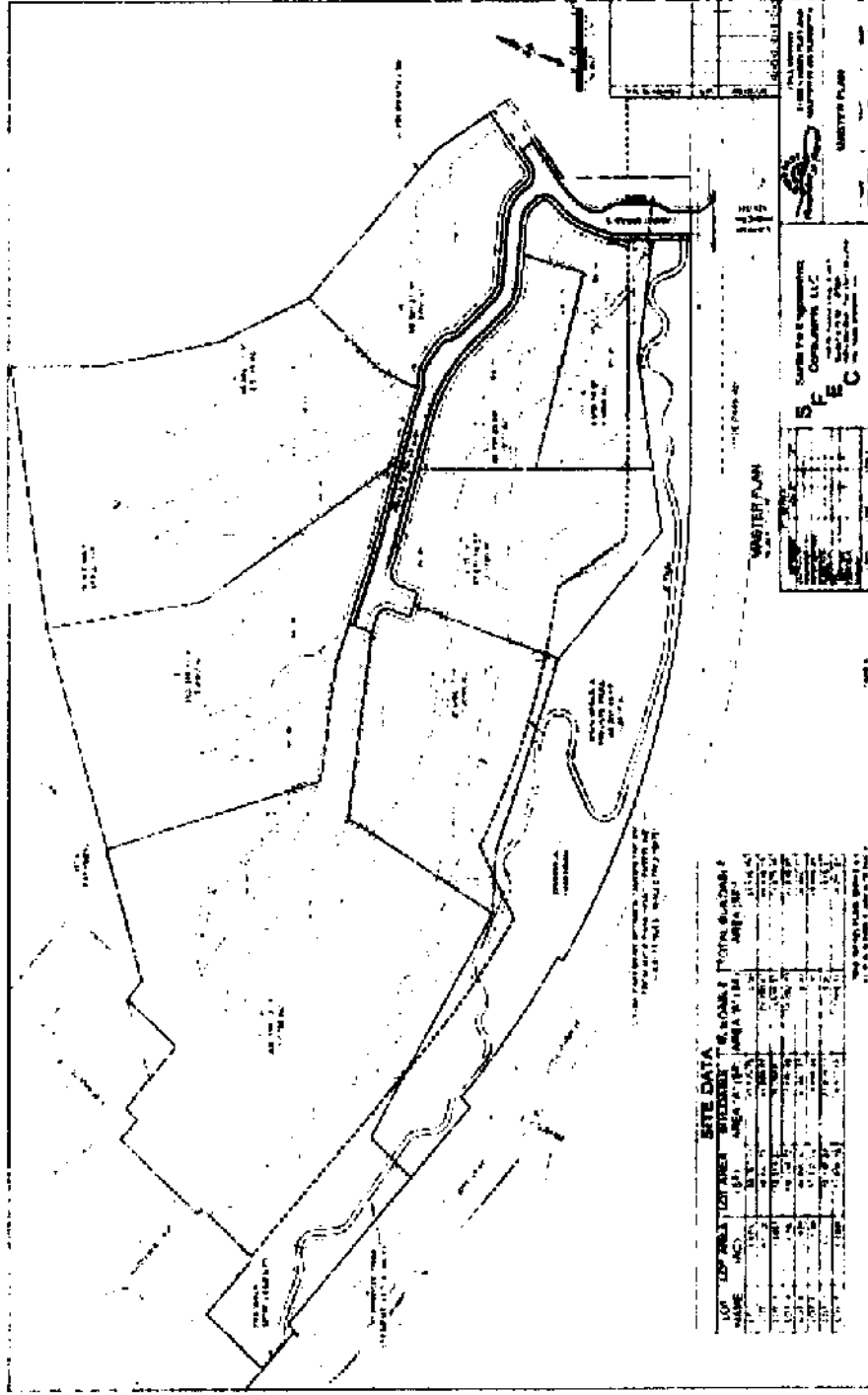
- A. The Google Aerial Photo shown above represents the historical pattern of homes abutting the street along Bishops Lodge Road and Artists Road. The street pattern of homes abutting the street continues throughout the historic district.
- B. The Estancia Primera development shows a new pattern from the 1980s, of homes pulled back from the edge of Artists Road and Hyde Park Road.
- C. Existing homes to the east (or Hyde Park Road) are constructed both along the road (historical pattern) and offset from the road (1980's pattern).
- D. The large native landscape in this photo is the proposed site subdivision called "Hacienda del Mirasol" within the "Escarpment Overlay District".
- E. The "Escarpment Overlay District is established in order to preserve the natural environment and the historic ridgetop and foothills environment".

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- A. Image shown above is the existing subdivision of the 68.374 acre site into Tract One (27.901 Acres) and Tract Two (40.473 acres).
- B. Tract One is the site currently under consideration for a proposed subdivision into eight lots by Cody North, the representative of "700 HPR, LLC".
- C. During the ENN, (and later with the proposed Master Plan submitted to the City) Cody North indicated roads would be provided across Tract One, to access Tract Two with 39 future lots. And the Traffic Impact Analysis states the intent to develop Tract Two with 39 homes (plus guest houses) during 2016-2017.
- D. You will notice the existing survey of Tract One and Tract Two shows no required "Open Space" along the edge of Artist Road and Hyde Park Road.
- E. City Code also does not require "Open Space" along Artist Road and Hyde Park Road.

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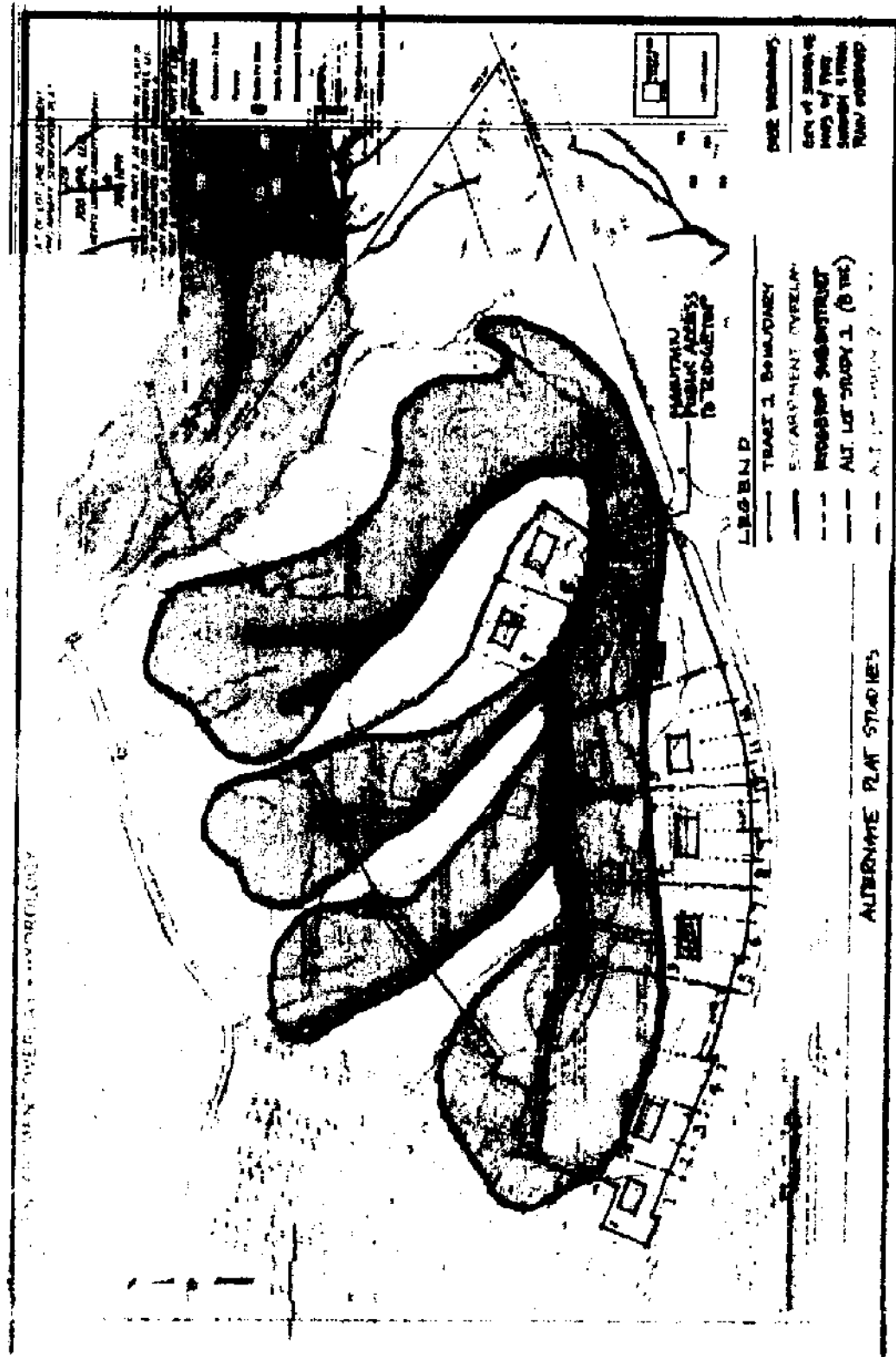
- A. The image shown above is the "700 HPR, LLC" Proposed Site Subdivision of Tract One into eight residential home lots. ("700 HPR, LLC" also proposes adjusting the NE corner boundaries of the existing Tract One for a proposed road to be extended to Tract Two.)
- B. The image does not show the City's required "Escarpment District" boundaries. The "Escarpment District" is composed of two sub-districts: the "Ridgetop sub-district" and the "Foothills sub-district". Some drawings submitted by the Developer show the "Ridgetop sub-district". None of the 65 drawings submitted to the City show the "Foothills sub-district".
- C. Also shown above are the Proposed "Buildable Areas" and the Proposed "Open Space and Visual Easement Setback" along Artist Road and Hyde Park Road.
- D. The "Open Space and Visual Easement Setback" is not a required setback by the City, but a proposed setback (and trail) by the Developer.
- E. There are "Buildable Areas" within the proposed "Open Space and Visual Setback" that are not currently shown in the above drawing, nor in any drawings.
- F. The City Code requires ALL buildable areas be shown on submittals, therefore the proposed "Open Space" Area also should have shown buildable areas.

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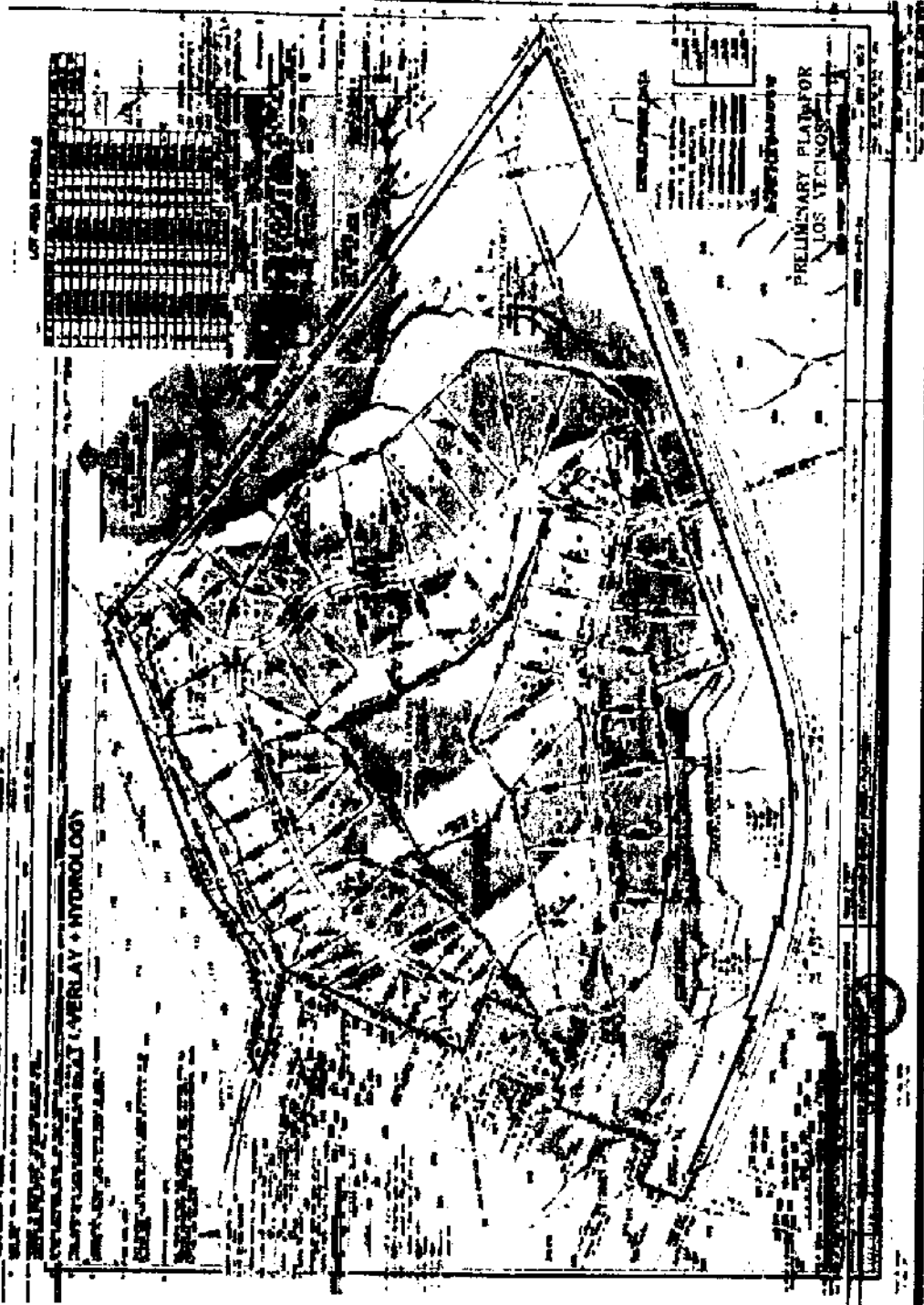
- A. The image shown above was produced by SBA to show the digital "700 HPR, LLC" proposed subdivision of eight lots, and proposed siting of eight homes, with "Ridgetop sub-district" and "Foothills sub-district". Also shown on the drawing are the turquoise City of Santa Fe drainage or "Hydrology corridors".
- C. "700 HPR, LLC" has correctly shown the "Ridgetop sub-district". However prior to this drawing, they have never shown the "Foothills sub-district".
- D. The image above shows seven out of the eight proposed home sites violating City code due to being within the "Foothills sub-district".
- E. City Code: "The interest and welfare of the people of the city is to restrict development in the Escarpment Overlay District" (both Ridgetop + Foothill).
- F. City Code: "For all lots subdivided after Feb. 26, 1992, structure shall be designed and built as far from the view line as possible in the foothills sub-district".
- F. Therefore, the drawing on the next page provides alternative locations for 8 to 12 home sites in the proposed "Open Space and Visual Easement Setback".

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- A. The image above represents 8 large lots and 8 large house sites, (as well as an option for 12 smaller sites that would match the existing home lots to the west of Tract One).
- B. These alternative sites meet the City code definition of locating the home sites as far from the view line as possible, as well as preserving the "Ridgetop and Foothills sub-districts".
- C. This alternative plan preserves the intent of protection of the Escarpment Overlay District for the public at large.

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- A. The image shown above is the exact same site...but with the submittal in 1995-1996 to the City Planning Commission for "Los Vecinos" (with the Foothills Sub-district shown in green on the plan). The same Tract Two developer in 2016, also submitted Los Vecinos in 1995-1996.
- B. Tract One: Los Vecinos showed 16 smaller lots, Hacienda del Mirasol shows 8 larger lots.
- C. Tract Two: Los Vecinos showed 50 smaller lots. Hacienda del Mirasol is proposing 39 larger lots.
- D. In 1995 and 1996 Los Vecinos was presented to the Planning Commission four times, and went twice to the City Council.
- E. Each time the City Council voted by majority against the development, because the sites were in the Foothills Sub-district, and they violated the Terrain Management and Stormwater Management Codes. SBA finds no "extraordinary hardship" for violating City Code again in the Foothills Sub-district.

14-8.2 TERRAIN AND STORMWATER MANAGEMENT (Ord. No. 2011-37 § 10)

(A) Escarpment Overlay District: Purpose and Intent

(1) The escarpment overlay district is established in order to:

(e) "code violation by '700 HPR, LLC'"

(f) Reduce the risk to life and health of residents in the escarpment by reducing wildfire risk; and

(g) Encourage conservation of water, especially for maintaining landscaping materials. (Ord. No. 2004-43§1)

(2) In order to further the purposes underlying the creation of the Escarpment Overlay District, this Section:

(a) Prohibits development in the ridgetop sub-district of the escarpment overlay district, other than driveway access and utility alignments, for lots created after February 26, 1992, as provided Hereinafter;

(3) Intent:

(a) Preservation of the city's aesthetic beauty and natural environment is essential to protect the general welfare of the people of the city, to promote tourism and the economic welfare of the city, and to protect the cultural and historic setting of the city;

(b) "code violation" Development is highly visible on or about the ridgetop areas of the foothills for greater distances and detracts from the overall beauty of the natural environment and adversely impacts the aesthetics of the mountain and foothill vistas as seen from the city;

(c) "code violation" Land within the escarpment overlay district is environmentally sensitive due to the presence of steep slopes, erosion problems, drainage problems and other environmental attributes;

(d) "code violation" The interest and welfare of the people of the city is to prohibit development on ridgetop areas of the Foothills to the extent possible as allowed by law; and

(e) "code violation"

(C) Development and Permit Approval; Required Submittals (Ord. No. 2006-55 § 5)

(1) "code violation" No approval of any subdivision, re-subdivision, planned unit development, cluster development, multiple family dwellings, or any other type of development shall be granted for land situated [REDACTED] in the escarpment overlay district unless [REDACTED] of the applicable requirements of this section are satisfied.

(2) "code violation" Each parcel of land proposed for subdivision or re-subdivision, which is located in whole or in part in the escarpment overlay district, shall be shown on a plat meeting [REDACTED] other requirements of this chapter. The plat shall also:

(a) "code violation"

(b) "code violation" Show the location of [REDACTED] buildable sites located within the escarpment overlay district in compliance with Subsections (D) and (E) below;

(c) Include a landscape plan to demonstrate compliance with Subsection (G) below;

(d) Include natural topography, storm drainage, grading, and erosion control plans to demonstrate compliance with Subsection (H) below; and

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(C) (3) Development and Permit Approval; Required Submittals (Ord. No. 2006-55 § 5), continued

- (3) "code violation" Each proposed planned unit development, cluster development, multiple family dwellings, or any other type of development, which is located [REDACTED], shall be shown on one or more plans which meet [REDACTED] other applicable requirements of this chapter. The plan (s) shall also:
- (a) "code violation" [REDACTED]
- (b) "code violation" [REDACTED] and the view line;
- (c) "code violation" [REDACTED] Include a site plan which shows the location of [REDACTED] buildable sites located within the escarpment overlay district in compliance with Subsections (D) and (E) below;
- (d) Include a landscaping plan to demonstrate compliance with Subsection (G) below;
- (e) Include natural topography, storm drainage, grading, and erosion control plans to demonstrate compliance with Subsection (H) below; and
- (f) Show the location of all streets, drives, easements, utility lines, and such other information as is necessary to demonstrate compliance with the applicable paragraphs set forth in Section 14-5.6.
- (D) Location of Structures; Buildable Site (Ord. No. 2006-55 § 6)
- (1) For all lots subdivided or re-subdivided on or before February 26, 1992, all structures shall be located within the foothills sub-district unless the only buildable site is located within the ridgetop sub-district. For all lots subdivided or re-subdivided after February 26, 1992, development in the ridgetop sub-district of the escarpment overlay district, other than driveway access and utilities, is prohibited.

- (2) "code violation" All structures or parts of a structure shall be located inside the approved buildable site as shown on the approved plat. If no buildable site is indicated on the approved plat, the buildable site shall be approved by staff at time of building permit. Modifications to the buildable site shown on the plan can be made by staff at time of building permit. In all cases, the buildable site shall comply with the following:
- (a) Subsection (D)(1) above; and
- (b) "code violation" The definition of buildable site as set forth in Article 14-12 of this chapter. Buildable Site: as used in Section 14-5.6 Escarpment Overlay District and Section 14-8.2 Terrain and Stormwater Management, means a contiguous area of land located within a single lot on which a building with a footprint equal to not less than forty percent of the minimum required net lot area, or two thousand (2,000) square feet, whichever is less, can be developed in compliance with all requirements of those sections, all requirements of the underlying zone and all applicable development standards. (Ord. No. 2014-31 § 51)

- (3) "code violation" [REDACTED]

- (a) [REDACTED]

above.

- (b) "code violation" In no case shall a structure's alternate siting be permitted in the ridgetop sub-district for a lot subdivided or re-subdivided after February 26, 1992.

- (c) "code violation" For lots subdivided or re-subdivided after February 26, 1992, the structure shall be designed and built as far from the view line as possible in the foothills sub-district. An alternate siting in the foothills sub-district may be approved if such siting of the structure will decrease the visual impact beyond that which would exist if the structure were to be sited as far from the view line as possible.

- (f) "code violation" In determining the visual impact, staff shall consider the following in accordance with the administrative procedures adopted by Resolution No. 2006-113 as may be amended by the governing body:

14-8.2 TERRAIN AND STORMWATER MANAGEMENT (Ord. No. 2011-37 § 10)

- (i) "code violation" [REDACTED]
 - (ii) "code violation" existing topography;
 - (iii) "code violation" effect on existing vegetation;
 - (iv) location of existing infrastructure;
 - (v) proposed site improvements; and
 - (vi) "code violation" any other change that would protect the public interest, reduce the visual impact and further the objectives of this section.
- (D) **Location of Structures; Buildable Site** (Ord. No. 20060-55 § 6), continued
- (4) Siting of all structures within the escarpment overlay district shall be approved by the city staff. No building or grading permit shall be granted until approval for siting of the structures has been granted by the city staff.
- (a) "code violation" The applicant shall indicate on a buildable site diagram all areas of the lot meeting the definition of buildable site as defined in Article 14-12. If the applicant is requesting an alternate location as set forth in Subsection (D)(3) above, the applicant shall submit all documentation necessary to evaluate the request. At that time, proper siting for the proposed activity will be determined and escarpment overlay district regulations will be reviewed.
- (E) **Subdivision or Re-subdivision of Land; Multi-Family Dwellings** (Ord. No. 2006-55 § 7)
- (1) "code violation" No land located in whole or in part in the escarpment overlay district shall be subdivided or re-subdivided, nor shall a subdivision or re-subdivision plat be approved for such land, if any lot fails to have at least one buildable site on the lot, in compliance with terrain and stormwater management requirements set forth in Section 14-8.2, located entirely outside the ridgetop sub-district. The purpose of this requirement is to assure that each lot located in whole or in part in the escarpment overlay district contains at least one buildable site located outside the ridgetop sub-district. To the extent this prohibition increases minimum lot size or decreases density beyond that which is authorized by the underlying zone for a parcel of land, then this section shall operate as a further limitation of the minimum lot size and allowable density. This paragraph applies to lots subdivided or re-subdivided after February 26, 1992.
- (G) **Landscaping** (Ord. No. 2004-43 § 4; Ord. No. 2006-55 § 10)
- (1) Landscape plans as required by Subsection (C) above shall be submitted by the applicant showing compliance with the provisions of this section.
- (4) "code violation" For public or private roads and driveways within the ridgetop sub-district revegetation shall meet or exceed the preconstruction vegetation density outside the road bed.
- (8) "code violation" No retaining walls in the Escarpment Overlay District shall be greater than six (6) feet in height.
- (H) **Terrain Management**
- As required by Subsection (C) above, natural topography, storm drainage, grading and erosion control plans shall be submitted by the applicant showing compliance with the terrain management requirements of Section 14-8.2.

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(I) **Utilities**

(3) "code violation" [REDACTED] tree removal, to prioritize multiple-service lines in a common trench over single service mains to reduce the number of maintenance roads. All disturbed easements outside the road rights-of-way shall be reseeded and maintained at approximate original ground cover by the owner of the property to the approximate original height.

(7) "code violation" For service lines outside a right-of-way, the placement of utilities shall be designed to lessen the visual impact, as follows:

(a) "code violation" [REDACTED]

(b) "code violation" All graded and trenched areas shall be regraded to approximate the original terrain conditions and revegetated with a similar type and density of vegetation, which shall include but not be limited to planting of trees and large shrubs with a minimum height of six (6) feet and reseeding to approximate the original ground cover.

(c) All revegetation shall be maintained.

(K) **Variances (Ord. No. 2006-55 § 12)**

(1) "code violation" [REDACTED] it may vary the regulations so that substantial justice may be done and the public interest secured; [REDACTED]

(A) "code violation" Purpose

The purpose of this Section 14-8.2 is to protect, maintain and enhance the health, safety and general welfare of the citizens and natural environment of Santa Fe. The following considerations shall be used during the design and planning process for all proposed developments subject to this Section 14-8.2:

- (2) protect life and property from the dangers of flooding and the hazard of improper cuts and fills;
- (3) minimize erosion and sedimentation;
- (4) minimize destruction of the natural landscape;
- (6) treat stormwater runoff as a valuable natural resource in Santa Fe, a community that is prone to drought, by encouraging water collection and infiltration on site;
- (7) control the adverse impacts associated with accelerated stormwater runoff on natural drainage ways and all structures due to increased development and impervious surfaces;
- (8) minimize erosion and degradation of arroyo channels and improve the condition of the channels where possible;
- (9) respect, protect, maintain and restore natural drainageways, wetlands, bosques, floodplains steep slopes, riparian vegetation and wildlife habitat areas.

Continued next page

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(C) (2) Procedures and General Requirements

(b) "code violation". Submittals for development other than minor development or incidental to the construction or modification of a structure shall be prepared as follows:

- (i) topographic plans shall be prepared and certified by a professional engineer or professional land surveyor;
- (ii) stormwater management submittals for master plans, subdivisions and development plans shall be prepared and certified by a professional engineer. Stormwater management submittals for all other types of development shall be prepared by a professional engineer or an architect or landscape architect registered in New Mexico; and
- (iii) site restoration submittals shall be prepared and certified by a professional engineer, architect or landscape architect licensed in New Mexico.

(D) Standards for All Grading

(1) "code violation". Cut and Fill Slopes

- (a) exposed cut slopes on a site shall not exceed ten (10) feet in height, except as otherwise permitted by this Section 14-8.2. In no case shall the height of a cut exceed the height of any building constructed in the excavated area; [Ord. No. 2013-16 § 45]

(2) Grading

- (a) Fifteen Feet Beyond 2000 SF Envelope enters into 30% slopes and therefore Violates Terrain Management codes. Grading for buildings is limited to fifteen (15) feet beyond the outer edge of the building foundation, patio, wall, driveway, road parking area or other constructed facility except as necessary.

(b) "code violation"

the construction of roads, driveways and utility placement and is not intended to allow development on natural slopes exceeding thirty percent.

(3) Topography (Ord. No. 2014-31 §28)

- (a) Each residential lot shall have a buildable site designated as suitable for a building with a footprint of not less than forty percent of the minimum required net lot area or two thousand (2,000) square feet, whichever is less, which can be developed in accordance with the terrain and stormwater management standards, including required setbacks and access requirements.

- (b1) At least one-half of the area designated as suitable for building and at least one-half of any building footprint shall have a natural slope of less than twenty percent;

(D) Standards for All Grading, continued

(3) Topography (Ord. No. 2014-31 §28), continued

- (b2) "code violation". The remainder of the area or building footprint may have a natural slope of twenty percent or greater, but less than thirty percent.
- (d) "code violation"

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- (4) Stormwater Management
- (a) General Standards:
 - (iii) stormwater management measures shall be designed to directly address additional flows from the proposed development.
- (b) Not Yet Submitted To Neighborhoods Below: Discharge Standards:
 - (i) except as otherwise required by this Section 14-8.2, the stormwater runoff peak flow rate discharged from a site shall not exceed pre-development conditions for any frequency storm event up to the one percent chance, twenty-four-hour storm event at each discharge point;
 - (ii) runoff control measures may include the use of detention or retention basins and active water harvesting and passive water harvesting techniques, swales, berms, check dams, vegetative ground cover, permeable pavements, tree wells, dry wells, cisterns and other techniques appropriate for retaining and infiltrating water on site;
 - (iii) stormwater shall not be discharged into any watercourse or drainage channel without adequate reduction of flow velocity, which shall be accomplished by erosion control techniques that may include the routing or energy dissipation of stormwater runoff to a vegetated swale, vegetated basin or stone-protected area. The techniques used shall be sufficient to diminish runoff velocity and spread runoff flow adequately to avoid erosion upon entering the watercourse.
- (c) Detention Basin Standards:
 - (i) stormwater detention basins and overflow structures shall be sized and designed to adequately accommodate flows from one percent chance, twenty-four-hour storm events; provided, however, that such basins shall also be equipped with outflow structures that limit flow-through from lesser magnitude storms to runoff rates equal to or less than pre-development runoff rates;
 - (ii) infiltration, detention and retention basins shall provide a means of controlling and removing sediment. Methods may include sedimentation settling ponds, sediment traps, filters on drop inlets or other methods. All basins shall be designed to empty within no more than twenty-four hours;
 - (iii) landscape treatment of detention and retention basins may be required in accordance with Section 14-8.4 (Landscape and Site Design);
- (d) Detention in Cisterns:
 - (i) Cisterns may be used if they are connected to an irrigation system or other water use.
 - (ii) [REDACTED]
 - (iii) Cisterns shall be installed and operated in compliance with applicable provisions of other regulations, including Section 14-8.4 (Landscape and Site Design) and Chapter 7 SFCC 1987 (Building and Housing). Arroyo, Stream and Watercourse Standards:
 - (e) for arroyos, streams or watercourses that carry one hundred (100) cubic feet per second or more of stormwater flow in a one percent chance event, all structures, paved roads, driveways and parking lots, shall be set back a minimum of twenty-five (25) feet from the top shoulder of an arroyo plus the depth of the arroyo channel.
 - (iv) where practical, erosion control and channel stability in arroyos, streams or watercourses shall be

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achieved using techniques that reduce stormwater velocity and pollution, preserve active floodplains, provide adequate room for flood waters to spread safely and use native vegetation. Arroyo and watercourse banks shall not be armored with concrete, gabion baskets, sheet piling, rip-rap or similar hardened material unless no reasonable alternative exists to protect public infrastructure or pre-existing structures, and

(D) Standards for All Grading, continued

(e) Arroyo, Stream and Watercourse Standards, continued

(v) fences, walls and similar structures may not be constructed in or across an arroyo, stream or watercourse.

(S) Site Restoration:

(a) soil stabilization and erosion control measures for all land disturbed by construction shall be completed within twenty-one days after completion of construction or other activities on site that interfere with soil stabilization measures. If the time of year is not conducive to planting, it may be delayed until the next appropriate planting season if all appropriate temporary erosion control measures are maintained until permanent erosion control measures are implemented;

(b) one or more of the following stabilization and erosion control measures shall be used:

(i) revegetation with appropriate drought-tolerant plant materials, including grasses or other ground cover; restoration with bioengineering techniques such as live staking, brush layering, brush mattress and live crib walls; and

(iii) stabilization with stones, terracing or similar techniques; and

(c) all trees and scrubs shall be mulched and irrigated until established. Grass seed should either be hydro-seeded or covered with biodegradable material or synthetic soil erosion control blankets or matting and irrigated until established. Irrigation shall be pursuant to the irrigation requirements in Section 14-8.4 (Landscape and Site Design).

(G) Increase in Minimum Standards:

Neighborhood Requests based on Existing Flooding Conditions:

(a) erosion and sediment control measures extended to a broader area of the site than the development area; Increased requirements shall be limited to the following on-site measures:

(b) revegetation or stabilization of highly eroded areas;

(c) arroyo restoration or other erosion control measures within highly eroded channels; or

(d) a combination of the measures specified in Subsections 14-8.2(D)(6)(a) through (c).

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- (7) Neighborhood Requests based on existing Flooding Conditions: [REDACTED]
The following best management practices shall be used before and during the construction process:
(a) disturbed areas shall be protected from erosion during construction by diverting stormwater around the disturbed area, dissipating the energy of stormwater adequate to prevent erosion, retaining sediment on the disturbed area or other means adequate to retain soil on site;
(b) except as necessary to install temporary erosion and sediment control devices, land shall not be graded or cleared of vegetation until all such temporary devices have been properly installed and inspected.
Temporary erosion and sediment control devices may include silt fencing, swales, straw bales, berms, geotextiles, sediment basins or traps and fencing. Control devices shall be kept in place and used until the disturbed area is permanently stabilized;
(c) significant trees, areas with substantial grass coverage and drainageways that are to remain undisturbed shall be fenced off prior to the use of any heavy machinery on-site and shall remain fenced during the entire construction process. Fencing material may include snow fencing, plastic mesh or other similar fencing material. To protect the root zone of significant trees, fencing shall be placed five (5) feet to the outside of their drip-line;
(d) to prevent soil from leaving a site, soil stockpiles shall be protected from wind and water erosion throughout the construction process by using appropriate erosion control techniques. Staging and soil stockpile areas shall be clearly designated on the site. All topsoil shall be kept on site, within the disturbance zone of a construction site and then reintroduced into planting areas to the extent possible. Stockpiled soil shall not be allowed to enter arroyos or other drainageways;
(D) **Standards for All Grading, continued**
(7) Neighborhood Requests based on existing Flooding Conditions: [REDACTED], continued
(e) techniques to prevent the blowing of dust or sediment from the site, such as watering down exposed areas, are required for projects that disturb greater than five thousand (5,000) square feet; and
(f) protection for storm drain inlets, drainageways and any stormwater conveyance shall be provided to prevent the entry of sediment and pollutants from the site while still allowing the entry of stormwater.
- (F) **Submittal Requirements For All Other Development (Ord. No. 2014-31 §29)**
All other development that requires a construction permit for grading, and that is not classified as minor development under the provisions of Subsection 14-8.2(E), shall meet the following minimum submittal requirements:
(1) Submittals for construction permit applications for grading must provide sufficient information to show compliance with Subsection 14-8.2(D) and (E). Unless waived by the land use director, submittals must include:
(a) a topographic survey and grading plan with elevation contours shown at not more than two (2) foot intervals on slopes less than thirty percent and five (5) foot intervals on slopes of thirty percent or greater that shows:
(i) all sloped areas of zero to twenty percent, twenty-one to thirty percent, and greater than thirty percent shall be clearly marked and differentiated by shade, tone, or color at a scale sufficient to allow verification of the calculations;

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- (ii) ground elevations that conform to either the United States Geological Survey sea level datum, as modified, or to the city's monument system;
 - (iii) the designated buildable sites or buildable areas;
 - (iv) all areas to be graded on the site and the final contours to be achieved by the grading;
 - (v) all finished floor or grade elevations;
 - (vi) spot elevations, as needed;
 - (vii) areas of soils with severe limitations for the intended use;
 - (viii) the location of temporary erosion control structures and methods used, including staging and stockpile areas;
 - (ix) all significant trees and areas with substantial grass coverage to be removed;
 - (x) a construction schedule when the project will be developed in phases;
 - (xi) the location of fencing around the areas to be protected;
 - (xii) the ratio of horizontal to vertical measurement for cut and fill slopes;
 - (xiii) the total volume, in cubic yards, of earth to be moved;
 - (xiv) all existing disturbed areas;
 - (xv) special flood hazard areas designated by FEMA on the Flood Insurance Rate Map (FIRM); and
 - (xvi) date, method of survey and certification from a New Mexico professional engineer or professional land surveyor that the plan is in compliance with national map accuracy standards;
- (G) Standards for Master Plans, Preliminary Development Plans and Preliminary Subdivision Plats; Submittal Requirements**
- (1) Minimum Standards:
 - (c) for all development where one-half or more of the land within the project site exceeds twenty percent slope, the quantity and peak flow rate of post-development stormwater runoff on all developed or disturbed land shall not exceed seventy-five percent of the quantity and peak flow rate of the pre-development runoff.
- (2) Submittals:**
- (a) Submittals for master plans, preliminary development plans and subdivision plats shall include:
 - a conceptual plan and report that shows the general approach proposed for terrain and stormwater management, and how the proposed development meets all of the minimum standards described in Subsection 14-8-2(D);
 - a topographic survey and grading plan as outlined in Subsection 14-8.2(F)(5); and
 - (b) **Standards for Master Plans, Preliminary Development Plans and Preliminary Subdivision Plats; Submittal Requirements, continued**
 - (2) Submittals, continued
 - (c) a brief description of the watershed directly upstream and downstream of the parcel, including the size, terrain, type and extent of vegetation cover and degree of development for all areas draining to the project site.
- (H) Final Development Plans and Subdivision Plats**

14-8.2 TERRAIN AND STORMWATER MANAGEMENT (Ord. No. 2011-37 § 10)

- (1) **Minimum standards**
Final development plans and subdivision plats shall meet the minimum standards described in Subsection 14-8.2(D) and (G).
- (2) **Submittals**
Submittals for final development plans and subdivision plats shall include:
 - (a) all submittals required pursuant to Subsection 14-8.2(F);
 - (b) a long-term maintenance schedule for the life of the stormwater management measures, including the time frame for completion and the responsible party who shall perform the maintenance; and
 - (c) an as-built certification signature block to be executed by a professional engineer after the project completion to ensure that the constructed stormwater management systems comply with the approved stormwater plans.
- (l) **Inspections and Violations During Construction Process**
 - (1) For all nonresidential projects and all residential projects that do not qualify as minor development, an applicant shall notify the land use director to set up an inspection at the following times:
 - (a) when the construction erosion and sediment control devices and measures are in place;
 - (b) when final stormwater management measures are completed;
 - (c) when the final site restoration measures are completed; provided, however, that if final site restoration measures are being delayed due to the season, the applicant shall notify the land use director when temporary erosion control measures, for use until site restoration is complete, in place and ready for inspection; and
 - (d) further construction or issuance of any permits shall not occur until written approval has been granted by the inspector after each inspection that the best management practices and stormwater management control methods have been completed in accordance with approved plans;
- (2) the land use director may enter upon any property subject to this Subsection 14-8.2 at reasonable times to conduct inspections of grading, erosion and stormwater management measures to determine compliance with city policies and procedures and to carry out duties in the enforcement of this Subsection 14-8.2; and
- (3) the land use director may waive or consolidate any inspections required under this Section 14-8.2.
- (j) **Dedications, Easements and Rights of Way**
 - (1) All land below the base flood elevation for a one percent, twenty-four-hour storm event shall be dedicated as a drainage easement and as public or private open space or public right of way.
 - (2) Dedications to the city may be required by the city engineer for the components of the stormwater drainage system, including access for maintenance. The types of all easements and open space dedications shall be determined by the city engineer. If a dedication is required, it shall be designated on the plat and in effect prior to construction permit approval.

14-8.2 TERRAIN AND STORMWATER MANAGEMENT (Ord. No. 2011-37 § 10)

- (3) An applicant may take requests for acceptance of dedications of a stormwater drainage system to the city; however, the city is not obligated to accept a dedication offer. Only the governing body may accept dedications to the city. If a dedication is offered to and accepted by the city, it shall be designated on the plan or plat and shall be in effect prior to construction permit approval.
- (K) "code violation" Long-Term Maintenance Responsibilities and Inspections
- (1) Responsibilities
- All stormwater management measures and facilities shall be maintained by the fee simple owner of the property or a property owners association, unless a dedication of the stormwater management system was required and accepted by the city, in which case, the city is responsible for maintenance. The stormwater management system shall be maintained in good condition and promptly repaired. Maintenance shall include the repair and restoration of all grade surfaces, walls, swales, drains, dams, ponds, basins, site restoration measures, associated vegetation and any other stormwater measure constructed on site. The maintenance shall be in accordance with approved stormwater management plans.
- (2) City Inspections
- The city or its authorized agent may enter upon a property that is subject to this Section 14-8.2 at reasonable times to access the stormwater management system to ensure that the system is maintained in proper working condition that meets the approved stormwater management plans and the objectives and minimum standards of this section.
- (3) Maintenance Violations
- If, after notice by the city to correct a violation requiring maintenance work, satisfactory corrections are not made by the owner or responsible party within a reasonable period of time, the city may perform all necessary work to place the facility in proper working condition. The owner or responsible party of the facility shall be assessed the associated costs of the work.

Development Review Team

Comment Form

Date: 7/11/16

Staff person: Risana B "RB" Zaxus, City Engineer

Dept/Div: Land Use/Technical Review

Casa #2016-51. Haciendas del Mirasol, 700 Hyde Park Road, Preliminary Subdivision Plat. Cody North, agent for 700 HRP, LLC, requests preliminary subdivision plat approval for 8 lots on 28 acres to be accessed by a private driveway via a connector road off of Hyde Park Road. The property is zoned PRC (Estancia Primera Planned Residential Community). (Donna Wynant, Case Manager)

Case Mgr: Donna Wynant, Senior Planner, LUD/Current Planning Division, 955-6325

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:

No conditions of approval were identified.

Technical Corrections*:

Must be completed by:

1 Show foothills and ridgetop subdistricts on PLAT	Plat recordation
2 Add notarized stormwater agreement to PLAT	Plat recordation
3 Add a note to sheet 7-4 that a maximum of 50% of required stormwater detention volume may be stored in cisterns.	Plat recordation

ADDITIONAL COMMENTS FROM RB ZAXUS 7/28/2016 IN RESPONSE TO SUBY BOWDEN COMMENTS OF 6/6/16 FROM THE GREATER CALLECITA NEIGHBORHOOD ASSOCIATION (SEE EXHIBIT G-3: SUBY BOWDEN LETTER TO THE LUD STAFF)

(NOTE: Ms. Bowden's comments are addressed by topics and code sections, as there are numerous inclusions, not all of which are identified as a "code violation.")

Pages 8-11: (comments regarding escarpment regulations)

14-5.6(A) Response: City Code does restrict development in the escarpment overlay district. However, the only development proposed within the ridgetop subdistrict is for driveway access and utilities, which is expressly allowed by Article 14-5.6(D)(1). Proposed structures are within the foothills subdistrict.

14-5.6(C) Response: Revised drawings submitted by the applicant show the escarpment overlay district and all buildable sites.

Response: Revised drawings submitted by the applicant show buildable sites.

14-5.6(D) Response: Structures are not proposed within the ridgetop subdistrict.

Response: per Article 14-5.6(D)(3)(e), "...structures shall be designed and built as far from the viewline as possible in the foothills subdistrict." There is no requirement that structures be built outside of the foothills subdistrict, and staff interpretation of the escarpment code over the years has not required that structures be build outside of the foothills.

Response: Revised drawings submitted by the applicant show buildable areas.

14-5.6(G) Response: All landscaping and other escarpment requirements will be met at the time of building permit.

Response: No retaining walls are shown to be greater than 6 feet in height.

Response: sewer line proposed is low pressure and can be installed with ditch witch to minimize disturbance. Alignment will minimize disruption of vegetation. Revegetation will be required.

Pages 12-18: (comments regarding terrain and stormwater management)

14-8.2(C) Response: Submittals are complete and are acceptable. All Code requirements regarding cut and fill and other grading practices will be met at time of building permit submittal.

14-8.2(D) Response: No disturbance of over 30% slopes is proposed. Some of the existing check dams are in over 30% slopes, and some of these will be repaired under this project. This is maintenance, and not new disturbance.

Response: Stormwater calculations have been reviewed and are acceptable. Ponding which exceeds requirements will be provided in the existing arroyo. This will mitigate downstream flooding which concerns the neighbors. Calculations show a significant reduction in peak flowrates exiting the site, especially for residents at Hadisway Avenue and Callecita Place.

14-8.2(K) Response: Homeowner documents require maintenance of stormwater features by the Homeowner association. In addition, the standard "Stormwater Agreement" which will be placed on the Plat, insures that if there is some default on this maintenance, the City can do the work and place a lien on the property.



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

<i>Project Name</i>	Haciendas Del Mirasol
<i>Project Location</i>	700 Hyde Park Road
<i>Project Description</i>	8 lot subdivision on 28 acres
<i>Applicant / Owner</i>	700 HRP, LLC
<i>Agent</i>	Cody North
<i>Pre-App Meeting Date</i>	March 17, 2016
<i>ENN Meeting Date</i>	April 11, 2016
<i>ENN Meeting Location</i>	Downtown Public Library
<i>Application Type</i>	Preliminary Subdivision
<i>Land Use Staff</i>	Donna Wynant, Current Planning Div, Senior Planner/Case Manager
<i>Other Staff</i>	Greg Smith, Current Planning Division, Director; RB Zaxus, City Engineer
<i>Attendance</i>	59 community members, + 3 on applicant's team

Notes/Comments:

Meeting began at 5:40 pm. Introduction was given by Donna Wynant, case manager for the project, who gave an overview of the purpose of the ENN, timeframe, and ways to make one's voice heard in addition to speaking at the meeting and filling out a comment card. Ms. Wynant stated that the meeting will be recorded. Mr. Smith asked attendees to hold questions until the end of the presentation.

Presentation by Cody North, Eric Cornelius (Engineer for) and Mike Gomez (regarding Traffic Study):

Mr. Cody North stated four other public meetings took place before this ENN. The subject site is 28 acres out of what was originally 69 acres. The lots will be accessed by a private drive off of Hyde Park Road and across from Estancia Primera. The eight proposed lots will be for eight single family homes and will not be further subdivided as restricted by HOA covenants.



Santa Fe Public Schools

Property & Asset Management

Residential Development Impact Information Form

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

1. Project Name: Haciendas del Mirasol
2. Location of Property: 700 Hyde Park rd
3. Owner/Agent Name: 7004PR LLC / Cordy North
Mailing Address: 107 E. Lupita Rd Santa Fe NM 87505
Phone & Fax: 505-699-9858

4. Unit Matrix

PROJECT EFFECT ON STUDENT POPULATION		
Unit Type	Unit Quantity	Average Price
Single Family (detached)	8	\$1.5M
Single Family (attached)		
Townhome/ Apartment		
Multi-Family		
Commercial		

5. Elementary School Zone for Proposed Development: Carlos Gilbert
6. Middle School Zone for Proposed Development: Capshaw
7. High School Zone for Proposed Development: Santa Fe High
8. Build out Rates (Year/s; #/yr): 5 years

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

(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.*

This property is zoned PRC and per the February 2, 1981 ordinance, shall not exceed 2.8 dwelling units per acre. With 8 homes with guesthouses on 28 acres, the project will be well within this density. The property will conform and will not exceed any surrounding limits. The project is surrounded by R-5, R-21 PUD and R-2 PUD.

(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.*

A Traffic Impact Analysis is in progress. The preliminary results indicate that there are no falling intersections for the existing condition. Offsite improvements to provide a left turn deceleration lane may be warranted.

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

The project will stimulate the construction industry and all that goes along with it like architecture, design, goods, furnishings, appliances and cleaning companies. Our custom homes are constructed using local workers, materials, craftsmen and artisans as much as possible. The owners of these homes will contribute to the wellbeing of restaurants and shops throughout Santa Fe. This project will raise property values by restoring a property that has been used for a trash site for decades.

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

The fees paid by this project will generate revenue for the affordable housing trust, which will go towards down payment assistance for qualified low-income individuals to buy a home.

(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.*

This project will have fire suppression, which will help reduce the need for fire protection. The homes will be sustainably built to reduce the use of water. This will be accomplished by utilizing smart design to lower domestic water use and water harvesting. There will be a private sewer system that will help mitigate the impact on the existing infrastructure. The homes will be required to have solar grid tie systems to supplement the power grid and reduce the use of electricity. Dry utilities are available adjacent to the site on Hyde Park Road.

(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.*

All the homes in this project will be required to meet or exceed the City of Santa Fe's green building code. We will use smart design to reduce water line runs and low flow fixtures through the homes. All roof water will be used either actively or passively on the property. With a low density, residential community the impact will remain very low.

(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.*

This will be a very walkable community both on the property and to the City. It will make access to downtown very appealing. With Fort Marcy Recreational Complex so close, it will give the opportunity for the residents of the project to access the facility on foot.

(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.*

This infill project conforms to the City of Santa Fe's General Plan and the Estancia Primera PRC. The site is in close proximity to downtown employment centers.

(l) ADDITIONAL COMMENTS (optional)

The private trail proposed along Hyde Park doesn't really connect to anything but will give access to maintain drainage ponds in the arroyo. As a private trail, the city would not maintain it, but would be accessible to the public.

Mr. North said that the proposed 8 units on 28 acres is very low density. The homes will be single story only, restricted by covenants. Property is in the escarpment and in the Mountainous and Difficult Terrain. No variances are requested with this proposal. No building in ridgetop, just driveways and utilities. Driveways are designed to meander through the trees. Any significant trees will be saved or replanted.

Drainage issues will be addressed as a result of this proposal. Each house will catch its own water with active and passive catchment systems. The new drive into the development with its rain gardens on both sides of the drive will result in less downstream flow than currently on the property. Existing dams will be restored and additional dams will be built to slow water flow and erosion. All houses will catch their own water and there will be water gardens along the main drive. Hyde Park is designated as a scenic byway with a 150'-200' setback.

There will be no street lights along the driveway, a luminary will be at the entrance and intersection. Signage at the entrance will be minimal and there will be pull off for mail boxes. The traffic impact analysis showed minimal impact on traffic.

The Engineer for drainage, Eric Cornelius said that a low pressure sewer system will be used to slow storm water runoff, which has been cleared with Wastewater Division. The development will improve drainage situation downstream by reducing peak storm runoff with less impact on nearby roads. Mr. Cornelius gave an overview of the different methods of a multi-level system to improve drainage to include watershed improvements, rain gardens, and passive and active water harvesting. Plans to clean up refuse and to reseed areas, along with brow ditches and vegetated swales will improve runoff. The existing check dams and channels will be rebuilt to slow runoff and reduce flooding downstream of this property.

Mike Gomez, traffic engineer, said the anticipated traffic to be generated from the 8 lot subdivision would be minimal with 7-8 cars during the morning peak and 7 during the evening peak. Mr. Gomez reported no failures would occur as a result of an additional eight homes.

Williams on Callecita: show evidence of drainage problems to improve situation. Multiple approach will be taken: watershed improvements, clean up bottles, barren areas, borrow ditches, vegetated swales. Direct to active and passive water. Check dams to slow down drainage.

Mike Gomez: Traffic analysis stated that the development would result in minimal traffic. Seven vehicles in the morning peak time and 8 in the peak pm.

Question and comments from the public:

Erosion control plan in place?
(Yes, it will be put in place)

Center turning lane into the subdivision?
(This will be discussed with the City's traffic engineer).

Any weekend construction?
(No this is not allowed by ordinance)

Limit on no outlet roads.
(Met with the City's Fire Marshal who required the property bulbouts & turnarounds)

Is the proposal in compliance with Ordinance 1981-3?
(Yes, the proposed development is within the parameters of Ordinance 1981-3.)

Any update on the other 40 acres (Ernie Romero's adjacent property on Tract 2)?
(Not involved with that development. Another ENN would probably be held for that property.)

Any other entrances into the development other than the one proposed and would the main entrance be shared with any proposed future development?
(Mr. North said he discussed this with the City's traffic engineer who wants the least amount of traffic turnouts. He discussed the entrance with Ernie Romero and they have an agreement to share the main entrance.)

Mike Gomez stated that prior to the ENN starting up, someone mentioned the possibility of doing a roundabout at the main entrance (which received an overwhelming negative response from the audience). Question was asked if this was feasible and if a stop light was an option. Mr. Gomez said a traffic light was not possible since it did not meet traffic warrants and that the traffic engineering study would be available to the public at the time of application, April 21, 2016.

Any entrance gate into the development?
(No plans for a gate for the main entrance across from Estancia Primera)

Congestion along Hyde Park during the ski season. An egress/ingress slow down lane should be considered.

Regarding downhill sewer lines, problems exist in the area, particularly with Callecita and Artist Road sewer lines. Will the sewer line from Haciendas del Mirasol connect with the Callecita sewer line? Mr. Cornelius said that they would connect to an existing manhole north of the property and not the Callecita line. Mr. North stated he

requested a new sewer line from Bishop's Lodge and requested an easement from the adjacent property to access the manhole.

Richard Folks of the Greater Callecita Neighborhood Association stated that adjacent property owners have experienced failed erosion control device with failed concrete structures and gabions in the arroyo. Mr. Folks pointed out areas that had problems and asked the question of the developer and the city as to who is liable for damage to nearby properties.

Suby Bowden, who was retained by the Greater Callecita Neighborhood Association, stated the Association felt that the developer should show the neighborhood plans for drainage, grading, erosion before making application. She added that plans should be available ahead of time to allow neighbors to hire their own engineer to evaluate the plans and that Mr. North should work with the adjacent property owner, Emie Romero to show adjacent development and the connections to be made between them. She said the sanitary sewer was not shown and the neighborhood association erosion control, check dams, roadwork, etc. Equipment will be brought in to work on sewer lines on 30% slopes. She asked about erosion control for the sewer line. Ms. Bowden had other questions about drainage and the developer's engineer stated that they would check dam their property up to their property line. Mr. North said he would slow and stop water on his property to the property lines. Mr. Greg Smith explained the purpose of the ENN to allow the applicant to present their proposal, but were not required to submit plans to the level of detail that was being requested.

The question was raised about getting detailed plans to review. Mr. North stated that the application deadline is April 21st, at which time the plans would be public record. Mr Greg Smith of the City's Land Use Department

Ms. Bowden that projects in the escarpment must show buildable lots and said the neighbors hadn't seen a map that clearly showed the 30% slopes and that on a previous map, 6 out of 8 lots violated the escarpment rules- that they could not be built without at least half of 30% slopes. Ms. Bowden said it appeared that the buildings were pushed to the ridgetop instead of pushing them as far away from the ridgetop as possible. Ms. Bowden asked if the City would be reviewing this, and Mr. Smith said the City would do a detailed review of the engineers plan's once submitted. He also pointed out that 2,000 square feet of building area that met both requirement must be shown. Ms. Bowden requested the City look at the buildable sites first before approving 6 of the 8 lots at the ridge.

Raymond Herrera of the Historic Hillside Neighborhood said drainage issues still exist even after 30 years. Same promises were made 30 years ago as today.

Sue Hermann said her subdivision was strongly impact by the traffic problem and asked if Otero Street was included in the traffic study, - that the area was a bottleneck where cars parked on both sides of the street. Mike Gomez said that it was included in the traffic study in response to her request. Ms. Hermann also asked about whether or

not there would be active and passive requirements for roof runoff in the covenants and said this was an issue for Estancia Primera. She asked what size of cisterns would be required, and Mr. North said it would be based on the size of house. He said calculations for runoff would be required by the City as people apply for their building permits and this would be mandated by the HOA covenants. In response to the question regarding flood insurance, Mr. North replied that the HOA would have an insurance policy but wasn't sure about coverage for all drainage. Another neighbor asked if the 8 homeowners would buy insurance for everyone downstream. Mr. North HOA flood insurance would most likely cover drainage control failure, but not cover property owners other than those within the subdivision, and that the HOA would cover their easement and their drainage.

Mr. Bill Bontrager questioned the traffic study in that it did not cover the adjacent property and as a result was flawed. Mr. Gomez said that the traffic study did include the units for the adjacent property and the neighbors were welcome to review the traffic study with him.

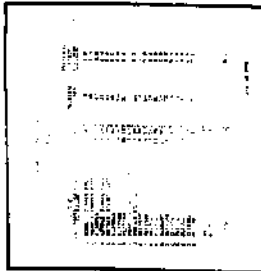
The meeting was concluded at approximately 6:45 p.m.
Ms. Donna Wynant stated that any additional questions could be sent to her via email.

ESTANCIA PRIMA

PLANNED RESIDENTIAL COMMUNITY
MASTER PLAN



APPROXIMATE BOUNDARY
OF HACIENDAS DEL
MIRASOL



Appendix A

ORDINANCE NO. 1981-3

AN ORDINANCE

PURSUANT TO CHAPTER 36, SECTION 36-51 THROUGH 36-55 SFCC 1973 (BEING ORDINANCE NO. 1962-19, AS AMENDED) THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE, CHANGING THE CLASSIFICATION OF A CERTAIN AREA WHICH IS PRESENTLY DESIGNATED AND CLASSIFIED AS R-2 (2 UNITS/ACRE) SINGLE FAMILY RESIDENTIAL AND RM-1 (21 UNITS/ACRE) MULTIPLE FAMILY RESIDENTIAL TO PRC, PLANNED RESIDENTIAL COMMUNITY, (2.39 UNITS PER ACRE, NEIGHBORHOOD COMMERCIAL SERVICES, PARKS AND OPEN SPACE).

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

Section 1: The following area which is restricted to and classified as R-2 (2 units/acre) Single Family Residential and RM-1 (21 units/acre) Multiple Family Residential is reclassified as PRC, Planned Residential Community (2.39 units per acre, Neighborhood Commercial Services, Parks and Open Space).

Tract A

Beginning at the southwest corner of the tract herein described from whence Sanitary Sewer Manhole No. X5-C3 bears:

S 81° 13' W 56.75 feet;

thence from said point and place of beginning along the following bearings and distances:

N 21° 48' 30" E 120.1 feet;
S 68° 25' 30" E 110.1 feet;
N 21° 40' 30" E 108.24 feet;
N 67° 35' W 10.1 feet;
N 21° 46' E 164.8 feet;

S 68° 16' E 35.88 feet;
 N 21° 54' E 24.90 feet;
 S 68° 00' E 57.12 feet;
 N 52° 50' E 122.45 feet;
 S 57° 57' E 35.1 feet;
 N 23° 02' E 149.78 feet;
 N 67° 56' W 155.4 feet;
 N 21° 27' E 30.18 feet;
 N 23° 58' E 99.38 feet;
 N 24° 02' E 358.4 feet;
 N 78° 27' W 153.7 feet;
 N 76° 44' W 130.25 feet;
 N 62° 56' E 55.55 feet;
 S 76° 19' E 132.8 feet;
 N 72° 56' E 151.6 feet;
 N 54° 51' E 185.2 feet;
 N 68° 39' E 752.6 feet;
 S 51° 16' E 436.95 feet;
 S 54° 24' E 197.6 feet;
 S 54° 21' E 187.7 feet;
 S 54° 22' E 1023.15 feet,

to a point on the north right of way of Hyde Park Road;
 thence 80.91 feet along a curve to the left whose chord
 bears: S 57° 22' W, 80.8 feet; thence S 69° 36' W,
 1553.9 feet; thence 760.77 feet along a curve to the
 right whose chord bears: S 85° 20' W, 751.21 feet;
 thence N 10° 28' E, 10.06 feet; thence 258.81 feet
 along a curve to the right whose chord bears:

W 73° 24' 30" W 258.81 feet;
 S 22° 46' 30" W 19.7 feet;
 N 68° 07' 30" W 430.08 feet;
 S 23° 18' W 14.5 feet;
 N 67° 33' W 75.08 feet;

to a point of beginning, containing 68.36 acres, more
 or less, as shown on plat of survey by Jack G. Horne,
 entitled "The Prince Estate-North of Hyde Park Road,"
 dated February 12, 1980.

Tract E

Beginning at a point from which Manhole No. W3K2-S
 bears N 27° 46' E, 46.7 feet, thence from said point of
 beginning:

S 78° 05' W 118.0 feet;
 S 80° 28 1/2' W 434.56 feet;
 S 9° 14' W 92.0 feet;
 S 43° 50' E 120.0 feet;
 S 64° 17' W 295.2 feet;
 N 63° 31' W 36.33 feet;
 S 19° 42' W 85.0 feet;
 N 53° 13' W 225.8 feet;

N 63° 41' W 79.92 feet;
 S 23° 58' W 187.1 feet;
 N 65° 00' W 68.1 feet;
 N 33° 05' W 34.0 feet;
 N 58° 54' W 31.3 feet;
 N 34° 10' E 397.1 feet;
 N 73° 04 1/2' W 175.56 feet;
 S 25° 50' W 214.3 feet;
 N 74° 23' W 106.5 feet;
 N 77° 31' W 35.1 feet;
 N 28° 00' E 221.0 feet;
 S 73° 04 1/2' E 50.3 feet;
 N 37° 21' E 1026.19 feet;
 N 50° 13' W 93.95 feet;
 N 59° 27' E 125.55 feet;

thence 145.19 feet along a curve to the left whose chord bears:

N 66° 08' E 145.13 feet;
 S 54° 30 1/2' E 1693.1 feet;
 S 53° 01' W 1984.46 feet;
 N 78° 03' W 330.14 feet;
 N 80° 56' W 685.03 feet;
 N 78° 55' W 357.4 feet;
 N 18° 45' E 201.54 feet,

to a point and place of beginning. Containing 120.90 acres, more or less, as shown on plat of survey by Jack G. Horne, entitled "The Prince Estate - South of Hyde Park Road," dated February, 1980.

Section 2: The Official Zoning Map of the City of Santa Fe adopted by Resolution 1981-6 is amended to conform to the change of classification set out in Section 1 of the Ordinance.

Section 3. This Ordinance shall be effective five days after its publication in its entirety as provided in Section 3-17-5. NMSA 1978.

1 This Ordinance is approved subject to terms and conditions
2 on file in the City Clerk's Office and available to the public:
3 which terms and conditions are incorporated herein by reference
4 as though set forth in full detail and as recorded in the Minutes
5 of the Governing Body at its regularly scheduled meeting of
6 January 28, 1981, commencing at 7:30 P.M.
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8 PASSED, ADOPTED AND APPROVED THIS 28th DAY OF January, 1981
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21 ARTHUR E. TRUJILLO, Mayor

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HELEN TRUJILLO, City Clerk

APPROVED AS TO FORM:

FRANK COPPLER, City Attorney

Approval of the zoning request is subject to the following conditions:

1. That Tract "O" is not to be developed before January 1, 1984.

2. That six (6) months written notice is to be given by the Developer, New Mexico Resources, Inc. to the property owners affected by the development of Tract "O" of Developer's intent to apply for final plat approval for the development of Tract "O".

3. That ninety (90) days prior to the submission of any final plans and plats to the Planning Commission the Developer will furnish to said property owners a copy of such plans and plats for examination.

4. That, if the drainage plans are unacceptable to the owners affected by the development of Tract "O", upon written request made by such owners within thirty (30) days after receipt of such plans, the Developer will contribute up to \$5,000 to pay an independent engineer, licensed by the State of New Mexico, to assist such owners in devising a drainage plan which will be reasonably acceptable to and which will reasonably protect the property of such owners and permit the development of Tract "O".

5. That these conditions shall be binding on the Developer and any assignee or successor in interest and shall inure to the benefit of such owners affected by the development of Tract "O", their heirs, executors, administrators and assigns.

6. That such owners will furnish to the Developer, in writing, their names, addresses and location of their property affected by the development of Tract "O".

AGREEMENT

AN AGREEMENT is entered into by New Mexico Resources, Inc. (NMRI), the applicant for zoning amendments, the Historic Hillside Neighborhood Association, and the Northeast Neighborhood Association.

IT IS MUTUALLY AGREED by the parties that:

A. ZONE PLANNING CRITERIA. All of the conditions of the City of Santa Fe Land Subdivision Regulations, including the Terrain Management Regulations, shall apply to the land which is the subject of the NMRI zoning applications, except for and subject to the specific variances and restrictions set forth herein below in subparagraphs A.1 through A.3.

1. Topography. No portion of any building can extend more than 40 horizontal feet or to a point more than 10 vertical feet, whichever is more restrictive, beyond a point whose average natural slope is 20 percent. The slope analysis map submitted by NMRI shall be the basis for this determination.

2. Grading Limits. Grading on the site shall be confined within an area which is determined as being 15 horizontal feet beyond the building foundation wall as determined in (1) above, or 30 horizontal feet beyond a point whose average natural slope is 20 percent. At the limits of grading, natural grade shall be met with a graded slope not to exceed 1 vertical foot in 3 horizontal feet, except that a structural retaining wall, not to exceed 5 vertical feet, is permitted for patios.

All cut and fill slopes will be rehabilitated according to an approved Erosion Control Plan as required by the Terrain Management Regulations.

3. Maximum Height of Buildings.

a. The finished floor elevation at any point shall not exceed 5 vertical feet above the natural grade below that point.

b. The building roof line for each dwelling unit shall not exceed 15 vertical feet above the highest point of natural ground surface on the building site. Chimneys are excepted from this height limitation.

c. The building roof line for each dwelling unit shall not exceed 20 vertical feet above the natural ground surface at any point at the building foundation on the building site. Chimneys are excepted from this height limitation.

CORRECTION

3 preceding ONE documents were

correctly filmed. The corrected images follow

's statement.

Planning Commission
July 9, 1961

- 2) Case ES 1961-60. Estancia Primera. Request preliminary plat approval. New Mexico Resources, Inc. Property located on Hyde Park Road and zoned PRC. Applicant is proposing 450 units.

Estancia Primera - Combined Planning and Engineering Report.
For the July 2 meeting of the Planning Commission, only the submittals for that portion of the Estancia Primera Planned Residential Community which lies south of Hyde Park Road are being reviewed. These submittals include Phases IA, IB and II of the development.

Submittals have been reviewed by staff for conformance with the provisions of the Planned Residential Community District (Zoning), Subdivision Regulations, and the conditions of the Estancia Primera P RC Zoning approval (attached).

A. Site Planning

The Preliminary plat conforms with the approved PRC Master Plan. One tract, "J", consists of 24 single family lots; the remainder of the tracts consist of cluster housing served by private streets. Grading plans have been submitted for each tract of cluster housing showing areas of cut and fill and limits of the grading envelope, that is, the area within which grading operations must be confined.

Site plans for each tract have been reviewed and any questionable building siting, grading or roadway grade or alignment situations have been noted. These comments, summarized below, should be addressed by the applicants and their consultants prior to final plat or final development plan review.

Tract J.

The cul-de-sac at the end of Road L-2 is sited on a side slope of close to 30 Percent natural grade. Road L-2 should be redesigned and the pattern of adjacent lots revised accordingly.

Areas of cut and fill should be shown for all roadways within or adjacent to Tract J.

Tract Q - 8 cluster units - ok

Tract R - north ridge - 8 cluster units; 7 ok, 1 questionable siting.

Tract R - south ridge - 23 cluster units; 19 ok, 4 questionable siting.

- the cul-de-sac has been lengthened by 200 feet.

- reduce 12% slope on Road N - 2.

2.

Tract R - 32 cluster units - ok

- Driveway has been redirected at south end of tract.

Tract S - 19 cluster units - ok.

- Fill at Arroyo Saiz - needs structure or stabilization.

Tract T - 26 cluster units - ok

- fill at Arroyo Saiz - needs structure or stabilization.

Tract U - 29 cluster units; 27 ok, 2 questionable siting.

Tract L - 26 cluster units - ok.

- reduce 11% grade on Road G.

Tract M - 18 cluster units; 17 ok, 1 questionable siting.

- redesign to reduce number of intersections of private roads with Avenida Primera (Roads D, E, G, & F)

Tract N - 22 cluster units - ok.

- reduce 11% grade on Road B.

Tract O - 27 cluster units - ok.

Tract P - 37 cluster units; 35 ok, 2 questionable siting.

- Investigate, with City Staff, the possibility of a point of emergency access to Tract P because of length of cul-de-sac.

B. Erosion Control Plan

A general erosion control plan has been submitted which sets forth procedures for revegetation or structural treatment for all disturbed earth areas. A typical tract erosion control plan has been prepared for Tract R.

In addition to the general procedures, performance standard should be set for the determination of successful revegetation and the assignment of responsibilities between builder/developer and homeowners for guaranteeing that the performance standards are met.

Prior to final development plan approval an erosion control plan should be prepared for each tract specifying treatment areas and performance standards.

The Erosion Control Plan also addresses the problem of temporary control during construction. Specific procedures along the lines suggested by the Plan should be established for each tract in conjunction with the final grading plan.

C. Grading Plan

Grading plans have been submitted for each tract at a scale of 1" = 40 feet. Subject to the revisions discussed under site planning, these plans shall become the preliminary development plans and final development and grading plans shall be reviewed for conformance to these preliminary plans.

Where fill slopes extend more than 15 horizontal feet beyond the building foundation or where the base of fill slopes are subject to erosion, structural alternatives may be required.

D. Recommendations

The Planning Division recommends preliminary plat approval of that portion of Estancia Primera lying south of Hyde Park Road and preliminary development plan approval of Tracts K, L, M, N, O, P, Q, R, S, T, and U, subject to the specific revisions noted above.



City of Santa Fe, New Mexico

P.O. BOX 503, 200 LINCOLN AVE. 87501 • (505) 982-4471

ARTHUR F. TRUJILLO
Mayor
WILLIAM C. CISNEROS
City Manager

COUNCILORS:
LOUIS R. MONTANO
Mayor Pro Tem
DORA BATTLE
RICHARD D. CATANACH
ELIZABETH STEWART FIORINA
DOLORES M. LEE
CLARENCE V. (PORKY) LITHGOW
CARL MILLER
J. M. (MACK) MOORE

February 2, 1981

Stephen Flance
53½ E. San Francisco
Santa Fe, New Mexico 87501

Re: Case #ZA 1980-52. Estancia Primera. Request rezoning from R-2 (2 units/acre) Single Family Residential and RM-1 (21 units/acre) Multiple Family Residential to PRC, Planned Residential Community. Stephen Flance and Associates for New Mexico Resources, Inc. Property located on Hyde Park Road known as the Prince Estate Property.

Dear Mr. Flance:

This is to inform you that the City Council met and held a public hearing on Wednesday, January 29, 1981, and acted on the above referenced case.

The decision of the City Council was to uphold the Planning Commission's recommendation for approval and adopted Ordinance No. 1981-3, subject to the following conditions:

1. Conditions set by the Planning Commission and recommendation at their meeting of November 6, 1980 (letter attached).
2. As a condition of zoning, the agreements between N.M.R.T. and the Hillside and Northeast Association shall be adhered to (agreement attached). Which agreement includes the following topics:
 - a. Site plan in criteria
 - b. Topography
 - c. Grading criteria
 - d. Limitation on the maximum height of buildings

Stephen Flance
February 2, 1981
Page 2

- e. Additional submittals and conditions
 - f. Guarantees
 - g. Miscellaneous agreements and understandings.
3. The conditions associated with the development of Tract O.
(conditions are attached hereto)
4. Participation in the cost of required off-site improvements
on a pro-rated basis to be determined by NMRI and the City
to the following streets and intersections:
- a. Hyde Park Road
 - b. Otero Street intersection with Pasao de Peralta.
 - c. Hyde Park Road intersection with Bishops Lodge Road.
 - d. Bishops Lodge Road intersection with Paseo de Peralta.
5. Participation in cost of installation of a new 10" diameter
sewer interceptor line from Old Taos Highway to Estancia
Primera, on a pro-rated basis.

If you have any questions, feel free to contact this office.

Very truly yours,


Gilbert D. Tercero
Zoning Administrator

GDT:ymg

cc: George Roybal, Chairman, Planning Commission
Dean Hunt, City Engineer
Helen Trujillo, City Clerk

AGREEMENT

THIS AGREEMENT is entered into by New Mexico Resources, Inc. (NMRI), the applicant for zoning amendments, the Historic Hillside Neighborhood Association, and the Northeast Neighborhood Association.

IT IS MUTUALLY AGREED by the parties that:

A. SITE PLANNING CRITERIA. All of the conditions of the City of Santa Fe Land Subdivision Regulations, including the Terrain Management Regulations, shall apply to the land which is the subject of the NMRI zoning applications, except for and subject to the specific variances and restrictions set forth herein below in subparagraphs A.1 through A.3.

1. Topography. No portion of any building can extend more than 40 horizontal feet or to a point more than 10 vertical feet, whichever is more restrictive, beyond a point whose average natural slope is 20 percent. The slope analysis map submitted by NMRI shall be the basis for this determination.

2. Grading Limits. Grading on the site shall be confined within an area which is determined as being 15 horizontal feet beyond the building foundation wall as determined in (1) above, or 30 horizontal feet beyond a point whose average natural slope is 20 percent. At the limits of grading, natural grade shall be met with a graded slope not to exceed 1 vertical foot in 3 horizontal feet, except that a structural retaining wall, not to exceed 3 vertical feet, is permitted for patios.

All cut and fill slopes will be rehabilitated according to an approved Erosion Control Plan as required by the Terrain Management Regulations.

3. Maximum Height of Buildings.

a. The finished floor elevation at any point shall not exceed 5 vertical feet above the natural grade below that point.

b. The building roof line for each dwelling unit shall not exceed 15 vertical feet above the highest point of natural ground surface on the building site. Chimneys are excepted from this height limitation.

c. The building roof line for each dwelling unit shall not exceed 20 vertical feet above the natural ground surface at any point at the building foundation on the building site. Chimneys are excepted from this height limitation.

B. ADDITIONAL SUBMITTALS AND CONDITIONS. NMRI shall satisfy the following conditions and make the following submittals before either a preliminary development plan under the Planned Residential Community Ordinance or a Preliminary Subdivision Plan is approved by the Santa Fe City-County Planning Commission.

1. The preliminary subdivision plat for the entire PRC parcel will be submitted to the Planning Department together with all reports and plans required by the Terrain Management Regulations.

2. In addition to the provisions of the Terrain Management Regulations, the Grading Plan shall include for each tract: (1) the grading envelopes which define the horizontal limits of grading (2) limitations to the cut and fill expressed in vertical feet above or below natural ground elevations, and (3) the typical grading cross-sections. Before any grading may occur on any tract, the individual tract will be field staked, a certified engineer employed by the developer or builder will be present on the site, and the City Engineer will be called to inspect the field staking for conformance to the approved Grading Plan.

3. In addition to the provisions of the Terrain Management Regulations, the Storm Drainage Plan shall include preliminary designs of all storm drainage facilities, an analysis of off-site drainage impacts, and design of mitigating storm drainage control measures.

4. Preliminary plans and profiles for all streets to be dedicated to the City and preliminary profiles and typical sections for all private streets shall be submitted with the preliminary subdivision plat.

5. A phasing program for development incorporating schedules by tract or phase for all required on-site and off-site improvements shall be submitted with the preliminary subdivision plat.

C. GUARANTEES. MMRI, in order to guarantee compliance with the plans and conditions of approval of the final subdivision plat for each individual PRC tract, agrees to the following:

1. Master Homeowners Covenants, Conditions, and Restrictions shall be submitted to the City Planning Department prior to preliminary plat approval by the Planning Commission.

2. Master Homeowners Covenants must provide for assessments to maintain all private improvements, including private streets, drainage and erosion control works, and open space. Covenants shall provide for a maintenance contract and scheduled maintenance of all private improvements with assessments specified by type of improvement.

3. Performance bonds or equivalent legal performance instruments, acceptable to the City Attorney, shall be provided to the City prior to final plat approval of each individual PRC tract or development plan approval to insure that all public and private improvements are constructed, repaired, and maintained as required by the final subdivision plat. Bonds will be identified by type of improvement and by stage of development.

4. MMRI and its successors in interest, including the homeowners or the homeowners' association, shall provide necessary

liability and property damage insurance, in order to protect adjacent property owners from liability of improvements constructed for drainage and erosion control structures which were required for the development.

B. MISCELLANEOUS AGREEMENTS AND UNDERSTANDINGS.

1. At the time of approval of the PRC zoning district, specific unit counts will be provided for each tract in the Master plan. No increase in unit count for any tract or any transfer of units from one tract to another shall occur without an amendment to the PRC zoning district which requires the review by the Planning Commission and approval by the City Council.

2. Approval of specific dwelling unit counts for each individual PRC tract is conditioned upon approval of grading, drainage and site plans by the City Staff and Planning Commission. Dwelling unit counts for cluster housing tracts are based upon an average ground coverage by buildings, garages and patios of 2000 square feet per unit within an approximate 30 foot by 65 foot land area. If the average size of the units within a PRC tract exceeds 2000 square feet or if serious terrain management or other problems are presented in the preliminary subdivision plat, then the City Staff may recommend to the Planning Commission that the number of dwelling units be reduced. A reduction in the number of dwelling units in a PRC tract will not require an amendment to the zoning of the PRC district.

3. NHRI or its successors in interest, but not including the developers or builders of individual PRC tracts, will be responsible for the provision of a site engineer during construction phases.

4. All conditions of approval for the PRC zoning district and the subdivision plats shall be affirmative covenants running with the land, binding upon any and all successors in interest.

5. In order to provide a visual easement along Hyde Park Road, a variable setback of between 150 and 250 feet, measured from the centerline of the road shall be established. Solid fences or walls will be prohibited within this easement.

6. An Open-space easement of at least 100 feet shall be established along the easement above Hillside Avenue. All buildings shall be located at least 100 feet from the lot lines of properties abutting or with access from Hillside Avenue.

IN WITNESS WHEREOF the parties have hereto set their hands on this ____ day of January 1981.

NEW MEXICO RESOURCES INC.

HISTORIC HILLSIDE NEIGHBORHOOD ASSOCIATION

Approved as to form and
content:

CITY PLANNING DEPARTMENT

NEIGHBORHOOD ASSOCIATION



City of Santa Fe, New Mexico

P.O. BOX 909, 200 LINCOLN AVE. 87501 • (505) 982-4471

ARTHUR E. TRUJILLO
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CARL MILLER
J. M. (MACK) MOORE

November 7, 1980

Stephen Flance
54½ E. San Francisco
Santa Fe, New Mexico 87501

Re: Case #ZA 1980-52. Estancia Primera. Request rezoning from R-2 (2 units/acre) Single Family Residential and RM-1 (21 units/acre) Multiple Family Residential to PRC, Planned Residential Community. Stephen Flance and Assoc. for New Mexico Resources, Inc. Property located on Hyde Park Road known as the Prince Property.

Dear Mr. Flance:

This is to inform you that the Santa Fe Planning Commission at their meeting Thursday, November 6, 1980, met and acted on the above referenced case.

The decision of the Commission was to recommend approval of a density not to exceed 450 dwelling units subject to the following conditions:

(from the submitted Master Plan with 505 units)

1. The reduction of 55 units to take place on the south side of Hyde Park Road specifically on tributaries to the Arroyo Saiz.
2. All conditions noted in the Neighborhood Association-Developer Agreement attached hereto November 1, 1980.
3. That detailed engineering soils and drainage reports including type and location of all on and off site drainage retention structures shall be submitted for commission approval for the entire development at preliminary plat submittal for the first phase, inclusive in this condition is that all dwelling units for the development be sited on those submittals.

Stephen Plance
November 7- 1980
Page 2

4. Detailed engineering plans and reports for all on-site roadway improvements shall be submitted for Planning Commission approval for the entire development at the time of preliminary plat approval for the 1st phase. Inclusive in this condition is the design plans for the Hyde Park-Estancia Primera intersection.
5. No commercial development in Phase 1 or 2. Commercial development shall be considered by the Planning Commission at the time of final plat approval for Phase 3. As such, the preliminary plat for Phase 3 shall include a design for both cases.
 - a) if it remains as residential
 - b) if it is approved for commercial.
6. Submittal of architectural style guidelines to be adhered to by builders, shall be submitted at the time of final plat for commission approval for each phase of development.
7. Sewer-assessment to be paid by developer for each dwelling unit as per established Commission policy for off-site sewer facilities improvement on the area of this development.
8. That the developer will share in the costs of off-site roadway improvements as may be required by the Planning Commission at different phases in this development. The developers share shall be proportionate to the developments impact on those required improvements.

A public hearing has been scheduled for Wednesday, December 10, 1980, and the following materials should be submitted to this office 22 days prior to the public hearing date.

1. Notice of Public Hearing for publication in the general newspaper.
2. Proposed Ordinance for adoption by the City Council.
3. Ordinance in summary.

Approval of the pending request is subject to the following conditions:

1. That Tract "O" is not to be developed before January 1, 1984.
2. That six (6) months written notice is to be given by the Developer, New Mexico Resources, Inc. to the property owners affected by the development of Tract "O" of Developer's intent to apply for final plat approval for the development of Tract "O".
3. That ninety (90) days prior to the submission of any final plans and plats to the Planning Commission the Developer will furnish to said property owners a copy of such plans and plats for examination.
4. That, if the drainage plans are unacceptable to the owners affected by the development of Tract "O", upon written request made by such owners within thirty (30) days after receipt of such plans, the Developer will contribute up to \$5,000 to pay an independent engineer, licensed by the State of New Mexico, to assist such owners in devising a drainage plan which will be reasonably acceptable to and which will reasonably protect the property of such owners and permit the development of Tract "O".
5. That these conditions shall be binding on the Developer and any assignee or successor in interest and shall inure to the benefit of such owners affected by the development of Tract "O", their heirs, executors, administrators and assigns.
6. That such owners will furnish to the Developer, in writing, their names, addresses and location of their property affected by the development of Tract "O".

Appendix B

Mr. Smith said the subdivision would require a hearing before the Planning Commission. The development plan square footage would trigger that requirement.

The motion passed by unanimous roll call vote with Commissioners Hogen, Greene, Kapla, Propst, Gutierrez, Abeyta, Hiatt and Hochberg voting in the affirmative and none voting against.

Commissioner Hochberg said he liked the new staff report format.

Ms. Mortimer welcomed other comments.

Mr. Smith said the Commission could discuss that further under Communications with the Commission.

4. Case #2016-51, Haciendas del Mirasol, 700 Hyde Park Road, Preliminary Subdivision Plat. Cody North, agent for 700 HRP, LLC, requests preliminary subdivision plat approval for 8 lots on 28 acres to be accessed by a private driveway via a connector road off of Hyde Park Road. The property is zoned PRC (Estanda Primera Planned Residential Community). (Donna Wynant, Case Manager) (Postponed from June 16, 2016 and July 7, 2016)

Commissioner Greene and Commissioner Hiatt recused themselves from this matter and left the meeting.

STAFF REPORT and QUESTIONS TO STAFF

Mr. Esquibel presented the staff report for Case #2016-51. Please refer to the staff report, included herewith to these minutes as Exhibit 4.

Mr. Esquibel used a power point presentation and handed out a copy of the presentation that summarized a lot of what is in the Staff memo. It provided some graphics to solidify the presentation. A copy of the power point presentation is attached to these minutes as Exhibit 5.

Mr. Esquibel utilized DRT members to address various portions of the presentation: Stan Holland for water and wastewater, John Romero for traffic, Reynaldo Gonzalez for fire protection, RB Zayas for engineering and Somie Ahmed for the escarpment and landscaping.

Mr. Esquibel said the property is 700' from Bishops Lodge Road / Artist Road intersection. The zoning is PRC through a 1980's ordinance. He showed the density around this vacant property. There were transients camping on the site for many years and the City cleaned it up with the applicant and since then done a division of land resulting in this application.

The property is proposed to be an 8-lot subdivision which will produce a density of about 0.03 units per acre compared with rest of the PRC district. Lots are larger than those surrounding it, including land outside the PRC.

The applicants provided enough information to analyze the development as it relates to the escarpment overlay. The buildable sites were shown to be 3,000 to 5,000 square feet. They are in the Foothills and does not affect the Fidgetop. Buildable areas must be at least 2,000 square feet and here it is 3,000 to 5,000.

They also placed a trail through the open space to get all the way from the driveway access across to the west property line.

A major drainage way crosses the site to be managed by the applicant in accord with ordinance 1982-3. They provided documentation sufficient to demonstrate they have complied with that ordinance. And they provided enough information for proceeding with the subdivision review.

Slopes were shown for 20% to 30% slopes and slopes greater than 30%. They will not develop any slopes with 30% or more. He also showed the location of City utilities.

The pre-application conference was held on March 17 and there were many neighborhood meetings, as well as an ENN meeting on April 11.

Staff find it to be in compliance. There are some specific standards that are more restrictive than Chapter 14 and the applicant agreed to follow them. All of the comments from DRT are incorporated in Exhibit A. As a result of that list of findings, staff concludes it complies with Chapter 14 and recommends approval subject to staff conditions. He noted that when it comes to subdivision review, the ordinance doesn't care if it is 2, 3, 8, or 100, 400-lot subdivision; the same standards apply. The Staff's job is to provide the Commission with the analysis that it meets standards or what is needed to meet compliance. This has recommendations to bring it into compliance.

Mr. Stan Holland showed on the map a red line west of the "alle" where the upper part shows where the sewer fits into this subdivision. One Staff concern is the gravity system because all the terrain there is difficult. So they are going with a low pressure system with smaller pipe that will be buried four feet and using grinder pumps that make it slurry and then goes from homes to the sewer system. The beauty is that it can go up or down. If they encounter conditions that are tough, this will help.

People are concerned with grinder pump odors. His concern went away when he realized the roads are flat and once it goes downhill, it is downhill all the way. There would be no valleys for it to stagnate. So it will drain itself. The line then ties into a 10" line that was installed in 1982 for Matador. Then it ties into the main line at Bishops Lodge Road. So he saw minimal concerns with odor.

Commissioner Kapin asked where the wet wells would be located.

Mr. Holland said they will be located at each house, downhill from the house. They are only a green lid 2.5' in diameter, almost flush with the ground. The house drains into it by gravity and then is pumped out through a 1.25" pipe.

Commissioner Kapin asked if there are guidelines on how far they must be from an adjacent house.

Mr. Holland said there are no minimum distances in our standards.

Commissioner Hochberg asked if such a system exists elsewhere in the City.

Mr. Holland said it is used in Los Cerros Colorado and Nueva Vista.

Mr. Smith said there are a number that were previously approved with this type system.

Mr. Holland said the one for Los Cerros Colorado was installed in 1994 so they have been around. The pump recommended is Environment E-1 and there are other models. The City only allows the pumps that work.

Commissioner Hochberg reasoned that these pumps need maintenance and are subject to break down. He asked who maintains them.

Mr. Holland said the property owner is responsible for the pumps, electrical, etc. and the lines - to where it connects with the public main. This is a private system so the City won't have maintenance responsibilities. But it will be built to City standards by the Homeowners Association. They usually last 6-7 years before rebuild. They also have alarms on them to let people know when they need attention and different capacities for wet wells are available. From main line back to pump is the responsibility of the home owner.

Commissioner Hochberg asked if his Division would inspect it one time at installation.

Mr. Holland agreed, to make sure they are constructed properly. A company representative comes out, starts up the pumps and puts them through a rigorous test.

Commissioner Hochberg asked if they have a warranty.

Mr. Holland agreed.

Commissioner Kaplin asked what the setbacks are.

Mr. Smith said the requirement is 5' from sides and 15' from the back property line and 7' from the front property line. There are no special set back requirements for location of the pumps.

Commissioner Kaplin asked if the homeowners have to purchase certain pumps that the City knows work properly.

Mr. Holland agreed. There are only two brands that work as required.

Mr. Shandler asked if the odor is at the house or far away.

Mr. Holland clarified that sewer odor comes from septic status when there is not enough oxygen and that creates hydrogen sulfide gas. With this system, He didn't see a problem based on their experience with other such systems throughout the City and this is a short line system with not a lot of sags where the

water could set. When the pump kicks on, it will send the wastewater on out. Once to the edge of the hill, it heads down all the way to the point where it exists. They might get odor from backups at Bishops Lodge Road but he didn't see this system going septic.

Commissioner Propst asked what recourse they would have if it did go septic.

Mr. Holland said they would ask the people to look at the settings on their wet wells - lower the capacity setting so they kick on more often and material doesn't sit in the well as long. He would also check downstream. Staff does an on-site inspection. The pumps do have a vent and if it is septic, you can smell them.

Commissioner Hogan said these are frequently used around the city. He asked if there are hundreds of them in the City.

Mr. Holland agreed.

Commissioner Hogan said Mr. Holland mentioned the pump up to the road where they join the main pipe and asked how they get joined together and how they get to a point to the left of the red line.

Mr. Holland said there is an existing terminal sewer manhole there now. They will connect to the manhole through a drilled hole lined up with the pipe, not coming in sideways, so that it shoots the wastewater in with minimal bouncing around.

Commissioner Hogan asked, for each lot, to what location on the site plan they are pumping.

Mr. Holland said it would probably be a 2" line along the road, ten feet away from the water line and in front of each lot have flushing plugs. Each service line will have smaller lines connected just like a gravity line a stop cock at the connection and a backflow valve to prevent backfill.

Mr. Smith said Staff could provide the details of it. Sheet 6-2 shows the private sewer plan.

Commissioner Gutierrez asked if the 10" line from Bishops Lodge Road is city-owned.

Mr. Holland agreed.

Commissioner Gutierrez asked if there is any problem with that line.

Mr. Holland said it has no problems.

Mr. John Romero presented the traffic review.

Mr. Romero said the traffic review was very basic. Typically, a subdivision this small doesn't require a traffic analysis because it generates a very small amount of traffic. But with the amount of traffic concerns voiced, they suggested a traffic study which the Developer did and it shows no issues with this traffic in this area. He went to the subdivision density map and said they wanted the access lined up opposite Hyde Park

Road. It is a typical traffic design that limits number of access points so they are to be consolidated and lined up with each other. Compared to a lot of other high intensity developments, eight lots won't generate lot of traffic.

Commissioner Kapin noted in the packet that it referenced potential density on Tract 2 and suggested that was all tied together. She asked if that suggestion came from him.

Mr. Romero said that was provided by Land Use, not Traffic.

Commissioner Kapin didn't know where tract 2 is on the map.

Mr. Smith pointed it out and referred her to page 4-5 where it discussed the road connectivity policy and determination. Because tract one and tract two are both in the escarpment overlay district future development would likely occur on tract two. The traffic analysis didn't include any volume of traffic with that future development. They must make provisions for that.

Mr. Romero clarified that the traffic review was on the entire proposal. It provides that a stub out to tract 2 is a condition but Traffic would not look at potential impacts until the time that a proposal comes forward for Tract 2 development. If it showed failed traffic patterns, Traffic would ask for a lower density. It does provide flexibility with the stub out. All of that would be determined in the future. The coordination with adjacent sites is accomplished through the stub outs.

Commissioner Kapin asked if he was confident the stub out is appropriate for now with current zoning.

Mr. Romero agreed. It was with a two-lane street with sidewalk.

Chair Kadlubek said one concern the Commission has from an email received about having an entrance to the subdivision directly across from the south entrance to Estancia Primera.

Mr. Romero affirmed that the traffic analysis with proposed traffic pattern at that intersection showed no level of service failures.

Chair Kadlubek asked if there was evidence of traffic back up from Estancia Primera turning left onto Hyde Park Road.

Mr. Romero said the study does quantify that there is any issue there. He would not think there are lines of cars waiting to get out.

Commissioner Gutierrez asked if he looked at a dedicated left turn lane or decel lane.

Mr. Romero said they did look at that and it is not warranted now. If tract 2 development indicates that at that time, it would be part of the staff conditions then.

Commissioner Hochberg asked if the study takes into account higher traffic volume during the winter ski season.

Mr. Romero believed the counts were not done during ski season. [He was informed there were counts during ski season.] The reason that would not be noticeable is that it is not during 8-5 hours - not focused like business traffic peak times.

Commissioner Hochberg said the ski traffic occurs about an hour before nightfall and it is heavy.

Mr. Romero said the analysis accounts for peak hours - morning and afternoon rush hours. The rush hour for housing development does not coincide with the ski season traffic. The developers said it was done during ski season.

Commissioner Hochberg asked if the count was done all day or just at closing.

Mr. Romero said they covered the morning rush hours and evening rush hours. That is when housing peak hours are. If the ski season rush is at 6, they wouldn't look at that.

Commissioner Hogan asked if the emergency vehicle turnaround is a hammerhead design.

Mr. Romero referred that to the Fire Marshal.

Mr. Esquibel said the applicant's engineer is here to answer also.

The Fire Marshal, Reynaldo Gonzales came up next.

Mr. Gonzales said he met with the applicant and covered several issues. One was water supply. Due to the terrain, they could not use a hydrant system. So they discussed automatic sprinkler systems in the houses there. We also discussed the turnaround at the dead end. The plan meets the width and the slope requirements.

Mr. Esquibel invited the City Engineer to speak next.

Ms. R B Zarus said she reviewed the plans and they exceed the code requirements. We require that the storm water design be able to handle a 100-year storm event on the site so it does not flood downstream. All that water will be handled in various ways according to their plan. Roof water will be handled by them and impervious drives, etc. on site. Rain harvesting for gardens and permaculture is provided. There are beautiful check dams on the property that CCC installed. Some streams downstream will be repaired. There will also be new check dams on arroyos to hold back the water. The post development flow down to lower intersections were the biggest areas of concern from neighbors. Post development flows will be about 2/3 of pre-development. So actually less water would be entering those streets. Her assessment was that the storm water analysis was done properly and meets city code.

Commissioner Probst said that was very clear and did answer one of her questions. She asked whether it could handle storm water if tract 2 gets fully developed.

Ms. Zarus thought some of those drainage patterns if tract 2 would go a different direction. She was

pretty sure that only the drainage from this project site goes that direction. She added that they could always hold more water back upstream and let it out slowly.

Chair Kadlubek asked if she had examples of other developments in the escarpment zone where flooding has been mitigated.

Ms. Zaxus said there is one across the street which, before her time, had some problems. In Estancia Primera, they developed some beautiful ponding areas in the arroyos and ways to handle the storm water on site.

Commissioner Kapin had not heard about the rain gardens before and asked how that is different.

Ms. Zaxus said that term comes from Tucson. With that design, curbs on the street allow rainwater to leave the street and go into a depression. It doesn't come back into the street and percolates in that area so instead of rushing down the street, it takes the storm water off the street. There are some on Alameda that the City did.

Mr. Smith said the applicant's presentation will include that.

Mr. Esquibel said he was informed that they have pictures of rain gardens.

Mr. Esquibel invited Ms. Somie Ahmed to address landscaping and escarpment issues as the last City Staff presentation.

Ms. Ahmed said the applicant is complying with all requirements of the escarpment overlay district. This development area is on a post-1992 lot so any new development in the Ridgetop would be prohibited except for utilities and access, which the applicant complies with. The requirements for all other areas of development provide that the structures must be as far away from the view line as possible and they comply with that as well as terrain management and setback for each lot. She showed the buildable areas and clarified that they all comply with the terrain slope requirements. The height requirements vary for each lot. They are allowed 14' from highest grade and 20' from every other point around the structure. So it is laid out as the grade goes downhill to keep with the aesthetics. Compliance is required at the time of construction permit. It includes all the colors, screening, trees and all the rest of it does comply.

Commissioner Abeyta asked if in her review, all eight lots comply with escarpment and have adequate buildable area.

Ms. Ahmed agreed.

Commissioner Abeyta asked if she was confident that when the final applications come in no variances would be needed.

Mr. Smith said he felt confident that it is possible to develop each of these lots without variances.

APPLICANT'S PRESENTATION

Chair Kadlubek asked Mr. Siebert if he could limit the presentation to about 20 minutes, given all the information received from Staff.

Mr. Siebert (previously sworn) said Mike Gomez and Eric Cornelius would be presenting and their address is 1599 St. Francis Drive. Both were sworn.

Mr. Siebert said they would do their best to limit their presentation and asked for indulgence to allow Mr. Jim Hays to present on low impact drainage and how these function.

Mr. Siebert had a letter from an Estancia Primera resident thanking the developer for the work he has done. (A copy of the letter is attached to these minutes as Exhibit 6.)

Mr. Siebert pointed out that the developer, Mr. Cody North, is also present.

Mr. Siebert, using a Power Point, presented a site plan of Tract 1 and Tract 2. He explained that Tract 2 is owned by another entity and there is no purchase option or right of first refusal on this LLC's part to buy Tract 2.

As part of platting process, they are shifting the line to Hyde Park Road slightly because as John Romero pointed out, it meets a line with the intersection across the street. So we are shifting it slightly.

He showed the aerial view of Hyde Park Road. Estancia and Tract 1 are zoned PRC, less than 2 units per acre. Further to the east are one and two-acre lots. The maximum density allowed for PRC is 2.8 dwelling units per acre or a 78-dwelling unit potential but the proposal is for 8 lots so it is a 1 dwelling per 3.5 acres' density. The plat shows the buildable areas. They arrived at that by taking out all of the constraints and that left the buildable areas.

Mr. Siebert said Ordinance 1981-3 adopted the PRC with a whole set of conditions in that ordinance. The subdivision complies with all of them and also with terrain management regulations. He showed how Tract 2 would be accessed through a private road with a turnaround at the end. On the display, the blue line is the trail to be developed by the developer and open for public use. The trail is laid out for minimum disturbance.

In accord with the standards in the Foothills subdistrict, as Ms. Ahmed pointed out, they have to locate buildings away from the view line. He described how the view line works. He pointed out the 20-30% slopes and those greater than 30%. The buildable areas are 3,500 to 5000 square feet. Their road is on the ridgetop. They are doing everything they can to save all the trees and are landscaping for added buffering of the roadway. The sewer line is principally in the roadway. He showed how it is located on the site. There will be very little disturbance of trees.

Mr. Mike Gomez was sworn. He said he is a Professional Engineer and licensed traffic engineer and addressed the drainage. He counted traffic in late January from 6: a.m. to 6 p.m. during a fantastic ski season.

At the entrance, there were 12 cars making a left turn in one hour and 20 making a right turn into Estancia Primera. They saw no traffic backups but there was a lot of illegal parking on Hyde Park Road and also speeding. He said they included tract 2 because Hyde Park Road is a State road and they have to do traffic counts according to the State manual which requires it for possible future developments.

Drainage was big issue with neighbors and Cody North agreed to reduce it as much as possible, using low-tech sustainable techniques. They won't disturb any 30% slopes and have nothing underground except cisterns. Drainage is accessible for maintenance. The runoff will help water the plants and trees, minimize erosion and clean up the property.

Mr. Gomez showed a map of the drainage flow lines. On the lower left hand is the biggest drainage basin. With topographic mapping, they delineated the drainage basin and looked at historical flow patterns there. He showed a 1950 aerial with the site colored. He also presented several photos of the area that showed where water was intended to go in the past. These problems have been there for past 60 years.

He identified their multiple layers of defense. They will first clean the site and re-seed with native plants. There is a swale on the side of the hill parallel to topography so water is ponded there which will promote watering of existing vegetation. Swales catch the water instead of erosion channels. They will also repair the check dams that are already there. He showed a typical CCC check dam. They will repair using materials on-site and no heavy equipment.

They will use rock vanes to improve the arroyo. Rock vanes work very well.

They will fix the culverts from Hyde Park Road that are now hanging up in the air. For some reason -no pad was put under them. They will also build rain gardens for the driveways. The onsite improvements will meet city code with ponding on the lots. It is up to each architect to design it. As a result, none of the runoff will get to the arroyo. Cisterns will be used. They are built all the time, maintainable and the Homeowners Association will make sure that happens.

At Hadleyway, the peak flow rate that was existing was 60.54 cfs and will become 33.92 cfs with this development - a 33% reduction in peak flow, reducing erosion and providing for infiltration and use for landscaping.

The Homeowners Association will be strong and they are required to maintain inspection records in spring and fall and after major events. So the system can be maintained and accessible for maintenance.

Mr. Jim Hayes was sworn. He is with Urban Watershed Management and showed first Pueblo San Marcos in 1987 - a major arroyo where he built check dams, catching soil and water. It still infiltrates and nourishes the plants ten years later. It is still in place and can be seen from the Rodeo grounds. The trees were 1" saplings when planted.

Next he showed the Arroyo Saiz - a 189-acre watershed creating a semi-riparian habitat. He said both of those areas were done in the 1970's. Estancia Primera required more. Kachina Hills was done in 1985 where they created detention ponds to control all the storm water. The pictures he showed were taken right

after it was built. When the bond was issued, they worked on the arroyo improvements where the area was scoured by the water. They used straw wattles with wooden shakes to catch the flow in the soil to water the trees. He showed pictures of the rain gardens.

Mr. Hayes clarified that he was not a paid consultant but was just sharing this plan.

PUBLIC COMMENT

Chair Kadiubek limited public comment to two minutes for individuals and ten minutes for those representing a group.

Mr. Smith noted that there was a sign-in sheet which was from the previous meeting and not for the Planning Commission.

Present and sworn was Mr. Richard Folles, President of the Greater Callecita Neighborhood Association, who said the presenters took about an hour to present and asked if he could have more than ten minutes.

Chair Kadiubek asked him to be as quick as he could. He wanted to limit public comment to an hour.

Commissioner Probst asked if there were a number of people from the same neighborhood association. "Is that why the ten-minute limit is problematic for you?"

Mr. Folles said, "No. There are two or three people representing the neighborhood association. Half an hour, maybe."

He said, "For the record ... Greg Smith was going to address this... but we just found out this afternoon that some things were not in our packet and a lot of things are not available digitally to the public. So we had asked for a postponement until that was clarified. I don't know if Greg Smith wants to comment on that but, just for the record, we did ask for postponement because there were some things left out of the packet - our packet, including some things from the applicant, a letter from Cody North, some things we never saw that were submitted May 4, I believe. We just never saw this. I don't know why things didn't get in there and we would like to see some things before. We would like to see everything that you see before the meeting."

Ms. Martinez said, "I'm not sure which letter you are referring to but we did our best to compile all the information that came in before the deadline to put into your packet. There were a few additional pieces of information that came in following that deadline. And of course, it is very difficult for us to keep collecting it as it comes in every day and make sure it gets to you in a timely manner. In general, if it came in before the application deadline, before the packet deadline, we provided that in your packet. And if you missed something that came in in May, my apologies. But I'm not quite sure what he is referring to."

Mr. Folkes said, "The attorney, Fred Rowe, spoke with Greg Smith about it. I thought he was going to address it publicly."

Mr. Smith said there was an email addressed to the City Attorney and Land Use Staff. The Land Use Staff has reviewed the documentation. The correspondence I'm familiar with, we worked with Ms. Bowden over Monday, Tuesday, and Wednesday of this week and trying to coordinate to make sure that the Greater Callecita Neighborhood had seen all the materials submitted by the applicant. The request was made to us on Monday, and we have done our best to coordinate with the applicant in making that happen.

Mr. Shandler said, "let's try to figure this out. So there is a packet put on line digitally the Friday before. What's not in there?"

Mr. Smith said, "Some of the documentation that was generated by the applicant in colored packets, blueprints, 11x17 documents were submitted independently to the Commissioners of the material that is posted on line. Similarly, some of material from the association was photocopied in color and distributed to the Commissioners with their agenda packets. Some of those documents were also not posted online as a consequence of the formatting issue."

An unknown person swooped in to take pictures of the proceedings.

Chair Kadlubek declared a brief recess at 8:05 until 8:20 pm. However, the Commission reconvened at 8:16 p.m.

Chair Kadlubek said the Commission was talking about documents that did not get out to the public and trying to determine which specific documents those were and get Mr. Shandler's opinion on the matter.

Mr. Smith said, "The only item in question by the neighborhood Association is the June 8, 2016 letter addressed to Kelley Brennan, Esq. from Cody North, 700 HBR LLC. It is a 2-page letter and 2 11x17 exhibits that are listed in the Commission agenda packet as item H."

Mr. Folkes said for the record that there was something else omitted. Suby's report - she is going to clarify that.

Present and sworn was Ms. Suby Bowden, 333 Montezuma. "All I was going to say was that when we discovered on Friday that the digital copies did not include the report that Suby Bowden and Associates produced with the Greater Callecita Neighborhood Association. The digital documents also did not many documents from the applicant that are called applicant submittals. They included CC&Rs for drainage; they included multiple letters of response to the City or to the neighborhood Association. And those were finally seen at 3:00 this afternoon."

Mr. Shandler said we can make their record as they go along. My advice is to proceed.

Mr. Smith said as a point of clarification that it might be possible they didn't see these documents until this afternoon but they were available for review at any time after Friday at 5 PM in our office.

Chair Kadlubek said they would begin with ten minutes for neighborhood associations and two minutes for the rest.

Mr. Folks said he lived on 109 Valley Drive since 1957 right on the Arroyo de las Piedras.

Mr. Folks said, "my main concern about this development is that the storm water will be contained. And I know we have had a really lengthy and colorful presentation. But if you take a look at these pictures here ... And I wasn't sure you had an overhead projector here saw to Paper Tiger and spent a fortune so I'm going to hand them out to. [A copy of the pictures is attached to these minutes as Exhibit B.]

He said, "The first one is on the Arroyo de las Piedras, which is the same Arroyo that the Mirador development would drain into - at least three or four minutes, plus the road on the Ridgeway were trained to the north and it will run into this Arroyo. This picture was taken about a half a mile east of where the applicant's runoff will join the Arroyo. As you can see, there is a gabion that is completely breached in number one. And the resident there, at her expense, posts and whatnot there and try to keep the water catching her house and from damaging her property. I went inside and I talked with her and asked her who is liable. I talked with three or four people and occupied with these pictures. My issue is liability. I want to know who is liable for maintaining these things when they don't function like they are supposed to. I really enjoyed Jim Hayes' presentation but it really paints a pretty picture that I don't see when I walked this Arroyo. So my question is how is it possible to turn this into what I saw with cottonwoods and all that stuff that looks like Disneyland or something. It is not happening on this arroyo. And these developments were built after 1983. This is not an old development. This particular one was built sometime after the bridge so it was after 1995."

He showed a picture of a house near a house Jim Hayes built on the same arroyo. Nobody there knows who is responsible for the maintenance. They told him the City has an easement and when it really, really floods, the city will send some front-end loaders over. He asked them to look at the culverts and pointed out that there are trees growing out of the culverts.

On the downhill side there are units built 20 years ago. They are following the same regulations as this applicant will be. "I would like to believe they would follow them."

He showed runoff from the Mirador Apartments close to where the sewer connects off the north side of Cody North's proposed development into the backyard of the apartments. His next picture showed the apartments and pointed out that there is nothing to protect them and is the flood water from north side of proposed development.

Mr. Folks showed the Williams Street view and a property owned by Commissioner Greene which was why he recused himself. He showed other pictures of the area and where the storm water would go into a front yard.

"My question is - maintenance and liability. I don't know who maintains what and can't imagine the 8 people of that development who probably won't even live there. Most of those communities along Hyde Park Rd.... Have a very low occupancy. So I'm supposed to believe that a gated community that will have minimal occupancy is going to sign on to a maintenance agreement that will turn pictures 1, 2 and three

and to what we saw here earlier of ponds and cottonwoods. I have a hard time believing that. And then, I looked at the code and it says that if the city inspections show the maintenance fail, it falls on City shoulders to clean things up. But I still don't know who is liable."

"The engineers signed off on the other developments. They were LLC protected. You can't touch them. They are gone. The City signed off on these things. I'm talking about the Arroyo de las Piedras; I'm not talking 50 years ago; I'm talking ten to twenty-five years ago. Nothing personal and I like what Jim Hayes is doing. But the little development where he building some houses looks the same as it did. It is very dry and washed out."

"I don't believe all the pretty pictures we've been shown tonight. And I would like to know who is liable and who maintains these things. It would be job security for every lawyer in town coming off of the city. That would be my guess. So I would urge you to approach this with caution. I would also say it's a little getting the cart before the horse on this. Thank you."

Ms. Suby Bowden (previously sworn) said, "Suby Bowden and Associates was hired by the Greater Candelita Neighborhood Association. I am representing them today. The conversation we're having tonight began 30 years ago. 30 years ago, the city of Santa Fe produced an open space plan which had three priorities for why this particular property, as well as others in the foothills around downtown should be kept for hiking, hunting, and firewood. They were not meant to be development. However, in that same year, the first house ever was built on the ridge near St. John's College. What was fascinating was that after 400 years of the City of Santa Fe saying we don't build on our foothills. San Francisco filled their foothills. Austin Texas built their foothills. But Santa Fe had chosen for 400 years not to build on the foothills. Suddenly a house was up there on the top looming over the Apodaca Hill Neighborhood Association, the only remaining Spanish land grant. It is still all Apodaca's to this day. And the locals poured up in an uprising to put together what is it eventually became known as the escarpment ordinance. And these were people from all over the historic neighborhoods. They were from Hillside; they were from Valley Drive; they were from Apodaca. And these were not city planners. These locals came out with binoculars; they hired their own survey or; they went out and set their own stakes, because they ... One of the Valdez's - a 98 year old man who herded his goats up and down the sales and they grew their crops on them."

"So this protection is not like a normal code. The City Staff develops a normal code and it gets approved. This is backed by a very large contingency of citizens. It was designed not to just protect the Ridgetop. The map that you see on the screen right now the thin lines are the Ridgetop and the rest of the green is the foothills. So these citizens were not saying we don't want you to build on the Ridgetop, they were saying we don't want you to build on any of it. That all occurred in 1987. In 1988, the City came back and put together a guideline manual. Because City staff said they could build in foothills. And they did it. But that is different than the intent. The intent states 'The interest in the welfare of the people of the city is to restrict development in the escarpment overlay district.' Now that includes Ridgetop and Foothill - all the green on the map is escarpment overlay. The intent is to preserve the aesthetic beauty and natural environment of the areas of the foothills and to protect the mountain views and scenic vistas from the city to the extent possible."

"It is still possible on this property to site buildings other than in this area that our citizens chose to protect. We also will talk to you tonight about a 19-year history since Estancia Primera came in and this is

part of the old Estancia Primera plan that has flooded the neighbors below. You will hear from any neighbors tonight that have been flooded. Sewage started backing up because the sewer lines were not big enough and these developments are dropping into the old historic neighborhoods. It went through Planning Commission. I was on the Planning Commission. Jim Hayes was on the Planning Commission and it came six times. We kept saying it's not ready; it hasn't been dealing with these issues. It went twice to Council and was denied. It finally went to court. The court said it didn't address the issues. So this property has been sitting here since its original application in 1994. And it is because of all the same issues. We are asking you today to make sure the preliminary development plan is not approved until these issues have been addressed. And we have legal standing that we'll present to you tonight that shows why it is essential that you don't yet approve the preliminary plan until they have been addressed.

The map showed tract 1 and tract 2. Both of them dominate the area the citizens said should be protected. She showed a map that referenced the 1981 ordinance. In the 1981 ordinance is the legal document we will ask you to wait for approval because it has requirements that have not yet been met. The 1981 ordinance shows a dotted line that calls for a 150' set back. That is the width of Hyde Park Rd. So a driveway through that initial set back area- the private driveway just like the one on top of the Ridgeway could go along and still fit in five houses there and three above. They are all outside the escarpment overlay. It meets the eight requirements. The square footage they are showing at 4000 5000 sq. ft. lots just like the developer has shown. And they could still bring in a private drive and it does not require multiple driveways and can have a turnout lane. We feel it is a viable option that should be considered and discussed with the neighborhood and Planning Commission.

The next topic she addressed was what they called code violations. When Los Vecinos looked at them 20 years ago they were called violations and today, the City Staff has chosen to call them conditions. They need to be dealt with now before preliminary plan approval to assure they are dealt with.

At the moment, the other items of concern are that right now a private driveway is shown on the Ridgeway. That is because the case Ridgeway is not like no for a larger driveway. A private driveway is only allowed to serve 8 homes but this shows 8 homes. And yet, in the developer's documents, they stay quite clearly that there will be eight homes and eight guest homes. City Staff and Councilors and others have been leading for six months, studying ways to have affordability and one idea is to have guest houses occupied by another family. So in this eight-unit area it would actually have 16 units. They are not allowed to have a private driveway for 16 units. So the Planning Commission should really limit it to eight units.

Also in the 1981 ordinance is a provision that if a lot is larger than 2,000 sq. ft. they should be considered as more than one unit. The 1981 ordinance states, "No increase in unit count can occur without a minimum of zoning reviewed and approved by the Planning Commission and the City Council. So if indeed Mirasol continues with what they put in writing for the Commission today - eight homes and eight guest houses, then it is 16 units and that is an increase that requires going to Council.

In tract 2, the presenters haven't talked about it. They had 3 meetings with the Neighborhood Association and at every meeting, they talked about Tract one and Tract 2. Tract two has 49 homes and if they all have guest houses it would be 16 homes on Tract 1 and 49 on Tract 2 with guest houses, it suddenly becomes 94 units on a private driveway for access coming off of Hyde Park Road. These issues need to be dealt with now before preliminary plan approval.

Next is utility alignments which should be carefully routed to avoid locations perpendicular to the horizon. So the alignment can't just go down the hill. That needs to be addressed.

The Planning Commission has right to decide to approve what doesn't meet code if it feels the developer has an extraordinary hardship. We don't think it has extraordinary hardship. We think that we are showing here eight units outside the Ridgeline. And you could also take this entire hundred and 50-foot setback because it slopes off the road and you could fill it all with affordable units. It doesn't allow commercial so AirBnB is not allowed to use it anyway.

Lastly, the 1981 ordinance has 15 submittals that must be provided before preliminary plan approval is done and none have been submitted. There is partial information on many of them but not all of the information. It requires phasing programs. You might not have noticed in the Traffic report their hope that Tract 1 will get approved in August and in writing, it says that Tract 2 will come forward in September. They are talking about a month from now. They told the neighbors that and it is in the traffic report. So we think it is essentially a series subdivision. It is not just like Los Vecinos but essentially the same scope that has 65 homes. Here, it could be as many as 94 units. And if no guest house approvals, they are at 47 units. So the Commission should be looking at what that roadway intersection is. We should look at how the terrain issues are dealt with.

"They also have not dedicated open space. PRC requires dedicated open space. Let's say they dedicate top of the hill - let's get higher density along the roadway and get some affordable units in here. Let's dedicate the top as open space. Somewhere open space has to be dedicated. It is not the bottom of a valley between two hills. It has to be somewhere as open space. But at the moment it is all split into lots.

She handed out what she showed on the overhead. [A copy is attached to these minutes as Exhibit 8.]

Present and sworn was Mr. Peter Dwyer, 632 Camino de la Luz, who said he would review and submit concerns in writing. "Fred Rowe and I, for many years have advocated with Planning Staff and the City of Santa Fe for a mediation type process. There is already a model program in Albuquerque which the City of Santa Fe could and should follow. This is exactly the kind of project we have in mind. I would encourage you to look at that as an alternative in this case, to not decide the case, but rather to revert back for some kind of community-based collaborative process to make it a better application. I know there is no formal process for that in the City of Santa Fe right now. I hope there will be at some time in the future.

"In terms of substantive issues, I'm concerned about the externalization of cost. I have many years of experience with Estancia Primera and the projects in that area. I was a former City Attorney for the city of Santa Fe, amongst other things. It causes me an enormous amount of trouble for me. I spent many, many hours with people like Raymond Herrera and others who have legitimate concerns about their properties in the impacts of that development. It was not well conceived; it was approved by the City without thinking through the issues. It caused a lot of problems for the City and for the citizens of the City. And all of the costs were externalized so if you send carefully when Mr. Hayes presented to you, says to you they want in with a backhoe into the arroyo to do drainage maintenance, it is because it was not done before the time of project approval. That is the case with all of Estancia Primera, with a whole series of many subdivisions where two-page resolutions were passed basically saying all the drainage problems would be taken care of

by subsequent landowners. They were not recorded instruments. They were not special districts. Basically, nobody was aware until it became a problem. And all the property owners to these devices like swales and detention ponds and didn't know they were drainage devices so they filled them in. Then of course, they didn't work and people wanted request from the city the city can provide it because it was just not well thought out

So I would encourage you to not allow externalized costs on projects like this. I would encourage that all sewer be gravity flow. I know that Commissioner Hogan addressed that issue. There are many subdivisions that use pumps in Santa Fe sewer systems, but they are not as good. I would encourage you to find a way gravity flow could be done."

Other externalized costs include drainage easements. The city doesn't do the drainage and people get flooded. They care only if their sewer backs up and if they get flooded themselves. The city has little money and permanent solutions need to be done ahead of development. You could do special districts - alternatives could be found and make sure the costs don't go back to taxpayers.

I also have concern with the whole project. Is this really what you want? Other people could look at this and see that they are nice homes but there are equity issues. Councilors repeatedly say we should have the same standards across the city.

It is basically short-term rental heaven. I live on the east side and know what my neighbors do - trash and parking are problems.

When this is completed - the Fire Department could come back and say a road must be cut through and the neighbors won't like it. It could become inevitable. Think about those before approval.

Present and sworn was Ms. Sue Herman, 1505 Calle Ramon, who said, "I want to state one other concern that hasn't been raised here tonight. But I would also like to echo the concerns that Mr. Folks and Mr. Dwyer have brought to you. They are real.

"We heard a lot about the traffic report. But what I want to point out to you is that, as a resident who uses Hyde Park every day for walking and driving, I would not ride the bike on it because I think it is too dangerous. What the traffic report tells you is what intersections will be able to hold - how much traffic. They don't look at the conditions that actually exist on Hyde Park Rd. we have them during ski season. We have been during the summer season when people are actually out using that road for a variety of purposes. I've been there at my address for 27 years. When we first moved here I would see horses going up and down Hyde Park Rd. into the national forest. Now it is bikes, all kinds of bikes. Where did those bikes go? The bikes have to be in the road and Hyde Park Road is narrow. The white line goes right along the edge of the asphalt and the edge is falling off. And it has been that way ever since I've been there.

The problem is an accident waiting to happen. There is no place for pedestrians to use Hyde Park Rd. Between Bishop's Lodge and where this turnoff would be, there are areas that you can walk off the side of the road but they are not very wide you have to cross over the road. That road isn't straight. It's up and down and around - not straight. There is a .3 mile that is straight and is between the two instances for Estancia Primera. The rest is curved, so you have to stick your head out to find out whether or not

someone is actually coming down that road. And the speed limit is 45 miles an hour and suddenly drops to 25 mph at Kearney. And people are going into the intersection at Bishop Lodge Road at too high of a speed.

Maybe with all the development there, we should talk about lowering the speed limit. I don't want to see anymore Estancias. Consider this, not just in light of traffic report that looks at load but how the road is actually used, and to consider that maybe this is not 8 homes but 47 homes plus accessory structures. There are more short-term rentals not approved by the City. I didn't say before but I am representing Peralta Subdivision.

Present and sworn was Ms. Sandra Green, 611 Gonzales Place, who said, "This is my first time addressing you. There are aspects of this development that will affect the neighborhood and the Santa Fe residents, in general. The first one is covenants. She echoed Ms. Bowden's reading of the ordinance. Hyde Park Road is also considered a scenic byway. According to the scenic byway definition the natural views should be a protected.

This clearly violates the ordinance. Four of the eight houses are highly visible from the road. The City of Santa Fe should have the developer present a better solution that honors the ordinance. There are places outside of the escarpment district and less visible that would be an acceptable solution. There are other buildable areas that are not in the foothills subdistrict and other ways that could screen from Hyde Park Road to protect the scenic road.

The second issue is drainage and terrain management. The high steep hills risk those below the development. Our neighborhood is frequently flooded. The development is exceeding with the plan for the rest of the neighborhood and the plan presents no protection to the Mirador and the plan is not complete.

Third and last is traffic and the overall Master Plan. The full impact is of 47-50 plus guest houses. The new road on Vallecita would probably connect the entire neighborhood. I ask the Planning Commission to reject the application and demand a better application to protect views and drainage and traffic impact. I'm not against development but I am against bad development that can hurt Santa Fe residents. Ms. Greene provided a copy of her statement which is attached to these minutes as Exhibit 10.

Present and sworn was Mr. Raymond Herrera, 279 Hillside Avenue. Mr. Herrera said he wasn't going to speak since he figured a lot of people were here representing the area being affected. He was surprised how many people are standing up to speak. "I'm a member of Hillside Neighborhood Association. We started with Estancia 35 years ago and it was the biggest development in Santa Fe. And it went through because of politics and put our neighborhood through hell. We were able to organize our neighborhood thanks to people like Peter White and Steve Farber with legal aspects of it. It took months and months of work. We were responsible for creating Ordinance 1981-3. We were the second Neighborhood Association in Santa Fe and formed from a need to protect our neighborhood. Now there are more than 200 associations. My main concern is - the presentations were great but not giving any figures on amount of water coming through arroyos - no numbers on percentages and all that which are important. Because that is what will cause flooding in the downhill neighborhood from the development. I appreciated Jim Hayes' presentation. He did a great job but that was for his development. The rest of Estancia Primera is in my neighborhood and nothing has been done. A major arroyo comes out at Hillside Avenue at street level.

We had a meeting at Council 35 years ago and that night, we had a major storm and surprisingly - it flooded all the way to City Hall. But even showing them the tires and all that came down didn't do any good. What good is an ordinance if not enforced? 35 years later we are in the same boat. It is up to the residents to take control or pay for what needs to be done to rectify the situation. The City doesn't do it. They don't even know what is going on there anymore. That is what worries me about this development. Unless the ordinance is enforced completely, the people downstream will have problems.

Present and sworn was Mr. Gavin Wright, 211 Williams, who seconded a lot of things said already. In 1985, the Los Vecinos project was nixed for good reasons. The land issue was so much terrain to negotiate and you can't do it with shovels and backhoes. The other issue is that we are a dry community. But all of a sudden much rain and flash flood came. We don't get enough rain to permeate and soak into the ground. He showed a picture of his house. He is trying to do projects now because nobody from the city does.

The coyote fence where the picture ends is where the water will come down. Short of the wall there is no protection. The wall is in back of Mirador and they are in the arroyo. Nobody tells you who is liable. I'm doing all of my own repair. All the Elm trees grow into the piping and you have to tear up the street and the land.

Secondly, they only show you the minimum criteria but this has to be above and beyond to protect for a 100-year event down the road. Lastly, it is stage three all the way. What you will talk about in September will go all the way down to Valley. That is a huge development - there is a reason why it has never been developed.

Present and sworn was Mr. Ernie Romero, 2011 Boluiph, who said he owns the 41 acres known as Tract 2. He did own 68 acres and sold 22 acres to Cody North and his associates. He is a native and been in business here for 38 years. "I think my reputation is good - no black marks against me. I own a lot of real estate. I want to tell you about the history of this property. Although Suby's report says the Tract 2 owner is the same owner as Los Vecinos, I had nothing to do with Los Vecinos I had nothing to do with the land until I purchased it. I purchased it in 2011 and did a lot split in accordance with the city ordinance, through the Summary Committee. It was approved in late 2012 and recorded January, 2013.

After that, we began to market after about a year and looked for a good developer. Several parties were interested because in 1981 it was allowed to have 78 units by zoning. The Master Plan showed 60 units so I knew it wouldn't be possible with the overlay ordinance and he wanted a buyer who would be careful with this property. He rejected offers from those who wanted to tie it up and try for many more units than this shows to develop it

Back in 1994, Los Vecinos was bring in 19 units. This is 8 units and probably one of the lowest densities in all of Santa Fe. It is developed carefully. Suby's plan would be totally visible from Hyde Park road and this is in full accord with ordinance. Respect the staff. They have put the developer through a stringent process and they are careful to analyze whether it is in accord with the law. It was postponed for 60 days.

"I have no application on the remaining 41 acres and surely won't have one in September. That is not

even possible. I have tried to work with the neighborhood and tried to join the Greater Culebra Neighborhood Association and Richard Folkes and Fred Rowe said it would be inappropriate for me to join. Environmental conflict was cited.

So I was denied membership in it. I hope a lot of folks here tonight know that I wanted to be a member. I have shown them my plans from day one. There are a couple of members - President and Sec/Treasurer who told me they want nothing to happen on the property. I would say kudos to staff and I respect their work and the developer's work.

Present and sworn was Mr. Eric Enfield, 612 Old Santa Fé Trail, who said, "This is a neglected site and has been for years. I spent time in high school up there. Great spot to party. I wondered when someone was going to develop it. I knew Bill Bush, who developed Estancia Primera. When you look at 8 lots on 28 lots I can't imagine that they wouldn't be glad for that density. The foothills subdistrict has been a great place to live. Right across the street was a giant Ft. Marcy structure and major Indian developments there from 2,000 years ago. They were removing rock for arrowheads. I live in a lot with archeological easement because of that. I live above them and wondered what would be a developed. When I heard it was only 6 lots, I was surprised. The escarpment is very limited.

"If you think about escarpment, they put their binoculars one way, not around the city. The escarpment maps are being revised now with visual concern all around the city. It is one of the more restrictive districts. The reason they can build now is that the lots were created before the escarpment ordinance. The view impacts can be reduced. Cody North has put four not visible and four visible from Hyde Park Road. I find it strange that the association would present an alternative plan. Wouldn't you rather see four instead of many along Hyde Park Road? As a design professional, we are given the code and that is what we work with. Not trying to make the code better. This is very low density project and if you want people to thank you, do 6 on 28 acres.

Present and sworn was Ms. Karen Helmeyer, here representing the Neighborhood Network. The Network supports a Master Plan for this whole area. There was a Master Plan. It is mostly foothill and ridgetop, not with huge open spaces from the goodness of our heart. They are not talking about what is happening above and coordination with all the houses above. The neighbors downhill have been inundated with flooding, sewage, and traffic.

Let's forestall the problems. The City Santa Fé ended up paying for that problem. It ended up being very damaging for some people sitting here today. Think of a Master Plan for the whole area. And think about what would be right for the entire area, including people who are already there. Some for centuries.

"I and others were on a group - the Escarpment Working Group - to change the ordinance. If you want us to come tell you what changes we suggested, we would be glad to do that. It is not 60 units on the ridgetop.

Present and sworn was Mr. Michael Sandreen, 538 Hilleide, which is right on the side of the Arroyo Saliz and bottom of Estancia Primera. He said "I built an adobe house there 15 years ago and in 2007 water came down to blow out the sewage line there. The work that Jim Hayes did alleviated that. It contaminated our well and the city didn't not reimburse us for it. I think Cody's plan is a good job. Judge it on its merits -

what they do with the arroyo will help down below."

Present and sworn was Mr. Larry Stevens, 821 Camino de las Trampas, President of 1000 East Homes Association, who referred to the description of transient camping in that area. The man who purchased that property in 2011 made a massive effort to clean up the area - the camping and open fire and transients who lived there permanently. We lived above that area and a fire would have come into our property. We would like to see 8 homes rather than campsites. It is to the advantage of development in that area. It offers no traffic issue because about 1/3 or less are occupied during the year in that area. He couldn't imagine that the development would deteriorate the water issue below the area. There is active protection there.

Present and sworn was Mr. Fred Rowe - Stagecoach Circle, who apologized for his hearing difficulties and hoped he could communicate effectively with the Planning Commission. First, he commended the testimony by Suby Bowden whom he respected as a professional. He is Counsel for the Greater Callecita Neighborhood Association and he particularly commended Peter Dwyer's testimony who was former city attorney and has mountains of experience including Los Vecinos in 1995 and 1996 on very same acreage and the same plot for development of 55-58 homes and it was first endorsed by staff so they are not antipathetic to develop. The Planning Commission disapproved it and Council disapproved and it was litigated for five years and the City paid a substantial settlement because the official of Planning Commission and other employees could not be vouched for integrity.

He highly regards Emile Romero wisdom and standing as an investor. He bought it for a song and partnered up with Cody North who has not stood up. And last year at several meetings, they proposed a project of 58 acres which they advertised on the internet and neighbors vigorously opposed and then came in with the marvelous sounding development of only 8 units on 28 acres. He viewed it as spurious. This is not a development of the entire tract. It should be treated the same way Los Vecinos was. It should be denied for the flooding issues and 30% slopes in the terrain.

"We think Mr. North should be disqualified from Planning Commission approval because he has threatened, interrogated Suby Bowden. He threatened to go to Architecture Review Board to get her license revoked. That is not only unlawful but a third degree felony. We have not pursued that yet. Our view is that it is not moot but is pending and would be litigated if approved.

Number two, we also stated which tracks Los Vecinos by the legal doctrine of preclusion which means that a denial of an administrative decision precluded you from coming back later and raise the same project all over. It is not identical but close enough and that prevents Mr. North from retreating with it here.

Number three, there is a spurious claim that importuned the neighbors last year for several months for 50 or so units almost matching Los Vecinos and now purports to be strangers from each other.

Finally, as Mr. Dwyer mentioned, it is ripe for mediation. This was discussed in 1993 and we think it would be a wise way forward instead of ending up in an appeal and litigation - A mediation process might well avert that for neighbors and Mr. Romero.

There were no other speakers from the public regarding this case.

QUESTIONS TO THE APPLICANT

Commissioner Hogan pointed out that a lot of issues tonight revolve around drainage. So he would like to drill down on that. His intent is to try to discern what is generated by this development and the pre-existing conditions.

Engineer Gomez said the majority of the development drains to Hadlee Way and not to Arroyo de las Piedras. At least since 1950, that is an existing condition. So they are suffering now from drainage. Do they want to get it fixed? The developer will work to alleviate those problems with more detail and more calculations. The report has all the calculations and numbers. We are confident of our numbers.

Commissioner Hogan said to Mr. Gomez that a lot of problems we saw already are existing and you have an undisturbed site so maybe the drainage doesn't have anything to do with this development.

Mr. Gomez said it comes from Hyde Park Road and also from Estancia Primera. This project would catch the impervious runoff from Hyde Park that has no mitigation at all. That storm water is eating the mountain down with rocks and mud and that is what we want to fix.

Commissioner Hogan asked if some of that is coming onto this property.

Mr. Gomez agreed. We are doing the same thing on the Williams side. What drains to those areas will be fixed. Mirador saw the arroyo coming to their door. They disregarded that in that building. That is not on Cody's property, but on his property, they are doing an enormous amount of improvements.

Commissioner Hogan said the development is at top of hill so any impacts would change the runoff because of houses and the road. Is that correct?

Mr. Gomez agreed. It would interconnect the impervious area. We are taking that area that is flooding and putting it to good use with sustainable improvements.

Commissioner Hogan understood they would not only be offsetting negative impacts but also mitigating offsite drainage coming onto the property.

Mr. Gomez agreed. As far as who is maintaining and who is liable, the Homeowners Association will hire a property manager. All the roads are private; the sewers are private. Estancia Primera and Tierra Contenta are examples of how that works. They will be required to get insurance so the Homeowners Association will have management insurance so if there is massive flooding and things break - they will cover those repairs. They will be out at Hadlee Way with dump truck and laborers to clean it up. So the problem will be minimized.

Chair Kadlubek asked him to talk about how many units are being recommended for approval.

Mr. Gomez said there are 8 lots. By city code they are allowed to have a guest house. Probably some

won't. If everyone built a guest house the traffic impact would be increased but they are willing to go by the code.

Commissioner Propet asked about the private driveway limits.

Mr. Gomez said the street section would be 28' wide paved surface. It could be a public street but only serving these lots.

Chair Kadlubek pointed out that the Commission heard the maximum of homes for private drive is 8.

Mr. Smith said Chapter 14-9.2-1 talks about the appropriate right-of-way for units. The practice is to apply that to principle dwelling and accessory units. The more stringent interpretation would require 24' wide private road for tract 1 and tract 2. He clarified that he was talking about the common road for access to both tracts; not for this subdivision.

Mr. Gomez said they met with the Homeowners Association in Estancia Primera about guest houses and they said they allow them but don't even notice them. It was not a problem.

Commissioner Propet said in the Summary Committee they consider lot splits. She asked what would happen if they decide to split them.

Mr. Gomez said that is not allowed by deed restrictions and covenants.

Chair Kadlubek asked if there is any place in the code that requires gravity instead of a pump.

Mr. Smith said, as Mr. Holland indicated, pumps are approved.

Chair Kadlubek asked if the perpendicular alignment is a concern.

Mr. Smith said regarding the alignment of the sewer line, Mr. Holland indicated it would be a routine matter that meets the standards.

Chair Kadlubek asked if AirBnB housing is considered commercial or residential.

Mr. Smith said as defined in the code, it is treated as dwelling units residential.

Chair Kadlubek remembered that commercial activity is not allowed with short-term rentals.

Ms. Martinez added that Staff spent time trying to define that. Retail is allowed and recently an ordinance amendment for things such as movies or weddings and the like are now limited within those residences.

Chair Kadlubek noted that Mr. Rowe believed that Mr. North should automatically be disqualified because Los Vecinos was denied and asked if there is an opinion on that.

Mr. Shandler said that requires four legal elements to be met and they have not been met in this matter so it is not a concern.

Chair Kadlubek asked about an advertisement on the internet and whether it was a project advertised for 60+ homes that Mr. Romero and Mr. North were working together

Mr. Smith was not aware of anything on the application regarding that.

Mr. Shandler said he did see a screen shot of that website and it is in the record. The web site has since been changed.

Commissioner Hochberg pointed out that Mr. Romero testified under oath that he doesn't have any relationship with the person he sold to.

Chair Kadlubek agreed.

Commissioner Hogan said there was testimony of code violations not dealt with. Yet staff says it meets code. Another issue is whether or not there is an exception being requested for hardship but it seems testimony is different from the staff report.

Mr. Smith said Staff is not aware of any exception being requested other than from concerned neighbors. Staff has testified there are no code violations

Mr. Shandler presented what he thought were the code violations but there is a 2-page document rebutting that in the record. 1981-3 has additional requirements and Staff says those have been met. There are conditions and a table and you can analyze whether those are conditions or violations.

Commissioner Hogan asked what has superseded the 1981 code and what applies to this.

Mr. Shandler said that was rezoning and it runs with the land.

Commissioner Hogan asked if those standard were applied to this application.

Mr. Shandler agreed and they went through all of it, item by item.

ACTION OF THE COMMISSION

Commissioner Hochberg moved to approve the preliminary plat in case 2016-51, subject to staff conditions. Commissioner Abeyta seconded the motion.

Chair Kadlubek said there are a lot of facts around this. Equity was brought up for home buyers or renters. That lies in the face of what is needed. Equity is not going to be reached by denying projects but by approving projects and it doesn't deny for lower income folks on the south side. We need to dig into the code and do deeper work. Often, whether high industry on the west side or low density on east side >>

I would like to have it on the record that this not be used in conflict between west and east. If it needs change in code that is what we need to do. We got lots of heat from Councilor Bushee for something that is not fair. But he has been trying to go by the Code.

The motion passed by unanimous roll call vote with Commissioners Hogan, Kapin, Propst, Gutierrez, Abeyta and Hochberg voting in favor and none against.

Commissioner Hochberg excused himself from the meeting at 10:02.

Commissioner Kapin said she cringes every time she hears that people are being excluded from a neighborhood association. She asked if this is being worked on.

Mr. Smith said there was a discussion about a bill for neighborhood association qualifications and he would check on the status at the next meeting.

G. STAFF COMMUNICATIONS

Chair Kadiubek noted there is a second meeting in August and Commissioner Kapin will have to leave early. They will hear the case that was postponed.

Ms. Martinez asked for feedback on the changes in the staff reports. Hopefully it will be easier for you.

Commissioner Kapin personally liked the tables and criteria - those are what we need for findings. That was helpful to see - I know it was complex but the table rather than so much narrative helps.

Chair Kadiubek agreed. An executive summary if possible on the first few pages so we don't have to flip back to exhibits.

Ms. Martinez said they did a lot of research and tried to pick and choose the elements they felt were most effective.

Commissioner Kapin felt like she was well equipped coming into this meeting. This is heading in the right direction and having our technology working is a plus. A laser pointer would help.

Commissioner Hogan said having staff available to go through the facts was helpful.

Commissioner Hogan has a green laser that works on the screen.

Commissioner Gutierrez reported that three cases were at the Summary Committee and all three cases were approved. He commended Commissioner Propst for more detailed reports - they are getting more detailed.

Ms. Martinez announced that Ms. Wynan's mother passed away day before yesterday. Our condolences to her and thanks to Mr. Esquivel for taking charge tonight. He put graphics together that defined the key issues so thanks for doing that at last minutes.

H. MATTERS FROM THE COMMISSION

Chair Kadlubek asked what is coming in September.

Mr. Smith said a list will be coming including urban farm maybe.

Mr. Esquivel said the Alma Duro 9-lot subdivision is also scheduled for September.

I. ADJOURNMENT

The meeting was adjourned at 10:15 p.m.

Approved by:


Vince Kadlubek, Chair

Submitted by:


Carl Boaz for Carl G. Boaz, Jr.

Appendix C

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

Case #2016-51

Haciendas del Mirasol, 700 Hyde Park Road Preliminary Subdivision Plat

Owner's Name- 700 HPR, LLC

Agent's Name- Cody North

THIS MATTER came before the Planning Commission (Commission) for hearing on August 4, 2016 upon the application (Application) of Cody North as agent for 700 HPR, LLC (Applicant).

The Applicant seeks the Commission's approval of the preliminary subdivision plat for 8 lots on 28 acres to be accessed by a private driveway via a connector road off of Hyde Park Road. The property is zoned PRC (Estancia Primera Planning Residential Community).

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

FINDINGS OF FACT

1. The Commission heard reports from staff and received testimony and evidence from the Applicant and there were thirteen members of the public in attendance to speak.
2. Pursuant to Code § 14-2.3(C)(1), the Commission has the authority to review and approve or disapprove subdivision plats.
3. Pursuant to Code § 14-3.7(A)(1)(b) subdivision of land must be approved by the Commission.
4. Code § 14-3.7 (B)(1) requires applicants for preliminary plat approval to comply with the pre-application conference procedures of Code § 14-3.1(E).
5. Pursuant to Code § 14-3.1(E)(1)(a)(ii), pre-application conferences are required prior to submission of applications for subdivisions unless waived.
6. A pre-application conference was held on March 17, 2016 in accordance with the procedures for subdivisions set out in Code §§ 14-3.1(E)(2)(a) and (c).
7. Code § 14-3.7(B)(2) requires compliance with the early neighborhood notification (ENN) requirements of Code § 14-3.1(F) for preliminary subdivision plats and provides for notice and conduct of public hearings pursuant to the provisions of Code §§ 14-3.1 (H), and (I) respectively.
8. Code §§ 14-3.1(F)(4) and (5) establish procedures for the ENN.
9. The Applicant conducted an ENN meeting on April 11, 2016 at the Downtown Public Library in accordance with the notice requirement of Code § 14-3.1(H).
10. The ENN meeting was attended by the Applicant and City staff; there were fifty-nine members of the public in attendance and concerns were raised.

11. The subject property was rezoned in 1981 as part of the Estancia Primera Planned Residential Community ("PRC" or "Ordinance 1981-3"). The zoning requirements run with the land.
12. The overall PRC includes approximately 120 acres south of Hyde Park Road and 68 acres located north of Hyde Park Road.
 - a. This application is focused on the land north of Hyde Park Road.
 - b. Of the 68 acres north of Hyde Park Road, the subject 28 acre project site (Tract 1) and another 40 acre tract (Tract 2) were created by a lot split that was approved in 2012.
 - c. This application is for Tract 1.
 - d. The application is not for Tract 2.
 - e. The Applicant does not own Tract 2.
13. Code § 14-3.7(C) sets out certain findings that must be made by the Commission to approve a preliminary subdivision plat.
14. The Commission finds the following facts:
 - a. *In all subdivisions, due regard shall be shown for all natural features such as vegetation, water courses, historical sites and structures, and similar community assets that, if preserved, will add attractiveness and value to the area or to Santa Fe.* The land to be subdivided meets applicable standards and is eligible for the development purposes proposed. Due regard has been shown for vegetation, water courses, historical sites and structures and similar community assets.
 - i. An older archaeological report has been prepared for the subdivision. No archaeological or historical sites have been discovered within the boundary of the subdivision.
 - ii. Effort has been taken to minimize the removal of pinon trees including the location of the roadways and use of a low pressure system that allows for the sewer system to avoid trees wherever possible.
 - iii. There is minimal disturbance to the drainages within the subdivision.
 - iv. Existing check dams built during the depression in the 1930s will be restored and additional check dams will be constructed to reduce the existing arroyo bank erosion that is currently taking place.
 - v. The area has been used illegally for parking and partying by trespassers and as a living areas by transients (a/k/a Hobo Hill). The broken bottles, trash and temporary camp sites will be removed from the property.
 - vi. With the construction of road and utility improvements the area will not be occupied by transients illegally living on the property.
 - vii. Given the fire pits that are located at various places on the property the chance of wild fires taking place on the property will be eliminated.
 - viii. All significant trees will be replanted or replaced.
 - ix. A trail proposed along Hyde Park Road will be designated as a semi-public trail.
 - b. *The Planning Commission shall give due regard to the opinions of public agencies and shall not approve the plat if it determines that in the best interest of the public health, safety or welfare the land is not suitable for platting and development purposes of the kind proposed.* The land to be subdivided meets applicable standards and is eligible for the development purposes proposed.

- i. The drainages on the property are not designated FEMA flood plains.
- ii. The only disturbance to the drainage will be the repair of the existing check dams and controlling the erosion that is taking place on the main drainage.
- iii. No construction will take place on slopes of 30 percent or greater, except as permitted by City Code.
- iv. Extra-ordinary engineering measures have been proposed to ensure to storm water generated by the development of the property is adequately detained on the property.
- v. Covenants have been provided to the City which mandate the maintenance of all storm water and erosion control structures and facilities on the property. This includes a schedule of inspection and repair as described on the engineering plans.
- vi. The allowed density of the property, which is permitted by the underlying PRC zoning district, could develop at 2.8 dwellings per acre, but Applicant has proposed development at 1 dwelling per 3.5 acres.
- vii. The significant reduction in density substantially reduces the impact on the terrain created by the development of the site, including roads, utilities and homes.
- viii. The New Mexico Department of Transportation has reviewed the engineering report for Hyde Park Road and finds the Traffic Impact Study acceptable (although it was not warranted since the traffic generation does not trigger a Traffic Impact Study for this level of development).
- c. *All plats shall comply with the standards of Chapter 14, Article 9 (Infrastructure Design, Improvements and Dedication Standards).* The proposed plat complies with applicable standards of Chapter 14, Article 9.
 - i. Exhibit B rebuts Ms. Bowden's allegation of Code violations.
 - ii. Exhibit D provides how the Applicant has met 1982 ordinance requirements.
 - iii. The City's Wastewater Engineer stated the subdivision will have a low pressure grinder pump system that has been used in other subdivisions in the city and is a reliable system with minimal odor.
 - iv. The City's Escarpment staff member stated the buildable sites are in the foothills district.
 - v. The City's Traffic Engineer stated the traffic study was done in January, which is during the busy ski season traffic.
 - vi. The City's Drainage Engineer stated the post-development drainage water will be two-thirds of the amount of the current status quo drainage water.
 - vii. The Applicant's Engineer stated currently there is 50.54 cfs drainage water at Hadisway Street, but after the project is completed there will be 33.92 cfs drainage water.
 - viii. The Applicant's Engineer stated there will be multiple steps for dealing with the drainage water including: (a) cisterns, (b) rock vanes, (c) re-seeding, (d) repair dams which will done without using on-site materials without heavy equipment.

- d. *A plat shall be not approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with the provisions of Chapter 14 unless a variance is approved concurrently with the plat. There is no aspect of the engineering or platting that is inconsistent or violates the provisions of Chapter 14. This evaluation is for Tract 1. The evaluation for Tract 2 will be done upon the application of Tract 2.*
- e. *A plat shall be not approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with the applicable provisions of other chapters of the Santa Fe City Code unless an exception is approved pursuant to the procedures provided in that chapter prior to approval of the plat. The proposed plat will not create a nonconformity with any other chapter of the Santa Fe City Code.*
15. Code § 14-3.7(B)(3)(b) requires the Applicant to submit a preliminary plat prepared by a professional land surveyor, together with improvement plans and other specified supplementary material and in conformance with the standards of Code § 14-9 (collectively, the Applicable Requirements).
16. City Land Use Department staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable Code requirements and provided the Commission with a written report of its findings (Staff Report) together with a recommendation that the preliminary subdivision plat be approved, subject to certain conditions (the Conditions) set out in such report.
17. The information contained in the Staff Report, along with conditions in Staff's Exhibit, is sufficient to establish that the Applicable Requirements have been met.

CONCLUSIONS OF LAW

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

General

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

The Preliminary Subdivision Plat

3. The Commission has the authority to review and approve the preliminary plat subject to conditions.
4. The Applicable Requirements have been met.

WHEREFORE, IT IS SO ORDERED ON THE 8th OF September 2016 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE

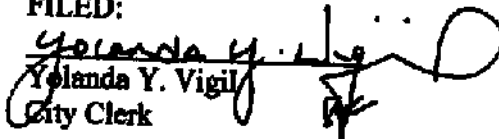
That the Applicant's requests for preliminary subdivision plat is approved, subject to Staff conditions.

[Signatures to Follow on Next Page]


Vince Kadlubek
Chair

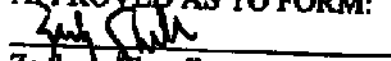
09-08-2016
Date:

FILED:


Yolanda Y. Vigil
City Clerk

9/9/16
Date:

APPROVED AS TO FORM:


Zachary Chandler
Assistant City Attorney

9-6-16
Date:

Appendix D

Jim Siebert

City of Santa Fe, New Mexico

memo

DATE: July 28, 2016 for the August 4, 2016 Meeting

TO: Planning Commission

VIA: Lisa Martinez., Director, Land Use Department
Greg Smith, AICP, Director, Current Planning Division *GS*

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

Case #2016-51. Haciendas Del Mirasol, 700 Hyde Park Road, Preliminary Subdivision Plat. Cody North, agent for 700 HRP, LLC, requests preliminary subdivision plat approval for 8 lots on 28 acres to be accessed by a private driveway via a connector road off of Hyde Park Road. The property is zoned PRC (Estancia Primera Planned Residential Community). (Donna Wynant, Case Manager)

I. RECOMMENDATION

The Land Use Department recommends **APPROVAL WITH CONDITIONS** as outlined in Exhibit A.

If the Commission approves this preliminary subdivision plat, a separate application for approval of the final subdivision plat will be submitted for review and approval by the Commission before a plat can be recorded and lots can be sold.

II. EXECUTIVE SUMMARY

Cody North, agent for 700 HRP, LLC, requests preliminary subdivision plat approval for 8 lots on the 28-acre parcel. The subject property was rezoned in 1981 as part of the Estancia Primera Planned Residential Community [Ordinance 1981-3, Exhibit D]. The overall PRC includes approximately 120 acres south of Hyde Park Road and 68 acres located north of Hyde Park Road. The subject 28-acre project site (Tract 1) and another 40-acre tract located north of Hyde Park Road (Tract 2) were created by a lot split that was approved in 2012. The applicant does not own Tract 2.

The 1981 rezoning ordinance included special development standards related to building

heights, terrain management and setbacks from Hyde Park Road, all adopted as conditions of approval with the ordinance and subsequently recorded as restrictive covenants. The ordinance also included a master plan which delineated various tracts of land and specified the maximum number of units to be allowed on each tract [Exhibit C-5]. All of the tracts south of Hyde Park Road were subsequently subdivided and developed in accordance with the ordinance and master plan as originally approved, or as amended for each phase.

The approved 1981 master plan was apparently never recorded. Staff has been unable to locate an official copy in city records, or to determine which of various unofficial versions correspond to the original approval. Because no development has occurred on the tracts located north of Hyde Park Road, that portion of the master plan has expired. Chapter 14 does not require approval of a new master plan, but the other provisions of the 1981 ordinance remain in effect. The requirement to provide a "visual easement" setback from Hyde Park Road and other conditions of approval from the 1981 ordinance are attached and have been addressed by the applicant. (See Exhibits D and H-3) Staff's review has found that the proposed development would comply with Ordinance 1981-3.

An application by a previous owner of the land that is now Tracts 1 and 2, for a preliminary subdivision plat and development plan for a project known as "Los Vecinos," was submitted to the city in 1994 (Exhibit C-6). That application, which would have created 56 residential lots on the 68 acres located north of Hyde Park Road, was denied by the Governing Body in 1996. The City's discretion to deny was ultimately upheld by the courts in 2000.

Staff analysis has identified several significant issues:

- Much of the project site is located within the Ridgetop Subdistrict of the Escarpment Overlay District. Construction of houses is prohibited in the Ridgetop areas, but construction of roads and driveways is allowed.
- Much of the project site is located within the Foothills Subdistrict of the Escarpment Overlay District. Construction of houses is permitted within the Foothills, subject to siting criteria, height limits and other design standards.
- Much of the project site contains steep slopes.
- Much of the site is visually prominent when viewed from Hyde Park Road or from surrounding residential neighborhoods.
- The PRC district regulations require a phasing program for roads, emergency access and other infrastructure for both Tract 1 and Tract 2. Coordination with the infrastructure for a third vacant parcel located east of Tract 2 on Vallecita Drive, but outside the PRC, is desirable. A preliminary subdivision plat application for that parcel has been submitted, and is scheduled to be heard by the Commission on September 1 (Alma Dura Preliminary Subdivision Plat Case #2016-70, nine lots on 10.731 acres).
- The proposed use of a cul-de-sac road system with a single intersection on Hyde Park Road would provide adequate functional access and would meet minimum emergency access standards for the type and intensity of development proposed. Approval of a cul-de-sac requires a specific finding that it is not feasible to provide a through street. Provision of access points through adjacent residential neighborhoods, although technically feasible, would likely be controversial.

- The proposed subdivision has generated significant concern for some residents of nearby neighborhoods, including a lengthy and detailed letter of opposition from the Greater Callecita Neighborhood Association.

The Commission's decision to approve or deny the preliminary plat application should be based on a determination that it would comply with applicable regulations, including:

1. Consistency with conditions of approval for the PRC rezoning Ordinance 1981-3.
2. Provision of a buildable area of at least 2,000 square feet on each lot consistent with all applicable regulations, including Section 14-8.2 Terrain and Stormwater Management, Section 14-8.3 Flood Regulations and Section 14-5.6 Escarpment Overlay District.
3. Compliance with applicable standards for approval of subdivision plats provided in Subsection 14-3.7, including standards for street connectivity and use of cul-de-sacs [Subsections 14-9.2(D)(3), (D)(4) and (D)(8)].

Staff analysis has determined that the proposed subdivision complies with the 1981 PRC ordinance and with the approval criteria and applicable minimum standards in Chapter 14. Should the preliminary subdivision plat application be approved by the Commission, staff will complete a detailed review of infrastructure improvement drawings in conjunction with the final subdivision plat.

III. APPLICATION DESCRIPTION

The proposed density for this subdivision – 0.3 unit per acre – is lower than adjoining and nearby developments, including previous phases of the Estancia Primera PRC. Zoning in the area ranges from Planned Residential Community and R-1, R-2, R-2PUD, R-5, R-12PUD, and R-21 making it the least dense of surrounding development at 0.29 dwelling units per acre. The property is also in the escarpment overlay district.

Lot sizes range generally from 1 to 7 acres in size as shown on the subdivision plat. (See Sheet 2-4 of Exhibit H-2) Each of the eight building lots will be developed as a single family home subject to city codes, including the escarpment ordinance and Ordinance 1981-3 (PRC Ordinance). Each lot could possibly have an accessory dwelling unit subject to applicable provisions of Subsection 14-6.3(D)(1). An additional open space lot would also be created, and would be owned by the homeowners' association.

Access to the subdivision would be via Camino Mirasol, a new private road intersecting with Hyde Park Road that would also be stubbed out to provide access to Tract 2. Individual lots within the Haciendas del Mirasol subdivision would be accessed via a shared private driveway that connects with Camino Mirasol.

The subject property resulted from a land division approved by the Summary Committee in 2012 (Case #2012-108) that divided approximately 68.37 acres into two tracts for future development: Tract A (renamed to Tract 1) is 700 Hyde Park Road, containing approximately 27.90 acres; and Tract B (renamed to Tract 2) 799 Hyde Park Road, 40.47

→ need to point out
acres. The 2 tracts were renamed to Tract 1 and 2 with the lot split application to avoid confusion with the lettered tracts of the Estancia Primera PRC. Both tracts are currently vacant and are under separate ownership. The applicant proposes a lot line adjustment to increase Tract 1 to 28.25± acres, to accommodate the location of the entrance road that will be shared with Tract 2. The lot line adjustment process is a separate administrative process and is not a part of this request.

The overall 68-acre site has, over the years, been used as a "parking" area and an area that was trespassed upon and used by transients as a camping spot and an area for people walking their dogs and riding their bikes. Concerns were raised regarding campfires and the threat of wildfire. The city assisted in a cleanup of the overall site that took place in 2012 to remove thousands of pounds of garbage and debris from the property. The applicant has stated that any remaining glass, debris and camp sites will be thoroughly cleaned from the property.

Covenants and restrictions will be managed by the homeowners' association. The applicant is working with the Office of Affordable Housing to pay fees into the Affordable Housing Trust.

IV. EVALUATION

A. Driveways and Traffic

Access from Hyde Park Road into the property is proposed via Camino Mirasol, a proposed private road that would serve development on both Tract 1 and Tract 2. Access from the private road to lots within this subdivision will be via a 20 foot wide lot access driveway within a 38-foot easement. The only street lighting will be at the development's entry at Hyde Park and Camino Mirasol.

Hyde Park Road is a major roadway which is a state road with a 100-foot right-of-way. Review by the City's Traffic Engineering Division of the Traffic Impact Analysis submitted by the applicant's engineer shows that there will be no significant functional problems as a result of traffic generated by the proposed eight-lot subdivision or by likely future development of Tract 2.

B. Road Connectivity

Subsection 14-9.2(D)(8) states that "Cul-de-sacs and other dead-end streets, both public and private, may be constructed only if topography, lot configuration, previous development patterns or other natural or built features prevent continuation of the street." The existing topography on Tract 1 would make it difficult to connect a street to the existing road network in the neighborhood to the west, so the proposed dead-end private driveway would meet that approval criterion for Haciendas del Mirasol.

The PRC district regulations require coordination of phasing for roads, emergency access and other infrastructure for both Tract 1 and Tract 2. Coordination with the infrastructure for a third vacant parcel located east of Tract 2, but outside the PRC, is desirable. A

preliminary subdivision plat application for that parcel has been submitted, and is scheduled to be heard by the Commission on September 1 (Alma Dura Preliminary Subdivision Plat Case #2016-70, nine lots on 10.731 acres).

No plans have yet been submitted to indicate how Tract 2 will be developed. The various unofficial versions of the expired master plan all show access to Tract 1 via a dead-end private road or driveway. Access to Tract 2 is shown via various combinations of road and driveway extensions from the intersection with Hyde Park Road, from Williams Street, and from a stubbed-out connection to the "Alma Dura" parcel.

There are apparently no current plans for extension of Camino Mirasol beyond Tract 2, or for how the street might be extended within Tract 2. Future subdivision or other development of Tract 2 will likely require at least an emergency access easement connecting Camino Mirasol to some other access point to meet the requirements of the International Fire Code. An emergency access easement would have a gate that could be operated by the Fire Department using an emergency access code. Connection of a private street or emergency access road to Williams Street at the westerly corner of Tract 2 would require grading in areas with slopes steeper than 30%, and alterations to existing vegetation and drainage patterns. The Alma Dura application proposes access via Vallecita Drive, and would not provide for an extension of Camino Mirasol or for an emergency access point for Tract 2.

Although the proposed use of a cul-de-sac road system with a single intersection on Hyde Park Road would provide adequate functional access and emergency access for the type and intensity of development proposed, that type of road network does not appear to be consistent with the intent of general plan policies that call for road connectivity in residential neighborhoods. Provision of access points through adjacent residential neighborhoods, although technically feasible, would likely be controversial.

The policies for spacing of through streets and connectivity are subject to interpretation of feasibility and desirability. Staff analysis has identified the relatively low density of likely development and the steep topography as issues that affect the need and feasibility of providing connectivity. The Land Use Department and the City's Traffic Engineer are not recommending conditions of approval that would require additional access.

C. Utilities

The tracts are inside the City's service area. Connection to the City's water and sewer is required. In order to determine specific requirements, water service infrastructure requirements will be evaluated at time of development. Gas, electricity, phone and cable utility infrastructure are accessible either via Hyde Park Road or via a sewer easement to the property by the El Matador Apartments.

D. Natural Features and Terrain Management

The property is subject to various provisions that affect grading and other development:

- Mountainous and Difficult Terrain regulations state that where 25% or more of a parcel has a natural slope greater than 20 percent, density is limited to 75% of the district's maximum allowable density (Subsection 14-7.2(B)(5)). Note that the proposed density is significantly lower than would be required by that subsection.
- Much of the site is also within the Ridgetop and Foothill Subdistricts of the Escarpment Overlay District, which restrict the location, height and design of buildings permitted on the property (Section 14-5.6).
- Areas of over 30% slopes are scattered throughout the property along the areas where there are arroyos. No buildings can be located in those areas, and other types of disturbance are restricted (Subsection 14-8.2(D)(2)(b)).
- The PRC Ordinance 1981-3 imposes standards that are similar in many respects to those that are outlined above.

Many of the rock/wire check dams (reportedly constructed by the Civilian Conservation in the late 1930s) have failed and are in need of repair. The applicant's Terrain Management Report states that the runoff from the subject property has discharged to the street system in the residential area to the west and does not adequately flow into the storm sewer system, requiring maintenance to clear mud and debris from the streets.

The applicant's Terrain Management Report proposes the following steps to mitigate excess runoff from impervious surfaces (roofs and driveways):

On-lot impervious areas are to be controlled as follows:

1. All roofs are to be provided with cisterns (active water harvesting techniques). The cisterns shall be sized to capture one gallon per square foot of roof area.
2. All impervious driveways, sidewalks, and patios shall use (passive water harvesting techniques), open ponds, and mulched water absorption swales are to collect 100% of the 100 year 24 hour precipitation.

Subdivision runoffs from streets are to be controlled as follows:

1. Rain gardens will be provided adjacent to the driveway. Rain gardens are sized to control 100% of the 100 year 24 hour precipitation.
2. Existing check dams are to be repaired.
3. The existing check dams are to be repaired. [sic]
4. New ponds are to be constructed to attenuate peak flows.
5. Additional check dams will be installed.
6. Inspection and maintenance for all storm water management facilities shall be performed by the Homeowners Association.

All significant trees will be accounted for and replanted or replaced. Rain gardens will be used adjacent to the driveway to reduce runoff and to water the landscape.

The Greater Callecita Neighborhood Association (GCNA) has submitted a detailed report by Architect Suby Bowden that outlines a number of alleged deficiencies in the plans submitted by the applicant, pertaining to escarpment and terrain management standards (Exhibit G-3).

Review by city staff has determined that the application materials are complete and comply with applicable standards in Chapter 14, and a detailed response to the GCNA report is included in Exhibit B-4.

E. Escarpment Regulations

Land within the Escarpment Overlay District is considered to have significant visual impact when viewed from designated segments of public roads. Within the Overlay District, the Ridgetop Subdistrict is considered more visible than the Foothills Subdistrict. In addition to placement restrictions, buildings within the Escarpment Overlay District are subject to height, color, exterior lighting, and landscaping restrictions intended to reduce potential visual impacts as set forth in Section 14-5.6. Additional regulations are provided for grading, retaining walls, driveways and utilities.

As shown on Sheet 4-3 of Exhibit H much of Tract is within the Ridgetop and Foothills subdistricts. Subsection 14-5.6(D)(3)(e) and (f) regulate siting of structures on lots proposed within new subdivisions. Note that the "viewline" is the boundary between the Ridgetop and the Foothills portions of the lot:

- (e) For lots subdivided or resubdivided after February 26, 1992, the structure shall be designed and built as far from the viewline as possible in the foothills subdistrict. An alternate siting in the foothills subdistrict may be approved if such siting of the structure will decrease the visual impact beyond that which would exist if the structure were to be sited as far from the viewline as possible.
- (f) In determining the visual impact, staff shall consider the following in accordance with the administrative procedures adopted by Resolution No. 2006-113 as may be amended by the governing body:
 - (i) the public interest is protected and the modification does not nullify the intent or purpose of this chapter;
 - (ii) existing topography;
 - (iii) effect on existing vegetation;
 - (iv) location of existing infrastructure;
 - (v) proposed site improvements; and
 - (vi) any other change that would protect the public interest, reduce the visual impact and further the objectives of this section.

The Las Estancias PRC ordinance, which was approved before the Escarpment Regulations were adopted, contains additional requirements for siting houses on lots and for a "visual setback" of 150 to 250 feet from the centerline of Hyde Park Road (Exhibit D). Subsection 14-1.7(B) states that, in case of conflicting regulations, the more-restrictive provision prevails. This means that when one is factoring in building "as far from the viewline as possible," the houses cannot be built up against Hyde Park Road or within 30% slopes.

The "Buildable Areas" shown on the plat are intended by the applicant to represent areas where houses and accessory structures could be built in compliance with the escarpment and terrain management regulations, as well as in compliance with the siting and visual setback requirements of Ordinance 1981-3.

Analysis by staff of the applicable regulations confirms that the proposed buildable areas comply with the applicable regulations.

F. Archaeology

An archaeological study was approved by the Archaeological Review Committee (ARC) on March 3, 1997, granting clearance for the area comprising Tract 1 and Tract 2. As part of the clearance there was a preservation easement for one prehistoric site and mitigation of the another. This has been completed and is shown on the plats for the overall 69 acres. No archaeological sites are located on the subject property (Tract 1).

→ According to the Historic Preservation staff, it is not clear that all of the required documentation was filed. The applicant has agreed to go through the clearance process again to eliminate any uncertainty regarding documentation requirements.

G. Neighborhood Concerns

An Early Neighborhood Notification meeting was held on April 11, 2016. Approximately 60 members of the public attended (Exhibit E: ENN Materials). The primary questions and concerns raised involved drainage and erosion onto nearby properties and possible traffic congestion. Several questions were also raised about the number of units to expect on Tract 2 and how they would tie in with/ relate to the subject development.

Neighbors have continued to express concerns subsequent to the ENN meeting, and the Greater Callecita Neighborhood Association has submitted a detailed statement addressing issues that they characterize as code violations (Exhibit G-3). Several emails were received from neighbors to the site and those are included in Exhibit F.

The applicant notified the Santa Fe Public Schools of the proposed project, as required by Subsection 14-8.16. The school district typically does not respond to notifications on this type of project.

Other Considerations

The CC&Rs will be managed by an architectural review by the HOA and required at the time of Final Subdivision Plat approval. The section on Centralized Drainage Control Structures is provided in Exhibit H-4.

V. SUBDIVISION APPROVAL CRITERIA

The following subdivision approval criteria from Subsection 14-3.7(C) apply to this application:

- (1) In all subdivisions, due regard shall be shown for all natural features such as vegetation, water courses, historical sites and structures, and similar community assets that, if preserved, will add attractiveness and value to the area or to Santa Fe.

Applicant's Response:

"An archaeological report has been prepared for the subdivision. No archaeological or historical sites were discovered within the boundary of the subdivision. Every effort has been taken to minimize the removal of pinon trees including the careful location of the roadways and use of a low pressure sewer system that allows for the sewer system to avoid trees wherever possible. There is minimal disturbance to the drainages within the Subdivision. Existing check dams built during the depression in the 1930's will be restored and additional check dams will be constructed to reduce the existing arroyo bank erosion that is currently taking place. The area has been used illegally for parking and partying by trespassers and as living areas by transients, (often referred to as Hobo Hill). The broken bottles, trash and temporary camp sites will be removed from the property. With the construction of road and utility improvements the area will not be occupied by transients illegally living on the property. Given the fire pits that are located at various places on the property the chance of wild fires taking place on the property will be eliminated. This risk of a wild fire spreading to the adjoining residential dwellings is an asset to the neighborhood.

All significant trees will be replanted or replaced. A trail proposed along Hyde Park Road will be designated as a semi-public trail and will serve as a community asset."

Staff Response:

Due regard has been shown for vegetation, water courses, historical sites and structures, and similar community assets. This will add attractiveness and value to the area and to Santa Fe along this designated scenic byway.

- (2) The planning commission shall give due regard to the opinions of public agencies and shall not approve the plat if it determines that in the best interest of the public health, safety or welfare the land is not suitable for platting and development purposes of the kind proposed. Land subject to flooding and land deemed to be topographically unsuited for building, or for other reasons uninhabitable, shall not be platted for residential occupancy, nor for other uses that may increase danger to health, safety or welfare or aggravate erosion or flood hazard. Such land shall be set aside within the plat for uses that will not be endangered by periodic or occasional inundation or produce unsatisfactory living conditions.

Applicant's Response:

"The drainages on the property are not designated FEMA flood plains. The only disturbance to the drainage will be the repair of the existing check dams and controlling the erosion that is taking place on the main drainage. No construction will take place on slopes of 30 percent or greater with certain exceptions as permitted by the Land Use Code. Extraordinary engineering measures have been proposed to ensure the storm water generated by the development of the property is adequately detained on the property.

Covenants have been provided to the city which mandate the maintenance of all storm water and erosion control structures and facilities on the property. This includes a schedule of inspection and repair as described on the engineering plans. The allowed density of the property, which is permitted by the underlying PRC zoning district, could develop at 2.8 dwellings per acre is proposed for development at one dwelling per 3.5 acres. This significant reduction in density substantially reduces the impact on the terrain created by the development of the site, including roads, utilities and homes. The city agencies have reviewed the plans and find the engineering design to be in conformance with the City Code. The New Mexico Department of Transportation has reviewed the engineering report for Hyde Park Road and finds the Traffic Impact Study acceptable although not warranted since the traffic generation does not trigger a Traffic Impact Study for this level of development."

Staff Response:

Staff concurs with the applicant's statement.

- (3) All plats shall comply with the standards of Chapter 14, Article 9 (Infrastructure Design, Improvements and Dedication Standards).

Applicant's Response:

"The plat and engineering drawings have been prepared to comply with all provisions of Chapter 14 Article 9."

Staff Response:

Plans have been reviewed by the DRT (See Exhibit A). All conditions of approval must be met with the Final Subdivision Plat and prior to recordation.

- (4) A plat shall not be approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with the provisions of Chapter 14 unless a variance is approved concurrently with the plat.

Applicant's Response:

"No variances have been requested for the subdivision. There is no aspect of the engineering or platting that is inconsistent or violates the provisions of Chapter 14."

Staff Response:

No variances are needed for this proposal.

- (5) A plat shall not be approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with applicable provisions of other chapters of the Santa Fe City Code unless an exception is approved pursuant to the procedures provided in that chapter prior to approval of the plat.

Applicant's Response:

"No exceptions to the Land Use provisions of the City Code are requested. There is no increase to an existing nonconformity since all platting and engineering design and

standards have been prepared in conformity with the City Code."

Staff Response:

Staff concurs with the applicant's statement.

VI. RECOMMENDATION

The conditions of approval for Haciendas del Mirasol are generally technical in nature and can be addressed prior to the Final Subdivision public hearing.

VII. ATTACHMENTS

EXHIBIT A: Conditions of Approval

EXHIBIT B: Development Review Team Memoranda

1. Traffic Engineering Comments, John Romero
2. Technical Review Division Memorandum, Soamiya Ahmed
3. Fire Department Memorandum, Rey Gonzales
4. Technical Review Division Memorandum, Risana "RB" Zaxus
(Includes response to Greater Callecita Neighborhood Assoc. memo by Suby Bowden)
5. Wastewater Division Memorandum, Stan Holland

EXHIBIT C: Maps

1. Vicinity Map
2. Aerial
3. Future Land Use
4. Zoning
5. Escarpment Overlay
6. Estancia Primera Master Plan
7. Los Vecinos Subdivision Development Plan 1995 (Denied)

EXHIBIT D: Other Materials

1. Ordinance 1981-3 PRC Rezoning Ordinance with Conditions

EXHIBIT E: ENN Materials

1. ENN Responses to Guidelines
2. Meeting Notes

EXHIBIT F: Communications from Individual Neighbors

EXHIBIT G: Communications from Neighborhood Associations*

From Greater Callecita Neighborhood Association (GCNA)*

1. Fred Rowe – requesting City rejection of the proposal*
2. Fred Rowe – letter to Kelly Brennan*

3. Suby Bowden letter to the LUD staff and GCNA*
From Peralta Subdivision Home Owners Association
4. Sue Hermann of the Peralta Subdivision Home Owners Association*

EXHIBIT H: Applicant Submittals

1. Transmittal Letter
2. Proposed Preliminary Subdivision Plat, Haciendas del Mirasol
3. Applicant Response to Ordinance 1981-3 Conditions
4. Applicants Letter to Kelley Brennan in response to Fred Rowe's 6/6/16 letter.
5. Proposed Covenants, Conditions, Restrictions and Easements —
(Section 3.3 Centralized Drainage Control Structures)
6. Preliminary Subdivision Plat Submittal for Haciendas del Mirasol at El Mirasol* (applicant's full 11" x 17" plan set)

*Asterisk indicates maps and other exhibits that may not be included in electronic versions of this staff report. File copies are available for review at the Land Use Department office at 200 Lincoln Avenue, City Hall West Wing.

City of Santa Fe, New Mexico

Planning Commission

Exhibit A

Conditions of Approval

Haciendas Del Mirasol

Case #2016-51

Preliminary Subdivision Plat

Condition of Approval		Department	Staff
<p>1. As stated in Article 14-5.6(D)(1) "Location of Structures," For all lots subdivided after February 26th, 1992, development in the Ridgetop Subdistrict of the Escarpment overlay district, other than driveway access and utilities, is prohibited.</p> <p>2. For lots subdivided after February 26th, 1992, the structure shall be designed and built as far from the view line as possible in the Foothills Subdistrict [Article 14-5.6(D)(3)(e)].</p> <p>3. All structures must be located within the buildable areas as delineated on the Plat. - are five buildable areas</p> <p>4. All development in the Foothills Subdistrict must comply with all the provisions of Article 14-5.6 "Escarpment Overlay District."</p> <p>5. Proposed monument sign must comply with Article 14-8.10(E)(4) "Freestanding Signs" which requires that an area equal to the sign area shall be landscaped at the base of the sign. Landscaping shall be with five-gallon shrubs with a minimum mature height of thirty (30) inches with one shrub planted for every ten (10) square feet.</p> <p>6. Outdoor lighting and accent lighting must comply with Article 14-8.9 "Outdoor Lighting."</p>		Landscape Review, Technical Review Division	Somie Ahmed

Development Review Team

Comment Form

Date: 7/11/16

Staff person: Somie Ahmed, Planner Technician Senior

Dept/Div: LUD/Technical Review Division



Case #2016-51. Haciendas del Mirasol, 700 Hyde Park Road, Preliminary Subdivision Plat.
Cody North, agent for 700 HRP, LLC, requests preliminary subdivision plat approval for 8 lots on 28 acres to be accessed by a private driveway via a connector road off of Hyde Park Road. The property is zoned PRC (Estancia Primera Planned Residential Community). (Donna Wynant, Case Manager)

Case Mgr: Donna Wynant, Senior Planner, LUD/Current Planning Division, 955-6325

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. As stated in Article 14-5.6(D)(1) "Location of Structures," For all lots subdivided after February 26 th , 1992, development in the Ridgetop Subdistrict of the Escarpment overlay district, other than driveway access and utilities, is prohibited.	At time of building permit.
2. For lots subdivided after February 26 th , 1992, the structure shall be designed and built as far from the viewline as possible in the Foothills Subdistrict [Article 14-5.6(D)(3)(e)].	Final Plat
3. All structures must be located within the buildable areas as delineated on the Plat.	Final Plat
4. All development in the Foothills Subdistrict must comply with all the provisions of Article 14-5.6 "Escarpment Overlay District."	At time of building permit.
5. Proposed monument sign must comply with Article 14-8.10(E)(4) "Freestanding Signs" which requires that an area equal to the sign area shall be landscaped at the base of the sign. Landscaping shall be with five-gallon shrubs with a minimum mature height of thirty (30) inches with one shrub planted for every ten (10) square feet.	Final Plat
6. Outdoor lighting and accent lighting must comply with Article 14-8.9 "Outdoor Lighting."	At time of building permit.

Technical Corrections:

Must be completed by:

Amend notes on Sheet 4-3 (Siting Plan) to change the statement
"The building roofline for each dwelling unit shall not exceed 15 vertical feet
above the highest point of natural grade surface on the building side.
Chimneys are excepted from this height limitation" to:

(5) The maximum height of any structure in the foothills subdistrict shall
be determined by the more restrictive of the following calculations:

(a) The highest point on the structure shall not exceed a maximum
height of fourteen (14) feet above the highest natural grade at the
perimeter of the structure.

(b) The highest point on the structure shall not exceed a maximum
height of twenty (20) feet above each and every point of measurement
along the structure perimeter. This measurement shall be from the
undisturbed natural grade of the land at the perimeter, or from the
finished grade at the perimeter, whichever is more restrictive in height.

(c) The highest point on the structure includes the tops of parapets and
clerestories, except that chimneys may exceed the maximum height by
not more than three (3) feet above the immediately adjacent roof.
Adding fill dirt to the natural grade in order to increase the height is
prohibited.

Final Plat

Development Review Team
Wastewater Management Division
E-Mail Delivery
Comment Form

Date: July 14, 2016

Staff person: Stan Holland, Engineer

Dept/Div: Public Utilities/Wastewater

Case #2016-51. Haciendas del Mirasol, 700 Hyde Park Road, Preliminary Subdivision Plat.
Cody North, agent for 700 HRP, LLC, requests preliminary subdivision plat approval for 8 lots on 28 acres to be accessed by a private driveway via a connector road off of Hyde Park Road. The property is zoned PRC (Estancia Primera Planned Residential Community).

Case Mgr: Donna Wynant, Senior Planner, LUD/Current Planning Division, 955-6325

The subject property is accessible to the City public sewer system. Accessible is defined as within 200 feet of a public sewer line.

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

Conditions of Approval:

1. None	Must be completed by:

Technical Corrections*:

	Must be completed by:
1. Add note to the plat that Wastewater Utility Expansion Charges (UEC) shall be paid at the time of building permit application.	
2. Add note to the plat stating that no fences, walls, or other obstructions shall be placed or constructed across or within public sanitary sewer or utility easements	
3. Add note to the plat that the Development is served by a private sewer system	
4. Add note to the sewer utility sheet that the connection to the existing public sewer manhole shall be core drill	
5. Provide detail for the LPS sewer line connection to the existing public manhole	
6. Add the word "Private" to the title block wording on sheets 6-3 & 6-4	
7. A base course driving surface will need to be added to the portion of the public sewer easement access to the tie-in public sewer manhole that is within the development. In addition, it will need to be verified if a gate will be required at the property line where the public sewer line enters the development	
8. Confirm that a locate wire system is part of the private low pressure sewer system design	

Development Review Team

Comment Form

Date: 7/11/16
Staff person: Reynaldo Gonzales
Dept/Div: Fire



Case #2016-51. Haciendas del Mirasol, 700 Hyde Park Road, Preliminary Subdivision Plat.
Cody North, agent for 700 HRP, LLC, requests preliminary subdivision plat approval for 8 lots on 28 acres to be accessed by a private driveway via a connector road off of Hyde Park Road. The property is zoned PRC (Estancia Primera Planned Residential Community). (Donna Wynant, Case Manager)

Case Mgr: Donna Wynant, Senior Planner, LUD/Current Planning Division, 955-6325

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:
None	

Technical Corrections*:	Must be completed by:
None	

*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. Standard comments have been addressed by the applicant (via Santa Fe Eng Consultants) and still apply in the revised plan for future construction and plan review.

WYNANT, DONNA J.

From: James Beck <JandLBeck@comcast.net>
Sent: Monday, April 25, 2016 7:11 AM
To: CenturyLink Customer; WYNANT, DONNA J.
Subject: Haciendas del Mirasol

Dear Mr. North,

My name is Jim Beck. My wife and I live at 516 Camino Los Altos in the Estancia Primera neighborhood. I am aware of your intent to develop a subdivision at 700 Hyde Park Rd.

As you probably know, there is growing opposition to your plans.

Our neighborhood HOA, of which I am secretary, is having its annual meeting on TH MAY 26th at 4 PM in the Clubhouse of Estancia Primera.

We cordially invite you or one of your representatives to attend this meeting. We think it would be beneficial for you to explain your plans and answer some questions.

Many people are receiving e-mails which cast your project in a negative light. We believe we need to hear your side. The meeting will be limited to the members of our HOA, not open to the public. The purpose of the meeting would be for you to present your plans and answer some questions.

We would limit the discussion to no more than 30-40 minutes and the atmosphere will not be confrontational. Please consider this request. We think the meeting would be beneficial, time well spent.

Please reply.

Thank you.

Jim Beck

Secretary

Los Altos Home Owners Association
983-1971

WYNANT, DONNA J.

From: jerryward100@comcast.net
Sent: Tuesday, April 26, 2016 9:12 AM
To: WYNANT, DONNA J.
Cc: Pat Jackunas; Schiller, William; Bontrager, A.; MICHELLE H. MELTON; Pierce, Scottie; Van Essen, Owen; Wells, Eileen
Subject: Traffic impact of El Mirasol Development off Hyde Park Rd

Good morning Donna,

We are full time residents of Los Altos, a sub-division of Estancia Primera. Pat Jackunas, President of our homeowners association, suggested we forward you our thoughts and concerns regarding the traffic impact of the proposed new "El Mirasol" project off Hyde Park Road, across from Estancia Primera. We understand that the developer has presented a limited traffic study as part of their application to the City Planning Commission, but that it addresses only their estimated impact from development of homes built on the initial 8 lots, and does not include the impact of development of the additional 36 lots in the second phase of the development as well as the potential for addition of guest houses on the lots.

We want to be sure the City Planning Commission takes into consideration the full impact of the complete development on increased traffic flows and safety. Some of the questions we feel need to be addressed are:

1. Is the planned entry to El Mirador from Hyde Park Rd directly across from the South Entrance to Estancia Primera the optimal location considering traffic flow and safety. Would a location further down or up Hyde Park Rd be better?
2. Is a left turn lane or other provision to facilitate left turns from Hyde Park Rd into El Mirador planned? During periods of heavy traffic flow such as ski season, cars waiting to make left turns into El Mirador could back up traffic coming up Hyde Park Rd. creating congestion and safety issues.
3. Similarly, what is planned to enable residents exiting from the Estancia Primera South Entrance to make left turns onto Hyde Park Rd during periods of heavy traffic? This is already an issue during periods of heavy traffic, especially during ski season and will increase with additional traffic.
4. What provisions will be made to facilitate the flow of construction traffic during during several years of construction, including safety considerations?

We would ask that you please include these questions and concerns in your consideration of plans for the El Mirador development. We believe other Estancia Primera residents have similar and/or additional concerns and questions.

Please let us know if you have questions regarding the issues we have raised or if we can provide additional information to help in your evaluation.

Respectfully submitted.

Robin and Jerry Ward
424 Los Altos Way
505-992-8215

WYNANT, DONNA J.

From:

Sent:

To:

Subject:

Errol Levine <cfaberge@msn.com>

Friday, April 29, 2016 12:07 AM

WYNANT, DONNA J.

Re: Proposed Haciendas del Mirasol Development - Question from Errol Levine

Hi Donna:

This is likely a duplicate email since I was not certain which email address to contact you at.

I am a resident of Estancia Primera. I have attended two meetings where Cody North made presentations including the recent ENN meeting at the Public Library. You said at that meeting that we could contact you if we have questions and I do have some as outlined below.

I have been favorably impressed by Cody's candor and the nature of the proposed development as he described it. However, as you know, there is a lot of noise about the project and a lot of misinformation is going around. I am therefore trying to educate myself about the project to the extent that I can.

I have obtained a copy of Ordinance 1981-3. In reading through it I found references to various tracts of land designated by alphabetical letters in upper case. I know that most of these apply to Estancia Primera. However, I do not know which tract or tracts so designated correspond to the proposed Haciendas del Mirasol development and which tract would cover the remainder of El Mirasol. Would you please provide me with that information?

My understanding also is that the proposed site of El Mirasol was originally part of Estancia Primera and that it was approved by the City as a Planned Residential Community by Ordinance 1981-3 when the rest of Estancia Primera, as it currently exists, was approved by the City. Is that correct?

In Cody's last presentation he mentioned that the proposed entry to Camino Mirasol was established by the Ordinance. In reading the Ordinance I found reference to the required setbacks from Hyde Park Road that he mentioned. However, there was no mention in the Ordinance of the development's entry being required to be opposite the south entry to Estancia Primera. I assume though that there were plats and plans that were attached to the Ordinance that I do not have? If there are such plans and plats dating back to 1981 do they show the entry to El Mirasol as being opposite to the south entry to Estancia Primera when the City approved the entire development?

Thank you and I look forward to hearing from you.

Sincerely,

Errol Levine MD

City of Santa Fe, New Mexico

Planning Commission

Exhibit G

**Communications from
Neighborhood Associations**

Development Review Team
Comment Form

Date: 7/12/16

Staff person: Dee Beingessner

Dept/Div: Public Utilities/Water Division



Case #2016-51. Haciendas del Mirasol, 700 Hyde Park Road, Preliminary Subdivision Plat.
Cody North, agent for 700 HRP, LLC, requests preliminary subdivision plat approval for 8 lots on 28 acres to be accessed by a private driveway via a connector road off of Hyde Park Road. The property is zoned PRC (Estancia Primera Planned Residential Community). (Donna Wynant, Case Manager)

Case Mgr: Donna Wynant, Senior Planner, LUD/Current Planning Division, 955-6325

The developer has submitted preliminary water plans to the water division, so all requirements for water at this stage have been met.

City of Santa Fe, New Mexico

Planning Commission

Exhibit C

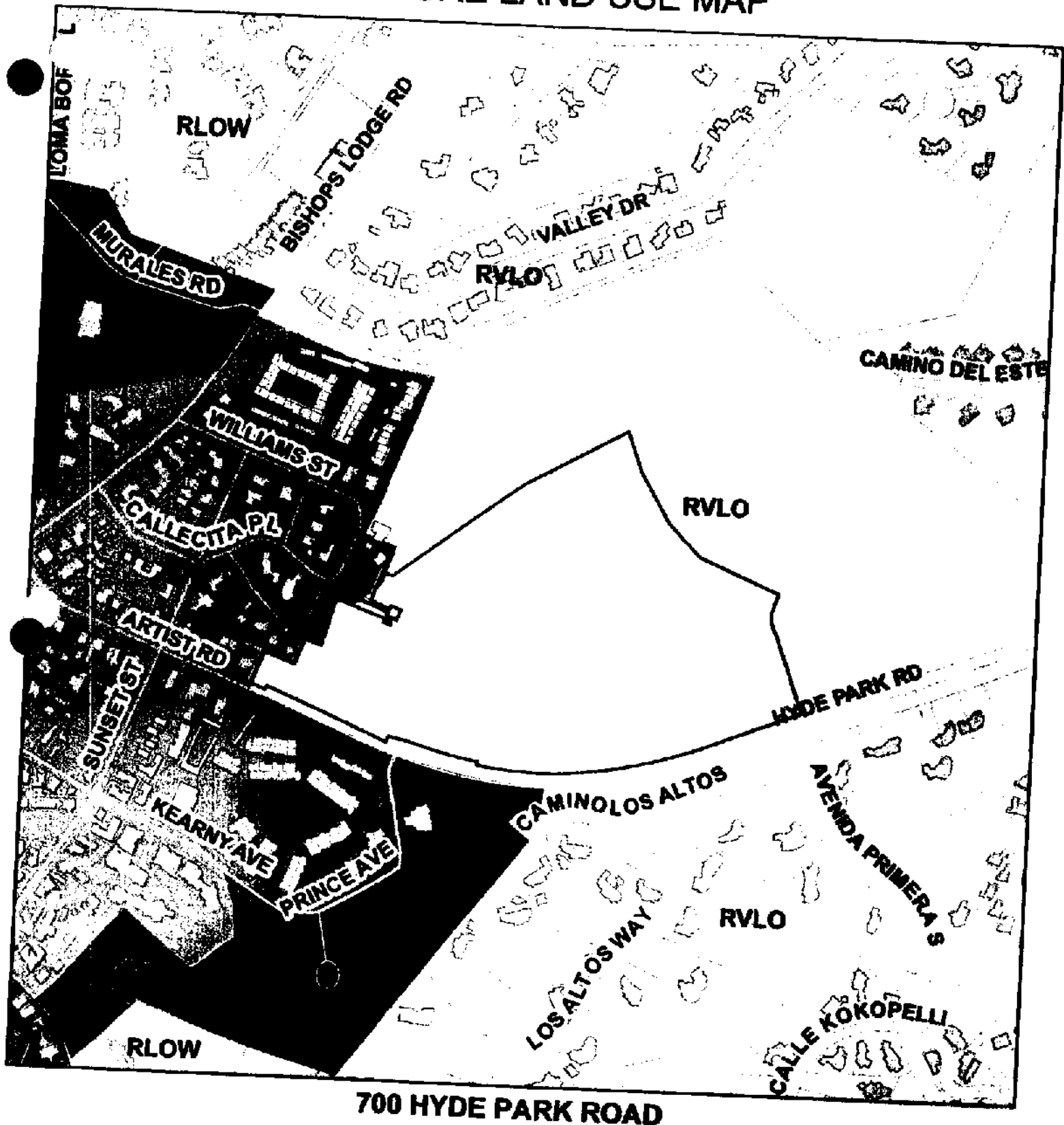
Maps

AERIAL



700 HYDE PARK ROAD

FUTURE LAND USE MAP



ZONING



700 HYDE PARK ROAD

ESCARPMENT OVERLAY ZONE

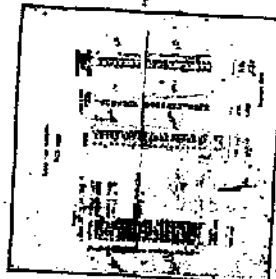


700 HYDE PARK ROAD



ESTANCIA PRIMERA

PLANNED RESIDENTIAL COMMUNITY
MASTER PLAN



TYPE: ALLOTMENT 1

City of Santa Fe, New Mexico

Planning Commission

Exhibit D

Other Materials

419679

CONDITIONS OF ORDINANCE 1981-1 ESTANCIA PRIMERA PRC
 PLANNED RESIDENTIAL COMMUNITY - PRC

The property described as follows:

Two certain tracts of land lying and being situate within the City of Santa Fe, State of New Mexico, being more particularly described as follows:

TRACT A:

Beginning at a point on the north right of way line of Hyde Park Road from which manhole No. X 5-C3 bears:

S 81° 14' W 56.75 feet;

thence from said point and place of beginning along the following bearings and distances:

N 21° 50' E 120.1 feet;
 S 68° 27' E 110.1 feet;
 N 21° 38' E 108.24 feet;
 N 67° 30' W 10.1 feet;
 N 21° 46' E 164.8 feet;
 S 68° 16' E 39.93 feet;
 N 21° 48' E 24.9 feet;
 S 68° 06' E 57.12 feet;
 N 52° 44' E 122.45 feet;
 S 67° 56' E 35.1 feet;
 N 22° 02' 1/2' E 149.78 feet;
 N 68° 01' W 155.4 feet;
 N 21° 23' E 49.9 feet;
 N 23° 39' E 99.3 feet;
 N 24° 05' 1/2' E 158.3 feet;
 N 78° 47' W 153.7 feet;
 N 76° 44' W 130.25 feet;
 N 62° 56' E 55.55 feet;
 S 76° 19' E 132.8 feet;
 N 72° 56' E 151.6 feet;
 N 54° 45' 1/2' E 185.2 feet;
 N 68° 43' E 752.6 feet;
 S 51° 19' E 486.95 feet;
 S 54° 27' E 383.1 feet;
 S 54° 29' E 1023.15 feet;

thence 80.91 feet along a curve to the right whose chord bears:

S 67° 15' W 80.9 feet;
 S 69° 36' 1/2' W 1553.9 feet,

thence 759.05 feet along a curve to the right whose chord bears:

S 85° 16' W 749.6 feet;
 N 10° 28' E 10.06 feet,

thence 258.81 feet along a curve to the right whose chord bears:

N 73° 24' W 258.43 feet;
 S 22° 46' 1/2' W 19.7 feet;
 N 68° 09' W 430.0 feet;
 N 23° 20' W 14.5 feet;
 N 67° 32' W 75.12 feet.

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 Santa Fe County, N.M.
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 Santa Fe County, N.M.

419680

to the point of beginning. All as shown on plat of survey by Jack G. Horne, entitled "The Prince Estate-North of Hyde Park Road", dated February 12, 1980.

TRACT B:

Beginning at a point from which manhole No. W3K2-2 bears N 27° 46' E., 46.7 feet, thence from said point of beginning:

S 78° 05' W 118.0 feet;
 S 80° 28 1/2' W 434.56 feet;
 S 9° 14' W 92.0 feet;
 S 43° 50' E 120.0 feet;
 S 84° 17' W 295.2 feet;
 N 63° 31' W 39.83 feet;
 S 19° 42' W 85.0 feet;
 N 53° 13' W 225.6 feet;
 N 63° 41' W 79.92 feet;
 S 23° 58' W 187.1 feet;
 N 65° 00' W 66.1 feet;
 N 33° 05' W 34.0 feet;
 N 58° 54' W 31.3 feet;
 N 34° 10' E 397.1 feet;
 N 73° 04 1/2' W 172.56 feet;
 S 25° 50' W 214.3 feet;
 N 74° 23' W 109.5 feet;
 N 77° 31' W 35.1 feet;
 N 28° 00' E 221.0 feet;
 S 73° 04 1/2' E 50.3 feet;
 N 37° 21' E 1026.19 feet;
 N 50° 18' W 93.95 feet;
 N 59° 27' E 125.55 feet,

thence 291.87 feet along a curve to the left whose chord bears:

N 84° 25' E 291.4 feet;
 S 10° 56' E 189.69 feet;
 N 79° 04' E 209.3 feet;
 N 11° 00' W 208.9 feet;
 N 60° 45' E 33.4 feet;
 N 69° 36 1/2' E 1550.7 feet,

thence 145.19 feet along a curve to the left whose chord bears:

N 66° 08' E 145.13 feet;
 S 54° 30 1/2' E 1693.1 feet;
 S 53° 01' W 1984.46 feet;
 N 78° 03' W 330.14 feet;
 N 80° 56' W 665.03 feet;
 N 78° 55' W 357.4 feet;
 N 18° 45' E 201.54 feet,

to the point and place of beginning. All as shown on plat of survey by Jack G. Horne, entitled "The Prince Estate-South of Hyde Park Road", dated February, 1980. (the property)

was zoned by the governing body as a PRC with an average density of 2.38 units per acre, up to 450 units, on January 28, 1961.

The property, as zoned, has the following conditions attached thereto:

1. Detailed engineering soils and drainage reports, including type and location of all on-site and off-site drainage retention structures, shall be submitted to the Department of Public Works of the City for the entire development at the preliminary plat submittal for the first phase. Included in this condition is that all dwelling units for the cluster developments be sited on these submittals.
2. Detailed engineering plans and reports for all on-site roadway improvements shall be submitted to the Department of Public Works of the City for the entire development at the time of preliminary plat approval for the first phase. Included in this condition is the design plans for the Hyde Park Road-Estancia Primera inter-section.
3. No commercial development in Phase 1 or 2. Commercial development shall be considered by the City of Santa Fe Planning Commission (the Commission) at the time of final plat approval for Phase 3. As such, the preliminary plat for Phase 3 shall include a design for both bases:
 - (a) if it remains as residential
 - (b) if it is approved for commercial
4. Submittal of architectural style guidelines to be adhered to by builders shall be submitted at the time of final plat for Commission approval for each phase of development.
5. Sewer assessment to be paid by developer for each dwelling unit as per established Commission policy for off-site sewer facilities improvement serving the area of the development, as adopted by the Joint City-County of Santa Fe Planning Commission at its meeting of October 23, 1980.
6. The developer will share in the costs of off-site roadway improvements as may be required by the Commission at different phases in this development. The developer's share shall be proportionate to the development's impact on those required improvements.
7. **SITE PLANNING CRITERIA, TOPOGRAPHY, GRADING CRITERIA, LIMITATION ON MAXIMUM HEIGHT OF BUILDINGS, ADDITIONAL SUBMITTALS AND CONDITIONS & MISCELLANEOUS:**
 - A. **SITE PLANNING CRITERIA.** All of the conditions of the City of Santa Fe Land Subdivision Regulations, including the Terrain Management Regulations, shall apply to the property which is the subject of the PRC Ordinance except for and subject to the specific variances and restrictions set forth herein below in subparagraphs 7.A.1. through 7.A.3.
 1. **Topography.** No portion of any building can extend more than 40 horizontal feet or to a point more than 10 vertical feet, whichever is more restrictive, beyond a point whose average natural slope is 20 percent. The slope analysis map submitted by NMRI and verified by the City Planning Department shall be the basis for this determination.

The slope analysis to be submitted by NMRI shall be the basis for this determination.

419682

2. Grading Limits. Grading on the site shall be confined within an area which is determined as being 15 horizontal feet beyond the building foundation wall as determined in (1) above, or 10 horizontal feet beyond a point whose average natural slope is 20 percent. At the limits of grading, natural grade shall be met with a graded slope not to exceed 1 vertical foot in 3 horizontal feet, except that structural retaining wall, not to exceed 5 vertical feet, is permitted for patios.

All cut and fill slopes will be rehabilitated according to an approved Erosion Control Plan as required by the Terrain Management Regulations.

3. Maximum Height of Buildings.

a. The finished floor elevation at any point shall not exceed 5 vertical feet above the natural grade below that point.

b. The building roof line for each dwelling unit shall not exceed 15 vertical feet above the highest point of natural ground surface on the building site. Chimneys are excepted from this height limitation.

c. The building roof line for each dwelling unit shall not exceed 20 vertical feet above the natural ground surface at any point at the building foundation on the building site. Chimneys are excepted from this height limitation.

D. ADDITIONAL SUBMITTALS AND CONDITIONS. NMRI shall satisfy the following conditions and make the following submittals before either a preliminary development plan under the Planned Residential Community Ordinance or a Preliminary Subdivision Plat is approved by the Commission.

1. The preliminary subdivision plat for the entire PRC parcel will be submitted to the Department of Planning and Development of the City together with all reports and plans required by the Terrain Management Regulations.

2. In addition to the provisions of the Terrain Management Regulations, the Grading Plan shall include for each tract: (1) the grading envelopes which define the horizontal limits of grading, (2) limitations to the cut and fill expressed in vertical feet above or below natural ground elevations, and (3) the typical grading cross-sections. Before any grading may occur on any tract, the individual tract will be field staked, a certified engineer employed by the developer or builder will be present on the site, and the City Engineer will be called to inspect the field staking for conformance to the approved Grading Plan.

3. In addition to the provisions of the Terrain Management Regulations, the Storm Drainage Plan shall include preliminary engineering designs of all storm drainage facilities, an analysis of off-site drainage impacts, and designs of mitigating storm drainage control measures.

4. Preliminary plans and profiles for all streets to be dedicated to the City and preliminary profiles and typical sections for all private streets shall be submitted with the preliminary subdivision plat.

5. A phasing program for development incorporating schedules by tract or phase for all required on-site and off-site improvements shall be submitted with the preliminary subdivision plat.

C. GUARANTEES. NMRI, in order to guaranteed compliance with the plans and conditions of approval of the final subdivision plat for each individual PRC tract, agrees to the following:

1. Master Homeowners Covenants, Conditions, and Restrictions shall be submitted to the City Department of Planning and Development prior to preliminary plat approval by the Commission.

2. Master Homeowners Covenants must provide for assessments to maintain all private improvements, including private streets, drainage and erosion control works, and open space. Covenants shall provide for a maintenance contract and scheduled maintenance of all private improvements with assessments specified by type of improvement. Also, the covenants shall contain a provision wherein the French drains of units selected by the association on a random sample basis and shall be inspected and tested on a regular basis.

3. Performance bonds or equivalent legal performance instruments, acceptable to the City Attorney, shall be provided to the City prior to final plat approval of each individual PRC tract or development plan approval to insure that all public and private improvements are constructed, repaired and maintained as required by the final subdivision plat. Bonds will be identified by type of improvement and by stage of development.

4. NMRI and its successors in interest, including the homeowners or the homeowners' association, shall provide necessary liability and property damage insurance in order to protect adjacent property owners from failure of drainage and erosion control structures which were required for the development.

5. One year after installation or rehabilitation of some of the check dams, representatives of NMRI and the City Engineer shall inspect the check dams and French drains, if any. The purpose of the inspections is to ascertain future adjustments to the maintenance or design of such drainage facilities.

D. MISCELLANEOUS.

1. No increase in unit count for any tract or any transfer of units from one tract to another shall occur without an amendment to the PRC zoning district which requires the review and approval by the Commission and City Council.

2. Approval of specific dwelling unit counts for each individual PRC tract is conditioned upon approval of grading, drainage and site plans by the City Staff and Commission. Dwelling unit counts for cluster

housing tracts are based upon an average ground coverage by buildings, garages and patios of 2000 square feet per unit within an approximate 10 foot by 65 foot land area. If the average size of the units within a cluster PRC tract exceeds 2000 square feet or if serious terrain management or other problems are presented in the preliminary subdivision plat, then the City Staff may recommend to the commission that the number of dwelling units be reduced. A reduction in the number of dwelling units in a PRC tract will not require an amendment to the zoning of the PRC district.

3. NMRI or its successors in interest, but not including the developers or builders of individual PRC tracts, will be responsible for the provision of a site engineer during construction phases. Said site engineer to be on call during all construction phases and available to be on site within 24 hours after notice.

4. All conditions of the PRC zoning district and the subdivision plats are affirmative covenants running with the property, binding upon any and all successors in interest. I.e., those Conditions of Ordinance 1981-3 Estancia Primera PRC Planned Residential Community - PRC are covenants running with the property and binding upon any and all successors in interest.

5. In order to provide a visual easement along Hyde Park Road, a variable setback of between 150 and 250 feet, measured from the centerline of the road shall be established. Solid fences or walls will be prohibited within this easement.

6. An open-space easement of at least 100 feet has been established along the escarpment above Hillside Avenue. All buildings shall be located at least 100 feet from the lot lines of properties abutting or with access from Hillside Avenue as shown by the PRC Master Plans approved by the City on January 28, 1981.

7. The phrase "commission" means the Santa Fe City Planning Commission or its successor in interest.

B. TRACT O DEVELOPMENT CONDITIONS:

A. Tract "O", as shown on the map approved by the City of Santa Fe on January 28, 1981, or as amended by the final plat, is not to be developed before January 1, 1984.

B. Six (6) months written notice is to be given by NMRI or the developer to the property owners affected by the development of Tract "O" of NMRI or the developer of Tract "O"'s intent to apply for final plat approval for the development of Tract "O".

C. Ninety (90) days prior to the submission of any final plans and plats to the commission, NMRI or the developer of Tract O will furnish to said property owners a copy of such plans and plats for examination.

D. If the drainage plans are unacceptable to the owners affected by the development of Tract "O", upon written request made by such owners within thirty (30) days after receipt of such plans, NMRI will contribute up to \$5,000 to pay an independent engineer, licensed by the State of New Mexico, to assist such owners in devising a drainage plan which will be reasonably acceptable to and which will reasonably protect the property of such owners and permit the development of Tract "O".

E. These conditions shall be binding upon NMRI or the developer of Tract "O" and any assignee or successor in interest and shall inure to the benefit of such owners affected by the development of Tract "O", their heirs, executors, administrators and assigns.

F. Such owners will furnish to the developer, in writing, their names, addresses and location of their property affected by the development of Tract "O".

9. OFF SITE IMPROVEMENTS.

A. NMRI will participate in the cost of required off-site improvements on a pro-rated basis to be determined by NMRI and the City to the following streets and inter-sections:

1. Hyde Park Road
2. Otero Street intersection with Paseo de Peralta
3. Hyde Park Road intersection with Bishop's Lodge Road
4. Bishop's Lodge Road intersection with Paseo de Peralta

B. Improvements to the intersection of Hyde Park Road and the Estancia Primera street system shall be constructed at the sole expense of NMRI.

C. Between the North boundary of Tract K and the South boundary of Tract J, as shown by the Estancia Primera PRC Map approved by the City Council on January 28, 1961, NMRI grants to the City an easement for a roadway and right-of-way and utility purposes for an R-1 roadway built to presently existing city standards. If the developer of the adjacent property on the easterly boundary of the Estancia Primera development is required by the City to construct a public roadway from Gonzales Road to the Estancia Primera development, NMRI or its successors in interest will dedicate said easement to the City as a right-of-way and shall construct the roadway within the Estancia Primera development which is the subject of the easement, to City standards as above, at NMRI's expense or the expense of its successors in interest. NMRI shall, by covenant in deeds to lot owners or unit owners in tracts J and K, inform said lot owners or unit owners of the easement and the conditions of dedication of this easement as right-of-way to the City.

TEST:

Helean Trujillo, Clerk

CITY OF SANTA FE
Arthur P. Trujillo, Mayor

APPROVED:

Frank Coppler, City Attorney

City of Santa Fe, New Mexico

Planning Commission

Exhibit E

ENN Materials



ENN GUIDELINES

Applicant Information

Project Name: Haciendas del Mirasol at El Mirasol

Name: North Cody M.I.
Last First

Address: 107 East Lupita Road Suite/Unit #
Street Address NM 87505
Santa Fe State ZIP Code
City

Phone: (505) 699-9858 E-mail Address: bulldnorth@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) SPCC 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.

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 project will be very low density with only 8 homes on 28 acres. All the homes will follow the escarpment ordinance, the ordinance from February 2, 1981, and our CC&R's managed by an architectural review by the HOA. We are proposing an entry road, which will be built to city road standards. Then the road will turn to a private drive 20' wide. All roads will meet the code. All significant trees that are disturbed will be replanted or replaced. On these large parcels there are no set back infringements. There will be a lighting plan that will follow the escarpment ordinance and low street lights will be used if any. There is a trail system on the south side of Hyde Park for access to town, private trails on the property and the project is in close proximity to parks, schools and shops. There will be an entry sign to the development that will conform to the code.

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

All significant trees will be accounted for and replanted or replaced. The arroyos will be cleaned and erosion prevention will be implemented, which will include repairing existing structures and building new catch dams. We will have a SWPPP plan in place that will protect the environment and mitigate the fire risk, spill potential, and trash maintenance. Open space will be maintained by the Owners or HOA. Lighting will follow the escarpment code as will the screening of homes and roads by landscaping. Existing vegetation will be protected by limiting traffic off of designated roads and by marking protected areas. The construction will not require any significant grading.

(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.

This property is not in the Historic District of Santa Fe, but will be in harmony with the design of Santa Fe and our heritage. An Archeological Study has already been approved by the Archeological Committee, on March 3, 1997, granting approval and a permit to remove or collect data from four non-significant archeological sites. One site LA-110505 was to be preserved and placed under an easement. This has been done and is shown on the plats. This was for the complete 69 acres. There are no archeological sites located on the 28-acre parcel.



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

<i>Project Name</i>	Haciendas Del Mirasol
<i>Project Location</i>	700 Hyde Park Road
<i>Project Description</i>	8 lot subdivision on 28 acres
<i>Applicant / Owner</i>	700 HRP, LLC
<i>Agent</i>	Cody North
<i>Pre-App Meeting Date</i>	March 17, 2016
<i>ENN Meeting Date</i>	April 11, 2016
<i>ENN Meeting Location</i>	Downtown Public Library
<i>Application Type</i>	Preliminary Subdivision
<i>Land Use Staff</i>	Donna Wynant, Current Planning Div, Senior Planner/Case Manager
<i>Other Staff</i>	Greg Smith, Current Planning Division, Director; RB Zaxus, City Engineer
<i>Attendance</i>	59 community members, + 3 on applicant's team

Notes/Comments:

Meeting began at 5:40 pm. Introduction was given by Donna Wynant, case manager for the project, who gave an overview of the purpose of the ENN, timeframe, and ways to make one's voice heard in addition to speaking at the meeting and filling out a comment card. Ms. Wynant stated that the meeting will be recorded. Mr. Smith asked attendees to hold questions until the end of the presentation.

Presentation by Cody North, Eric Cornelius (Engineer for) and Mike Gomez (regarding Traffic Study):

Mr. Cody North stated four other public meetings took place before this ENN. The subject site is 28 acres out of what was originally 69 acres. The lots will be accessed by a private drive off of Hyde Park Road and across from Estancia Primera. The eight proposed lots will be for eight single family homes and will not be further subdivided as restricted by HOA covenants.



Santa Fe Public Schools

Property & Asset Management

Residential Development Impact Information Form

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

1. Project Name: Haciendas del Mirasol
2. Location of Property: 700 Hyde park rd
3. Owner/Agent Name: 700 HPR LLC / Coody North
Mailing Address: 107 E. Lupita Rd Santa Fe NM 87505
Phone & Fax: 505-699-9858
4. Unit Matrix

PROJECT EFFECT ON STUDENT POPULATION		
Unit Type	Unit Quantity	Average Price
Single Family (detached)	8	\$1.5M
Single Family (attached)		
Townhome/ Apartment		
Mult-Family		
Commercial		

5. Elementary School Zone for Proposed Development: Carlos Gilbert
6. Middle School Zone for Proposed Development: Capshaw
7. High School Zone for Proposed Development: Santa Fe High
8. Build out Rates (Year/s; #/yr): 5 years

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

(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.*

This property is zoned PRC and per the February 2, 1981 ordinance, shall not exceed 2.8 dwelling units per acre. With 8 homes with guesthouses on 28 acres, the project will be well within this density. The property will conform and will not exceed any surrounding limits. The project is surrounded by R-5, R-21 PUD and R-2 PUD.

(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.*

A Traffic Impact Analysis is in progress. The preliminary results indicate that there are no failing intersections for the existing condition. Offsite improvements to provide a left turn deceleration lane may be warranted.

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

The project will stimulate the construction industry and all that goes along with it like architecture, design, goods, furnishings, appliances and cleaning companies. Our custom homes are constructed using local workers, materials, craftsmen and artisans as much as possible. The owners of these homes will contribute to the wellbeing of restaurants and shops throughout Santa Fe. This project will raise property values by restoring a property that has been used for a trash site for decades.

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

The fees paid by this project will generate revenue for the affordable housing trust, which will go towards down payment assistance for qualified low-income individuals to buy a home.

(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.*

This project will have fire suppression, which will help reduce the need for fire protection. The homes will be sustainably built to reduce the use of water. This will be accomplished by utilizing smart design to lower domestic water use and water harvesting. There will be a private sewer system that will help mitigate the impact on the existing infrastructure. The homes will be required to have solar grid tie systems to supplement the power grid and reduce the use of electricity. Dry utilities are available adjacent to the site on Hyde Park Road.

(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.*

All the homes in this project will be required to meet or exceed the City of Santa Fe's green building code. We will use smart design to reduce water line runs and low flow fixtures through the homes. All roof water will be used either actively or passively on the property. With a low density, residential community the impact will remain very low.

(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.*

This will be a very walkable community both on the property and to the City. It will make access to downtown very appealing. With Fort Marcy Recreational Complex so close, it will give the opportunity for the residents of the project to access the facility on foot.

(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.*

This infill project conforms to the City of Santa Fe's General Plan and the Estancia Primera PRC. The site is in close proximity to downtown employment centers.

(l) ADDITIONAL COMMENTS (optional)

The private trail proposed along Hyde Park doesn't really connect to anything but will give access to maintain drainage ponds in the arroyo. As a private trail, the city would not maintain it, but would be accessible to the public.

Mr. North said that the proposed 8 units on 28 acres is very low density. The homes will be single story only, restricted by covenants. Property is in the escarpment and in the Mountainous and Difficult Terrain. No variances are requested with this proposal. No building in ridgetop, just driveways and utilities. Driveways are designed to meander through the trees. Any significant trees will be saved or replanted.

Drainage issues will be addressed as a result of this proposal. Each house will catch its own water with active and passive catchment systems. The new drive into the development with its rain gardens on both sides of the drive will result in less downstream flow than currently on the property. Existing dams will be restored and additional dams will be built to slow water flow and erosion. All houses will catch their own water and there will be water gardens along the main drive. Hyde Park is designated as a scenic byway with a 150'-200' setback.

There will be no street lights along the driveway, a luminary will be at the entrance and intersection. Signage at the entrance will be minimal and there will be pull off for mail boxes. The traffic impact analysis showed minimal impact on traffic.

The Engineer for drainage, Eric Cornelius said that a low pressure sewer system will be used to slow storm water runoff, which has been cleared with Wastewater Division. The development will improve drainage situation downstream by reducing peak storm runoff with less impact on nearby roads. Mr. Cornelius gave an overview of the different methods of a multi-level system to improve drainage to include watershed improvements, rain gardens, and passive and active water harvesting. Plans to clean up refuse and to reseed areas, along with brow ditches and vegetated swales will improve runoff. The existing check dams and channels will be rebuilt to slow runoff and reduce flooding downstream of this property.

Mike Gomez, traffic engineer, said the anticipated traffic to be generated from the 8 lot subdivision would be minimal with 7-8 cars during the morning peak and 7 during the evening peak. Mr. Gomez reported no failures would occur as a result of an additional eight homes.

Williams on Callecita: show evidence of drainage problems to improve situation. Multiple approach will be taken: watershed improvements, clean up bottles, barren areas, borrow ditches, vegetated swales. Direct to active and passive water. Check dams to slow down drainage.

Mike Gomez: Traffic analysis stated that the development would result in minimal traffic. Seven vehicles in the morning peak time and 8 in the peak pm.

Question and comments from the public:

Erosion control plan in place?
(Yes, it will be put in place)

Center turning lane into the subdivision?
(This will be discussed with the City's traffic engineer).

Any weekend construction?
(No this is not allowed by ordinance)

Limit on no outlet roads.
(Met with the City's Fire Marshal who required the property bulbouts & turnarounds)

Is the proposal in compliance with Ordinance 1981-3?
(Yes, the proposed development is within the parameters of Ordinance 1981-3.)

Any update on the other 40 acres (Ernie Romero's adjacent property on Tract 2)?
(Not involved with that development. Another ENN would probably be held for that property.)

Any other entrances into the development other than the one proposed and would the main entrance be shared with any proposed future development?
(Mr. North said he discussed this with the City's traffic engineer who wants the least amount of traffic turnouts. He discussed the entrance with Ernie Romero and they have an agreement to share the main entrance.)

Mike Gomez stated that prior to the ENN starting up, someone mentioned the possibility of doing a roundabout at the main entrance (which received an overwhelming negative response from the audience). Question was asked if this was feasible and if a stop light was an option. Mr. Gomez said a traffic light was not possible since it did not meet traffic warrants and that the traffic engineering study would be available to the public at the time of application, April 21, 2016.

Any entrance gate into the development?
(No plans for a gate for the main entrance across from Estancia Primera)

Congestion along Hyde Park during the ski season. An egress/ingress slow down lane should be considered.

Regarding downhill sewer lines, problems exist in the area, particularly with Callecita and Artist Road sewer lines. Will the sewer line from Haciendas del Mirasol connect with the Callecita sewer line? Mr. Cornelius said that they would connect to an existing manhole north of the property and not the Callecita line. Mr. North stated he

requested a new sewer line from Bishop's Lodge and requested an easement from the adjacent property to access the manhole.

Richard Folks of the Greater Callecita Neighborhood Association stated that adjacent property owners have experienced failed erosion control device with failed concrete structures and gabions in the arroyo. Mr. Folks pointed out areas that had problems and asked the question of the developer and the city as to who is liable for damage to nearby properties.

Suby Bowden, who was retained by the Greater Callecita Neighborhood Association, stated the Association felt that the developer should show the neighborhood plans for drainage, grading, erosion before making application. She added that plans should be available ahead of time to allow neighbors to hire their own engineer to evaluate the plans and that Mr. North should work with the adjacent property owner, Ernie Romero to show adjacent development and the connections to be made between them. She said the sanitary sewer was not shown and the neighborhood association erosion control, check dams, roadwork, etc. Equipment will be brought in to work on sewer lines on 30% slopes. She asked about erosion control for the sewer line. Ms. Bowden had other questions about drainage and the developer's engineer stated that they would check dam their property up to their property line. Mr. North said he would slow and stop water on his property to the property lines. Mr. Greg Smith explained the purpose of the ENN to allow the applicant to present their proposal, but were not required to submit plans to the level of detail that was being requested.

The question was raised about getting detailed plans to review. Mr. North stated that the application deadline is April 21st, at which time the plans would be public record. Mr Greg Smith of the City's Land Use Department

Ms. Bowden that projects in the escarpment must show buildable lots and said the neighbors hadn't seen a map that clearly showed the 30% slopes and that on a previous map, 6 out of 8 lots violated the escarpment rules- that they could not be built without at least half of 30% slopes. Ms. Bowden said it appeared that the buildings were pushed to the ridgetop instead of pushing them as far away from the ridgetop as possible. Ms. Bowden asked if the City would be reviewing this, and Mr. Smith said the City would do a detailed review of the engineers plan's once submitted. He also pointed out that 2,000 square feet of building area that met both requirement must be shown. Ms. Bowden requested the City look at the buildable sites first before approving 6 of the 8 lots at the ridge.

Raymond Herrera of the Historic Hillside Neighborhood said drainage issues still exist even after 30 years. Same promises were made 30 years ago as today.

Sue Hermann said her subdivision was strongly impact by the traffic problem and asked if Otero Street was included in the traffic study, - that the area was a bottleneck where cars parked on both sides of the street. Mike Gomez said that it was included in the traffic study in response to her request. Ms. Hermann also asked about whether or

not there would be active and passive requirements for roof runoff in the covenants and said this was an issue for Estancia Primera. She asked what size of cisterns would be required, and Mr. North said it would be based on the size of house. He said calculations for runoff would be required by the City as people apply for their building permits and this would be mandated by the HOA covenants. In response to the question regarding flood insurance, Mr. North replied that the HOA would have an insurance policy but wasn't sure about coverage for all drainage. Another neighbor asked if the 8 homeowners would buy insurance for everyone downstream. Mr. North HOA flood insurance would most likely cover drainage control failure, but not cover property owners other than those within the subdivision, and that the HOA would cover their easement and their drainage.

Mr. Bill Bontrager questioned the traffic study in that it did not cover the adjacent property and as a result was flawed. Mr. Gomez said that the traffic study did include the units for the adjacent property and the neighbors were welcome to review the traffic study with him.

The meeting was concluded at approximately 6:45 p.m.
Ms. Donna Wynant stated that any additional questions could be sent to her via email.

City of Santa Fe, New Mexico

Planning Commission

Exhibit F

**Communications from
Individual Neighbors**

700 Hyde Park Road
Land Use Dep't 200 Lincoln Ave 87501 Attn: Donna Wynant

Our Association has many concerns regarding the 700 Hyde Park Road proposed development. First, we need to feel fully protected by the Ordinance No. 1981-3 as Cody North doesn't respond to certain questions regarding this ordinance for his 28 acre tract such as drainage/erosion plans, terrain management regulations, building roof line (no pitched roofs) exceeding 15 feet. Mr. North's map shows 8 units are proposed, but he did not mention any casita type buildings (guest houses) that might be built on any of the eight properties. We would like to obtain any information regarding this.

When asked, he didn't answer regarding any communication/coordination with Ernie Romero's 40 acre tract. If the 28 acre is passed, we need to have all prospective buyers know that a possible 36 units (plus any guest houses) may be built directly beside them and possibly 10 other homes just below them. Also, he didn't answer if these units could be rented. What is your and the Planning Commission's position? We also heard that he would be exempt from the 20% affordable housing rule by paying a designated amount. Is that correct? At the April 11th meeting, an architect stated that 6 of the 8 proposed homes violate the ridgetop building code. We need to know if you agree/disagree with this statement.

We also would like you to confirm that no construction will occur on weekends, if passed.

Mike Gomez of the City Traffic Engineering Division said there will be about 8 cars leaving/entering this 28 acre tract daily. A member of Estancia Primera pointed out that the remaining 40 acre tract was not accounted for as it would use the same entrance as the 28 acre tract. If a center turning lane is not done (again no response) at the entrance, this will certainly back up the vehicles on Hyde Park/Artist Road and will have an even more negative effect on leaving the Estancia Primera South exit. The Traffic Division also did not take into account the slow construction vehicles in and out of both tracts over the next five or so years, visiting guests, landscapers and other business related (example: Post Office) vehicles.

We are asking that the Traffic Division reassess the potential traffic problems (including the 189 homes in Estancia Primera), especially during ski season, when

left turns onto the one entrance tracts could cause major traffic jams for both tourists and residents alike, including Artist Road and Sunset Street.

At the meeting, it was asked if we could review the erosion, sewer line and flood plans before going to the Planning Commission. Can you confirm that this will be done and have the plans provided to us? We also believe that cisterns should be utilized and regulated by the Planning/Land Use Department. Need your thoughts on this.

Mr. North again mentioned the implementation of a hiking trail. As there is little parking on the north side of Hyde Park Road, he did not address the potential parking problem, let alone the additional traffic. As was brought up at the last meeting, he did not mention that a trail already exists on the south side of Hyde Park Road. Why do we need two trails along both sides of the road?

We would like to have your comments.

Thank you.

Rick Tyner
Rick Tyner

President, 800 East Association
821 Camino del Este
Santa Fe, NM 87501
992-6828

WYNANT, DONNA J.

From: William <wrschiller@hughes.net>
Sent: Thursday, April 21, 2016 7:47 PM
To: WYNANT, DONNA J.
Subject: Proposed El Mirasol Project on Hyde Park Road

Dear Ms. Wynant: I am writing what I hope is a useful letter to you about the proposed building project, El Mirasol Development, on Hyde Park Road. I write this as a member of the Estancia Primera Board of Directors. As you most likely already know, our neighborhood is primarily concerned about the traffic problems both during and after the building phase. This, to us, also seems complicated by the fact that Hyde Park Road is a state and not a city road. These issues are made more difficult by the anxieties stimulated by this proposal. For what it is worth, several steps could be taken to relieve some of the anxieties. First, a credible study of the traffic issues which everybody would accept as being valid would be helpful. This would explicitly take into account such things as seasonal variations, intensity of the construction traffic and resultant traffic flow from the construction as it evolves with additional unit building. Up to now, the information available has raised considerable doubt as to its validity. I think that most involved with this would agree that some sort of mitigation of the increased traffic flow should be a part of the development. Whether this could be accomplished by building a left turn-out lane into the project or whether some other more complicated traffic relief would be necessary would be the result of deliberations by the traffic experts with input from the neighborhoods. Also, open discussion between the regulatory bodies, the developers and the neighborhoods would help to calm things down.

These comments bring up another related issue. The email traffic about this mostly reflects frustration regarding availability of reliable information. A real effort to remedy this issue would have positive results. The other neighborhoods have more complex issues than Estancia Primera, namely such things as building density, water drainage, building placement and many others which I expect have been communicated to you. The developers have to take a big slice of the responsibility for this. They have been somewhat evasive and obtuse about the content of their communications about the project. Residents of these involved neighborhoods are educated people with a keen sense about the quality of sincerity of these sensitive interactions. As a result of these unresolved issues, there is talk about hiring experts, lawyers and a broad selection of consultants. This can come to a resolution which everybody can live with if cool heads can prevail.

Please take my letter and also others which I hope have constructive content to help move the proposal to a place of rationality.

Sincerely,
William R. Schiller
Member, EPCSA Board of Directors

June 6, 2016

**REQUEST FOR REJECTION OF ILLEGAL PLAN FOR HOUSING DEVELOPMENT OFF HYDE PARK ROAD
Greater Callecita Neighborhood Association (GCNA) and Legal Counsel respectfully request City rejection of the
PRELIMINARY SUBDIVISION PLAT AND MASTER PLAN SUBMITTAL FOR HACIENDAS DEL MIRASOL AT EL
MIRASOL (Mirasol)**

The plan submitted by 700 HPR, LLC (the developers) contemplates a housing development on the steep slopes off Hyde Park Road. While their current plan is technically limited to 8 large homes on 28 acres, the developers envisaged and pitched to the neighbors a project for nearly 50 large homes on the 68 acre tract, which was subdivided by the Planning Commission in 2013.

Indeed, the on-line promotion by Cody North, Owner, and True North Builders, praises a Coming Soon: El Mirasol 69 acre subdivision as a "gated community." (www.truenorthbuildersnm.com/inventory/new-projects)

In GCNA's view, the proposed Mirasol plan is a piecemeal and legally precluded resurrection of the illegal LOS VECINOS project, which was previously disapproved by the City Council, upheld by New Mexico courts.

Notably, until their current Mirasol submittal, an overarching plan for nearly 50 houses on the entire 68 acres was touted by the developer to neighbors at public meetings on August 13 and September 1, 2015. Moreover, the developer's Traffic Study referenced a Mirasol Subdivision project of 47 houses, with 8 Dwelling Units in Phase 1 and 39 Dwelling Units in Phase II.

However, at the ENN meeting on April 11, 2016, the developer unveiled and urged development and approval of only 8 houses on 28 acres.

Despite the developer's current proposal for a project covering only 28 acres, City approval of this piecemeal plan would adopt a legal framework governing the entire 68 acres featuring the EL Mirasol gated community.

Realistically viewed, the modest 700 HPR plan is a pretext for the promoted development of the entire 68 acres resurrecting LOS VECINOS.

Above all, whether viewed separately or collectively, this submitted plan plainly violates City Code mandates that such developments must demonstrate upfront compliance with ALL pertinent sections of the City Code. Tellingly, the bulky Mirasol submittal fails to cite, let alone follow, the controlling Terrain and Stormwater Management Ordinance-- especially the provisions governing the Escarpment Overlay District encompassing the 68 Hyde Park Road acres--

As confirmed by the attached professional Study by Suby Bowden, AIA, the proposed Mirasol project filed on May 16, on its face reveals over ten (10) blatant violations of controlling Code requirements pertinent to 28 or 68 acres alike-- including the following key mandates flouted by 700 HPR:

1. Failure to show the location of the Escarpment Overlay District, the ridge-top sub-district, the foothills sub-district and the view line
2. Failure to delineate and comply with limitations of Escarpment Overlay District
3. Failure to show a buildable site on lots located outside the foothills sub-district
4. Failure to provide a stormwater management plan
5. Failure by prohibited building in ridgetop locations
6. Failure by disturbance of 30% slopes by lots

In addition, the developers' plan fails to address the traffic jams caused by large homes needing downhill access via Hyde Park Road to the main traffic arteries toward key City and commercial centers, particularly during the ski season months. Actually, its voluminous Traffic Study contemplates 39 more homes, belying the ostensible 700 HPR plan for only 8 houses

Overall, the newly proposed project to develop the steep terrain off Hyde Park Road would permanently despoil the City's last large visual open space for preserving Santa Fe's mountain views.

Actually, the 2016 project seems worse than the notorious Los Vecinos project which was previously disapproved by the City Council, upheld by courts, backed by an Attorney General's amicus brief. Hyde Park Co. v. City of Santa Fe rulings by Judge Parker (D.N.M. 1996-98) and 226 F.3d 1207 (10th Cir. 2000).

Respectfully submitted,

Fred Rowe, Esq., Counsel, and Richard Folks, President.

Greater Callecita Neighborhood Association (GCNA)

City Attorney

Planning Commissioners

Planning Staff Gregory Smith and Donna Wynant

Cody North 700 HPR

GREATER CALLECITA NEIGHBORHOOD ASSOCIATION

Kelley Brennan, Esq.
City Attorney
P.O. Box 909
Santa Fe, N.M. 87504-0909

June 6, 2016

Re Proposed Development – El Mirasol, 700 Hyde Park Road

Dear Ms. Brennan:

As City Attorney at the Planning Commission's June 16 hearing on the 700 HPR El Mirasol Subdivision application, please be advised that the proposed application is facially invalid to warrant consideration by the Planning Commission.

In our view, as detailed in the attached GCNA submittal, the current proposal for 8 houses on 28 acres is a pretext for the contemplated development of 47 large and costly houses on the steep slopes off Hyde Park Road. This resubmits the unlawful LOS VECINOS project, which was previously disapproved by the City Council as upheld by the courts. The current proposal is not only precluded as a resurrection of LOS VECINOS, but reveals blatant violations of at least ten specific City Code provisions mandating upfront compliance with ALL pertinent requirements.

Moreover, the ongoing promotion by Cody North of the Coming Soon: El Mirasol Subdivision as a gated community on 69 acres (see attached) dwarfs the current proposal for only 8 houses on 28 acres, which the developer's April 2016 Traffic Impact Analysis—Executive Summary treats as Phase I of El Mirasol, while Phase II adds 39 houses for a total project of 47 houses (plus 47 allowable guest houses) on the steep terrain off Hyde Park Road.

Confirming the intent to implement both phases sequentially, the Traffic Impact Summary declares:
"B. Phasing and Timing
The project is two separate developments.

Haciendas del Mirasol, located on Tract 1 will start construction in 2016, and be completed in 2017.
El Mirasol is located on Tract 2 and is still in the Planning Process. However, the planners for the project estimate that they will be submitting plans for approval in late 2016 with construction to begin in 2017. The planners estimate that all units will be constructed by 2019."

It is vital that planning authorities adhere strictly to the purpose and intent of the City of Santa Fe Terrain and Stormwater Management Ordinance, Article 14-8.2 (Ord. No. 2011-37, § 10). The potential development of not only 700 adjacent properties from erosion and flooding and the hazard of improper cuts and fills. This costly development tracking LOS VECINOS would not only jeopardize downhill neighbors with runoff and flooding, but would despoil Santa Fe's last remaining large open space with mountain views as a visual asset for our community.

The following specific legal objections to the proposed development of the property are raised by the Greater Callecita Neighborhood Association, which is located directly to the north and west of the proposed development and is directly in the path of all run off from the property. As noted by the report of Suby Bowden, AIA, of Suby Bowden and Associates, the plan is plainly not in compliance with the Terrain and Stormwater Management Ordinance, Article 14-8.2 in the following ways:

1. No complete Stormwater Management Plan, including long-term maintenance responsibilities, has been submitted as required by Article 14-8.2(D)(4) and Article 14-8.2(K). This plan is critical to the downhill neighbors due to the steep slopes, erosion and drainage problems. No soil testing results are included. However, past soil testing done on the property concluded that the soils compact easily and therefore cause quick run-off and not absorption. Oblique references and generic details to meeting the stormwater management code are not sufficient under these circumstances and were rejected when the Los Vecinos plan was submitted in 1995-96. While the plan shows photos and locations of existing catchment basins (filled with sediment) along the arroyos, it does not clarify what will be done with sediment, nor does it specify how it will keep arroyos stabilized while awaiting the next rains. Finally, the plan does not reveal how this work will be done without causing further damage to the existing embankments.

In addition, the plan violates the stormwater management requirements by cutting perpendicularly across the hill with a 30% slope to install the sewer line down to Valley Drive. with no defined means for maintaining soils erosion during or post construction. (Article 14-8.2(D)(2)(b))

2. Under 14-8.2(C)(2)(a), plans must show the location of the escarpment overlay district, the ridgetop sub-district, the foothills sub-district and the view line. In addition, under article 14-8.2 (C) (1), no approval of any development shall be granted for land situated in whole or in part in the escarpment overlay district unless all of the applicable requirements of this section are met.

As shown by the Report of Suby Bowden, most of the land for the 8 proposed homes in this development is located in the Escarpment Overlay District, within the foothills sub-district. While some of the drawings submitted by the developer show the ridgetop sub-district, none of the 65 drawings submitted show the foothills sub-district.

3. Under Article 14-8.2(E)(1), no land shall be subdivided in whole or in part in the escarpment overlay district, nor shall a subdivision plat be approved for such land if any lot fails to have at least one buildable site on the lot, in compliance with terrain and stormwater management requirements in Section 14-8.2. Seven of the eight lots in this proposed subdivision fail to show a buildable site on the lot located outside the foothills sub-district.

4. Under Article 14-8.2(C)(3)(b), the site plan of any development in the escarpment overlay district must include the location of all buildable sites located within the escarpment overlay district and those outside the escarpment overlay district that meet the definition of buildable site in Article 14-12 (14-8.2(D)(4)(a)). The drawings submitted by the developer fail to show the location of all buildable sites.

As shown on the alternate plat study submitted by Ms. Bowden, a large area for alternate sites exists in which home sites could be located as far from the view line as possible, in accordance with Article 14-8.2(D)(3). Alternate siting would preserve the ridgetop and foothills sub-districts and would fulfill the intent of protection of the Escarpment Overlay District for the public.

5. Several of the proposed lots contain or border on slopes over 30%. Natural slopes 30% or greater may not be disturbed. Grading is limited to 15 feet beyond the outer edge of the building foundation, patio, wall, driveway or other facility. (Article 14-8.2(D)(2)(a), (b)) Any lot with such slopes is in violation of the requirements of the ordinance.

Above all, the purpose and intent of the Escarpment Overlay District in the Terrain Management ordinance is to "preserve the natural environment and the distinctive and historic ridgetop and foothills area as a visual asset for the benefit of the community and to maintain and encourage the sense of the city as a small community." (Article 14-8.2(A)(1)(e)). The ordinance specifies that "[t]he interest and welfare of the people of the city is to restrict development in the escarpment overlay district," which includes both the ridgetop and foothills sub-districts. (Article 14-8.2(A)(1)(e)) The ordinance further requires that no approval of any development shall be granted for land situated in whole or in part in the escarpment overlay district unless all of the applicable requirements of the escarpment overlay district are met. (Article 14-8.2(C)(1))

Because the proposed plan plainly violates the Terrain Management ordinance, the Greater Callecita Neighborhood Association requests that the 700 HPR plan should be rejected in its entirety.

Respectfully submitted,

Fred M. Rowe, Esq.,
Counsel

Greater Callecita Neighborhood Association

cc: Gregory Smith, Planning Department
Donna Wynant, Planning Department
Cody North, 700 HPR

Response: Revised drawings submitted by the applicant show buildable sites.

14-5.6(D) Response: Structures are not proposed within the ridgetop subdistrict.

Response: per Article 14-5.6(D)(3)(e), "...structures shall be designed and built as far from the viewline as possible in the foothills subdistrict." There is no requirement that structures be built outside of the foothills subdistrict, and staff interpretation of the escarpment code over the years has not required that structures be build outside of the foothills.

Response: Revised drawings submitted by the applicant show buildable areas.

14-5.6(G) Response: All landscaping and other escarpment requirements will be met at the time of building permit.

Response: No retaining walls are shown to be greater than 6 feet in height.

Response: sewer line proposed is low pressure and can be installed with ditch witch to minimize disturbance. Alignment will minimize disruption of vegetation. Revegetation will be required.

Pages 12-18: (comments regarding terrain and stormwater management)

14-8.2(C) Response: Submittals are complete and are acceptable. All Code requirements regarding cut and fill and other grading practices will be met at time of building permit submittal.

14-8.2(D) Response: No disturbance of over 30% slopes is proposed. Some of the existing check dams are in over 30% slopes, and some of these will be repaired under this project. This is maintenance, and not new disturbance.

Response: Stormwater calculations have been reviewed and are acceptable. Ponding which exceeds requirements will be provided in the existing arroyo. This will mitigate downstream flooding which concerns the neighbors. Calculations show a significant reduction in peak flowrates exiting the site, especially for residents at Hadisway Avenue and Callecita Place.

14-8.2(K) Response: Homeowner documents require maintenance of stormwater features by the Homeowner association. In addition, the standard "Stormwater Agreement" which will be placed on the Plat, insures that if there is some default on this maintenance, the City can do the work and place a lien on the property.

Development Review Team

Comment Form

Date: July 13, 2016
To: Donna Wynant, Land Use Department, Case Manager
From: Sandra Kassens, Engineer Assistant, DRT staff member *SK*
Dept/Div: PWD/ Engineering/Traffic



Case #2016-51. Haciendas del Mirasol, 700 Hyde Park Road, Preliminary Subdivision Plat.
Cody North, agent for 700 HRP, LLC, requests preliminary subdivision plat approval for 8 lots on 28 acres to be accessed by a private driveway via a connector road off of Hyde Park Road. The property is zoned PRC (Estancia Primera Planned Residential Community). (Donna Wynant, Case Manager)

Case Mgr: Donna Wynant, Senior Planner, LUD/Current Planning Division, 955-6325

Review by this division/department of a revised plan set received via email on 07-12-16 has met our initial conditions of approval for the preliminary subdivision plat as stated in the revised conditions chart with applicant response.

Conditions of Approval:

1 Conditions of Preliminary plat approval required from the Traffic Engineering Division have been met to a sufficient degree* for this level of review per the revised plan set rec'd on 7-11-16.

Must be completed by:

Done

Technical Corrections:

1 *The sight visibility easements for Hyde Park Rd. and Camino Mirasol shown on the plat & landscape sheets are incorrect and should be replaced with the AASHTO method triangles as shown on Sheets 8-4 & 8-5 of the revised plan set.

Must be completed by:

Must be completed prior to final sign-off on subdivision plat and Dev. plan.

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

1. N.A.

Explanation of Conditions or Corrections (if needed):

- Comments on other technical corrections will be made at final subdivision plat review.

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

City of Santa Fe, New Mexico

Planning Commission

Exhibit B

DRT Memos

Development Review Team

Comment Form

Date: 7/11/16

Staff person: Risana B "RB" Zaxus, City Engineer

Dept/Div: Land Use/Technical Review



Case #2016-51. Haciendas del Mirasol, 700 Hyde Park Road, Preliminary Subdivision Plat. Cody North, agent for 700 HRP, LLC, requests preliminary subdivision plat approval for 8 lots on 28 acres to be accessed by a private driveway via a connector road off of Hyde Park Road. The property is zoned PRC (Estancia Primera Planned Residential Community). (Donna Wynant, Case Manager)

Case Mgr: Donna Wynant, Senior Planner, LUD/Current Planning Division, 955-6325

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:
No conditions of approval were identified.	-----

Technical Corrections*:	Must be completed by:
1 Show foothills and ridgetop subdistricts on PLAT	Plat recordation
2 Add notarized stormwater agreement to PLAT	Plat recordation
3 Add a note to sheet 7-4 that a maximum of 50% of required stormwater detention volume may be stored in cisterns.	Plat recordation

ADDITIONAL COMMENTS FROM RB ZAXUS 7/28/2016 IN RESPONSE TO SUBY BOWDEN COMMENTS OF 6/6/16 FROM THE GREATER CALLECITA NEIGHBORHOOD ASSOCIATION (SEE EXHIBIT G-3: SUBY BOWDEN LETTER TO THE LUD STAFF)

(NOTE: Ms. Bowden's comments are addressed by topics and code sections, as there are numerous inclusions, not all of which are identified as a "code violation.")

Pages 8-11: (comments regarding escarpment regulations)

14-5.6(A) Response: City Code does restrict development in the escarpment overlay district. However, the only development proposed within the ridgetop subdistrict is for driveway access and utilities, which is expressly allowed by Article 14-5.6(D)(1). Proposed structures are within the foothills subdistrict.

14-5.6(C) Response: Revised drawings submitted by the applicant show the escarpment overlay district and all buildable sites.

SUBY BOWDEN + ASSOCIATES ANALYSIS OF "HACIENDAS DEL MIRASOL" PROPOSED SUBDIVISION + DEVELOPMENT

To Whom It May Concern as City Land Use Staff, Greg Smith, Dan Esqueibel, Mr. Cody North, and the Greater Callecita Neighborhood Association, I am writing today on behalf of the "Greater Callecita Neighborhood Association". The neighborhood has chosen to retain "Suby Bowden + Associates" for planning and architecture services to evaluate their code concerns listed below.

The adjacent neighbors have met three times with the developer Cody North (prior to Mr. North's purchase of the land and becoming the Owner of "700 HRP, LLC") to review his proposed request for a new PRC subdivision for 8 homes on 28 acres at 700 Hyde Park Road. Mr. North also has discussed at each of the neighborhood meetings, Tract Two of 40.473 acres for a future 39 homes. The Tract One land is not currently subdivided, and it sits within the Escarpment Overlay District, the Ridgetop Sub-district and the Foothills Sub-District. Mr. North is calling his proposed subdivision "Haciendas del Mirasol".

In each of those meetings, the neighbors have expressed existing failures in terrain management from the same (undeveloped) property. These failures are currently causing significant flooding on their properties below. In addition the neighbors have expressed concern regarding existing failures for traffic exiting or entering Estancia Primera. Because of these existing failures, the neighborhood is rightfully concerned about the impact of any future development.

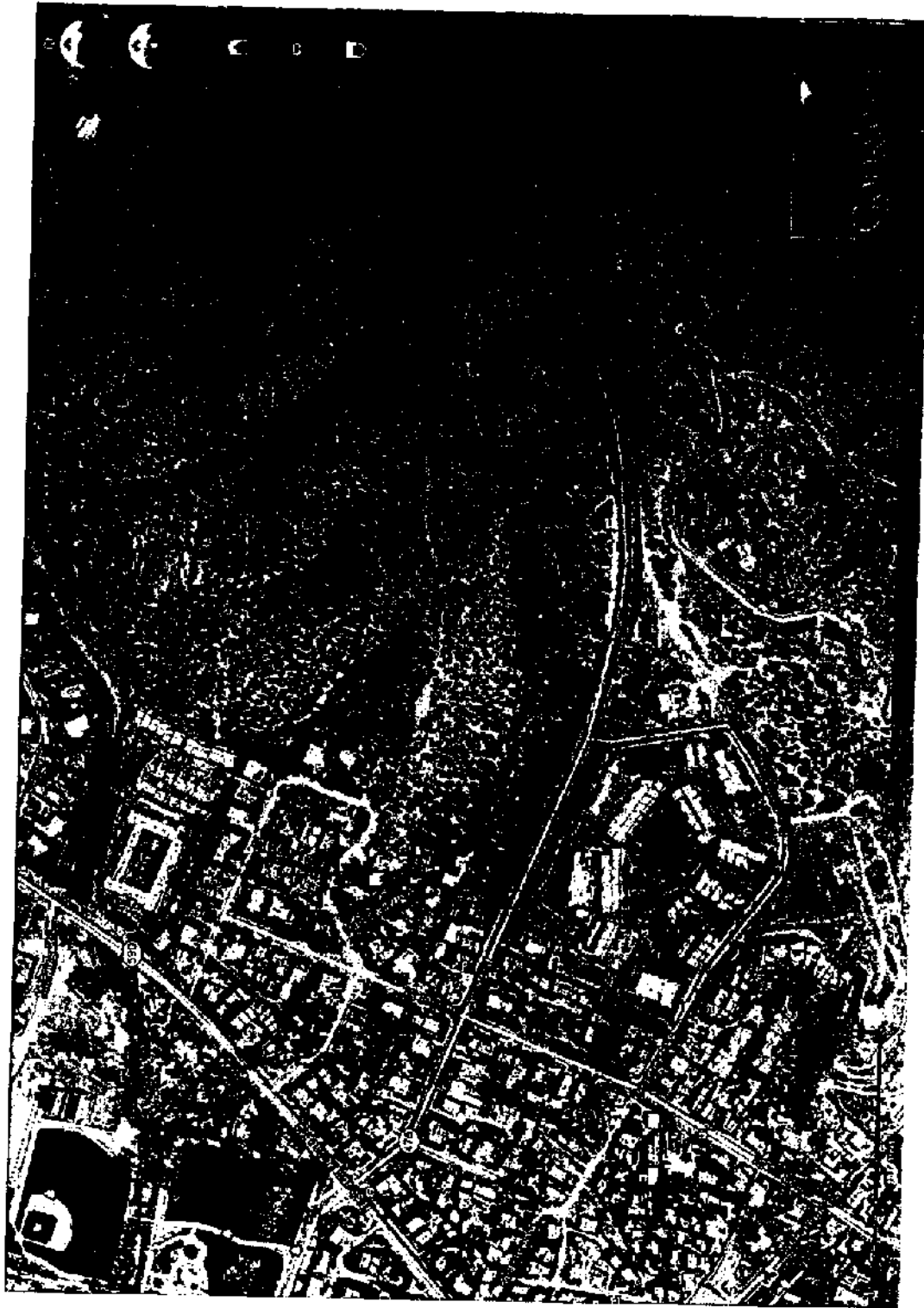
The neighborhood is also rightfully concerned about the actual numbers of houses, or sizes of houses with too many occupants, such as AirBnB rentals. The current plan (one drawing) shows 8 homes of 3500 to 5000 SF each. It is more likely the size of these homes will be larger due to the cost of the land underneath. Or the land owners will want to add guest houses (currently zoned for one accessory dwelling unit per house, thus actually 16 "homes"). In addition, Councilor Ives and City staff have spent the last six months developing zoning proposals to allow two accessory dwelling units per acre, which would increase the total "homes" to 24. And the City Council just approved 365 days a year of short term rentals such as "Air B-n-B". This has a considerable impact on traffic that has not been addressed in the traffic study, and also has considerable impact on the erosion and flooding studies on steep sites.

The current siting of seven of these eight proposed homes violate Terrain Management and Escarpment District codes for ridgetop and foothills subdivisions after February 1992. Therefore, we were surprised to be told at the ENN, that Mr. North purchased the property after being encouraged by the City staff. Code clearly states new subdivisions after 1992, must meet ALL the code standards, which prohibits (the footprints and grading around) houses (in whole or in part) to be pushed up onto the ridgetop or foothills sub-district...when the houses could be built far below the view line. You will see in the attached information that 8 to 12 lots are buildable outside the "Foothills Sub-district" ...yet the developer has not shown the City Staff those options.

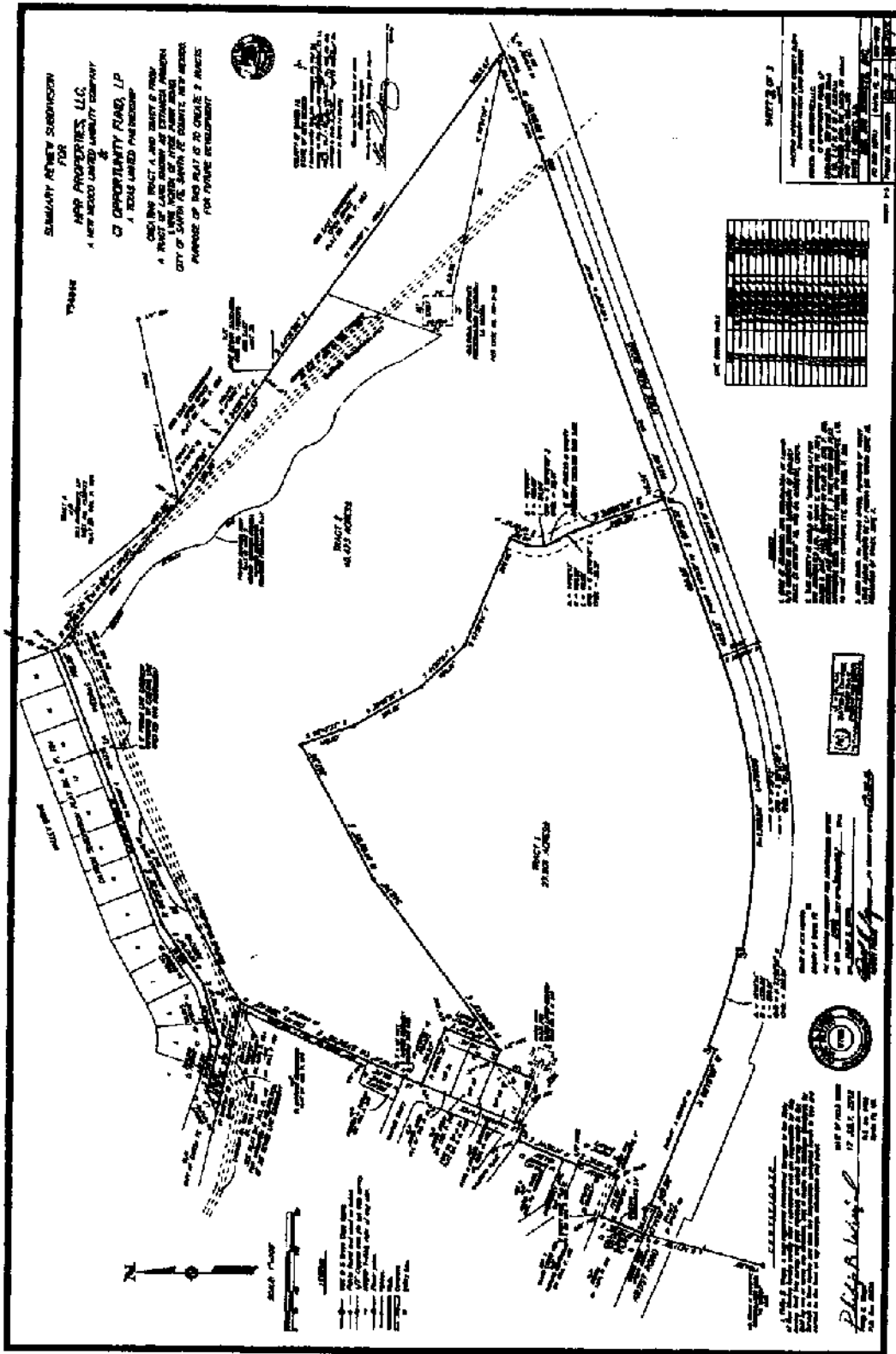
After three neighborhood meetings and one ENN meeting, no drawings were provided by the developer to the neighborhood, addressing the neighbor's concerns. Therefore the neighborhood was appreciative during the April 5, 2016 ENN Meeting, when Mr. North agreed to provide the neighborhood the identical sets of drawings submitted to the City Staff on or about April 22, 2016. Only with this timely review of drawings were the adjacent neighborhoods able to participate and assure the downhill conditions are well protected.

In preparation for the City Staff reviewing those submittals, SBA and the Neighborhood Association highlight below in RED the existing concerns of "Code Violations" based on all of the Schematic Design drawings provided to the neighborhood during the 3 prior meetings, the ENN meeting and the City submitted sheets of drawings and the Traffic Impact Analysis.

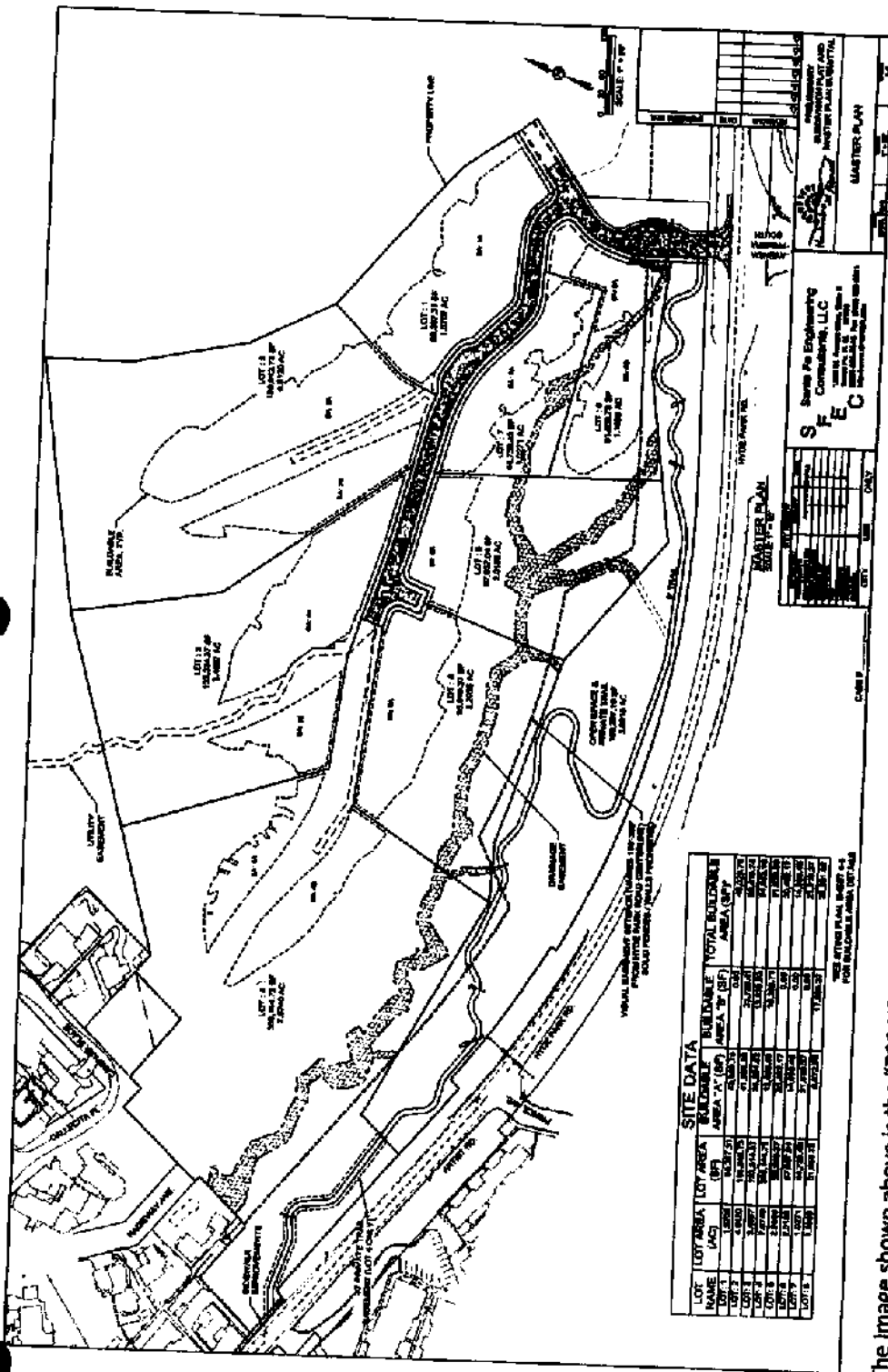
We shall look forward to hearing from you at your earliest convenience, Suby Bowden
Suby Bowden + Associates, 333 Montezuma Avenue, Suite 200, Santa Fe, NM 87501, e-mail: Suby@SB-Associates.net, phone 1-505-983-3755



- A. The Google Aerial Photo shown above represents the historical pattern of homes abutting the street along Bishops Lodge Road and Artists Road.
- B. The street pattern of homes abutting the street continues throughout the historic district.
- C. The Estancia Primera development shows a new pattern from the 1980s, of homes pulled back from the edge of Artists Road and Hyde Park Road.
- D. Existing homes to the east (on Hyde Park Road) are constructed both along the road (historical pattern) and offset from the road (1980's pattern).
- E. The large native landscape in this photo is the proposed site subdivision called "Haciendas del Mirasol" within the "Escarpment Overlay District".
- F. The "Escarpment Overlay District is established in order to preserve the natural environment and the historic ridgetop and foothills environment".



- Image shown above is the existing subdivision of the 68.374 acre site into Tract One (27.901 Acres) and Tract Two (40.473 acres).
- Tract One is the site currently under consideration for a proposed subdivision into eight lots by Cody North, the representative of "700 HPR, LLC".
- During the ENN, (and later with the proposed Master Plan submitted to the City) Cody North indicated roads would be provided across Tract One, to access Tract Two with 39 future lots. And the Traffic Impact Analysis states the intent to develop Tract Two with 39 homes (plus guest houses) during 2016-2017.
- You will notice above the existing survey of Tract One and Tract Two shows no required "Open Space" along the edge of Artist Road and Hyde Park Road.
- City Code also does not require "Open Space" along Artist Road and Hyde Park Road.
-



LOT NAME	LOT AREA (AC)	BUILDABLE AREA (SF)	BUILDABLE AREA (AC)	TOTAL BUILDABLE AREA (SF)	TOTAL BUILDABLE AREA (AC)
LOT 1	1.000	10,000	0.230	10,000	0.230
LOT 2	1.000	10,000	0.230	10,000	0.230
LOT 3	1.000	10,000	0.230	10,000	0.230
LOT 4	1.000	10,000	0.230	10,000	0.230
LOT 5	1.000	10,000	0.230	10,000	0.230
LOT 6	1.000	10,000	0.230	10,000	0.230
LOT 7	1.000	10,000	0.230	10,000	0.230
LOT 8	1.000	10,000	0.230	10,000	0.230
TOTAL	8.000	80,000	1.840	80,000	1.840

- A. The image shown above is the "700 HPR, LLC" Proposed Site Subdivision of Tract One into eight residential home lots. ("700 HPR, LLC" also proposes adjusting the NE corner boundaries of the existing Tract One for a proposed road to be extended to Tract Two.)
- B. The image does not show the City's required "Escarpment District" boundaries. The "Escarpment District" is composed of two sub-districts: the "Ridgetop sub-district" and the "Foothills sub-district". Some drawings submitted by the Developer show the "Ridgetop sub-district". None of the 65 drawings submitted to the City show the "Foothills sub-district".
- C. Also shown above are the Proposed "Buildable Areas" and the Proposed "Open Space and Visual Easement Setback" along Artist Road and Hyde Park Road. D. The "Open Space and Visual Easement Setback" is not a required setback by the City, but a proposed setback (and trail) by the Developer.
- E. There are "Buildable Areas" within the proposed "Open Space and Visual Setback" that are not currently shown in the above drawing, nor in any drawings. F. The City Code requires ALL buildable areas be shown on submittals, therefore the proposed "Open Space" Area also should have shown buildable areas.



- A. The image shown above was produced by SBA to show the digital "700 HPR, LLC" proposed subdivision of eight lots, and proposed siting of eight homes, with "Ridgetop sub-district" and "Foothills sub-district". Also shown on the drawing are the turquoise City of Santa Fe drainage or "Hydrology corridors".
- C. "700 HPR, LLC" has correctly shown the "Ridgetop sub-district". However prior to this drawing, they have never shown the "Foothills sub-district".
- D. The image above shows seven out of the eight proposed home sites violating City Code due to being within the "Foothills sub-district".
- E. City Code: "The interest and welfare of the people of the city is to restrict development in the Escarpment Overlay District" (both Ridgetop + Foothill).
- F. City Code: "For all lots subdivided after Feb. 26, 1992, structure shall be designed and built as far from the view line as possible in the foothills sub-district".
- F. Therefore, the drawing on the next page provides alternative locations for 8 to 12 home sites in the proposed "Open Space and Visual Easement Setback"



A. The image shown above represents 8 alternate lots and 8 alternate large house sites of approx. 5000 sf, (or an option for 12 smaller sites that would match the existing home lots to the west of Tract One).

B. These alternative sites meet the City code definition of locating the home sites as far from the view line as possible, as well as preserving the "Ridgetop and Foothills sub-districts".

C. This alternative plan preserves the Intent of protection of the Escarpment Overlay District for the public at large.

LEGEND

- LOT LINES
- AREA OF 20% TO 30% SLOPE
- AREA OF 50% AND GREATER SLOPE

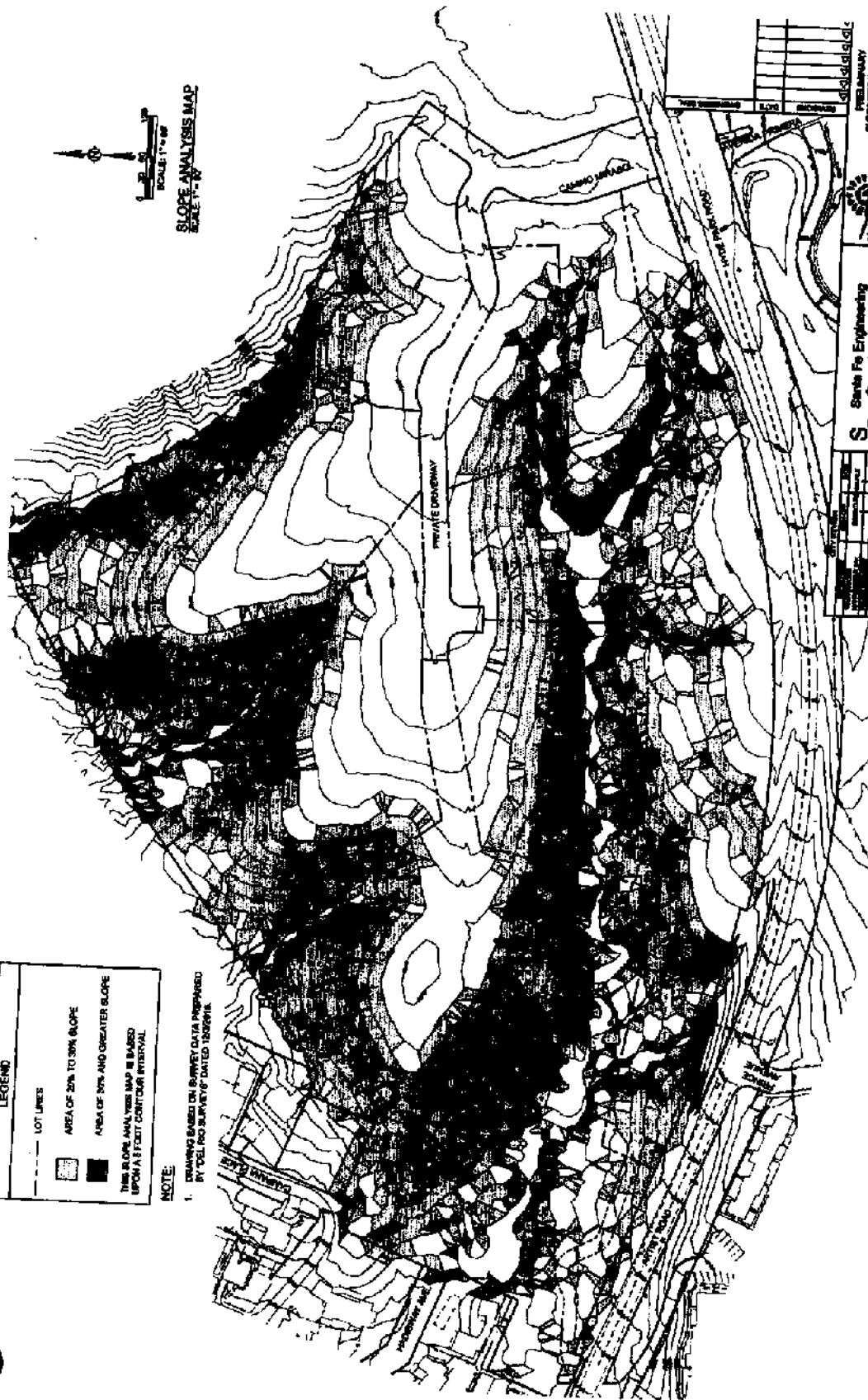
THIS SLOPE ANALYSIS MAP IS BASED UPON A 5 FOOT CONTOUR INTERVAL.

NOTE:

- DRAWING BASED ON SURVEY DATA PREPARED BY TOL RICH SURVEY DATED 12/20/2016.

SLOPE ANALYSIS MAP

SCALE: 1" = 50'



SEEC

State Fe Engineering Consultants, LLC

1000 N. 10th Street, Suite 100
Tulsa, OK 74103

Phone: (918) 438-1111
Fax: (918) 438-1112
Email: info@seec.com

PRELIMINARY SUBDIVISION PLAT AND SLOPE ANALYSIS MAP

SLOPE ANALYSIS MAP

DATE	BY	FOR
12/20/2016	TOL RICH SURVEY	STATE FE ENGINEERING CONSULTANTS, LLC

TERRAIN AND STORMWATER MANAGEMENT



- A. The Image shown above is the exact same site...but with the submittal in 1995-1996 to the City Planning Commission for "Los Vecinos" (with the Foothills Sub-District shown in green on the plan). This is NOT the same Tract Two developer in 2016, as submitted Los Vecinos in 1995-1996.
- B. Tract One: Los Vecinos showed 16 smaller lots, Hacienda del Mirasol shows 8 larger lots.
- C. Tract Two: Los Vecinos showed 50 smaller lots. Hacienda del Mirasol shows 8 larger lots.
- D. In 1995 and 1996 Los Vecinos was presented to the Planning Commission four times, and went twice to City Council.
- E. Each time the City Council voted by majority against the development, because the sites were in the Foothills Sub-district, and they violated the Terrain Management and Stormwater Management Codes. SBA finds no "extraordinary hardship" for violating City Code again in the Foothills Sub-district.

The (A)

- (1) (f) (g) (2) (3) (a) (b) (c) (d) as all (e)

- (c) (1) other this se
- (2) shall b
- (a) (b)
- (c) (d)

(C) (3)

"Development and Permit Approval; Required Submittals (Ord. No. 2006-55 § 5), continued

(3) "code violation" Each proposed planned unit development, cluster development, multiple family dwellings, or any other type of development, which is located in the foothills sub-district, shall be shown on one or more plans which meet all other applicable requirements of this chapter. The plan (s) shall also:

(a) "code violation" Show the location of the structure within the foothills sub-district, the foothills sub-district and the view line;

(b) "code violation" Include a site plan which shows the location of all buildable sites located within the escarpment overlay district in compliance with Subsections (D) and (E) below;

(c) Include a landscaping plan to demonstrate compliance with Subsection (G) below;

(d) Include natural topography, storm drainage, grading, and erosion control plans to demonstrate compliance with Subsection (H) below; and

(e) Show the location of all streets, drives, easements, utility lines, and such other information as is necessary to demonstrate compliance with the applicable paragraphs set forth in Section 14-5.6.

(D) Location of Structures; Buildable Site (Ord. No. 2006-55 § 6)

(1) For all lots subdivided or re-subdivided on or before February 26, 1992, all structures shall be located

within the foothills sub-district unless the only buildable site is located within the ridgetop sub-district.

For all lots subdivided or re-subdivided after February 26, 1992, development in the ridgetop sub-district of the escarpment overlay district, other

than driveway access and utilities, is prohibited.

(2)

"code violation" All structures or parts of a structure shall be located inside the approved buildable site as shown on the approved plat. If no buildable site is indicated on the approved plat, the buildable site shall be approved by staff at time of building permit. Modifications to the buildable site shown on the plan can be made by staff at time of building permit. In all cases, the buildable site shall comply with the following:

(a) Subsection (D)(1) above; and

(b) "code violation" The definition of buildable site as set forth in Article 14-12 of this chapter. Buildable Site: as used in Section 14-5.6 Escarpment

Overlay District and Section 14-8.2 Terrain and Stormwater Management, means a contiguous area of land located within a single lot on which a building with a footprint equal to not less than forty percent of the minimum required net lot area, or two thousand (2,000) square feet, whichever is less, can be developed in compliance with all requirements of those sections, all requirements of the underlying zone and all applicable development standards. (Ord. No. 2014-31 § 51)

(3)

"code violation" Show the location of the structure within the foothills sub-district, the foothills sub-district and the view line;

(a) "code violation" Show the location of the structure within the foothills sub-district, the foothills sub-district and the view line; and

(b) "code violation" In no case shall a structure's alternate siting be permitted in the ridgetop sub-district for a lot subdivided or re-subdivided after

February 26, 1992.

(e) "code violation" For lots subdivided or re-subdivided after February 26, 1992, the structure shall be designed and built as far from the view line as possible in the foothills sub-district. An alternate siting in the foothills sub-district may be approved if such siting of the structure will decrease the visual impact

beyond that which would exist if the structure were to be sited as far from the view line as possible.

(f) "code violation" In determining the visual impact, staff shall consider the following in accordance with the administrative procedures adopted by

Resolution No. 2006-113 as may be amended by the governing body:

- (i) "code violation" the public interest is protected and the maximum lot area is not less than 10,000 sq. ft. or purpose of this chapter;
- (ii) "code violation" existing topography;
- (iii) "code violation" effect on existing vegetation;
- (iv) location of existing infrastructure;
- (v) proposed site improvements; and
- (vi) "code violation" any other change that would protect the public interest, reduce the visual impact and further the objectives of this section.

(D) Location of Structures; Buildable Site (Ord. No. 2006-55 § 6), continued

(4) Siting of all structures within the escarpment overlay district shall be approved by the city staff. No building or grading permit shall be granted until approval for siting of the structures has been granted by the city staff.

- (a) "code violation" The applicant shall indicate on a buildable site diagram all areas of the lot meeting the definition of buildable site as defined in Article 14-12. If the applicant is requesting an alternate location as set forth in Subsection (D)(3) above, the applicant shall submit all documentation necessary to evaluate the request. At that time, proper siting for the proposed activity will be determined and escarpment overlay district regulations will be reviewed.

(E) Subdivision or Re-subdivision of Land; Multi-Family Dwellings (Ord. No. 2006-55 § 7)

- (1) "code violation" No land located in whole or in part in the escarpment overlay district shall be subdivided or re-subdivided, nor shall a subdivision or re-subdivision plat be approved for such land, if any lot fails to have at least one buildable site on the lot, in compliance with terrain and stormwater management requirements set forth in Section 14-8.2, located entirely outside the ridgetop sub-district. The purpose of this requirement is to assure that each lot located in whole or in part in the escarpment overlay district contains at least one buildable site located outside the ridgetop sub-district. To the extent this prohibition increases minimum lot size or decreases density beyond that which is authorized by the underlying zone for a parcel of land, then this section shall operate as a further limitation of the minimum lot size and allowable density. This paragraph applies to lots subdivided or re-subdivided after February 26, 1992.

(G) Landscaping (Ord. No. 2004-43 § 4; Ord. No. 2006-55 § 10)

- (1) Landscape plans as required by Subsection (C) above shall be submitted by the applicant showing compliance with the provisions of this section.
- (4) "code violation" For public or private roads and driveways within the ridgetop sub-district revegetation shall meet or exceed the preconstruction vegetation density outside the road bed.
- (3) "code violation" No retaining walls in the Escarpment Overlay District shall be greater than six (6) feet in height.

(H) Terrain Management

As required by Subsection (C) above, natural topography, storm drainage, grading and erosion control plans shall be submitted by the applicant showing compliance with the terrain management requirements of Section 14-8.2.

(I) **Utilities**

- (3) "code violation" Sewer lines outside a right-of-way for public use shall be located to minimize tree removal, to prioritize multiple-service lines in a common trench over single service mains to reduce the number of maintenance roads. All disturbed easements outside the road rights-of-way shall be reseeded and maintained at approximate original ground cover by the owner of the property to the approximate original height.

(7) "code violation" For service lines outside a right-of-way, the placement of utilities shall be designed to lessen the visual impact, as follows:

- (a) "code violation" The utility shall be installed in a trench that is at least 18 inches deep and 18 inches wide.

- (b) "code violation" All graded and trenched areas shall be regraded to approximate the original terrain conditions and revegetated with a similar type and density of vegetation, which shall include but not be limited to planting of trees and large shrubs with a minimum height of six (6) feet and reseeding to approximate the original ground cover.
- (c) All revegetation shall be maintained.

(K) **Variances (Ord. No. 2006-55 § 12)**

- (1) "code violation" Any variance from these regulations shall not have the effect of nullifying the intent and purpose of these regulations.

(A) "code violation" Purpose

The purpose of this Section 14-8.2 is to protect, maintain and enhance the health, safety and general welfare of the citizens and natural environment of Santa Fe. The following considerations shall be used during the design and planning process for all proposed developments subject to this Section 14-8.2:

- (2) protect life and property from the dangers of flooding and the hazard of improper cuts and fills;
- (3) minimize erosion and sedimentation;
- (4) minimize destruction of the natural landscape;
- (6) treat stormwater runoff as a valuable natural resource in Santa Fe, a community that is prone to drought, by encouraging water collection and infiltration on site;
- (7) control the adverse impacts associated with accelerated stormwater runoff on natural drainage ways and all structures due to increased development and impervious surfaces;
- (8) minimize erosion and degradation of arroyo channels and improve the condition of the channels where possible;
- (9) respect, protect, maintain and restore natural drainageways, wetlands, bosques, floodplains steep slopes, riparian vegetation and wildlife habitat areas.

Continued next page

14.82 TERRAIN AND STORMWATER MANAGEMENT (Ord. No. 2011-37 -10)

(C) (2) Procedures and General Requirements

- (b) "code violation" Submittals for development other than minor development or incidental to the construction or modification of a structure shall be prepared as follows:
- (i) topographic plans shall be prepared and certified by a professional engineer or professional land surveyor;
 - (ii) stormwater management submittals for master plans, subdivisions and development plans shall be prepared and certified by a professional engineer. Stormwater management submittals for all other types of development shall be prepared by a professional engineer or an architect or landscape architect registered in New Mexico; and
 - (iii) site restoration submittals shall be prepared and certified by a professional engineer, architect or landscape architect licensed in New Mexico.

(D) Standards for All Grading

(1) "code violation" Cut and Fill Slopes

- (a) exposed cut slopes on a site shall not exceed ten (10) feet in height, except as otherwise permitted by this Section 14-8-2. In no case shall the height of a cut exceed the height of any building constructed in the excavated area; (Ord. No. 2013-16 § 45)

(2) Grading

- (a) Fifteen Feet Beyond 2000 Sf Envelope enters into 30% slopes and therefore Violates Terrain Management codes. Grading for buildings is limited to fifteen (15) feet beyond the outer edge of the building foundation, patio, wall, driveway, road parking area or other constructed facility except as necessary.
- (b) Natural slopes thirty percent or greater shall remain undisturbed, except for no more than three isolated occurrences of sloped areas where each individual disturbance shall not exceed one thousand (1,000) square feet, as approved by the city engineer. This provision applies solely to the construction of roads, driveways and utility placement and is not intended to allow development on natural slopes exceeding thirty percent.
- (3) Topography (Ord. No. 2014-31 §28)
 - (a) Each residential lot shall have a buildable site designated as suitable for a building with a footprint of not less than forty percent of the minimum required net lot area or two thousand (2,000) square feet, whichever is less, which can be developed in accordance with the terrain and stormwater management standards, including required setbacks and access requirements.
 - (b1) At least one-half of the area designated as suitable for building and at least one-half of any building footprint shall have a natural slope of less than twenty percent;
- (D) Standards for All Grading, continued
- (3) Topography (Ord. No. 2014-31 §28), continued
- (b2) The remainder of the area or building footprint may have a natural slope of twenty percent or greater, but less than thirty percent.
- (d) A structure shall not be built on a natural slope of thirty percent or greater.

14.82 TERRAIN AND STORMWATER MANAGEMENT (Ord. No. 2011-37 -10)

- (4) Stormwater Management
- (a) General Standards:
 - (iii) stormwater management measures shall be designed to directly address additional flows from the proposed development.
- (b) Not Yet Submitted To Neighborhoods Below: Discharge Standards:
 - (i) except as otherwise required by this Section 14-8.2, the stormwater runoff peak flow rate discharged from a site shall not exceed pre-development conditions for any frequency storm event up to the one percent chance, twenty-four-hour storm event at each discharge point;
 - (ii) runoff control measures may include the use of detention or retention basins and active water harvesting and passive water harvesting techniques, swales, berms, check dams, vegetative ground cover, permeable pavements, tree wells, dry wells, cisterns and other techniques appropriate for retaining and infiltrating water on site;
 - (iii) stormwater shall not be discharged into any watercourse or drainage channel without adequate reduction of flow velocity, which shall be accomplished by erosion control techniques that may include the routing or energy dissipation of stormwater runoff to a vegetated swale, vegetated basin or stone-protected area. The techniques used shall be sufficient to diminish runoff velocity and spread runoff flow adequately to avoid erosion upon entering the watercourse.
- (c) Detention Basin Standards:
 - (i) stormwater detention basins and overflow structures shall be sized and designed to adequately accommodate flows from one percent chance, twenty-four-hour storm events; provided, however, that such basins shall also be equipped with outflow structures that limit flow-through from lesser magnitude storms to runoff rates equal to or less than pre-development runoff rates;
 - (ii) infiltration, detention and retention basins shall provide a means of controlling and removing sediment. Methods may include sedimentation settling ponds, sediment traps, filters on drop inlets or other methods. All basins shall be designed to empty within no more than twenty-four hours;
 - (iii) landscape treatment of detention and retention basins may be required in accordance with Section 14-8.4 (Landscape and Site Design);
- (d) Detention in Cisterns:
 - (i) Cisterns may be used if they are connected to an irrigation system or other water use.
 - (ii) ~~Arroyos shall not be used for detention or retention of stormwater.~~
 - (iii) Cisterns shall be installed and operated in compliance with applicable provisions of other regulations, including Section 14-8.4 (Landscape and Site Design) and Chapter 7 SFCC 1987 (Building and Housing).
- (e) Arroyo, Stream and Watercourse Standards:
 - (i) for arroyos, streams or watercourses that carry one hundred (100) cubic feet per second or more of stormwater flow in a one percent chance event, all structures, paved roads, driveways and parking lots shall be set back a minimum of twenty-five (25) feet from the top shoulder of an arroyo plus the depth of the arroyo channel.

where practical, erosion control and channel stability in arroyos, streams or watercourses shall be

14.82 TERRAIN AND STORMWATER MANAGEMENT (Ord. No. 2011-37 -10)

achieved using techniques that reduce stormwater velocity and pollution, preserve active floodplains, provide adequate room for flood waters to spread safely and use native vegetation. Arroyo and watercourse banks shall not be armored with concrete, gabion baskets, sheet piling, rip-rap or similar hardened material unless no reasonable alternative exists to protect public infrastructure or pre-existing structures, and

(D) Standards for All Grading, continued

(e) Arroyo, Stream and Watercourse Standards, continued

(v) fences, walls and similar structures may not be constructed in or across an arroyo, stream or watercourse.

(5) Site Restoration:

(a) soil stabilization and erosion control measures for all land disturbed by construction shall be completed within twenty-one days after completion of construction or other activities on site that interfere with soil stabilization measures. If the time of year is not conducive to planting, it may be delayed until the next appropriate planting season if all appropriate temporary erosion control measures are maintained until permanent erosion control measures are implemented;

(b) one or more of the following stabilization and erosion control measures shall be used:

(i) revegetation with appropriate drought-tolerant plant materials, including grasses or other ground cover;

(ii) restoration with bioengineering techniques such as live staking, brush layering, brush mattress and live crib walls; and

(iii) stabilization with stones, terracing or similar techniques; and

(c) all trees and scrubs shall be mulched and irrigated until established. Grass seed should either be hydro-seeded or covered with biodegradable material or synthetic soil erosion control blankets or matting and irrigated until established. Irrigation shall be pursuant to the irrigation requirements in Section 14-8.4 (Landscape and Site Design).

(6) Increase in Minimum Standards:

Neighborhood Requests based on Existing Flooding Conditions:

(a) erosion and sediment control measures extended to a broader area of the site than the development area;

(b) revegetation or stabilization of highly eroded areas;

(c) arroyo restoration or other erosion control measures within highly eroded channels; or

(d) a combination of the measures specified in Subsections 14-8.2(D)(6)(a) through (c).

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- (7) Neighborhood Requests based on existing Flooding Conditions: ~~Best Management Practices~~
The following best management practices shall be used before and during the construction process:
(a) disturbed areas shall be protected from erosion during construction by diverting stormwater around the disturbed area, dissipating the energy of stormwater adequate to prevent erosion, retaining sediment on the disturbed area or other means adequate to retain soil on site;
(b) except as necessary to install temporary erosion and sediment control devices, land shall not be graded or cleared of vegetation until all such temporary devices have been properly installed and inspected.
Temporary erosion and sediment control devices may include silt fencing, swales, straw bales, berms, geotextiles, sediment basins or traps and fencing. Control devices shall be kept in place and used until the disturbed area is permanently stabilized;
(c) significant trees, areas with substantial grass coverage and drainageways that are to remain undisturbed shall be fenced off prior to the use of any heavy machinery on-site and shall remain fenced during the entire construction process. Fencing material may include snow fencing, plastic mesh or other similar fencing material. To protect the root zone of significant trees, fencing shall be placed five (5) feet to the outside of their dripline;
(d) to prevent soil from leaving a site, soil stockpiles shall be protected from wind and water erosion throughout the construction process by using appropriate erosion control techniques. Staging and soil stockpile areas shall be clearly designated on the site. All topsoil shall be kept on site, within the disturbance zone of a construction site and then reintroduced into planting areas to the extent possible. Stockpiled soil shall not be allowed to enter arroyos or other drainageways;
Standards for All Grading, continued
(D) Neighborhood Requests based on existing Flooding Conditions: ~~Best Management Practices~~
(7) techniques to prevent the blowing of dust or sediment from the site, such as watering down exposed areas, are required for projects that disturb greater than five thousand (5,000) square feet; and
(e) protection for storm drain inlets, drainageways and any stormwater conveyance shall be provided to prevent the entry of sediment and pollutants from the site while still allowing the entry of stormwater.
(F) **Submittal Requirements For All Other Development (Ord. No. 2014-31 §29)**
All other development that requires a construction permit for grading, and that is not classified as minor development under the provisions of Subsection 14-8.2(E), shall meet the following minimum submittal requirements:
(1) Submittals for construction permit applications for grading must provide sufficient information to show compliance with Subsection 14-8.2(D) and (E). Unless waived by the land use director, submittals must include:
(a) a topographic survey and grading plan with elevation contours shown at not more than two (2) foot intervals on slopes less than thirty percent and five (5) foot intervals on slopes of thirty percent or greater that shows:
(i) all sloped areas of zero to twenty percent, twenty-one to thirty percent, and greater than thirty percent shall be clearly marked and differentiated by shade, tone, or color at a scale sufficient to allow verifica-

tion of the calculations;

14.82 TERRAIN AND STORMWATER MANAGEMENT (Ord. No. 2011-37 -10)

- (ii) ground elevations that conform to either the United States Geological Survey sea level datum, as modified, or to the city's monument system;
- (iii) the designated buildable sites or buildable areas;
- (iv) all areas to be graded on the site and the final contours to be achieved by the grading;
- (v) all finished floor or grade elevations;
- (vi) spot elevations, as needed;
- (vii) areas of soils with severe limitations for the intended use;
- (viii) the location of temporary erosion control structures and methods used, including staging and stockpile areas;
- (ix) all significant trees and areas with substantial grass coverage to be removed;
- (x) a construction schedule when the project will be developed in phases;
- (xi) the location of fencing around the areas to be protected;
- (xii) the ratio of horizontal to vertical measurement for cut and fill slopes;
- (xiii) the total volume, in cubic yards, of earth to be moved;
- (xiv) all existing disturbed areas;
- (xv) special flood hazard areas designated by FEMA on the Flood Insurance Rate Map (FIRM); and
- (xvi) date, method of survey and certification from a New Mexico professional engineer or professional land surveyor that the plan is in compliance with national map accuracy standards;

(G) Standards for Master Plans, Preliminary Development Plans and Preliminary Subdivision Plats; Submittal Requirements

(1) Minimum Standards:

for all development where one-half or more of the land within the project site exceeds twenty percent slope, the quantity and peak flow rate of post-development stormwater runoff on all developed or disturbed land shall not exceed seventy-five percent of the quantity and peak flow rate of the pre-development runoff.

(2) Submittals:

Submittals for master plans, preliminary development plans and subdivision plats shall include: a conceptual plan and report that shows the general approach proposed for terrain and stormwater management, and how the proposed development meets all of the minimum standards described in Subsection 14-8.2(D);

(b) a topographic survey and grading plan as outlined in Subsection 14-8.2(F)(5); and
(G) **Standards for Master Plans, Preliminary Development Plans and Preliminary Subdivision Plats;**

(2) **Submittal Requirements, continued**

(c) Submittals, continued

(H) a brief description of the watershed directly upstream and downstream of the parcel, including the size, terrain, type and extent of vegetation cover and degree of development for all areas draining to the project site.

14.82 TERRAIN AND STORMWATER MANAGEMENT (Ord. No. 2011-37 -10)

- (1) Minimum standards
Final development plans and subdivision plats shall meet the minimum standards described in Subsection 14-8.2(D) and (G).
- (2) Submittals
Submittals for final development plans and subdivision plats shall include:
 - (a) all submittals required pursuant to Subsection 14-8.2(F);
 - (b) a long-term maintenance schedule for the life of the stormwater management measures, including the time frame for completion and the responsible party who shall perform the maintenance; and
 - (c) an as-built certification signature block to be executed by a professional engineer after the project completion to ensure that the constructed stormwater management systems comply with the approved stormwater plans.
- (l) Inspections and Violations During Construction Process
For all nonresidential projects and all residential projects that do not qualify as minor development, an applicant shall notify the land use director to set up an inspection at the following times:
 - (a) when the construction erosion and sediment control devices and measures are in place;
 - (b) when final stormwater management measures are completed;
 - (c) when the final site restoration measures are completed; provided, however, that if final site restoration measures are being delayed due to the season, the applicant shall notify the land use director when temporary erosion control measures, for use until site restoration is complete, in place and ready for inspection; and
 - (d) further construction or issuance of any permits shall not occur until written approval has been granted by the inspector after each inspection that the best management practices and stormwater management control methods have been completed in accordance with approved plans;
- (2) the land use director may enter upon any property subject to this Subsection 14-8.2 at reasonable times to conduct inspections of grading, erosion and stormwater management measures to determine compliance with city policies and procedures and to carry out duties in the enforcement of this Subsection 14-8.2; and
- (3) the land use director may waive or consolidate any inspections required under this Section 14-8.2.
- (j) Dedications, Easements and Rights of Way
- (1) All land below the base flood elevation for a one percent, twenty-four-hour storm event shall be dedicated as a drainage easement and as public or private open space or public right of way.
- (2) Dedications to the city may be required by the city engineer for the components of the stormwater drainage system, including access for maintenance. The types of all easements and open space dedications shall be determined by the city engineer. If a dedication is required, it shall be designated on the

plat and in effect prior to construction permit approval.

14.82 TERRAIN AND STORMWATER MANAGEMENT (Ord. No. 2011-37 -10)

- (3) An applicant may take requests for acceptance of dedications of a stormwater drainage system to the city; however, the city is not obligated to accept a dedication offer. Only the governing body may accept dedications to the city. If a dedication is offered to and accepted by the city, it shall be designated on the plan or plat and shall be in effect prior to construction permit approval.

(K) "code violation" Long-Term Maintenance Responsibilities and Inspections

(1) All stormwater management measures and facilities shall be maintained by the fee simple owner of the property or a property owners association, unless a dedication of the stormwater management system was required and accepted by the city, in which case, the city is responsible for maintenance. The stormwater management system shall be maintained in good condition and promptly repaired. Maintenance shall include the repair and restoration of all grade surfaces, walls, swales, drains, dams, ponds, basins, site restoration measures, associated vegetation and any other stormwater measure constructed on site. The maintenance shall be in accordance with approved stormwater management plans.

(2) City Inspections

The city or its authorized agent may enter upon a property that is subject to this Section 14-8.2 at reasonable times to access the stormwater management system to ensure that the system is maintained in proper working condition that meets the approved stormwater management plans and the objectives and minimum standards of this section.

(3) Maintenance Violations

If, after notice by the city to correct a violation requiring maintenance work, satisfactory corrections are not made by the owner or responsible party within a reasonable period of time, the city may perform all necessary work to place the facility in proper working condition. The owner or responsible party of the facility shall be assessed the associated costs of the work.

Peralta Subdivision Homeowners Association
1305 Calle Ramon
Santa Fe, New Mexico 87501

June 7, 2016

City of Santa Fe Planning Commission
P.O. Box 909
Santa Fe, N.M. 87504-0909

Mr. Greg Smith
Planning Division Director
City of Santa Fe Land Use Department
P.O. Box 909
Santa Fe, N.M. 87504-0909

Re: Proposed Development – El Mirasol, 700 Hyde Park Road

Dear Commissioners and Mr. Smith:

I am writing to express our concerns about the proposed El Mirasol development at 700 Hyde Park Road. Initially, the addition of the eight homes (plus accessory structures) in Phase 1 of the development in violation of the Terrain Management Ordinance (see Suby Bowden report) negatively affects Santa Fe's last remaining large open space with its mountain views. The now unobstructed view is a visual gem for our community, residents and visitors alike. More importantly, the proposed Phase 2 of the development, consisting of 47 homes (plus accessory structures) with one access onto Hyde Park Road, jeopardizes the safety of all users of Hyde Park Road. (See April 2016 Traffic Impact Analysis-Executive Summary, page II-1, and True North Builders website, <http://www.truenorthbuilders.com/projects/development/2016/04/01/traffic-impact-analysis/>) The traffic study provided by the developers, however, only addresses the number of vehicles at the various intersections, but not the actual driving conditions.

Hyde Park Road, NM 475, is a busy, two lane road with no bike lanes, sidewalks, or walking trails. It is the only access from town to the Santa Fe Ski Basin, Hyde Memorial State Park, and the Santa Fe National Forest. A scenic byway, it is always busy accommodating multiple uses: sight seeing, photographing, biking, hiking, jogging, and walking, all in addition to the traffic generated by residents, service, and construction vehicles. The number of vehicles using the road has increased exponentially in recent years.

With all its curves and limited visibility, the road, however, is far from safe. Just above the intersection at Bishop's Lodge, the speed limit changes from 25 to 45 mph. Going up the road, drivers routinely cross the double yellow lane lines into oncoming traffic, to pass slower vehicles, bikers and pedestrians, regardless of other traffic. Coming down the road, the same hazard exists. Drivers do not slow down until they absolutely have to, usually at the traffic light at Bishop's Lodge. During the winter months, although the road may be plowed, nothing stops the thin coat of ice that makes stopping without skidding impossible.

To get into town, there are two access points: Otero/Sunset Streets and Bishop's Lodge. Driving on Otero/Sunset Streets is a daily exercise of weaving through parked cars on both sides which leave one lane down the middle. The intersection at Bishop's Lodge and Paseo de Peralta is often backed up to Fort Marcy Park, especially by seasonal traffic.

The intent of this letter is not to prevent development of the property, but to alert the Commission to the problems that exist with Hyde Park Road, and to request that before more development is approved, the City and State Department of Transportation address the increased use and work together to make Hyde Park Road safer for all users, whether visitors or residents.

It is also to emphasize that Hyde Park Road is a visual and irreplaceable gem for the City and all the people who use it for whatever purpose. We request that the Planning Commission and the Land Use Department strictly adhere to the requirements of the Terrain Management Ordinance and protect this asset.

Thank you for your consideration.

Sincerely,



Sue A. Herrmann
on behalf of
Peralta Subdivision Homeowners

Cc: Cody North
700 HPR, LLC

Peralta Subdivision Homeowners Association
1305 Calle Ramon
Santa Fe, New Mexico 87501

June 7, 2016

City of Santa Fe Planning Commission
P.O. Box 909
Santa Fe, N.M. 87504-0909

Mr. Greg Smith
Planning Division Director
City of Santa Fe Land Use Department
P.O. Box 909
Santa Fe, N.M. 87504-0909

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Sincerely,



Sue A. Herrmann
on behalf of
Peralta Subdivision Homeowners

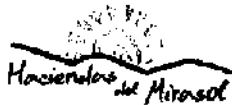
Cc: Cody North
700 HPR, LLC

City of Santa Fe, New Mexico

Planning Commission

Exhibit H

Applicant Submittals



May 4, 2016

Santa Fe Planning Commissioners
City of Santa Fe
P.O. Box 909
Santa Fe, New Mexico 87504

RE: Haciendas Del Mirasol at El Mirasol

Dear Commissioners:

On behalf of 700 HPR, LLC., we submit the attached application for Preliminary Subdivision Plat and Master Plan approval. This property is part of the Estancia Primera Planned Residential Community (EPPRC). The property, which is north of Hyde Park Road (68.37 acres) is Phase 3 of the EPPRC. Phase 3 was subdivided in November 2015. The property now consists of two tracts of land. Tract 1 is owned by 700 HPR, LLC. Tract 2 is owned by HPR Properties, LLC. Tract 1, is proposed as Haciendas Del Mirasol at El Mirasol and will consist of 8 single-family residential dwelling units located on approximately 28.25 \pm acres. Tract 2 is not a part of this application. See attached Preliminary Subdivision Plat and Master Plan, as presented in Figures 1 and 2, Appendix A.

The project is as follows:

REQUEST

We request Preliminary Subdivision Plat and Master Plan approval for Haciendas Del Mirasol at El Mirasol. We are requesting no variances. This project will be developed in one phase.

GENERAL DESCRIPTION

Haciendas Del Mirasol at El Mirasol is a proposed 8 lot residential subdivision. Each lot will be developed as a single-family home. All the homes will be subject to City Codes including the escarpment ordinance and Ordinance 1981-3 (PRC Ordinance dated February 2, 1981). The Covenants and Restrictions will be managed by an architectural review committee and by the Home Owners Association. We are proposing an entry drive, which will be built to city road standards. Then the road will turn to a private 20' wide driveway. All significant trees that are disturbed will be replanted or replaced. The only lighting that is proposed will be at the

intersection of Hyde Park Road and the Camino Mirasol Driveway. On lot lighting will conform to City codes. City water and private low-pressure sewer will serve the project.

LOCATION

Haciendas Del Mirasol at El Mirasol is located at 700 Hyde Park Road, within the City of Santa Fe. Project access is via Hyde Park Road.

EXISTING CONDITIONS

The property is undeveloped. However, the property has been used in the past as a "parking" area. There are numerous broken bottles and rubbish, which has been deposited on the property. Existing ground cover consists of pinon juniper with poor native grass cover. The many "parking" areas have resulted in rutting and erosion, which follows the tire tracks. In many areas, the ground cover is sparse due to the "parking." Many of the arroyos exhibit severe erosion. There are several dozen rock / wire check dams which were reportedly constructed by the Civilian Conservation Corps in the late 1930s. Many of these structures have been breached or have failed and are in need of repair. Water, sewer, gas, electricity, phone, and cable utility infrastructure are accessible either via Hyde Park Road or via a sewer easement to the property by the El Matador Apartments.

LEGAL LOT OF RECORD

This property was subdivided in November 2015. The property now consists of two tracts of land. Tract 1 is owned by 700 HPR, LLC. The legal lot of record is attached as Figure 3, Appendix A. A lot line adjustment is planned for these two tracts, which will change the acreage for Tract 1 to $28.25 \pm$ acres. This lot line adjustment is being submitted to accommodate the location of the entrance road and the entrance road sharing agreement.

EXISTING ZONING

The existing zoning for the Estancia Primera Planned Residential Community allows for a density that does not exceed 2.8 dwelling units per acre. With 8 units on 28 acres, the density is about one tenth of the allowed density at 0.29 dwelling units per acre. This project will be well within the density allowed. The zoning in the area ranges from Planned Residential Community District (PRC) to various densities of residential development. Zoning in the area includes R1, R2, R2PUD, R5, R12PUD, and R21. The property has the least density in the area and will not exceed the density allowed by the PRC.

DEVELOPMENT PLAN STANDARDS

Lot sizes range from 1.027 acres to 7.07 acres. Total buildable areas based upon the PRC ordinance, the escarpment ordinance, and terrain management regulations, ranges from 14,998 square feet to 65,416 square feet. Lots are shaped to accommodate the topography of the site. A siting plan is attached as Figure 4, Appendix A. Setbacks are per City Code.

LANDSCAPING, LIGHTING AND SIGNAGE CONCEPTS

Landscaping along the roadways will meet City Standards. All significant trees will be accounted for and replanted or replaced. Rain gardens will be used adjacent to the driveway to reduce runoff, capture, and reuse storm water for landscape purposes. Lighting will follow the escarpment code as will the screening of homes and roads by landscaping. Existing vegetation will be protected by limiting traffic off designated roads and by marking protected areas. The construction will not require any significant grading. There will be an entry sign to the development that will conform to the code.

TERRAIN MANAGEMENT

The development downstream was built in the 1940's or 1950's. The development was constructed with runoff discharging to the streets. This has caused drainage and flooding issues for the neighbors downstream. We will be mitigating these problems as a part of the project. We will exceed the City Code for drainage runoff control. The proposed development will be designed to protect and enhance the natural beauty of the land and vegetation, and will minimize soil erosion and sediment transport during storms. Low Impact Development (LID) design and construction techniques will be utilized on the site. The arroyos will be cleaned and erosion prevention will be implemented, which will include watershed restoration, repairing existing check dams, building new runoff control check dams and installation of mulched water absorption swales. We will have a SWPPP plan in place that will protect downstream areas from runoff and sediment during the construction. Open space will be maintained by the HOA. The construction will not require any mass grading of the site.

The HOA will require active and passive water harvesting features to be installed for every lot and will be responsible for inspection of on lot water harvesting features. The HOA will be responsible for inspection and maintenance of off lot water control features.

AFFORDABLE HOUSING

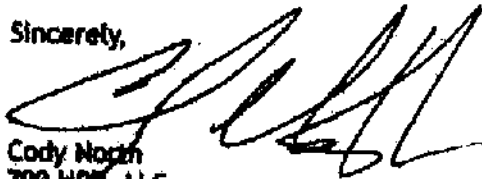
Fees will be paid into the Affordable Housing Trust in accordance with the City Code, which will go towards down payment assistance for qualified low-income individuals to buy a home.

ARCHAEOLOGY

This property is not located within a historic district of Santa Fe, but will be in harmony with the design of Santa Fe and our heritage. An archaeological study has already been approved by the Archeological Review Committee, on March 3, 1997, granting clearance for the project area as there are no archaeological sites located on Tract 1.

The project is asking for no variances. The project will be developed in accordance with City of Santa Fe Code. If you have any questions, please do not hesitate to contact me at 505/699-9858.

Sincerely,



Cody North
700 HPK, LLC

June 22, 2016

Donna Wynant
Land Use Senior Planner
PO Box 909, 200 Lincoln Ave.
Santa Fe, NM 87504

Re: Authorization Letter

Dear Ms. Wynant:

On behalf of 700 HPR LLC, I give James W. Siebert & Associates, Inc., authorization to act on behalf to assist with the pending application for master plan and preliminary plat approval for an eight lot subdivision located within Hacienda de Mirasol subdivision.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cody North', written over the word 'Sincerely,'.

Cody North

Response to Subdivision Approval Criteria

- (1) In all subdivisions, due regard shall be shown for all natural features such as vegetation, water courses, historical sites and structures, and similar community assets that, if preserved, will add attractiveness and value to the area or to Santa Fe.

An archaeological report has been prepared for the subdivision. No archaeological or historical sites were discovered within the boundary of the subdivision. Every effort has been taken to minimize the removal of pinon trees including the careful location of the roadways and use of a low pressure sewer system that allows for the sewer system to avoid trees wherever possible. There is minimal disturbance to the drainages within the Subdivision. Existing check dams built during the depression in the 1930's will be restored and additional check dams will be constructed to reduce the existing arroyo bank erosion that is currently taking place. The area has been used illegally for parking and partying by trespassers and as living areas by transients, (often referred to as Hobo Hill). The broken bottles, trash and temporary camp sites will be removed from the property. With the construction of road and utility improvements the area will not be occupied by transients illegally living on the property. Given the fire pits that are located at various places on the property the chance of wild fires taking place on the property will be eliminated. This risk of a wild fire spreading to the adjoining residential dwellings is an asset to the neighborhood.

All significant trees will be replanted or replaced. A public trail is proposed along Hyde Park Road as a community asset.

- (2) The planning commission shall give due regard to the opinions of public agencies and shall not approve the plat if it determines that in the best interest of the public health, safety or welfare the land is not suitable for platting and development purposes of the kind proposed. Land subject to flooding and land deemed to be topographically unsuited for building, or for other reasons uninhabitable, shall not be platted for residential occupancy, nor for other uses that may increase danger to health, safety or welfare or aggravate erosion or flood hazard. Such land shall be set aside within the plat for uses that will not be endangered by periodic or occasional inundation or produce unsatisfactory living conditions. See also Section 14-5.9 (Ecological Resource Protection Overlay District) and Section 14-8.3 (Flood Regulations).

The drainages on the property are not designated FEMA flood plains. The only disturbance to the drainage will be the repair of the existing check dams and controlling the erosion that is taking place on the main drainage. No construction will take place on slopes of 30 percent or greater with certain exceptions as permitted by the Land Use Code. Extraordinary engineering measures have been proposed to ensure the storm water generated by the development of the property is adequately detained on the property. Covenants have been provided to the city which mandate the maintenance of all storm water and erosion control structures and facilities on the property. This includes a schedule of inspection and repair as described on the engineering plans. The allowed density of the property, which is permitted by the underlying PRC zoning district, could develop at 2.8 dwellings per acre is proposed for development at one dwelling per

3.5 acres. This significant reduction in density substantially reduces the impact on the terrain created by the development of the site, including roads, utilities and homes.

The city agencies have reviewed the plans and find the engineering design to be in conformance with the City Code. The New Mexico Department of Transportation has reviewed the engineering report for Hyde Park Road and finds the Traffic Impact Study acceptable although not warranted since the traffic generation does not trigger a Traffic Impact Study for this level of development.

- (3) All plats shall comply with the standards of Chapter 14, Article 9 (Infrastructure Design, Improvements and Dedication Standards).

The plat and engineering drawings have been prepared to comply with all provisions of Chapter 14 Article 9.

- (4) A plat shall not be approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with the provisions of Chapter 14 unless a variance is approved concurrently with the plat.

No variances have been requested for the subdivision. There is no aspect of the engineering or platting that is inconsistent or violates the provisions of Chapter 14.

- (5) A plat shall not be approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with applicable provisions of other chapters of the Santa Fe City Code unless an exception is approved pursuant to the procedures provided in that chapter prior to approval of the plat.

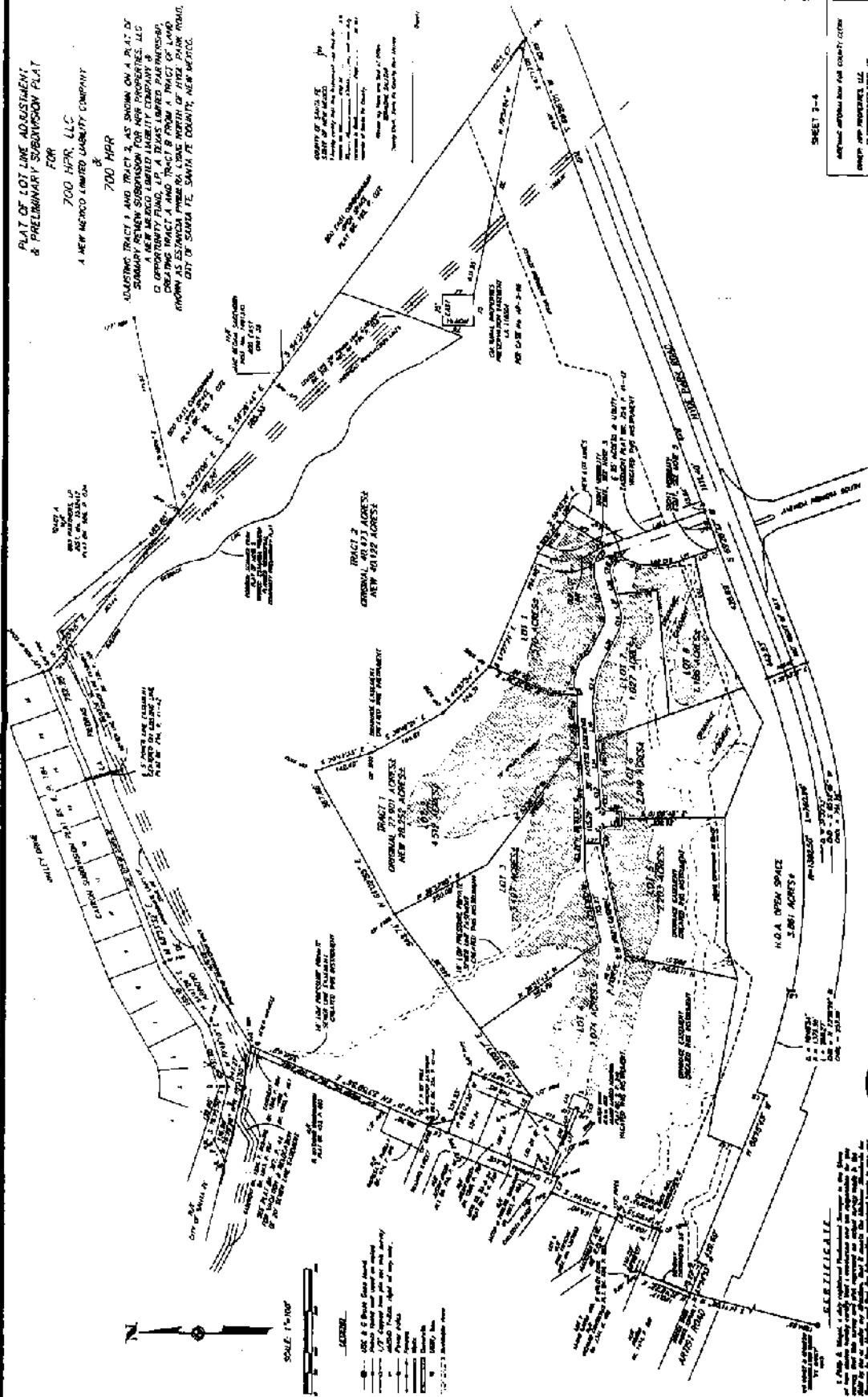
No exceptions to the Land Use provisions of the City Code are requested. There is no increase to an existing nonconformity since all platting and engineering design and standards have been prepared in conformity with the City Code.

PLAT OF LOT LINE ADJUSTMENT & PRELIMINARY SUBDIVISION PLAT

FOR
700 HPR, LLC
A NEW MEXICO LIMITED LIABILITY COMPANY

700 HPR

ADJUSTING TRACT 1 AND TRACT 2, AS SHOWN ON A PLAT OF
SUMMARY REVENUE SUBDIVISION FOR NEW PROPERTIES, LLC
A NEW MEXICO LIMITED LIABILITY COMPANY &
O. OPPORTUNITY FUND, LP, A TEXAS LIMITED PARTNERSHIP
KNOWN AS SEVENON FUND, INC. (THE "FUND") IN THE
CITY OF SANTA FE, SANTA FE COUNTY, NEW MEXICO.



SHEET 2-4

APPROVED: JUNE 15, 2010	FILED: JUNE 15, 2010
RECORDED: JUNE 15, 2010	BOOK: 100, PAGE: 100
APPROVED: JUNE 15, 2010	FILED: JUNE 15, 2010
RECORDED: JUNE 15, 2010	BOOK: 100, PAGE: 100



PRELIMINARY

DATE OF FIELD WORK
14 APRIL, 2010
FILED: JUNE 15, 2010
BOOK: 100, PAGE: 100

**Response to
Conditions from
Ordinance 1981-3**

(Applicant's response is in italics)

The property, as zoned, has the following conditions attached thereto:

1. Detailed engineering soils and drainage reports, including type and location of all on-site and off-site drainage retention structures, shall be submitted to the Department of Public Works of the City for the entire development at the preliminary plat submittal for the first phase. Included in this condition is that all dwelling units for the cluster developments be sited on those submittals.

"Engineering drawings have been submitted with the preliminary plat application that detail the on-site drainage structures. There are no off-site drainage structures. This is not the first phase of the project but the developer has complied with this condition in conformance with the terrain management regulations of the City Code. This is not a cluster development project. Detailed geotechnical investigation will be provided for final plat submittal."

2. Detailed engineering plans and reports for all on-site roadway improvements shall be submitted to the Department of Public Works of the City for the entire development at the time of preliminary plat approval for the first phase. Included in this condition is the design plans for the Hyde Park Road-Estancia Primera intersection.

"This does not apply to Hacienda de Mirasol since this was a condition of phase 1 of Estancia Primera."

3. No commercial development in Phase 1 or 2. Commercial development shall be considered by the City of Santa Fe Planning Commission (the Commission) at the time of final plat approval for Phase 3. As such, the preliminary plat for Phase 3 shall include a design for both bases:

- (a) if it remains as residential
- (b) if it is approved for commercial

"No commercial development is proposed for the project and this condition does not apply."

4. Submittal of architectural style guidelines to be adhered to by builders shall be submitted at the time of final plat for Commission approval for each phase of development.

"Although this is not the final plat application the escarpment regulations will serve as the architectural guidelines for this project. This is also shown on Sheet 4-3 of the plan set. The escarpment regulations did not exist in 1981. These regulations are the most comprehensive and recognized standards for development in the hillside areas of Santa Fe."

5. Sewer assessment to be paid by developer for each dwelling unit as per established Commission policy for off-site sewer facilities improvement serving the area of the development, as adopted by the Joint City-County of Santa Fe Planning Commission at its meeting of October 23, 1980.

"This condition does not apply to the Subdivision since the sewer is entirely the responsibility of the developer and the property is not included in a sewer assessment district."

6. The developer will share in the costs of off-site roadway improvements as may be required by the Commission at different phases in this development. The developer's share shall be proportionate to the development's impact on those required improvements.

"The Traffic Impact Study demonstrates that there are no off-site impacts that rise to a level that requires the contribution for off-site roadway improvements."

7. **SITE PLANNING CRITERIA, TOPOGRAPHY, GRADING CRITERIA
LIMITATION ON MAXIMUM HEIGHT OF BUILDINGS, ADDITIONAL
SUBMITTAL AND CONDITIONS AND MISCELLANEOUS:**

- A. Site Planning Criteria. All of the conditions of the City of Santa Fe Land Subdivision Regulations, including the Terrain Management Regulations, shall apply to the property which is the subject of the PRC Ordinance except for and subject to the specific variances and restrictions set forth herein below in subparagraphs 7.A.1. through A.3

1. Topography. No portion of any building can extend more than 40 horizontal feet or to a point more than 10 vertical feet, whichever is more restrictive, beyond a point whose average natural slope is 20 percent. The slope analysis map submitted by NMRI and verified by the City Planning Department shall be the basis for this determination. The slope analysis to be submitted by NMR shall be the basis for this determination.
2. Grading Limits. Grading on the site shall be confined within an area which is determined as being 15 horizontal feet beyond the building foundation wall as determined in 1 above, 30 horizontal feet beyond a point whose average natural slope is 20 percent. At the limits of grading, natural grade shall be met with a graded slope not to exceed 1 vertical foot in 3 horizontal feet, except that a structural retaining wall, not to exceed 5 vertical feet, is permitted for patios.

"All cut and fill slopes will be rehabilitated according to an approved Erosion Control Plan as required by the Terrain Management Regulations."

3. Maximum Height of Buildings.

1. The finished floor elevation at any point shall not exceed 5 vertical feet above the natural grade below that point.
2. The building roof line for each dwelling unit shall not exceed 15 vertical feet above the highest point of natural ground surface on the building site. Chimneys are excluded from this height limitation.
3. The building roof line for each dwelling unit shall not exceed 20 vertical feet above the natural ground surface at any point at the building foundation on the building site. Chimneys are excluded from the height limit.

"Although they were considered exceptions of variances in 1981 they have been superseded by the escarpment regulations that are substantially more definitive."

B. ADDITIONAL SUBMITTALS AND CONDITIONS. NMRI shall satisfy the following conditions and make the following submittals before either a preliminary development plan under the Planned Residential Community Ordinance or a Preliminary Subdivision Plat is approved by the Commission.

1. The preliminary subdivision plat for the entire PRC parcel will be submitted to the Department of Planning and Development of the City together with all reports and plans required by the Terrain Management Regulations.

"It is assumed that this condition was satisfied at the time the first preliminary plat or plan was submitted for review by the Planning Commission for the first phase of the project."

2. In addition to the provision of the Terrain Management Regulations, the Grading Plan shall include for each tract: (1) the grading envelopes which define the horizontal limits of grading, (2) limitation to the cut and fill expressed in vertical feet above or below natural ground elevations, and (3) the typical grading cross-sections. Before any grading may occur on any tract, the individual tract will be field staked, a certified engineer employed by the developer or builder will be present on the site, and the City Engineer will be called to inspect the field staking for conformance to the approved Grading Plan.

"Engineering drawings have been submitted with the application describing the limits of grading for the roadways and drainage improvements and the slope ratio for the grading that is proposed for the site. Grading cross sections for the roadways are included in the plan set. The developer agrees to have a licensed engineer on site for the field staking and call the City Engineer for inspection of the staking prior to commencement of grading on the site."

3. In addition to the provisions of the Terrain Management Regulations, the Storm Drainage Plan shall include preliminary engineering designs of all storm drainage facilities, an analysis of off-site drainage impacts, and designs of mitigating storm drainage control measures.

"A drainage report has been prepared and submitted with the application showing the pre and post conditions for drainage leaving the site from the development. The drainage improvements are detailed in the engineering drawings."

4. Preliminary plans and profiles for all streets to be dedicated to the City and preliminary profiles and typical sections for all private streets shall be submitted with the preliminary subdivision plat.

"Preliminary plan and profiles for the public and private roads are shown on the engineering plans."

5. A phasing program for development incorporating schedules by tract of phase for all required on-site and off-site improvements shall be submitted with the preliminary subdivision plat.

"It is assumed that this condition was satisfied with the initial preliminary subdivision plat."

C. GUARANTEES. NMRI, in order to guarantee compliance with the plans and conditions of approval for the final subdivision plat for each individual PRC tract, agrees to the following:

1. Master Homeowners Covenants, Conditions, and Restrictions shall be submitted to the City Department of Planning and Development prior to preliminary plat approval by the Commission.

"The section of the restrictive covenants requiring maintenance of the drainage facilities and other commonly owned facilities has been submitted to Land Use and City Attorney."

2. Master Homeowners Covenants must provide for assessments to maintain all private improvements, including private streets, drainage and erosion control works, and open space. Covenants shall provide for a maintenance contract and scheduled maintenance of all private improvements with assessments specified by type of improvement. Also, the covenants shall contain a provision wherein the French drains of units selected by the association on a random sample basis and shall be inspected and tested on a regular basis.

"This provision does not comply with this project since Master Homeowners Covenants do not apply to this parcel and French drains are not proposed."

3. Performance bonds or equivalent legal performance instruments, acceptable to the City Attorney, shall be provided to the City prior to final plat approval of each individual PRC tract or development plan approval to insure that all public and private improvements are constructed, repaired and maintained

as required by the final subdivision plat. Bonds will be identified by type of improvement and by stage of development.

"A Letter of Credit will be submitted for all public or quasi-public improvements as required by City policies and code regulations."

4. One year after installation or rehabilitation of some of the check dams, representatives of NMRI and the City Engineer shall inspect the check dams and French drains, if any. The purpose of the inspections is to ascertain future adjustments to the maintenance or design of such drainage facilities.

"The city will inspect the installation of storm drain improvements and repairs as part of the normal city inspection process. If the City Engineer wishes to inspect the storm water improvements one year after installation the developer has no objection to that inspection."

D. MISCELLANEOUS.

1. No increase in unit count for any tract or any transfer of units from one tract to another shall occur without an amendment of the PRC zoning district which requires the review and approval by the Commission and City Council.

"A significant reduction in the allowable density is proposed with this application."

2. Approval of specific dwelling unit counts for each individual PRC tract is conditioned upon approval of grading, drainage and site plans by the City Staff and Commission. Dwelling unit counts for cluster housing tracts are based upon an average ground coverage by buildings, garages and patios of 2000 square feet per unit with in an approximate 30 foot by 65 foot land area. If the average size of the units within a cluster PRC tract exceeds 2000 square feet or if serious terrain management or other problems are presented in the preliminary subdivision plat, then the City staff may recommend to the commission that the number of dwelling units be reduced. A reduction in the number of dwelling units in a PRC tract will not require an amendment to the zoning of the PRC district.

"The consulting engineer has designated building sites in excess of the 2000 square foot requirement. The developer has voluntarily reduced the number of units due the terrain."

3. NMRI or its successor in interest, but not including the developers or builders of individual PRC tracts, will be responsible for the provision of a site engineer during construction phases. Said site engineer to be on call during all construction phases and available to be on site within 24 hours after notice.

"The developer agrees to have qualified engineering inspectors on site during the construction of the subdivision improvements."

4. All conditions of the PRC zoning district and the subdivision plats are affirmative covenants running with the property, binding upon any and all successors in interest. i.e. these conditions of Ordinance 1981-3 Estancia Primera PRC Planned Residential Community - PR are covenants running with the property and binding upon any and all successors in interest.

"No response required."

5. In order to provide a visual easement along Hyde Park Road, a variable setback of between 150 and 250 feet, measured from the centerline of the road shall be established. Solid fences or walls will be prohibited within this easement.

"A visual easements is shown on the plans for the project with complies with this condition. Where the easement flares out beyond the 150 foot setback it is due to the ridgeline which is more visible from Hyde Park Road than others areas of the property."

6. An open-space easement of at least 100 feet has been established along the escarpment above Hillside Avenue. All buildings shall be located at least 100 feet from the lot lines of properties abutting or with access from Hillside Avenue as shown by the PRC Master Plan approved by the City on January 28, 1981.

"This property nor buildings does not abut Hillside Avenue and therefore this condition does not apply."

7. The phrase "commission" means the Santa Fe City Planning Commission or its successor in interest.

"No response required."

8. TRACT O DEVELOPMENT CONDITIONS:

- A. Tract "O", as shown on the map approved by the City of Santa Fe on January 28, 1981, or as amended by the final plat, is not to be developed before January 1, 1984.

"This condition does not apply."

- B. Six (6) months written notice is to be given by NMRI or the developer to the property owners affected by the development of Tract "O" of NMRI or the developer of Tract "O"'s intent to apply for final plat approval for the development of Tract "O".

"This condition does not apply."

- C. Ninety (90) days prior to the submission of any final plans and plats to the commission, NMRI or the developer of Tract O will furnish to said property owners a copy of such plans and plats for examination.

"This condition does not apply."

- D. If the drainage plans are unacceptable to the owners affected by the development of Tract "O", upon written request made by such owners within thirty (30) days after receipt of such plans, NMRI will contribute up to \$5,000 to pay an independent engineer, licensed by the State of New Mexico, to assist such owners in devising a drainage plan which will be reasonably acceptable to and which will reasonably protect the property of such owners and permit the development of Tract "O".

"This condition does not apply."

- E. These conditions shall be binding upon NMRI or the developer of Tract "O" and any assigned or successor in interest and shall inure to the benefit of such owners affected by the development of Tract "O", their heirs, executors, administrators and assigns.

"This condition does not apply."

- F. Such owners will furnish to the developer, in writing, their names, addresses and location of their property affected by the development of Tract "O".

"This condition does not apply."

9.OFF SITE IMPROVEMENTS.

- A. NMRI will participate in the cost of required off-site improvements on a pro-rated basis to be determined by NMRI and City to the following streets and inter-sections:

1. Hyde Park Road
2. Otero Street intersection with Paseo de Peralta
3. Hyde Park Road intersection with Bishop's Lodge Road
4. Bishop's Lodge Road intersection with Paseo de Peralta

"This condition does not apply."

- B. Improvements to the intersection of Hyde Park Road and Estancia Primera Street system shall be constructed at the sole expense of NMRI.

"This condition does not apply."

- C. Between the North boundary of Tract K and South boundary of Tract J, as shown by the Estancia Primera PRC Map approved by the City Council on January 28, 1981, NMRI grants to the City an easement for a roadway and right-of-way and utility purposes for an R-1 roadway built to presently existing city standards. If the developer of the adjacent property on the easterly boundary of the Estancia Primera development is required by the City to construct a public roadway from Gonzales Road to the Estancia Primera development, NMRI or its successors an interest will dedicate said easement to the City as right-of-way and shall construct the roadway within the Estancia Primera development which is the subject of the easement, to City standards as above, at NMRI's expense or the expense of its successors in interest. NMRI shall, by covenants in deeds to lot owners or unit owners in tracts J and K, inform said lot owners of unit owners of the easement and conditions of dedication of this easement as right-of-way to the City.

"This condition does not apply."

Haciendas del Mirasol
Declaration of Covenants, Conditions, Restrictions and Easements.

3.3 Centralized Drainage Control Structures.

3.3.1 Inspection, Maintenance, Repair, and Replacement By Association. The improvements comprising the Centralized Drainage Control Structures shall be owned, operated, inspected, maintained, repaired and replaced by the Association, as provided in this Declaration and the Governing Documents, and, at the option, but not the obligation, of the City of Santa Fe, by the City of Santa Fe. The Association shall also be responsible for the maintenance of any and all Stormwater Ponding Areas. The Association shall maintain and keep the Centralized Drainage Control Structures and Stormwater Ponding Areas in a good working order and condition, and in compliance with all then applicable governmental requirements, including current and future written directions and requirements from time to time issued by the City of Santa Fe. The Stormwater Ponding Areas comprising the Centralized Drainage Control Structures specifically shall be maintained pursuant to the Maintenance Guidelines. The responsibility of the Association for the inspection, maintenance, repair and replacement of a particular Centralized Drainage Control Structure shall commence once the construction and installation of the same has been finally completed by the Declarant and accepted by the City of Santa Fe. The responsibility of the Association for the inspection, maintenance and repair of Stormwater Ponding Areas shall commence upon the filing of this Declaration for record in the real property records of Santa Fe County, New Mexico.

3.3.2 Report to City of Santa Fe. On an annual basis, on or before March 15 of each calendar year, the Association shall retain, at the Association's expense, a civil engineer, duly licensed in the State of New Mexico, and cause such engineer to prepare, and submit to the City of Santa Fe Planning and Land Use Division and the Streets, Drainage, & Fleet Maintenance Division, a written report, certified to the City of Santa Fe, detailing the inspection, maintenance, and repair activities, if any, over the prior calendar year by the Association with respect to the Centralized Drainage Control Structures and Stormwater Ponding Areas, and certifying to the City of Santa Fe that the Centralized Drainage Control Structures and Stormwater Ponding Areas have been maintained pursuant to the Maintenance Guidelines and are in a good working order and condition.

3.3.3 Rights of The City of Santa Fe. If the Association shall fail to so inspect, maintain, replace, or repair the Centralized Drainage Control Structures or Stormwater Ponding Areas under Section 3.3.1, or submit the required report certified by a civil engineer duly licensed in the State of New Mexico under Section 3.3.2, and such failure shall continue for a period of thirty (30) days after receipt of written notice thereof from the City of Santa Fe, then the City of Santa Fe shall have the right and power, in addition to any other rights and remedies of the City of Santa Fe, to so inspect, maintain, construct, replace, and/or repair the Centralized Drainage Control Structures and Stormwater Ponding Areas, and shall be entitled, and is hereby granted the right and power, to exercise all of the rights and powers of the Association, including the assessment and lien rights of the Association, set forth in this Declaration and the Bylaws with respect to the construction, inspection, maintenance, repair and replacement of the Centralized Drainage Control Structures or Stormwater Ponding Areas. Notwithstanding the

above to the contrary, the City shall not have the right to take the foregoing actions in the case of a failure by the Association which cannot, with due diligence, be cured within thirty (30) days, unless the Association shall fail to proceed promptly (except for unavoidable delays) after the giving of such notice from the City of Santa Fe and with all due diligence to cure such failure and thereafter to prosecute the curing thereof with all due diligence (it being intended that as to a failure not susceptible of being cured with due diligence within thirty (30) days, the time within which such failure may be cured shall be extended for such period as may be reasonably necessary to permit the same to be cured with all due diligence). Further notwithstanding the above to the contrary, the City of Santa Fe shall have the immediate right to enter and maintain, re-construct, construct, or otherwise take appropriate action to remediate emergency conditions with respect to the Centralized Drainage Control Structures or Stormwater Ponding Areas, when such emergency conditions are declared in writing by the City Manager, and the associated costs of such action shall be paid by the Association within sixty (60) calendar days after issuance of an applicable invoice for such remediation measures, including administrative costs.

3.3.4 Non-Liability of The City of Santa Fe. If the Association shall fail to fulfill its duties and responsibilities under the Declaration, and the City of Santa Fe shall exercise any of the rights and powers of the Association, then the City of Santa Fe shall not be liable to Declarant, Association, or to any Owner, for any damage, loss, or prejudice suffered or claimed on account of the City of Santa Fe's exercise of such rights and powers. Each Owner, by acceptance of a deed to a Lot, does hereby expressly release the City of Santa Fe of and from any and all claims, demands, causes of action, for damages or otherwise, in any manner resulting from the City of Santa Fe's exercise of such rights and powers of the Association.

3.3.5 Indemnification. The Association shall indemnify, defend and hold harmless the City of Santa Fe, its elected officials, and employees from and against any and all loss, cost, expense or claims, including but not limited to reasonable attorneys' fees and expenses and costs of court, that arise out of any injury or death to person or damage to or loss of property, caused either by the negligent actions or inactions of the Association, its employees, contractors, etc., with respect to the Centralized Drainage Control Structures or Stormwater Ponding Areas, or as a result of any failure or default by Association to fulfill its obligations under this Declaration with respect to the Centralized Drainage Control Structures or Stormwater Ponding Areas.

3.3.6 Transfer to the City of Santa Fe. If the City of Santa Fe, or its assigns shall expressly agree to accept a dedication, by and through the Governing Body of the City of Santa Fe, or its assigns, of the Centralized Drainage Control Structures and Stormwater Ponding Areas, and undertake responsibility for the maintenance, repair and replacement of the Centralized Drainage Control Structures and Stormwater Ponding Areas, then the Association shall duly execute and acknowledge an appropriate instrument dedicating the Centralized Drainage Control Structures and Stormwater Ponding Areas (and associated easements if not previously dedicated to the City of Santa Fe), and the responsibilities for inspection, maintenance, repair, construction, and/or replacement of the same, and shall cause such instrument to be recorded in the records of Santa Fe County, New Mexico. Upon the recording of such notice, the provisions of this Declaration (including this Section 3.3) pertaining to the Association's responsibility and assessments for the inspection, maintenance, repair and replacement of the Centralized Drainage Control Structures and Stormwater Ponding Areas shall be no longer applicable.

ESCARPMENT OVERLAY + HYDROLOGY

PLAT OF LOT LINE ADJUSTMENT
A PRELIMINARY SUBDIVISION PLAT

700 HPR, LLC
A NEW JERSEY LIMITED LIABILITY COMPANY

ADJUSTING TRACT AND TRACT 2, AS SHOWN ON A PLAT OF
SUBDIVISION ADJUSTMENT FOR THE PROPERTY OF
A NEW JERSEY LIMITED LIABILITY COMPANY
OF THE COUNTY OF HUNTERDON, N.J., TO BE
KNOWN AS TRACT 1, A TRACT OF LAND
BEING PART OF THE LANDS OF THE
COUNTY OF HUNTERDON, N.J.

Contours - 5 feet
Pavement
Boulder Pavement
Gravel Pavement
Asphalt Pavement

Water Rights and
Other Rights and
Interests in the
Property

THESE LOTS
WILL BE
REDEVELOPED
OVERLAY (ROOF + FOOTING)

THESE LOTS
WILL BE
REDEVELOPED
OVERLAY (ROOF + FOOTING)

THESE LOTS
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OVERLAY (ROOF + FOOTING)

THESE LOTS
WILL BE
REDEVELOPED
OVERLAY (ROOF + FOOTING)

THESE LOTS
WILL BE
REDEVELOPED
OVERLAY (ROOF + FOOTING)



17 JUL 2019

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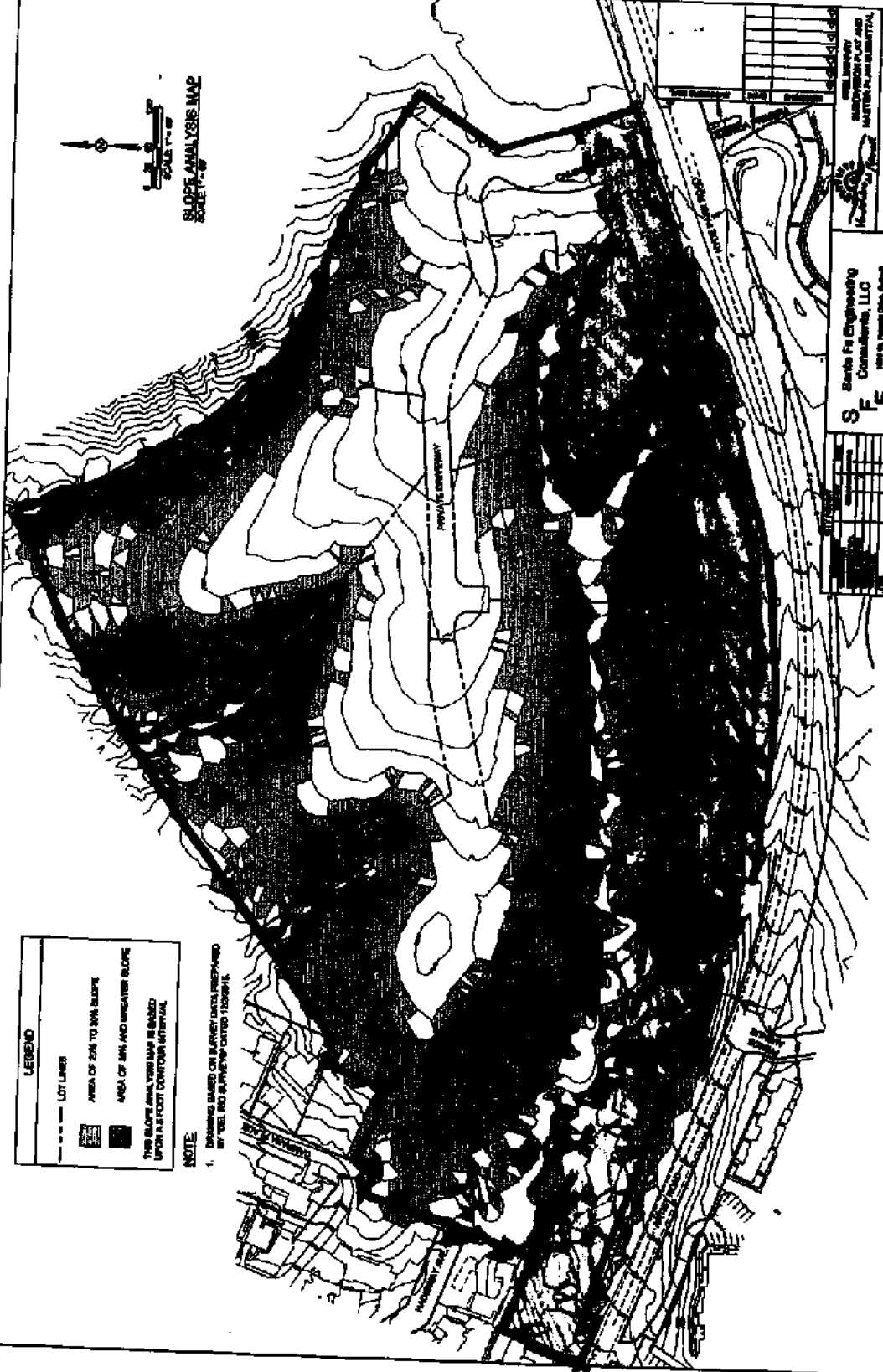
17 JUL 2019

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LEGEND

--- LOT LINES

 AREA OF 20% TO 30% SLOPE

 AREA OF 30% AND GREATER SLOPE

THIS SLOPE ANALYSIS MAP IS BASED UPON A 5 FOOT CONTOUR INTERVAL

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1. INFORMATION BASED ON SURVEY DATA PREPARED BY THE BUREAU OF THE U.S. DEPARTMENT OF COMMERCE, BUREAU OF ECONOMIC ANALYSIS, OFFICE OF INTERNATIONAL TRADE ANALYSIS, DATED 1980-1981.

[illegible][illegible]

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HISTORY OF ESCARPMENT ORDINANCE

(told as 5-min story emphasizing large public process for protection of the Escarpment Districts, not just ridgetops):

1. 1985-City Open Space Plan calls for protection of natural landscape in the foothills within City Limits, for hiking, hunting, and firewood.
2. No one built up on the tall hillsides for 400 years... [not like San Francisco or Austin where everyone built on the foothills].
3. In 1985 one house was built on top of the hill near St. Johns
4. 1985-87- Locals poured out of the woodworks to protect their hillsides, and ridgetops., the Apodacas, the Herraras, the old original Spanish Land Grants, 98-year-old man who had herded his goats and grew his crops in the City foothills.
5. Large local Santa Feans group in a public process worked together in a volunteer fashion to protect hillsides – went out with binoculars pre-computer, working closely with City Staff for all mapping and staking of edges of escarpment district.
6. 1987- Escarpment Ordinance approved by City Council (with clarification amendments in 1988 for properties in foothills).
7. The Escarpment Ordinance was designed for protecting Ridgetop and Foothills (not just Ridgetop). However if a pre-1992 Owner had nowhere else to build, then ok to build in the Foothills.
8. This is not the case with Haciendas del Marisol, they do have other locations to build outside the Escarpment District.
9. Don't walk away from a large community process, for single developer, must return to community engagement.

19 YEAR HISTORY OF ESTANCIA PRIMERA, LOS VECINOS AND DEL MIRASOL PROPERTY:

(Do not intend to go into all this detail, simply have it available if questions are asked)

10. 1981-3 Ordinance regarding Estancia Primera and Master Plan changed zoning from Residential to PRC. (In 2016 determined Master Plan never officially recorded but still being used to support 150 foot setback).
11. 1993, July: sewer availability issued for 38 lots on Hyde Park Road,
12. Sewer lines backing up into Valley Drive houses (with Los Vecinos request for 12 lots added to Valley Drive).
13. And homes being flooded out from hillsides above.
14. 1994, Aug 26: First Judicial Court endorses connector road between Valley Drive and Vallecita Drive to Hyde Park Road.
15. 1994, Nov 8 Los Vecinos applies to Planning Commission for 67 lots on 68 acres on Northside of Estancia Primera

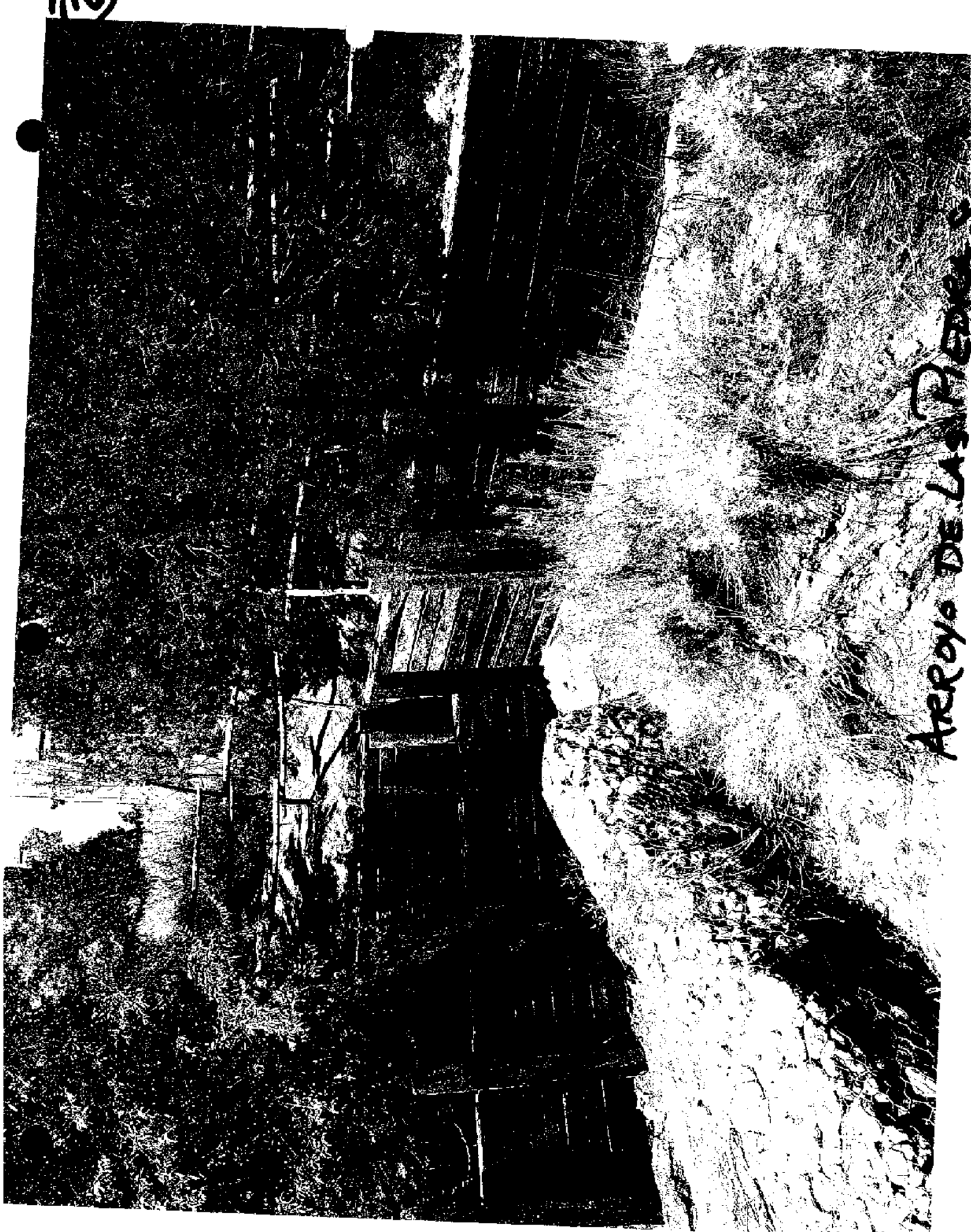
Tabled with staff statement "Due to significant concerns raised by staff, many unanswered questions remain before a positive recommendation can be made. 150 foot visual easement approved by city staff based on 1981 Estancia Primera stipulations. Most important dedicates open space was given to cars.
16. 1995, Jan 5 Los Vecinos returns to Planning Commission, who deny approval, citing concerns over density, drainage, soil erosion, terrain management, escarpment ordinance, sewer capacity. Los Vecinos attorney requests reconsideration. PC agrees to reconsider but tables until April.
17. 1995, May 4: Planning Commission approves preliminary plat with 65 units with major conditions requiring dedicated open space, engineering plans to be provided, corrected Escarpment Boundaries, only one access to Hyde Park Road, full compliance with Terrain Management required, Storm-water Analysis required, landscape plan to be submitted, showing missing drainage topography, submit grading plans, new sewer plans required, reports and plans missing for terrain management must be provided, traffic impact analysis needed, and no variances allowed. City Staff takes position that 1981 Ordinance is outdated and recommends following 1995 Terrain Management laws...
18. 1995, Aug. 30: 8 neighborhood associations appeal to City Council to reject Planning Commission approval of preliminary subdivision plat. The Council unanimously upheld neighbors appeal and disapproved Los Vecinos.
19. 1997, April 29 and May 29: Los Vecinos continues Appeals to City Council: For a second time, the Council vote denies approval based on storm-water drainage problems existing in Estancia Primera and condominiums uphill, and existing sewer lines not large enough to take greater capacity.
20. 1997-2000 Developers appeal to State Judge Stephen Pfeffer, who upholds City Council discretion to deny application

CALLECITA NEIGHBORHOOD'S LEGAL CONCERNS:

1. "Greater Callecita - SBA Report and Applicants Responses" were not included in "Digital Public Release".
Postponement request.
2. Escarpment Ordinance Development and Permit Approval; Seven Required Submittals (Ord. No. 2006-55 § 5)
 - a. "code violation" The interest and welfare of the people of the city is to restrict development in the escarpment overlay district to preserve the aesthetic beauty and natural environment of the ridgetop areas of the foothills and to protect the mountain views and scenic vistas from the city to the extent possible.
 - b. "code violation" No approval of any subdivision, re-subdivision, planned unit development, cluster development, multiple family dwellings, or any other type of development shall be granted for land situated in whole or in part in the escarpment overlay district unless ☐ of the applicable requirements of this section are satisfied.
 - c. "code violation" Each parcel of land proposed for subdivision or re-subdivision, which is located in whole or in part in the escarpment overlay district, shall be shown on a plat meeting all other requirements of this chapter. The plat shall also:
 - d. "code violation" Show the location of the escarpment overlay district, the ridgetop sub-district, the foothills sub-district and the view line.
 - e. "code violation" In determining the visual impact, staff shall consider the following in accordance with the administrative procedures adopted by Resolution No. 2006-113 as may be amended by the governing body: the public interest is protected and the modification does not nullify the intent or purpose of this chapter;
 - f. "code violation" The utility alignments shall be carefully routed to avoid locations perpendicular to the horizons;
 - g. "code violation" Where the planning commission finds that extraordinary hardship may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variation shall not have the effect of nullifying the intent and purpose of these regulations.
3. Conditions from 1981-3 Ordinance: Stricter submittal requirements ☐ 15 shall be submitted...at Preliminary Plat Submittal - not at Final Submittal as suggested by City staff) none of the following list is provided by "Mirasol".
 - a. detailed engineering soils + drainage reports including type and location of off-site drainage retention structures,
 - b. Clustered PRC subdivision must have dedicated common open space,
 - c. and on-site roadway improvements,
 - d. grading envelopes beyond building footprints,
 - e. cut and fill limitations,
 - f. typical grading cross-sections,
 - g. preliminary Storm Drainage Plans including engineering,
 - h. off-site drainage impacts and mitigating measures,
 - i. and a phasing program for development and each tract, (Phase One and Phase Two- 4 public meetings)
 - j. Master Homeowners Covenants, Conditions and Restrictions,
 - k. Master Homeowner Covenants must provide assessments to maintain all improvements, with drainage inspected and tested on a regular basis,
 - l. No increase in unit count without an amendment of zoning reviewed and approved by Commission and Council, Mirasol is saying 8 houses plus 8 guest houses = 16 units.
 - m. If the average size of the units exceeds 2000 SF (the current Applicants drawings are showing 4500-5000 SF) then City staff may recommend to the commission to reduce the number of dwelling units,
 - n. No commercial, therefore no AirBnB.
 - o. These covenants run with the property and bind successor



Arroyo De Las Piedras



Arroyo de Las Piedras

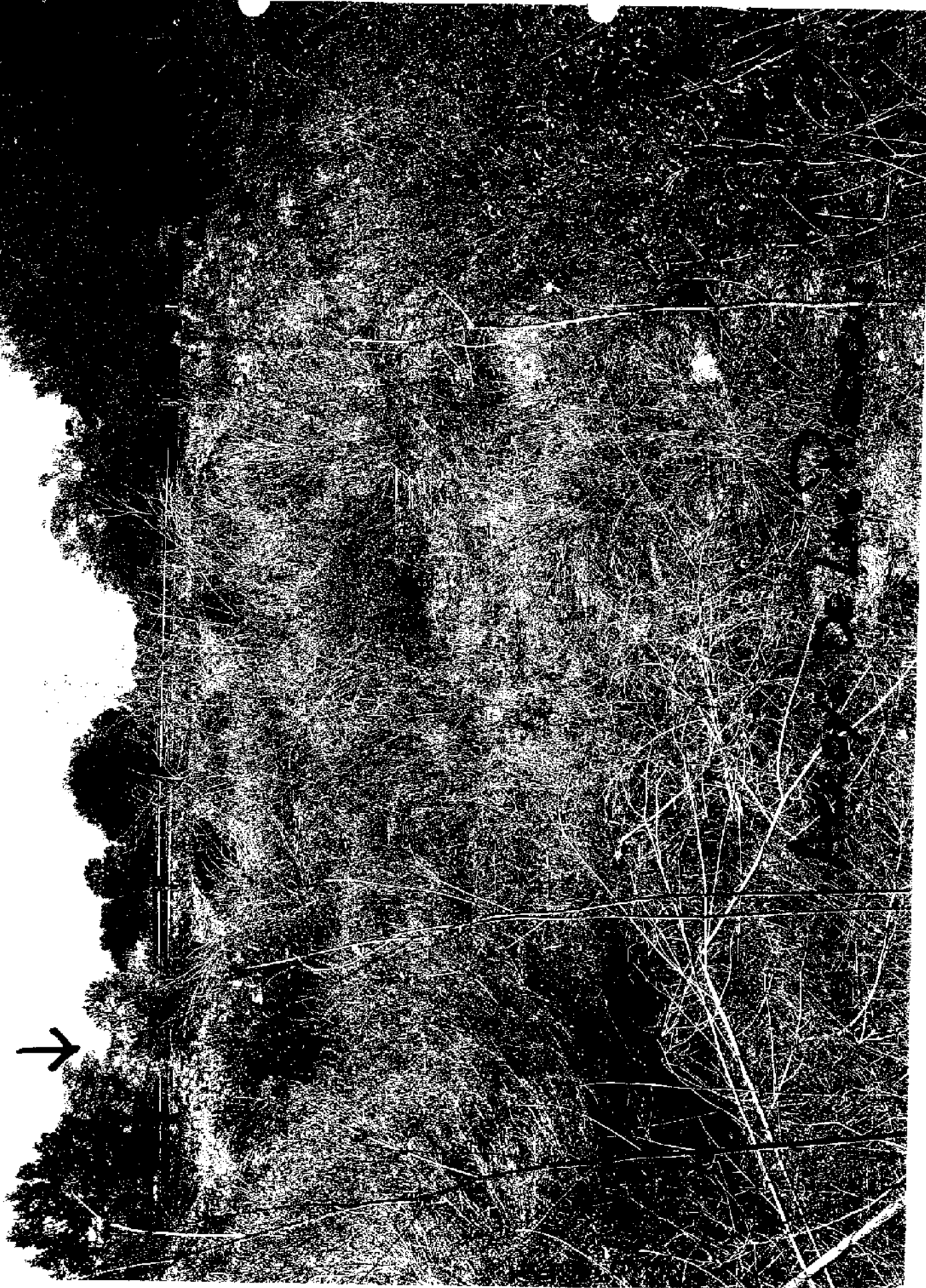
Arroyo de Las Piedras



● Cn. Chamiso



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Arroyo de San D.

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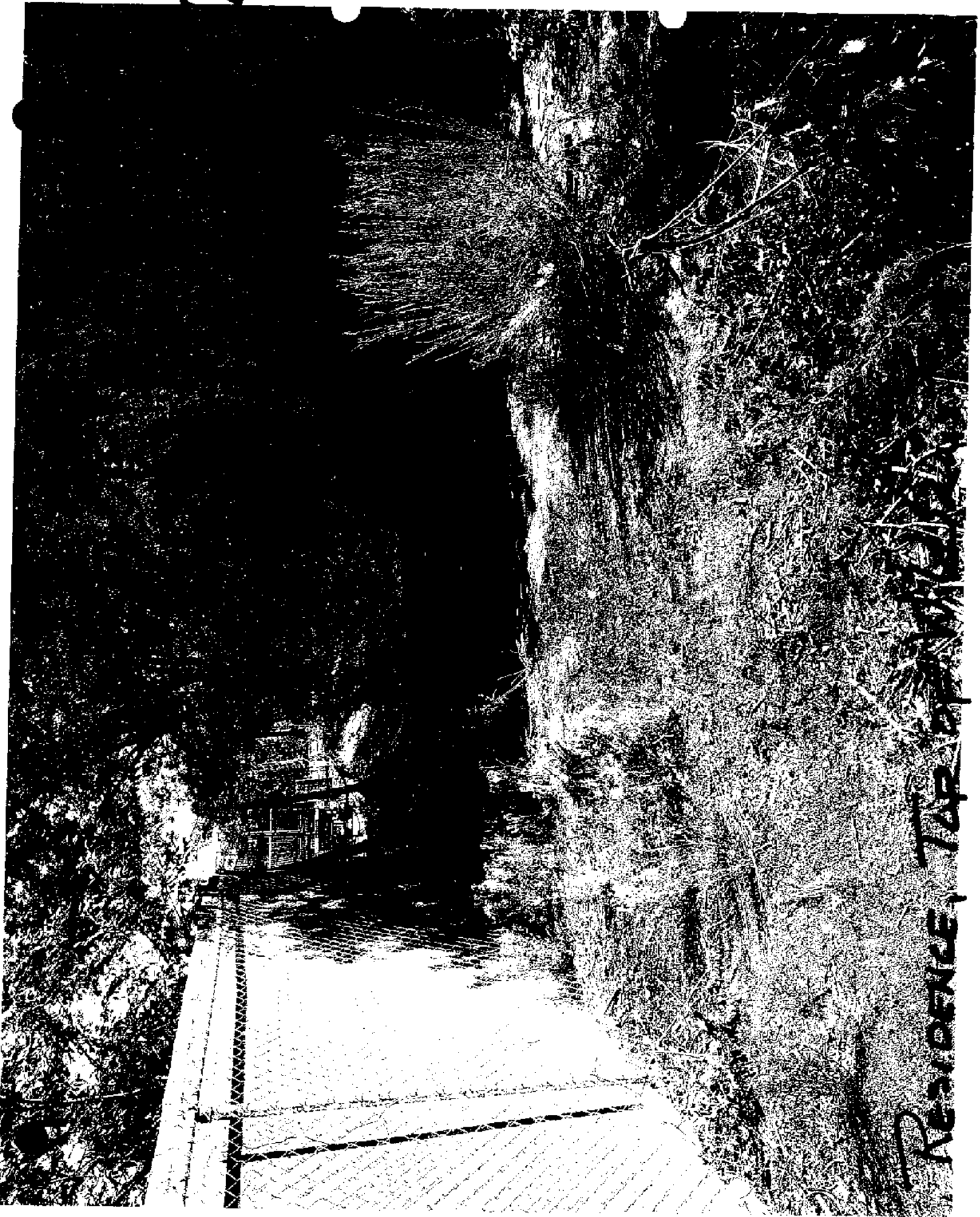


Williams St.

3



7



RESIDENCE, TOP OF MOUNTAIN

Williams St.



UPPER END of
HADISWAY





HADISWAY



October 4, 2016

Justin and Sandra Greene
611 Campana Place
Santa Fe, NM 87501

Re. Case 2016-51, Haciendas del Mirasol
Appeal of Planning Commission decision of August 4, 2016

Dear Director Martinez,

I am writing to begin the appeal process for the decision made by the Planning Commission on August 4th 2016 regarding Case 2016-51, Haciendas del Mirasol. The planning and review process was flawed and incomplete with bad faith / low performance / undue preference to developers shown by City staff regarding: identification and inclusion of stakeholders in the project, fair and effective application of City code and protection of the goals, assets and environment of our community as ordained by the City Charter and Ordinances. The ENN process was ineffective with little support or professional analysis from the City staff. Claims by Applicant were not challenged by staff and throughout the process and the community's health, welfare, traditions and assets were ignored.

While this appeal is initially based on the incompleteness of the plans to include all land governed under Santa Fe City Ordinance 1981-3, there are additional aspects and specific code violations regarding the portion of the (partial) development proposed by the Applicant. Staff avoided many of the significant issues and controversies by endorsing incomplete plans and allowing fractional development of a parcel that is required to be planned as a whole. There are also violations of Chapter 14 regarding PRC zoning purpose, Escarpment protection, traffic and multi-modal transportation, terrain management, access and open space.

Multiple meetings were held with select developers to make this presentation "bullet-proof". The presentation to the Planning Commission was wrought with 'exasperated attitude' that bullied the Planning Commission into accepting a plan that was incomplete and not in the best interests of the community at large.

City staff showed an extraordinary amount of preference for the developers and did not perform their duty to protect the health, welfare and assets of Santa Fe. There was a lack of transparency and secret meetings that gave the developers undue advantage in the proceedings and review process. Staff convened large meetings of city staff on-site and off-site to assist the applicant navigate this complex and controversial project. Staff even convened a meeting (or possibly multiple meetings) with both identified property owners and an adjacent property owner that was going through a nearly simultaneous planning process. These meetings should have included at least some

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representation from the surrounding neighborhood so that at least one person in the meeting could advocate for neighborhood issues. Additionally, staff should have identified all land owners affected by specific provisions of Ord. 1981-3 that require holistic planning of the entire parcel at the early (preliminary) stages of the planning.

This project should have required a site visit for the Planning Commission to understand the complex issues and large scale and scope of the property. A site visit should have included identification of adjacent neighborhoods, protected viewscape corridors, major intersections (especially those identified in Ord. 1981-3) and drainage areas that will be impacted and need to be addressed. The project was delayed for unknown reasons and there was plenty of time to schedule this most useful of activities for a group of civic leaders to make an informed decision.

This is not a minor project. It is more than 10 acres, more than 4 houses and covers steep and difficult terrain. Trying to minimize the impacts and scope is not the fair way to develop this property.

Lastly, In the course of investigating this case, It has become apparent to us that we are the owners of a piece of the land governed by 1981-3. As such, we have unique standing in the application of 1981-3, Case 2016-51 and this appeal. We are happy to be included in future discussions about the planning and development.

We hope the City Council will grant our appeal and set up a working group of stakeholders to expedite the complete and proper development of the property. Please feel free to contact me regarding this filing. Attached are a number of code and ordinance violations related to this case and in some cases, a discussion of requirements and solutions.

Regards,



Justin Greene

611 Campana Place
Santa Fe, NM 87501



LUD Use Only

Time Filed: 5:05

Fee paid: \$100.00

Receipt attached: ☒

(date stamp)

RECEIVED

OCT - 4 2016

Land Use Dept.

Case # 2016-117

VERIFIED APPEAL

PETITION

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

Appellant Information

Name: Greene Justin S.

Address: 611 CAMPANA PLACE

Street Address: SANTA FE City: NM State: 87501 ZIP Code:

Phone: (505) 77-8868 E-mail Address: CONTACT JUSTIN@YAHOO.COM

Additional Appellant Names: SANDRA M H GREENE

Correspondence Directed to: ☒ Appellant ☐ Agent ☐ Both

Agent Affiliation (if applicable)

I/We:

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

Signed: _____ Date: _____

Signed: _____ Date: _____

Subject Information

Project Name: Haciendas De Nivasa

Applicant or Owner Name: Cady North

Location of Subject Site: 700 Hyde Park Road.

Case Number: 2016-S1 Permit Number (if applicable): _____

Final Action Appealed:

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

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

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

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

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

August 4th planning commission meeting and
September 8th Findings of Facts

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

Description of Harm

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

I AM AN OWNER OF PROPERTY GOVERNED BY ORDINANCE 1981-3.
MY PROPERTY RIGHTS ARE BEING RESTRICTED AND DAMAGED DUE TO THE
DECISIONS OF THE PLANNING COMMISSION. SEE ATTACHED COVER LETTER
AND SPECIFICATE ISSUES LETTER.

State the Basis for Appeal

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

VIOLATION OF ORDINANCE 1981-3
CHAPTER 14 VIOLATION OF ESCARPMENT, PRC ZONING, MPO plan
and terrain management regulations

Declaration and Verification

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

Appellant Signature: _____

Date: OCT 4 2016

Agent Signature: _____

Date: _____

State of New Mexico)

) ss.

County of Santa Fe)

I/We

JUSTIN S. GREENE

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

Petitioner(s):

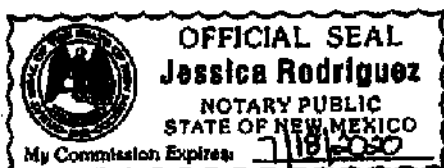
[Signature]
Signature

Signature

JUSTIN S. GREENE
Print Name

Print Name

Subscribed and sworn to before me this 4th day of October, 2016.



[Signature]
NOTARY PUBLIC
My commission expires:
7/18/2020



LUD Use Only
Time Filed: 3:54P
Fee paid: \$ 125
Receipt attached: Yes

(date stamp)
RECEIVED
OCT - 4 2016
Land Use Dept.

Casett 2016-116
VERIFIED APPEAL
PETITION

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

Appellant Information

Name: FOLKS RICHARD
Last First M.I.
Address: 119 VALLEY DR
Street Address
SANTA FE Suite/Unit # NA1 87501
City State ZIP Code
Phone: (505) 982-1557 E-mail Address: RICHARD.FOLKS@EARTHLINK.NET
Additional Appellant Names: FRED ROME GREATER CANYON TA NA, NEIGHBORHOOD NETWORK, NEIGHBORHOOD LAW CENTER

Correspondence Directed to: ☐ Appellant ☐ Agent ☐ Both

Agent Authorization (if applicable)

I/We: _____
authorize _____ to act as my/our agent to execute this application.
Signed: _____ Date: _____
Signed: _____ Date: _____

Final Action Appealed

Project Name: Haciendas de Mirasol
Applicant or Owner Name: CODY NORTH
Location of Subject Site: 700 HYDE PARK ROAD
Case Number: 2016-51 Permit Number (if applicable): _____

Final Action Appealed:

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

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

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

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

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

SEE ATTACHMENT

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

Description of Harm

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

SEE ATTACHED

Explain the Basis for Appeal

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

SEE ATTACHED

Signing and Verification

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

Appellant Signature:

Richard Folks Richard Folks

Date: 10.4.16

Agent Signature:

Date: _____

State of New Mexico)

) ss.

County of Santa Fe)

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

Petitioner/s:

Richard Folks

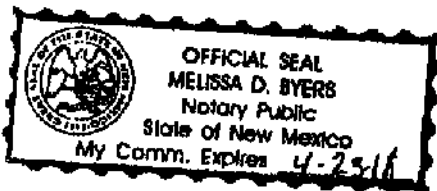
Signature

Signature

Print Name

Print Name

Subscribed and sworn to before me this 9th day of October, 2016.



Melissa D. Byers
NOTARY PUBLIC

My commission expires:

4-23-18

To: Fred M. Rowe and Richard Folks of the "Greater Callecita Neighborhood Association"
Transmitted by E-mail

Dear Sirs,

I am writing to document my recent evaluation of the August 4, 2016 "City of Santa Fe Planning Commission" meeting, and Staff Report, for the "Haciendas del Mirasol", 700 Hyde Park Road, Preliminary Subdivision Plat.

It is my evaluation that the current City staff treatment of the "Greater Callecita Neighborhood Association" reflects an inherent and systematic favoring by City staff of developers over neighborhoods.

This condition is reflected monthly during a one year process for "Haciendas del Mirasol". It is documented in information provided to the neighborhood only on the night of the August 4, 2016 meeting, but discussed between the City staff and the developers as early as March and April of 2016, and continuing for five months between the City staff and the developers from April to August, 2016.

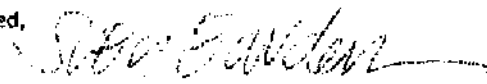
Examples are: the April 11, 2016 "Early Neighborhood Notification Meeting" showed the neighbors only one aerial photograph of the site. Yet the neighborhood later learned the developer had submitted in March 2016, 250 pages of traffic reports and drawings to the City staff (though never discussed or presented at the ENN). Therefore, the neighborhood requested a June 13 meeting on site with the City Staff, which was never granted, yet the City staff had a large meeting on site on June 13 with the developers. Again the Staff Report and the Applicant's response to the Staff Report were not provided to the Neighborhood Association until 3 hours prior to the Planning Commission Meeting. Due to not having seen all documents prior to the Planning Commission meeting, the Neighborhood Association requested in writing a postponement of the PC meeting, to give the time necessary to study the documents. But the written request was ignored, and later rejected during the PC Meeting by the City Attorney.

After the August meeting, I have reviewed the City staff report, and found 59 examples of three types of "Haciendas del Mirasol" Code Violations in the August 4, 2016 Preliminary Plat Submittals.

1. There are 8 examples of Code Violations the City Staff refers to on the August 4, 2016 Staff Report, as "Conditions of Approval that must be corrected for Preliminary Plat Approval".
2. There are 20 examples of Code Violations the City Staff refers to on the August 4, 2016 Staff Report, as "Technical Corrections to be made by the developer by Final Plat approval".
3. There are 31 additional examples of Code Violations the City Staff never refers to in the August 4, 2016 Staff Report.
4. The above three types of code violations add to a total of 59 code violations of current City Ordinances (including Ordinance 1981-3 approved unanimously by the 1981 City Council, and still legally adopted today).
5. Ordinance 1981-3 and current City Ordinances require subdivisions after Feb. 26, 1992, (such as Haciendas del Mirasol which was subdivided in Nov. 2015) are required to meet ALL code conditions (not some code conditions) at the time of Preliminary Plat Approval (not Final Plat Approval).
6. In addition, during the August 4 meeting, the developers of Phase One and Phase Two of "Haciendas del Mirasol" claimed only Phase One of the development was being reviewed, and yet the August 4, 2016 City Staff Report specifically requests both Phase One and Phase Two of "Haciendas del Mirasol" be planned together with adjacent "Alma Dura Compound" to resolve pre-planned roadways and utility connections discussed often between the Phase One and Phase Two developers and City Staff.
7. In addition, the night of the meeting, a neighborhood member brought to the August 4 meeting a print from the developer's website saying "56 homes coming soon" (proving the developers intent to develop both phases in the course of two years as written in the city staff reviewed "Haciendas del Mirasol Traffic Report"). Such written planning indicates a serial subdivision not allowed by City codes.
8. And yet the Planning Commission approved the Preliminary Plat Application on August 4, 2016 with 59 code violations, 31 of which were never addressed by the City Staff or the Planning Commission.

Sincerely submitted,

Suby T. Bowden



The Planning Commission's August 4, 2016 preliminary El Mirasol subdivision approval is invalid and should be set aside or remanded.

The Commission's preliminary subdivision approval was unlawful, Inter alia, because it failed to require a master plan for a large housing development on the steep 68 acre tract off Hyde Park Road

The El Mirasol proposal for 8 homes on 28 acres is a false pretext for building 56 large homes on the 68 acre Hyde Park Road tract, and is Phase 1 of a 3-phase development of the entire tract

El Mirasol flouted Code mandates for upfront disclosures of serial developments

The project creates flooding risks to downhill neighbors worse than the abortive Los Vecinos project disapproved twice by the Council

- > -- the project poses dangerous traffic jams on lower Hyde Park Road esp. during ski season, and corrupts a state-owned scenic highway**
- > -the project fails to comply with Code mandates for full upfront provision of flood and other controls at the outset of preliminary subdivision applications**
- > --the project violates the City Charter's overriding directive for the preservation of neighborhoods**
- > --the project violates statutory mandates for compliance with Ordinance 1981-3 and Code development provisions, including**
 - > disturbance of 30% slopes, along with**
 - > -- evasions of Code by treating current violations as "conditions"**
 - > --nullification of Ordinance 1981-3 by treating violations as "technical corrections"**
- > --violations of due process of law in adjudicative proceedings by undisclosed staff consultations with Planning Commission chair during recess of public hearing, by persistent staff discriminatory favoritism to developers, and by staff validation of developer's threats and intimidation of Suby Bowden, AIA, a former Planning Commissioner and respected consultant, as an expert witness for GCNA at Planning Commission hearing.**