1	CITY OF SANTA FE, NEW MEXICO		
2	ORDINANCE NO. 2007-29		
3			
4			
5	AN ORDINANCE		
6	AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE;		
7	CHANGING THE CLASSIFICATION FROM R-2 TO MU; APPROVING A MASTER		
8	PLAN, AND PROVIDING AN EFFECTIVE DATE WITH RESPECT TO A CERTAIN		
9	PARCEL OF LAND COMPRISING 4.12 ACRES MORE OR LESS LOCATED WITHIN		
10	SECTION 33, T17N, R9E, N.M.P.M., GENERALLY LOCATED ON THE SOUTH SIDE OF		
11	AGUA FRIA ROAD APPROXIMATELY 500 FEET WEST OF HARRISON ROAD		
12	("AGUA FRIA COMPOUND" ZONING CASE NO. ZA 2007-01)		
13			
14	BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:		
15	Section 1. The following real property (the "Property") located within the municipal		
16	boundaries of the city of Santa Fe, which is restricted to and classified as R-2 (Residential, Two		
17	units per acre).		
18	A parcel of land comprising 4.12 acres, Lot 38 within Section 33, T.17N., R.19E.,		
19	N.M.P.M. as shown in the attached Boundary Survey "Exhibit A" attached hereto and		
20	incorporated by reference. Said Boundary Survey is recorded with the County of Santa		
21	Fe, State of New Mexico, October 18, 1995 in book 318, page 32 of the records of Santa		
22	Fe County.		
23	Section 2. The official zoning map of the City of Santa Fe adopted by Ordinance No.		
24	2001-27 is amended to conform to the changes of zoning classifications for the property set forth		
25	in Section 1 of this Ordinance.		
	1		

Section 3. The rezoning action effected by this ordinance is subject to the conditions of approval set forth in "Exhibit B" attached hereto and incorporated by reference. Section 4. The Master Plan for development of the property (Exhibit C, attached) is hereby approved. Section 5. This Ordinance shall be published one time by the title and general summary and shall become effective five days after such publication. Section 6. The rezoning action with respect to the Property affected by this Ordinance is subject to the time restrictions set forth in Section 14-3.5(D)(1) SFCC 2001 (Two-year Review/Rescission). PASSED, APPROVED AND ADOPTED this 8th day of August, 2007. DAVID COSS, MAYOR ATTEST: VOLANDA V/VIGIL, CITY CLERK APPROVED AS TO FORM: Man, for FRANK D. KATZ, CITY ATTORNE 

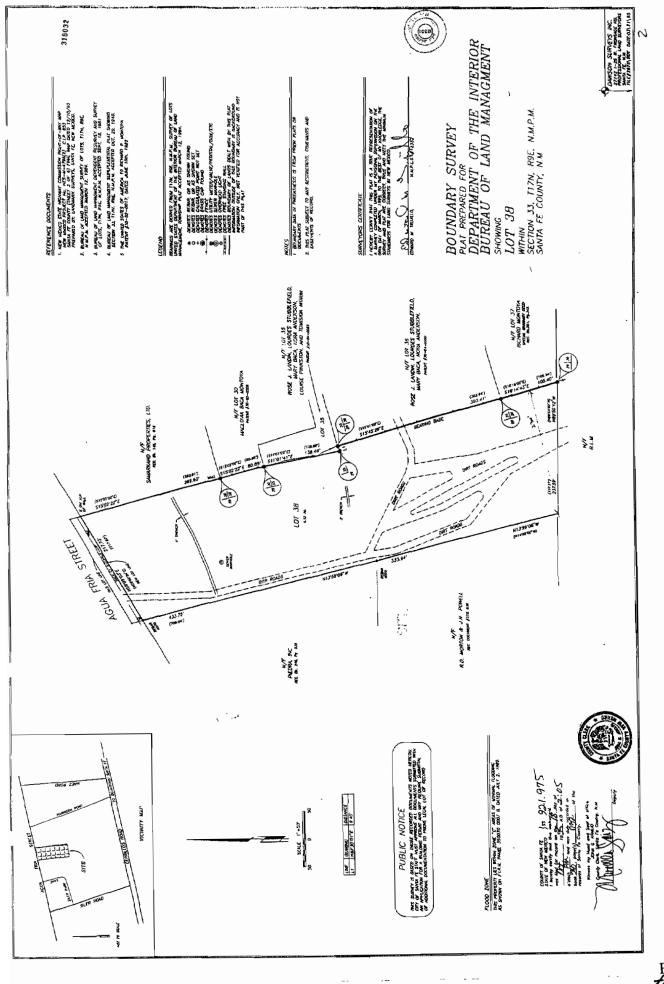


Exhibit For Ordinance, NO. 2007-29

.

#### EXHIBIT B: CONDITIONS OF APPROVAL ORDINANCE NO. 2007-29

#### AGUA FRIA REZONING

Exhibit B-1:	Engineering Division Traffic Review
Exhibít B-2:	Subdivision Engineer
Exhibit B-3:	Solid Waste Division
Exhibit B-4:	Landscaping Review
Exhibit B-5:	Parks, Trails, and Open Space
Exhibit B-6:	Wastewater Division
Exhibit B-7:	Office of Affordable Housing

City of Santa Fe, New Mexico MEMO				
DATE:	March 29, 2007			
то:	Donna Wynant, Planning and Land Use Department			
FROM:	John Romero, Public Works Dpt/Engineering Div/Traffic Impacts Section F			
SUBJECT:	Case #ZA-2007-01, Agua Fria Compound Rezoning			

#### ISSUE

Request to rezone 4.12 acres from R-2 (Residential, two units per acre) to MU (Mixed Use). The property is located on the south side of Agua Fria Road and west of Harrison Road.

#### **RECOMMENDED ACTION:**

Review comments are based on submittals received on March 14. 2007. The comments below should be considered as Conditions of Approval to be addressed in a satisfactory manner prior to subsequent submittals:

 A Condition of approval imposed during General Plan Amendment approval recommended that the developer dedicate sufficient right-of-way to accommodate a Clark Road extension from Industrial Road to Agua Fria Road (see attached Traffic memo dated 11/3/2005). The Santa Fe Metropolitan Planning Organization has since determined that the extension of Clark Road to Agua Fria is not a recommended alternative (see attached MPO memo dated 03/29/06). In light of this, the Public Works Department rescinds their initial recommendation of dedicating right-of-way for the Clark Road extension.

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

Attachments: Traffic memo dated 11/3/2005 MPO memo dated 03/29/06

MeTraffic Impacts/01+JTAs/2005/Agua Fria Compound:Agua Fria Compound 03-29-07.doc

Exhibit B-1 for Ordinan No. 200 Page 1 of 1

SS001 PM5 - 7/95

# City of Santa Fe, New Mexico MEMO

- DATE: April 20, 2007
- TO: Donna Wynant, Case Manager
- FROM: Risana Zaxus, M.S., PECC City Engineer
- RE: Case # ZA 2007-01 Agua Fria Compound Rezoning

I reviewed Sheet A-1, "Agua Fria Compound Concept & Landscape Plan," dated March 17, 2007.

This plan sheet does not show drainage ponds as did the previous drawings that I reviewed. Runoff control measures will be required when the property is developed, per Article 14-8.1(F)(2)(c)(ii).

Also of note is that when the property is developed, the Gunnison's Prairie Dogs shall be relocated per Article 14-8.12 of the Land Development Code.

A complete review of this project will be required when it proceeds to the Development Plan phase.

Exhibit

SS001.PM5 - 7/95

City of Santa Fe	DEVELOPMENT REVIEW LEAM TRANSMITTAL FORM
New Mexico	DEVELOPMENT REVIEW

<u>Case #ZA 2007-01</u>. Agua Fria Compound Rezoning. Jim Hays and Associates, Inc., agent for Marc Bertram and Eric Enfield, requests rezoning of 4.12 acres from R-2 (Residential, two units per acre) to MU (Mixed Use). The property is located on the south side of Agua Fria Road and west of Harrison Road. (Donna Wynant, case manager)

Name: Jim Hays	Agent/ Owner # 982-5467 FAX 982-7944
Hays and Associates, Inc.	
Submittal date March 12, 2007	Email hays@haysinc.com
,	$\sim$
DRT final Comments by March 22, 2007	Planning Commission date May 03, 2007
<ul> <li>PDR Case File/Case Manager</li> <li>Fire Inspector(s)</li> <li>Traffic Division Engineer</li> <li>Waste Water Division Engineer</li> <li>PW/ Engineering Division</li> <li>Landscaping</li> </ul>	Water Division Engineer Subdivision Engineer Office of Affordable Housing Solid Waste Division Engineer Trails & Open Space
COMMENTS: $MO SOL(S)$	WARTE ISSUED
at this	Tinif
	Contret RANDAU
	MAND
Case Manager: Donna Wynant x6325	@ 955-2228
Lou Baker x 6656 <u>lbaker@ci.santa-fe.nm.us</u>	Wendy M. Blackwell x 6127 wmblackwell@ci.santa-fe.nm.us
Daniel A. Esquibel x 6587 daesquibel@ci.santa-fe.nm.us	Greg T. Smith x 6957 gtsmith@ci.santa-fe.nm.us
Gary G. Park x 6954 ggpark@ci.santa-fe.nm.us	Donna J. Wynant x 6325 djwynant@ci.santa-fe.nm.us
Charlie D. Gonzales x 6955 <u>cdgonzales@ci.santa-fe.nm.us</u>	RB Zaxus x 6658 rbzaxus-onaxis@ci.santa-fe.nm.us

Exhibit 3 for Ordinance No. 2007-29

hity of Santa Fe, New Mexico memo DATE: April 17, 2007 TO: Donna Wynant, Land Use Senior Planner, Planning Division CC: R. B. Zaxus, City Subdivision Engineer, Engineering Development Review Division Charlie Gonzales, Land Use Senior Planner, Charlie FROM: **Engineering Development Review Division** RE: Landscaping Comments for case #ZA 2007-01. Agua Fria Compound Rezoning

Below are comments for the Agua Fria Compound Rezoning request. These comments are based on the plan set dated March 17, 2007. A Landscaping Plan shall be submitted, showing compliance with the following:

Landscaping : Sheet A-1

- 1. Show compliance with Section 14-8.4 (E) (1) (4). Water Harvesting and Irrigation Standards. Please provide explanation and coordinate with Grading and Drainage Plan.
- Show compliance with Section 14-8.4 (F) (2) (a) (i). Plant Material Standards. More information needs to be submitted in order to conduct a thorough review of the plans. (Preferably on a chart or table)
  - Plant size, (height and caliper, including trees)
  - Mature size, (height and spread).
  - Shrubs to be 5 gallons minimum,
  - 2" of mulch, seed mix and fertilization.
  - Landscaping of stormwater retention/detention ponds.
- 3. Show compliance with Section 14-8.4 (F) (5). Existing Vegetation. Explain and show how many trees/shrubs will be removed, replaced or added.
- 4. Show compliance with Section 14-8.4 (G) (2) (b). Street Tree Standards. Provide additional tree on perimeter of the South Boundary.
- 5. Show compliance with Section 14-8.4 (H). Open Space Landscaping Requirements.

A more complete review will be conducted upon receiving the additional information as mentioned above.

Exhibit**B9** for Ordinan Klo. 2007

APPLICATION NAME: Agua Fria Compound Rezoning

CASE NO.: ZA 2007-01

REVIEW DATE: March 21, 2007

HEARING DATE: May 3, 2007

- CASE MANAGER: Donna Wynant
- **REVIEWED BY:** Anne McLaughlin

# PARKS, OPEN SPACE & TRAILS REVIEW

No comment.

Exhibit <u>B-</u>5 For Ordinance. No. 2007-29

# MEMO



Wastewater Management Division DEVELOPMENT REVIEW COMMENTS

# **E-MAIL DELIVERY**

Date: March 21, 2007

To: Donna Wyatt, Planner Planning and Land Use

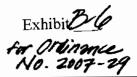
From: Stan Holland, P.E. Wastewater Management Division

Subject: Case #ZA 2007-01 Agua Fria Compound Rezoning

The Wastewater Division has no objection to the rezoning request. The Wastewater Division will require extension of sewer easements to the property line on the north and east side of the project boundaries on the proposed development plan.

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

cc: Jim Hays File



# FILE COPY

#### SANTA FE HOMES PROGRAM

#### PROPOSAL FOR SALE UNITS

Agua Fria Compound Live Work

This Santa Fe Homes Program Proposal ("SFHP Proposal") is made this \_\_\_\_\_day of May, 2007 by Hays and Associates Inc. ("SFHP Developer").

#### RECITALS

A. SFHP Developer is the developer of 4.12 acres located on the south side of Agua Fria Road Approximately 600 feet west of Maes Road. SFHP Developer proposes to develop the property as described in the document attached hereto as Exhibit 1 (*Development Plan*) incorporated herein by reference, and hereinafter referred to as the "Property".

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

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

#### PROPOSAL

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

A. <u>DEVELOPMENT REQUEST.</u>

SFHP Developer seeks a Re-zoning approval from R-2 to a Residential Mixed
 Use designation for thirty two (32) live/work homes.

2. The Property is to be developed with finished homes for rent and for sale.

B. <u>SFHP PLAN.</u> SFHP Developer proposes to build a total of thirty two (32) live work condominiums on 4.12 acres. This results in a SFHP unit requirement of 4.8 affordable

Exhibit D-7- 1078

homes. The unit requirement is based on a thirty percent requirement for the "live" portion of the project  $(1/2 \times 32 = 16 \times 30\% = 4.8$  SFHP homes). SFHP Developer proposes to construct four (4) SFHP live/work homes as indicated on the attached SFHP Plan (Exhibit 2). The .8 fraction of the requirement will be satisfied with a forty three thousand six hundred dollar (\$43,600) fractional payment to the City's Investment Loan Fund (ILF) for affordable housing per the formula in the SFHP Ordinance. The prices stated on the SFHP Pricing Schedule (Exhibit 3) do not include a reduction for homeowner's dues. Should there be homeowners' dues, the price shall be reduced accordingly. SFHP Developer proposes to deliver the first two (2) SFHP live/work homes for sale before the first fourteen (14) market rate live/work homes have sold and the second two (2) SFHP live/work homes for sale before the final fourteen (14) live/work homes have been sold

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

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

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

F. <u>DEVELOPMENT INCENTIVES</u>. SFHP Developer requests a reduction in the amount of submittal fees for development review applications, waivers of the building permit

2

fees, capital impact fees, and sewer extension fees proportional to the number of SFHP units. SFHP Developer also requests a reduction to the water utility extension fee and an exemption from the retrofit and consumptive water rights requirements for the SFHP units.

#### G. <u>REVISIONS, MODIFICATIONS AND SUPPLEMENTATION OF THIS</u>

<u>PROPOSAL</u>. In the event that the SFHP Developer or the City make material modifications, including modifications to the number of lots or units or the area covered by the Proposal, a revised SFHP Proposal shall be promptly submitted to the Office of Affordable Housing in order to provide a SFHP Proposal that is current and reflects the intended development.

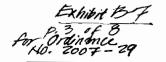
H. <u>CERTIFICATION</u> Income Certification of buyers of the SFHP units will be provided by the City's Agent, either Homewise or The Santa Fe Community Housing Trust.

I. <u>ACCESS.</u> SFHP Developer proposes to grant access to the City or its agent to inspect the following records of SFHP Developer for the SFHP units in order to determine compliance with the SFHP Ordinance and the SFHP Agreement: the sales agreement with the SFHP buyer, information relating to when the affordable unit was completed and made available for occupancy, permits and waivers of permits for affordable units and similar types of information regarding the affordable units and the relationship with the market units in terms of similar design and architecture.

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

SFHP DÉVELOPEI im 1

STATE OF NEW MEXICO) )ss.



#### ACKNOWLEDGEMENT

104 The foregoing instrument was acknowledged before me this of May, 2007, OFFICIAL SEAL Gloria A Roybal NOTARY PUBLIC STATE OF NEW MEXICO by Jim Hays Wy Commission expires

My Commission Expires:

<u> 1.21-2010</u>

**REVIEWED BY:** 

OFFICE OF AFFODABLE HOUSING

07

NOTARY PUBLIC

Attach: Exhibit 1 - Subdivision layout (proposed) Exhibit 2 - Pricing Schedule Exhibit 3 - SFHP unit obligation calculation worksheet Exhibit 4 - Unit types and requirements

For Ordinance NO. 2007-29

ND

# SANTA FE HOMES PROGRAM

## **PRICING SCHEDULE**

#### Effective August 25, 2005\*

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

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

\*Prices are revised according to the most recent area median income published by HUD. Household income based upon HUD area median incomes as of 2/24/2005.

#### AFFORDABLE PRICES AND BEDROOM SIZES REQUIRED

Income Range	Affordable Home Price 2 bedroom	Affordable Home Price 3 Bedroom	Affordable Home Price 4 Bedroom
Income Range 2	<b>One Unit</b> \$97,500		
Income Range 3		<b>Two</b> Units \$142,000	
Income Range 4			<b>One</b> Unit \$194,000

For Ordinance NO. 2007-29

#### SFHP FOR SALE UNIT CALCULATION WORKSHEET

The project is proposed in a Transitional Mixed Use zoning district.

The project has an area of approximately 4.12 acres.

The project is proposing 32 live/work homes with the affordable homes requirement based on 30% of 16 homes (the "live" portion of the project).

#### **Calculate SFHP Obligation**

1. Total number of all units to be built in development		16
2. Multiply number from line 1 by 30%	-	4.8
3. Enter whole number result of line 2 calculation. This is	the total	4
number of SFHP units that must be built in the develo	opment	
4. Determine how many units are required in each applicab	le Income Range.	
Divide number from line 3 by 3. Enter the whole number	result in each of	
the following Income Ranges:		
	. Income Range 2:	
4b	. Income Range 3:	2
40	. Income Range 4:	1
5. If the total of lines 4a, 4b and 4c does not equal the total	required from	
line 3, add one unit to the requirement for Income Range 3	6 (line 4b). If the	
new total still does not equal the total required from line 3,		
the requirement for Income Range 2 (line 4a). Enter new t		
5b and 5c. The total of lines 5a, 5b, and 5c must equal this	total from line 3.	
This is the total number of SFHP units that must be p	rovided in each	
Income Range.		
	. Income Range 2:	
5b	. Income Range 3:	2
50	: Income Range 4:	1
6. Determine fractional fee. Enter the remaining fraction r calculation in line 2:	.8	
7. Multiply the fraction from line 6 by \$54,500*. This is the fee that is owed:	\$43,600	

\*The base fractional fee is updated when the AMI is updated and is equal to one-half the price of a 3 bedroom home for Income Range 2.

Exhibit 13-7 For Ordinance No. 2007-29

# SANTA FE HOMES PROGRAM

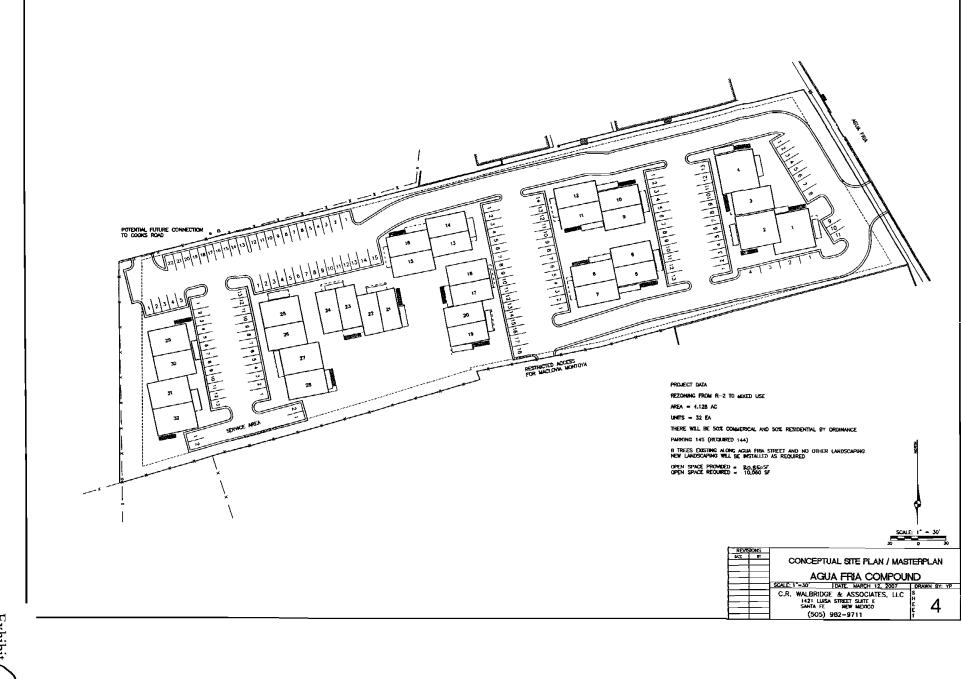
### **UNIT TYPES AND REQUIREMENTS**

Refer to Section 26-1.17 and the SFHP Administrative Procedures For specific requirements contact The Office of Affordable Housing

1. Total number of required SFHP Units	4
2. Required distribution: Apply the following percentages to the	
total from line 1 to determine the required number of units of each	
type. If a fraction results, round up for .5 or over, round down for	
.4 or under	
2a. Studio/One bedroom/Two Bedroom. 25% x Line 1	1
2 b. Three Bedroom: 50% x Line 1	2
2 c. Four Bedroom: 25% x Line 1	1
3. The sum of lines 2a, 2b, and 2c should equal the total from Line	
1. If this total is greater than the total from line 1, drop one unit	
from Line 2a (Studio/One Bedroom/Two Bedroom). If the new	
total is still greater than the total from line 1, drop one unit from	
line 2c (Four Bedroom). This is the required distribution of unit	
sizes that must be provided, unless an alternate distribution is	
approved by the Office of Affordable Housing.	
3a. Studio/One Bedroom/Two Bedroom. 25% x Line 1*	1
3b. Three Bedroom: 50% x Line 1	2
3c. Four Bedroom: 25% x Line 1	1

\* The Office of Affordable Housing shall have the authority to further specify the required percentage of Studio, One Bedroom and Two Bedroom homes, taking into consideration the type of non-SFHP units offered for sale in the development.

Exhibit B7 p. 7 of 7 An Ordinama NO.



Exhibit