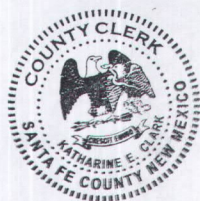


COUNTY OF SANTA FE  
STATE OF NEW MEXICO ) ss

I Herby Certify That This Instrument Was Filed for  
Record On The 2ND Day Of December, 2022 at 01:41:47 PM  
and Was Duly Recorded as Instrument # 2002402  
Of The Records Of Santa Fe County

Witness My Hand And Seal Of Office  
Katharine E. Clark  
Deputy County Clerk, Santa Fe, N



TRANSCRIPT OF THE  
SANTA FE COUNTY  
SLDC HEARING OFFICER MEETING  
Santa Fe, New Mexico  
November 10, 2022

1. This meeting of the Santa Fe County Sustainable Land Development Code Hearing Officer meeting was called to order by Santa Fe County Hearing Officer Marilyn Hebert on the above-cited date at approximately 3:00 pm.

[For clarity purposes, repetitive identification and confirmations of those on the phone have been eliminated and/or condensed in this transcript.]

**Staff Present:**

Vicki Lucero, Building & Development Services Manager  
Paul Kavanaugh, Building & Development Services Supervisor  
John Lovato, Development Review Specialist  
Kenneth Quintana, Development Review Specialist  
Joseph Montoya, Community Development Director  
Roger Prucino, Assistant County Attorney

2. **Approval of Agenda**

HEARING OFFICER HEBERT: I would just ask Ms. Lucero are there any changes.

VICKI LUCERO (Building & Development Services Manager): Hearing Officer Hebert, there are no amendments or table items on the agenda.

HEARING OFFICER HEBERT: Okay, therefore the agenda is approved and we will continue on to first matter on the agenda.

3. **Public Hearings**

- A. CASE 22-5120 Sammy J. Roybal, Leonard J. Roybal & Tessie N. Roybal Variances. Sammy J. Roybal, Leonard J. Roybal & Tessie N. Roybal, Applicants, request a Variance of Chapter 8, Table 8-43: Dimensional standards - Existing Neighborhood (CCD-EN), to divide a 2.69-acre parcel into two residential lots, one consisting of 1.337 acres  $\pm$ , and one consisting of 1.350 acre $\pm$ . The Applicants are

SFC CLERK RECORDED 12/02/2022

SFC CLERK RECORDED 12/02/2022

**also requesting a variance of density to allow six dwelling units on one lot and four dwelling units on the other lot. The subject property lies within the Santa Fe Community College Planned Development District (Existing Neighborhood Subdistrict) which allows for one single family residence per 2.5 acres. The property is located at 5, 6, 7, and 8 Old Galisteo Trail, T1 6N R9E S10. SDA-1 (Commission District 4)**

*[Exhibit 1: Provided by the Applicant; Affidavit dated January 7, 1997, Quitclaim deed, two receipts from Santa Fe County Treasurer]*

HEARING OFFICER HEBERT: At this time I would ask Mr. Quintana to present staff's position.

KENNETH QUINTANA (Case Manager): Good afternoon, Hearing Officer Hebert. The Applicants are the owners of the property as indicated by warranty deed recorded in the records of the Santa Fe County Clerk on March 16, 2007, recorded as Instrument #1475002. The 2.690-acre lot was created in 1975 by warranty deed recorded in the Santa Fe County Clerk's office under book 322 page 217.

The 2.690-acre property contains legal access off of Old Galisteo Trail and Rancho de Siesta which is a privately maintained road. The applicants request to divide the 2.690-acre parcel into two residential lots, one consisting of 1.337acre, and a one consisting of 1.350 acres. The applicants are also requesting a variance of density to allow six dwelling units on one lot and four dwelling units on the other lot.

The property is within the Community College Planned Development District within the Existing Neighborhood Subdistrict. Chapter 8, Section 8.10.3.18, Table 8-43 Existing Neighborhood, of the SLDC requires a minimum lot size of 2.5 acres per dwelling unit.

The applicant states, "In April of 1987 Sammy and Tessie acquired 50 percent ownership interest in the property with Leonard retaining the other 50 percent ownership interest. Soon after, it was agreed upon to physically divide the property to the respective sides."

In 1986 a permit was issued from Santa Fe County for a single-family residence home issued to Leonard Roybal permit No. 86-475.

Santa Fe County Staff has conducted a site inspection on this property. During inspection it was discovered that there are multiple residential units on the property. One structure contained three individual units, each with a separate kitchen and bathroom setup. Another contained three units with a kitchen and bath setup. In addition there are four separate residential dwelling units on site. Overall, there is a total of ten livable units on site. The applicants have not provided any evidence as to how this many dwelling units were constructed or renovated. There is no proposal to remove any units on site and there is no plan for future development. Staff was able to recognize five units through aerial imagery dated 1981.

The applicant has addressed the variance criteria and staff has responded as contained in the memo.

County staff's recommendation: The property is within the Community College Planned Development District within the Existing Neighborhood Subdistrict. Chapter 8,

Section 8.10.3.18, Table 8-43 Existing Neighborhood, of the SLDC requires a minimum lot size of 2.5-acres per dwelling unit.

The owners have applied for permits in the past for minor renovations and a new accessory structure, however, no permits to convert the dwellings onsite into multiple rentals were obtained. There has been no compelling evidence to prove that all ten of the dwelling units onsite were permitted or grandfathered in. Grandfather status can be made for four single-family dwelling units through aerial from 1981, and a permit was issued in 1986 for a single-family home. Therefore, staff only recognizes five legal dwelling units on the property. Staff recommends denial of the variance requests.

Hearing Officer Hebert, may I enter the conditions into the record?

HEARING OFFICER HEBERT: Yes you may.

The conditions are as follows:

1. Once these two (2) lots have been platted, no further divisions will be allowed.
2. No additional dwellings will be allowed on these lots.
3. After the fact (ATF) permits will be required for the five unpermitted homes.
4. Applicant shall submit a valid Well permit from the OSE to serve all ten units.

HEARING OFFICER HEBERT: Mr. Quintana, I note in the applicant's information that in 2016 they apparently petitioned the district court for partition of this 2.6 acres of property. Have you seen a copy of the order on that petition for partition?

MR. QUINTANA: Hearing Officer Hebert, I have not.

HEARING OFFICER HEBERT: Do you know how this property has been taxed since 2016? Has it been taxed as one 2.6+ acres or has it been taxed as the divided two pieces?

MR. QUINTANA: Hearing Officer Hebert, I believe it has been taxed as one individual lot.

HEARING OFFICER HEBERT: What is your understanding of the consequences of denying this permit, this application? If the variance is not granted what changes?

MS. LUCERO: Hearing Officer Hebert, I can address that question. If the variance is denied the County only recognizes five legal residences on the property so the other five residences would have to be removed or converted into some sort of an accessory structure that wouldn't be used for living purposes.

HEARING OFFICER HEBERT: Even though this situation has existed for several decades; is that correct?

MS. LUCERO: Hearing Officer Hebert, that is correct. Grandfather status is established prior to 1981 and because there is no evidence that the other five units existed after that, other than the one that was permitted by the County, we wouldn't recognize those as legal non-conforming and therefore they are in violation of the existing ordinance.

HEARING OFFICER HEBERT: So it's your understanding, Ms. Lucero, that there's no effect on the ability of the Roybals to sell each individual piece of this property that was partitioned – apparently partitioned. Is that correct? So the action the County would take would be as to the dwellings that are on the property. Is that correct?



MS. LUCERO: Hearing Officer Hebert, that is correct. However, the applicants are also requesting to divide their property into two parcels and while that wouldn't change the amount of residences that are out there it still does not meet the minimum lot size requirements of the SLDC.

HEARING OFFICER HEBERT: Is it also the case that it would not meet the other requirements such as setback requirements that the code provides for?

MS. LUCERO: Hearing Officer Hebert, there is a potential that anything that's basically grandfathered in or was permitted, the County wouldn't have issues with those structures. It's the ones that were not permitted or are not grandfathered in that could become affected by setback requirements and other design standards of the SLDC.

HEARING OFFICER HEBERT: So that if the decision is ultimately that the variance be granted, in that event then the structures just remain as they are. Is that correct?

MS. LUCERO: Hearing Officer Hebert, the applicants or the property owners would have to come in and actually obtain permits for those dwelling units that are not considered legal. So they would actually have to permit them in order to make them legal.

HEARING OFFICER HEBERT: After the fact.

MS. LUCERO: Correct.

HEARING OFFICER HEBERT: Thank you. Mr. Quintana, are the code provisions that allow for the grandfathering, are those the code provisions that are in the non-conforming section of the rules, the rule 14.5?

MR. QUINTANA: Hearing Officer Hebert, that is correct.

HEARING OFFICER HEBERT: All right. Well, thank you very much for your testimony. And at this time I would ask the Roybals or their representative to present their application.

[Sam J. Roybal, Leonard J. Roybal, Julianne Roybal and Carmelita Archuleta were placed under oath.]

HEARING OFFICER HEBERT: At this time, Mr. Roybal, are there matters that you would like to add as to your application for a variance that is not covered by Mr. Quintana?

JULIANNE ROYBAL: Hearing Officer Hebert, I'd like to speak on behalf of my dad and my uncle. There are some items that we would like to present. There is an affidavit that we found that stated that prior to 1981 there were six detached residential buildings on our property prior to 1981, which would be grandfather status, before the SLDC code of 1981, so I have this in possession right here. The other thing is is that I think you mentioned about the 2016 judgment that was done by – I think it was Romero.

SAM J. ROYBAL: The attorney was Romero and the judge was Ortiz.

MS. ROYBAL: And that was in Kenneth's possession back in September of 2021. I submitted that documentation to him and when we met with him in person he also had access to that information as well. I submitted the judgment to Mr. Quintana in September of 2021. That judgment was in his possession. That was from Mr. Ortiz and Mr. Romero. And as I mentioned, I have a document here stating that the six detached residences were on the property prior to 1981, and also – I know they're referencing ten units but most of those units are within the five structures that they're mentioning and so



you wouldn't have been able to see that from an aerial photo. You would have to have physically gone onto the space to see those units.

HEARING OFFICER HEBERT: Would it be possible to provide another copy of that partition order to supplement the record?

MS. ROYBAL: Yes, ma'am.

HEARING OFFICER HEBERT: Would you do that within the next three business days, please?

MS. ROYBAL: I could give it to you right now if you'd like.

HEARING OFFICER HEBERT: That's fine, if you could give that to the court reporter. Mr. Roybal, could I just ask you the question regarding the taxes. Have those two – have those properties been taxed as two separate properties since the district court order?

MR. SAM ROYBAL: The property has been taxed as one property. We share the cost of that tax. We did request the variance to change that we would have two separate tax bills but currently it's being billed under one billing and we share the cost of the tax equally. We pay it equally.

HEARING OFFICER HEBERT: I see. Thank you.

MR. SAM ROYBAL: Equal shares.

HEARING OFFICER HEBERT: There is in this packet of material – I believe you provide a 2013 land survey. Is that the current division of the property that was used by the district court?

MR. SAM ROYBAL: Yes, we do have a survey plat that showed that we split the property and it has been recorded with the Santa Fe County.

HEARING OFFICER HEBERT: The one I have as Exhibit 3 is dated February 1, 2013.

MS. ROYBAL: We actually updated a previous one in early either 2021 or 2022 – I can look it up on my phone – that I submitted to Kenneth back when we got the survey plat updated.

HEARING OFFICER HEBERT: And that was the one that the district court used? Is that correct?

MS. ROYBAL: We recently gave it to him like in 2022. Let me just look for it.

MR. SAM ROYBAL: We had the survey done by Mr. Trujillo. He completed the survey to split the property and it was recorded with the Santa Fe County. I believe I have a copy of it here in my file. The Santa Fe County Assessor's Office had gone out and done an inspection of the structures and indicated to us that yes, that they would in fact be grandfathered in, verbally they provided that information.

HEARING OFFICER HEBERT: And when was that, Mr. Roybal? When was that?

MR. SAM ROYBAL: The inspection that they did – let's see. It was – and it's been actually now assessed as multi-family dwelling.

MS. ROYBAL: So the survey was sent to Kenneth on March 31<sup>st</sup>.

HEARING OFFICER HEBERT: Of what year?

MS. ROYBAL: Of 2022.

HEARING OFFICER HEBERT: Okay. Thank you.

MS. ROYBAL: Yes, ma'am. And I'm not sure if you have information about the judgment but that was something that was recommended by the County for us to do because then they would be legally obligated to split the property if we got the judgment. So I don't know if you have that written down.

HEARING OFFICER HEBERT: I believe staff did indicate that in their report.

MS. ROYBAL: Awesome. Okay, thank you.

HEARING OFFICER HEBERT: Is there anything else you wanted to add before I ask if staff has any questions for you in light of this testimony?

MR. SAM ROYBAL: The property has been in this family since, gosh, 1975. We acquired ownership interest in half of the property in 1987. The structures were all there at that time. The only – we have done improvements to the property and we have obtained the required permits to have improvements done. We've maintained the property separately, individually. I maintain my side of the property with the units and Lenny maintains his property. The property consists of basically six structures, two of which – there's the main house and the front house on – but I would say my brother Leonard's side, and then I have four residential structures on my side of the property along with a barn that was permitted in 2008, I believe.

HEARING OFFICER HEBERT: So Mr. Roybal then on the other property there are six residential units. Is that correct? There are four residential units on your side of the property and there's six on the other side. Is that correct?

MR. SAM ROYBAL: There's four structures, residential structures on my side of the property along with a hay barn and horse stalls. On the other side of the property there are two residential structures but they're multi-family residential structures on the other side of the property.

HEARING OFFICER HEBERT: On the other side, what is the total number of livable units?

MR. SAM ROYBAL: There's four – and their side of the property is six.

HEARING OFFICER HEBERT: In the two houses. Okay.

MS. ROYBAL: Ms. Hebert, I would just like to say this has been in the family for 47 years. We want to continue to have this in the family and there will be some – as you can see, our parents are getting up there in age and we're living on that property to take care of them through their aging years. We also want to continue to have this family unit in our family for years to come and splitting the property would be the best for each party's interest because it would become a hardship when each of us start to take over the family units. But as native New Mexicans and being here, we would just love to continue to have that legacy for any of our children and their children to come. Just want to end with that.

HEARING OFFICER HEBERT: Thank you for your testimony. I would just ask, does staff have any questions of the applicant, based on their testimony?

MS. LUCERO: Hearing Officer Hebert, I just wanted to iterate that the plat that Ms. Roybal was referencing or was referring to is Exhibit 3 of your packet material.

HEARING OFFICER HEBERT: Yes. Thank you. I saw a date on there that indicated 2013, and I was just curious if that was the one used in the 2016 partition case. But maybe when we see the order on partition that will become clear. Are there any

other questions for the Roybals? Hearing no questions, thank you. Does anyone want to speak in relation to this in opposition or in favor?

[Carl Tapia and Brian Jackson were placed under oath.]

CARL TAPIA: My name is Carl Tapia. I live in the adjoining property to the Roybals and I'm here to really strongly oppose what they are proposing of adding – I believe they are units? Are they housing?

[Roybals respond from the audience that "They're already there."]

HEARING OFFICER HEBERT: Just a moment. Just a moment. We'll be able to have those questions later. Please just address to me what your statement is.

MR. TAPIA: I'm sorry. I wear hearing aids like a bunch of us here. I don't hear very good.

BRIAN JACKSON: They're just asking – the dwellings are already there.

MR. TAPIA: They're already there? The dwellings are already there? Then what are we doing here?

HEARING OFFICER HEBERT: Mr. Tapia, did you say you own adjoining property to the Roybals?

MR. TAPIA: Yes.

HEARING OFFICER HEBERT: Are you now aware of the structures on that property?

MR. JACKSON: He is not. My name is Brian Jackson. I am now a new owner next door to Carl, so we share the 2 ½ acres which is right next to the Roybal family. The reason for our visit here today is we were in opposition of the ten dwellings that we weren't aware actually existed. Now, our major concern is we are families. The property's been family-owned. We understand people want to grow. They want to economically, you know, just sustain and pass things down onto family. They want a better way of life. But the reason why the Tapias and everybody else in this community live where we live is because we tried to rid ourselves of the riffraff that is existing just on the other side of the freeway inside the City of Santa Fe.

I don't know if any of you belong to the Next Door Neighborhood app but that's what we see constantly. Neighborhood watch is at an all time high. Communities are decimated by the transient traffic, just normal house break-ins, but in this rural community we don't exist in that realm. Our nature and good faith is in our families who surround us. So those are the people that we came to support and speak upon.

Now, the Roybal family, I can attest to what they're trying to do with their longevity and the livelihood of their family therefore. But for us and where we live, we're 100 percent dependent on growing family and growing family based on the property and the values that have been indoctrinated from his parents. And so the Tapias exist on the plat of maybe, you know, 20 acre in this community. We do not want to see everything that we built, everything that we continue to grow, grow just for our own families, not for any monetary growth or value, but just for our own families.

We do not want to see a ten-unit family dwelling of tenants. Not property owners, not people that actually live there, just tenants. And not only that but the family and the livelihood that reside in the area are 100 percent dependent on the water table that exists there. So what are we supposed to do if they drill a well that's 500 feet? Nobody in this area has a pocketbook deep enough to drill a well for 500 feet just so that way we have equitable rights to the water that resides underneath our property.



We live very humbly. We don't have 20, 30 head of livestock. We just live day to day within the means that we have and enjoy the fruits of what that is. So we showed up today not knowing that there was a ten-unit dwelling already existing right next to our property. So we were actually taken aback. I don't know what to say. I really don't.

HEARING OFFICER HEBERT: Could I interrupt you and ask you a question, Mr. Jackson?

MR. JACKSON: Sure. Absolutely.

HEARING OFFICER HEBERT: You were unaware of – how long have you lived on –

MR. JACKSON: Now, I'm new to this, but Carl has lived here his whole life. He's my father-in-law.

HEARING OFFICER HEBERT: We can let him speak for himself.

MR. JACKSON: Absolutely. But me myself, I've been here for 2 ½ years and never once during that time did I know that a ten-unit dwelling was coming, was resurrecting right in that area. I had no clue.

HEARING OFFICER HEBERT: I see. And Mr. Tapia –

MR. JACKSON: She's asking how long you've lived in that area.

MR. TAPIA: I've lived in that area for 70 years.

MR. JACKSON: Did you know that the units were being built?

MR. TAPIA: No, I didn't, till I got this piece of paper, and it hasn't been that long ago.

HEARING OFFICER HEBERT: But you were aware that there were many structures on that 2 ½, 2.6 acres. Is that correct?

MR. JACKSON: The properties are separated by another property. So we sit where we sit and then next door there's another property and the Roybal ten-unit dwelling is next to that property. So, no, we – from eye's view, we don't have optics on that, so no. We did not know that that was actually taking place or that that was erected. We don't know that.

HEARING OFFICER HEBERT: I see. Thank you. Is there anything else you'd like to add to your opposition?

MR. JACKSON: I think more than anything it's just disappointment. We didn't know that this was already in existence. Like, granted, the Roybal family is doing their due diligence to sustain their own values, their life, livelihood, for those future generations. But you're talking about ten family units that live right next door to where we raise our kids, and who's screening those ten people? Who's making sure that we're going to be able to raise our family healthy, safe?

HEARING OFFICER HEBERT: Mr. Jackson, I think we understand –

MR. JACKSON: Do you get that?

HEARING OFFICER HEBERT: What your objection is.

MR. JACKSON: But do we understand that? Do we as a collective unit understand what we're trying to do when we try to raise family in a very unique area that doesn't exist. Santa Fe is being suffocated by property. People are building houses everywhere, right on top of each other. And we have a little piece of something that we can consider a safe haven for our children. But now we're going to capitalize on that and we're going to flood it with people. I don't know. It's just a disappointment. I'm sorry to

say that. I understand what you guys are doing for your livelihood but it's a disappointment for us.

HEARING OFFICER HEBERT: Thank you for your comments. Is there anyone else here who would like to speak in opposition or in support of this requested variance? Please come forward.

[Duly sworn, Dax Roybal testified as follows:]

DAX ROYBAL: My name is Dax Roybal, son of Lenny Roybal. I'm not in opposition. I'm actually for us of course. I just wanted to give a little insight toward Mr. Tapia. I actually grew up with his son. We walked from the school, Capshaw, to our residence when we were little kids. When we walked in he didn't even recognize me because we were little kids, I guess. But we grew up with that family, nestled in the heart in the middle is our Roybal family, next to the Leybas, the Tapias, the Marquezes, all those families. We're not trying to separate our property to make money or anything like that. You can't tell these existing units have been there to this guy because they've been there right now. They're not huge structures that have been added on over the years. Any of that kind of thing. That's not what we're trying to do.

My uncle and my father are just trying to split so their heirs can have a little bit of peace of mind when they pass away and not argue about anything like that. It's not for the benefit of money. Anything like that. From Mr. Tapia's house to my house, I'm lucky if the sun sets the right way if I can even see his house. But his son has visited my home many times over the years. So I just find it a little hard to believe that they weren't aware of that. Like I said, we haven't added on mansions or units or anything like that. What's been there has been there for years. I've lived there over 20 years myself. I was born there. I lived there through high school. I currently live there. I've lived there longer than anyone, even my dad and my uncle.

So it's just really important to us and I just wanted to let that be known and just clear up anything between our neighbors. We have nothing but love and respect for them and always have and always will.

HEARING OFFICER HEBERT: Thank you, Mr. Roybal. Is there anyone else who wants to make a comment?

[Previously sworn, Carmelita Archuleta testified as follows:]

CARMELITA ARCHULETA: These are the people that live there. This is our family. Julianne has a unit. My uncle Sam has a unit. My dad has a unit. My brother has a unit. Phyllis has a unit. These are the people who live there. It's not like we're making billions off of a piece of property. We're living there to support our family.

HEARING OFFICER HEBERT: Ms. Archuleta, is it the case that all ten residential units are occupied by family members? Is that correct?

MS. ARCHULETA: I think that there are a couple of tenants. I can't tell you the amount because I'm not the landlord there, but the majority of those units are our family.

HEARING OFFICER HEBERT: Thank you for your comments. Does staff have anything else they would like to add? At this time I would request that the applicants, the Roybals, provide the supplemented material, which is the district court order on that partition, the 2016 partition and if there's nothing further we will draw this part of the hearing to a close and I will submit a recommendation on this matter within 15 business days. So thank you for your attendance, all of you.

ROGER PRUCINO (Asst. County Attorney): Hearing Officer Hebert, can we clarify what document was presented to you during the hearing?

HEARING OFFICER HEBERT: Well, I was going to go over that. Thank you very much.

MR. PRUCINO: Would you like me to make copies? Let me make copies.

3. B. **CASE # 22-5180 TT2 LLC Variances. TT2 LLC, Applicant, NM Land Solutions LLC, Agent, requests a variance of Chapter 8.10.3.13 (Table 8-38 Dimensional Standards –Employment Center) to allow a workforce housing complex to exceed a height of thirty (30) feet and a variance of Chapter 10.21.2 (Units) to allow more than 12 units per building to create a “Workforce Affordable Housing Complex” & Mixed-Use Commercial Development on 17.40 ± acres (2-Lots). The Workforce Housing Complex will contain approximately 240 housing units (within eight apartment buildings). The Commercial Development will consist of five (5) lots with uses such as restaurants, retail, and or commercial pad sites geared towards the allowed uses in the CCD-Employment Center zoning district. The site is located at 4585 and 4587 State Highway 14, and within the Planned Development District Santa Fe County Community College District (CCD), within the Employment Center (CCD-EC) sub-district, within Township 16 North Range 8 East Section 24 (Commission District 5)**  
*[Exhibit 2: Provided by the Applicant; Presentation CCD-Workforce Affordable Housing Complex, dated November 10, 2022]*

HEARING OFFICER HEBERT: John Lovato is the Case Manager. Mr. Lovato, would you present staff’s case please?

JOHN LOVATO (Case Manager): Thank you, Hearing Officer Hebert. Summary: The applicant proposes to create a total of 228 housing units on 17.40 ± acres. The applicant proposes to construct eight, three-story walk-up style buildings. However, the height of the structures exceed height requirements and the buildings will have more than 12 units per building. The applicant does not yet have a final design, therefore, they are requesting a variance to allow up to 100 percent of the buildings to be 38 feet in height. The applicant’s proposal illustrates 24 to 36 units per building. Therefore, the applicant is requesting variances.

The proposed access is directly off of Highway 14 with two 24-foot wide roadways and contains a looped internal road network that serves the entire project. The applicant has submitted schematic drawings to show what the development could potentially look like. The schematic plans illustrate a park, mixed uses, parking for the structures and landscaping in and around the project.

If the applicant’s variances are approved, the Applicant intends to subdivide the lots into a total of seven lots for the uses proposed, and submit an application for an administrative Site Development Plan approval for the multi-family housing development. The applicant will be required to comply with all standards in the SLDC for Site Development Plan Approval.



The applicant states, "TT2 LLC is proposing a first of its kind affordable residential project within Santa Fe County, which utilizes 4 percent Low Income Housing Tax Credits and for 60 percent area median-income households. The project will consist of a 240-unit multi-family affordable housing community in Santa Fe County if the requested variances to SLDC Dimensional Standards are granted to ensure that the project is both economically feasible as well as delivers the goal of providing essential affordable housing units to Santa Fe County."

The applicant further states, "Based upon the above project description/summary and with the granting of variances to the Santa Fe County Sustainable Land Development Code, TT2, LLC would like to present Santa Fe County with a proposal that can help provide relief to the current affordable housing crisis and that relief is a workforce housing/100 percent affordable housing development project."

The applicant has addressed the variance criteria and staff has responded to the applicant's statements as contained in this memo.

Recommendation: Height: Chapter 8.10.3.13, Employment Center Subdistrict Development Standards, Table 8-38 states the max height is 30 feet with 36 feet allowed for up to 25 percent of building footprint. In addition, in order to allow for denser areas of development, 38 feet in height for the entire housing component will allow higher density and more units. Therefore, staff supports the requested variance.

Units Per Building: Chapter 10, Section 10.21.2 states that there shall be no more than 12 units per building. However, multifamily include apartment complexes and in the surrounding locations in and around Santa Fe the majority of apartment housing complexes are two to three stories in height and contain more than 12 units per building. Therefore, staff supports the requested variance request.

If the Hearing Officer's decision is to recommend approval of the Applicants request, staff recommends imposition of the follow conditions. Hearing Officer, may I enter those into the record?

HEARING OFFICER HEBERT: Yes, please.

The conditions are as follows:

1. The Applicant's shall comply with all other requirements of the SLDC.
2. The Applicant's shall submit for a Site Development plan and Subdivision approval to subdivide the lots.
3. Building facades shall be offset per the elevations submitted with this variance request.

MR. LOVATO: I stand for any questions you may have.

HEARING OFFICER HEBERT: I'm sorry. We're you going to address the unit variance separately?

MR. LOVATO: Hearing Officer Hebert, I thought I did but if I didn't, I could read that again.

HEARING OFFICER HEBERT: No. I'm sorry. I was lost in these papers following the transcript. Yes, I do have some questions for you, Mr. Lovato. Did you make a site visit out to this location on Highway 14?

MR. LOVATO: Hearing Officer Hebert, I did.

HEARING OFFICER HEBERT: You did?

MR. LOVATO: Yes.

HEARING OFFICER HEBERT: The difficulty for me with the height variance is you point out that the Santa Fe Studios is quite a bit off the height restriction of 30 feet. I think maybe 90 or something, but it's quite a distance from Highway 14, is it not? The studios, the film studios.

MR. LOVATO: Hearing Officer Hebert, it is in the Media District and it is actually quite a distance from I-25 but located along Highway 14.

HEARING OFFICER HEBERT: But wouldn't you say the building itself or the buildings are at least half a mile off of Highway 14?

MR. LOVATO: Hearing Officer Hebert, that is correct.

HEARING OFFICER HEBERT: And I don't know where the location of Santa Fe Brewing but is it immediately on Highway 14 or is it also at a distance?

MR. LOVATO: Hearing Officer Hebert, it is fairly close to this development. I would say less than a quarter mile.

HEARING OFFICER HEBERT: From looking at the proposed design it appears they're proposing two ingress/egress roads into the development off of Highway 14. Is that correct?

MR. LOVATO: Hearing Officer Hebert, that is correct.

HEARING OFFICER HEBERT: Has the State Highway Department, Transportation Department, have they done an analysis of that additional traffic on to Highway 14?

MR. LOVATO: Hearing Officer Hebert, right now the request is for height so they can proceed for the site development plan. That will become one of the requirements that they must comply with at that application point. So that's not being addressed right now, but I do know from a project down the way they had to comply with what the standards were and that was basically an RV park. And so they complied and I'm sure this will have to do the same. They may have to do some improvements as well.

HEARING OFFICER HEBERT: In the variance, in the rules, the requirements to receive a variance, it refers to the fact that there's a requirement that there be extraordinary and exceptional condition of the property. Is it a condition of the property that is making this variance necessary? Or is it the fact that this particular property has no residential neighboring areas and is essentially between two highways? Is that the consideration as far as the condition of the physical property?

MR. LOVATO: Hearing Officer Hebert, there's a couple of components to that. So, yes, it is between the two major arterials or Highway 14 and I-25, and not surrounded by any residential development. That's quite a distance away. That's one of them. The second part is the need for some sort of affordable housing and in order to construct what the applicant is proposing, in the majority of these type of developments they need that height in order to build to 36 feet. What the major undue hardship would be is to hide and try to do away with a lot of mechanical features on the roof. That was their argument towards that and staff fully supported it. So those are some of the components that we went by.

HEARING OFFICER HEBERT: I noted in the code that there is a provision for affordable housing and it seems that most of that section of the code talks about single residential units. But there is also a section, 13.10, that requires the County to produce an annual affordable housing report. Do you know if that report is available for the 2021 year?

JOSEPH MONTOYA (Community Development Director): Madam Hearing Officer, my name is Joseph Montoya. I'm the Community Development Director for the County of Santa Fe. It's a relatively new department in order to be able to actually effectuate affordable housing. So the report – it's not a formal report. We're actually finalizing an affordable housing plan right now. I can give you some aspects of that affordable housing plan.

Right now, less than seven percent of people that are in Santa Fe can afford a median priced home. We have the worst affordability system in place right now in the history of the City of Santa Fe. Actually in the history of the State of New Mexico. Actually, I've been doing this for quite a long time and so there's never been the amount of inequity that's every happened in this location. I actually also have a background in finance and development, so I can assure you that in terms of the ability to build these units they need to be minimally at least this high.

I will be presenting here very soon a matrix in terms of density, affordability, and then the people of Santa Fe who can afford that. So there will be a direct relationship every time there's a question of density, how many people in Santa Fe will not be able to afford them based on density. We will be presenting the affordable housing plan probably within a month and a half.

HEARING OFFICER HEBERT: Thank you. And will that be presented to the Commissioners?

MR. MONTOYA: It will be presented both to the Commissioners, the Planning Commission, and if you wish I'd be happy to present it to you.

HEARING OFFICER HEBERT: That's all right. Thank you. I have to do my report with this recommendation before that.

Mr. Lovato, I had a couple more questions. Thank you. Are you aware of any three-story walk-up apartments in Santa Fe County, either in the city or the not-city county part?

MR. LOVATO: Hearing Officer Hebert, I believe a lot of the new development there in Las Soleras, there's a couple of apartment walk-up buildings that are three story in height. I believe the one off Camino Real, which is in the city, not in the county, as well is in that realm. But Santa Fe County has not seen a project like this under the new Sustainable Land Development Code, so it's been a little tough, and that's why we had the number of units per building become an issue on this and why we're moving forward towards a variance on that portion. And I do know that that's going to be adjusted here soon. I couldn't give a date but that's something we're all looking into.

HEARING OFFICER HEBERT: The revision to the rule?

MR. LOVATO: Yes.

HEARING OFFICER HEBERT: Mr. Lovato, would this be the largest apartment complex in the county, as far as you know, at 240 units?

MR. MONTOYA: Madam Hearing Officer, I can answer actually several of your questions relative to any issues in terms of affordability. So, yes. The vast majority of housing units that have been developed within the City of Santa Fe for apartment complexes are either this height or more, just so you know. The densities are not incongruent with any of the densities of the apartments that are going up.

Second point, yes. This is the first multi-family development that I'm aware of within the County of Santa Fe. I'm also in charge of the County Housing Authority and



we do have that many units but not in any one development and they actually have a different development pattern. So this is – although it's within the same land development code to be able to achieve this kind of density in this particular area, in order to create a more urban environment, this is the first of those that will be appearing before you.

HEARING OFFICER HEBERT: This – would you say – I'm not sure I really understand. Are you saying that within the city there are a number of apartment complexes that are three stories? Is that correct?

MR. MONTOKA: Madam Hearing Officer, yes, that's correct, and actually several that are four and five stories.

HEARING OFFICER HEBERT: Four and five.

MR. MONTOKA: That's correct.

HEARING OFFICER HEBERT: I'm thinking about the complexes out off of 599 on Meadows. Are those in the county or are those actually in the city? I don't know.

MR. MONTOKA: Madam Hearing Officer, those are actually in the city.

HEARING OFFICER HEBERT: They're in the city. And none of these complexes that you've mentioned or I've mentioned approach the 240-unit –

MR. MONTOKA: Actually, many of them do.

HEARING OFFICER HEBERT: They do.

MR. MONTOKA: That's correct.

HEARING OFFICER HEBERT: Thank you. Mr. Lovato, the 12-unit provision in the code, the basis for that is a safety issue, as far as you understand? Do you understand how that figure was selected? Twelve, the limit of the number of units?

MS. LUCERO: Hearing Officer Hebert, if I could answer or respond to that question. I believe the limitation was intended to have breaks in buildings and not just one large complex or one large building. The applicants have addressed that by including offsets so it's not just one box, but their proposal, as it's showing on their conceptual drawings, show that there are offsets within the building to accommodate the intent of that requirement.

HEARING OFFICER HEBERT: Thank you, Ms. Lucero. Mr. Lovato, I did see that the setbacks were in the conceptual drawings, but at the same time the applicant clearly states in the application that they're requesting 38-foot variance for 100 percent of the project, not including the commercial. I believe that was the way that breaks down. Is that your understanding?

MR. LOVATO: Hearing Officer Hebert, that is correct.

HEARING OFFICER HEBERT: And so far as you know, are the proposed commercial lots, is it too early to know whether they would require any variances?

MR. LOVATO: Hearing Officer Hebert, that is correct. It's too early, and they will have to comply with the Sustainable Land Development Code and the Community College District for those requirements as well.

HEARING OFFICER HEBERT: Thank you. Thank you very much. At this time I'd like the applicant to present his application.

[Duly sworn, Nathan Manzanares testified as follows:]

NATHAN MANZANARES: My name is Nathan Manzanares and I'm with New Mexico Land Solutions. My address is 915 Mercer Street, Santa Fe, New Mexico. We have a brief presentation for you today. My other associate, Wayne Dalton, is handing out some more copies of the power point presentation. I think that this presentation will actually clear up a lot of the questions that were raised with staff, Hearing Officer Hebert, as far as the opportunity that is before us to have this type of housing project. It's never been done and it's extremely needed at this time. I just want to, before I start, thank staff for their recommendations of approval and for realizing and really bringing it to light that we are in a housing crisis and we do have an opportunity to ease it. This is just the beginning. There's still a lot of work to be done, but we're very excited to be one of the forerunners of bringing some affordable housing to Santa Fe and increasing the workforce capacity in Santa Fe. There's really – if there's not workers in this town to do everyday jobs, we're in trouble.

I'm going to begin with my presentation if you don't mind.

HEARING OFFICER HEBERT: Yes, please do.

MR. MANZANARES: Thank you. So as discussed earlier, this project is located within the Community College District off of Highway 14. It's a 17.4-acre tract of land that consists of two separate tracts. The subject property is located within the Community College District, in the employment center district in the Community College District, which is designated as a growth area. This area within the CCD, which is classified as SDA-1, is where the county is to grow. This has to do with infrastructure in place, and this also has to do with certain Community College District regulations.

As John mentioned, we are requesting a total height of 38 feet and to exceed the 12-unit per building requirement. There's been a lot of data provided in both the report that I completed with my company for addressing the variance criteria, as well as TT2's analysis of what it would cost and how many units would be proposed if the height criteria were met, and it's a very significant decrease as well as extremely expensive burden if these height variances are not approved. It would basically eliminate the project and eliminate this opportunity for vast affordable housing.

In addition, we're also providing some mixed use, which is a requirement of the employment center of the CCD. We're proposing five single-story commercial lots along the front on New Mexico 14. Those will be single story in height. They'll provide an additional buffer from the complex to 14. Right now we're projecting about 300 feet from the closest apartment building to Highway 14 with the addition of those single-story commercial buffers.

So this is a conceptual rendering showing off sites. The reason we're asking for 100 percent allowance to exceed – to go up to, not to exceed, 38 feet is because these designs are not set in stone. We're at a crossroads right now where we can't finalize the designs of this project without having this height variance completed. I will say that the heights range from 34 feet, 36 feet, and 38 feet, and there's a slide that we'll look at a little bit later that shows those offsets and breaks up the façade of the building.

So as previously stated we believe that these variance requests are justified and are needed to move forward in getting some more affordable housing in Santa Fe. I know first hand, I've grown up here. I've lived here my whole life. I'm extremely fortunate to actually own a home here, but I know that's not the reality for a lot of my peers. A majority of the people that I grew up with have moved out of Santa Fe. It's just too

expensive. One of the key components of the SLDC is in Chapter 1.4.2.12 and it states the SLDC shall assure that a diversity of housing choices is available to residents within a wide range of economic levels and age groups. As I said, there are no starter homes. You can't work a job here in Santa Fe and afford a \$600,000 mortgage. With the interest rates, with the housing prices where it's at, it's just impossible.

So these are geared towards the working community of Santa Fe, the county and the city. We hope that substantial justice is done and that the public interest to have affordable housing for everyday workers is provided in an expedited manner as we try to help alleviate the current housing crisis.

Here's some preliminary site plans for our project. As you can see, we're doing a pretty substantial amount of landscaping to the property. We're also going to be providing more parking than what's required per the County code.

This is a rendering of our conceptual site plan at the moment. We have a total of eight buildings, apartments, and we also have the five commercial lots in the front there. We also have a community center and a plaza area that's in compliance with the CCD regulations.

This is also a 3-D rendering showing what the height would look like from 14 as well as from I-25. As you can see, these are very nice apartments. I think it will be a good addition to the area. The CCD is a growth area and one of the requirements is to have a mix of housing types. At the moment, that's not the case. A majority of the houses or dwellings within the CCD are single-family residences, so we're providing an alternative here to do some multi-family.

HEARING OFFICER HEBERT: Might I interrupt you for just a second? Did TT2, did they consider other locations in Santa Fe County, or is the only location they considered?

MR. MANZANARES: Hearing Officer Hebert, TT2 is the current property owner, so they own this property. They've owned it for a long time, actually, and they've just been waiting patiently for the opportunity to do something right. It's a good site. It's prime location and they feel like it's time to develop it.

HEARING OFFICER HEBERT: So a local LLC, or –

MR. MANZANARES: They are based out of Albuquerque, New Mexico.

So as we spoke earlier, the facades are broken up. Matt, if you could zoom into the elevation on the top there. So this is going to be one of the front exteriors of the building. It's still even a little hard to see but the top of the gray portion of the building there is at 34 feet. The orange area is at 36, and the white tops out at 38. Due to the costs associated with building these type of buildings you really need these finish floor and finish ceiling heights to accomplish getting as many affordable units as possible. So we are not going to be just building a 38-foot massive building. We do want to make it look nice. We do want to provide offsets and we do want it to fit in the area.

In addition to providing a good amount of affordable housing, we're also going to improve the already vast trail system in the area. The Community College District, as well as this area in particular of Santa Fe County and the City of Santa Fe has a really vast trail system. We're proposing to run a trail alongside our property that will link up to the New Mexico 599 and I-25 Railrunner station. This gives the opportunity for people to not be reliant on cars to go downtown, to utilize the bike system that's already out there, as well as come into work from Albuquerque or whatever may be. But this is just another



amenity that will be done willingly by the applicant, because he sees the need for extending this system and this is kind of a missing link to what's already a pretty good trail system that's in place.

And with that, I believe that concludes my presentation. I'd like to thank you all for your time and I stand for any questions. Thank you.

HEARING OFFICER HEBERT: Yes, I just have a couple of questions, Mr. Manzanares. I noted in the application that TT2 is going to be taking advantage of the low income housing tax credit. Do you know whether or not the proposed financing that would cover this project – does that obligate a period of time for rent restrictions? Rent control? The low income guidelines – is there some period of time that that would be guaranteed?

MR. MANZANARES: Hearing Officer Hebert, I think Joseph Montoya can add some insight to that, and we would also have representatives from TT2 here as well.

HEARING OFFICER HEBERT: Okay, thank you.

MR. MONTOYA: Madam Hearing Officer, there's actually two forms of low income housing tax credits. It's actually the largest vehicle the federal government has to offer in terms of being able to promote affordable housing. There's a four percent tax credit which is non-competitive and a nine percent tax credit on a competitive basis. The Mortgage Finance Authority actually – so yes, there are federal guidelines in terms of rent restrictions. So this would be based on a median of 60 percent median income. So that's why it's considered a low to moderate income housing unit. So, yes, by definition, it has to maintain long-term affordability requirements. It also has to maintain requirements for the quality of the units themselves. They're actually reviewed by the Mortgage Finance Authority.

In addition we would be reviewing, as part of our assistance, we would be providing financial assistance in terms of this development.

HEARING OFFICER HEBERT: Are you saying that that goes through the whole entire period of the financing period?

MR. MONTOYA: Madam Hearing Officer, far more than the financing period, so yes. The period by which there is mandatory affordability.

HEARING OFFICER HEBERT: And how long would that be? Is that known now?

MR. MONTOYA: Madam Hearing Officer, yes, we would know. Because of the financing structure on this the County itself would actually hold the land itself and so that affordability period is a 30-year affordability period. Generally speaking, these kind of conditions, what happens is you refinance a loan 15 to 20 years in order to continue its affordability.

HEARING OFFICER HEBERT: I'm sorry. Earlier you said that the County would actually hold the land.

MR. MONTOYA: That's correct.

HEARING OFFICER HEBERT: But currently the land is privately owned. Is that correct?

MR. MONTOYA: That's correct.

HEARING OFFICER HEBERT: So now the County is going to purchase this property?

MR. MONTTOYA: Madam Hearing Officer, no. It's part of a financing mechanism of the financing structure itself in much the same way that if you're aware of the financing structure happening for the studio complex. There's an ownership patterns that's related as part of the financing tool that's owned by the County. That's what we would be doing.

HEARING OFFICER HEBERT: As I recall the Santa Fe Studios was a LEDA project. Is this also a LEDA project?

MR. MONTTOYA: No. This is not an economic development project. This is an affordable housing project, but it follows many of the same guidelines. Under the State of New Mexico, there's an Affordable Housing Act and there's an Economic Development Act. Those two allow for certain financial assistance systems once they're passed. We're in the process of both creating a new affordable housing plan and Affordable Housing Act. That's in accordance with those statutory requirements. It was both a LEDA project and it was a bond issuance. So it's an IRB for the studios.

HEARING OFFICER HEBERT: So I guess the bottom line here is that there would be at least a commitment of 30 years that this have a certain percentage of low to moderate income rental units. Is that –

MR. MONTTOYA: One hundred percent of the units would be –

HEARING OFFICER HEBERT: One hundred percent.

MR. MONTTOYA: One hundred percent.

HEARING OFFICER HEBERT: And what is your understanding as far as the management of this property and the responsibility, that it's going to be taken care of?

MR. MONTTOYA: Madam Hearing Officer, there's mandatory management requirements as part of this financing tool. As I had mentioned earlier, they are investigated annually and interviewed annually. And then there's spot checks on different units. So management – oftentimes there is a difference between the management structure and the management entity and then the ownership entity, but ultimately speaking, it's the ownership entity that is responsible to make sure that the place is maintained.

HEARING OFFICER HEBERT: And will there be some sort of on-the-premises of some sort of supervisor or superintendent? Some sort of –

MR. MONTTOYA: Madam Hearing Officer, yes. In a development of this size there's always onsite management.

HEARING OFFICER HEBERT: Thank you very much. Mr. Manzanares.

MR. MANZANARES: I'm just here if you have any other questions, Hearing Officer Hebert.

HEARING OFFICER HEBERT: Thank you. Does staff have any questions in regard to their presentation? Ms. Lucero.

MS. LUCERO: Hearing Officer Hebert, we don't have any additional questions. Thank you.

HEARING OFFICER HEBERT: Thank you very much. Well, at this time I would ask if there is anyone who wants to speak in favor of this project that's a member of the public.

JANET MCVICKER (via Webex): May I speak? Can you hear the on line people?

HEARING OFFICER HEBERT: Yes. Is this Janet McVicker?

MS. MCVICKER: Yes, it is. And I'm not sure if I am hearing you correctly. It's been extremely difficult for us to hear your voice. But I will start out with a few questions.

[Duly sworn, Janet McVicker testified as follows:]

MS. MCVICKER: Janet McVicker, 17 Vista Alondra, Santa Fe, New Mexico, 87508.

HEARING OFFICER HEBERT: Thank you. You may continue with your comments.

MS. MCVICKER: Thank you for that and thank you to the Hearing Officer. I apologize. I may not have heard all of your questions because the mike doesn't seem to be very good.

HEARING OFFICER HEBERT: I understand.

MS. MCVICKER: It's very difficult to hear you. But let me start with a few questions. I have quite a few, but I'm only going to start with a few, since this is going to be going along for a while.

HEARING OFFICER HEBERT: Excuse me. Are these questions for the applicant or the staff?

MS. MCVICKER: Either one or both.

HEARING OFFICER HEBERT: All right. Thank you.

MS. MCVICKER: The first question, I'll make it very simple, is I did hear from the applicant the reasons to request a variance, a) for the height, and b) for the number of units within each building. It's a very general question which is with the SLDC we have variances for a reason and I'm uncomfortable with the request for a significant variance in the height of these buildings, anywhere from six to eight feet higher than the current 30-foot variance. I personally object to that and I feel that that is not something that will be conducive to the feeling of the area. I don't know how to say it very well right now. And I would question the necessity for it.

I also wanted to make a correction. There are already – there's one big development and another starting that these houses – there are already housing units out there and in progress. I think the applicant or somebody had said that this is the very first one and I don't see that that's the case. Colibri is in progress and being built and Esencia is in the works. So those are just two of the new projects being proposed and being conducted.

Back to the variance, the other variance with the 12 units, they want to exceed the 12-unit requirement for the buildings and I don't know the building structure particularly well in this case. I would caution that we do not just without thought ignore these variances. They are there for a reason.

And now I understand this is a designated growth area. I applaud this project for addressing affordable housing. I do question why still in the city limits we do not have such a thing, where most of the developers can pay a fee and avoid the affordable housing units at a reasonable rate.

Other questions that haven't been addressed would be how are you going to deal with the traffic, the increased traffic. That is an area, for example, where Highway 14 narrows down from four lanes to two. That could put quite a pressure on it. There's already a very noticeable increase in traffic on 14. I have lived in that area for 22 years and I notice very much an increase in traffic in the last year or so.

And then my last question, I heard no comment on it is where is the water coming from and what is your proposed water use for this development? And I would love to see answer to those. That's all I have right now.

HEARING OFFICER HEBERT: Thank you very much. I would just ask first if staff would like to respond to that and then the applicant would respond to her issues as far as the two variances, and the traffic, which I do think we covered earlier but she may not have been in part of that. And then the water issue as well.

MR. MANZANARES: Hearing Officer Hebert, Ms. McVicker, I just want to let you know that under strict adherence to the SLDC standards it would result in an 80-unit development, which would be economically infeasible and this project would not provide any affordable housing, which would therefore continue the crisis.

In regards to traffic, water, we really can't finalize those numbers until we know what the height we're allowed to build under. We will follow up with a site development plan application after the hearings for variances. At that time we will contract out to professionals, traffic professionals, water professionals, and they will do the required studies of the County to show that this project is feasible and can be done. So I hope that answers your questions and I thank you for your comments.

HEARING OFFICER HEBERT: Ms. McVicker, I don't know if you know that was Mr. Manzanares responding on behalf of the applicant. And now we have Mr. Montoya who will also be responding.

MR. MONTOKA: Madam Hearing Office, Ms. McVicker, just to be clear, multi-family housing uses a considerably less amount of water than single-family units, so you are right that there are going to be single-family units farther down the road that are being developed. However, their water uses – and probably your water use – is actually greater than the amount of water use per unit that these units will have since the overall water use per unit in developments such as these is considerably less and therefore we see it as a way to be able to enhance our water availability.

HEARING OFFICER HEBERT: Thank you, Mr. Montoya.

MS. LUCERO: Hearing Officer Hebert.

HEARING OFFICER HEBERT: Yes.

MS. LUCERO: If I can just also add to staff's statement. I just wanted to address Ms. McVicker's comments on the other developments that are occurring. I think she specifically brought up Colibri and Esencia. And she's correct. Colibri is well under construction but I just wanted to iterate that the Colibri Subdivision does not have a multi-family component to it. It's single-family residential. The Esencia development will have a multi-family component in one of the later phases but that particular development is far from being constructed at this point. They don't have all of their approvals.

HEARING OFFICER HEBERT: Thank you, Ms. Lucero. She was responding on behalf of staff as well. Is there anyone else who wants to make a comment in favor or in opposition to this project, this application?

MS. LUCERO: Hearing Officer Hebert, it looks like there's a couple other people on Webex who are muted so if you wish to speak, please unmute yourself. All right, there doesn't appear to be anyone else, although Ms. McVicker had her hand raised. I'm not sure if she had –


MS. MCVICKER: No. That was a mistake. I apologize.

HEARING OFFICER HEBERT: Is there anyone else in this room that would like to comment on this application? Hearing none, I believe we can adjourn this hearing and once again I will provide a recommendation as to these requested variances within 15 business days, and I appreciate your attendance and your presentations. Thank you.

4. Adjournment

Hearing Officer Hebert adjourned the hearing at approximately 4:30 p.m.

Approved by:

 12/2/22  
Marilyn Hebert, SLDC  
Hearing Officer Santa Fe County

SFC CLERK RECORDED 12/02/2022  
SFC CLERK RECORDED 12/02/2022

## AFFIDAVIT

I HEREBY CERTIFY THAT THERE WERE SIX (6) DETACHED RESIDENTIAL BUILDINGS PRIOR TO 1981 ON THE PROPERTY LOCATED AT:

ROUTE 9 BOX 16-RS  
SANTA FE COUNTY  
SANTA FE, NEW MEXICO 87505

## DESCRIBED AS:

A certain tract of land situate Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of the Southeast Quarter (SE1/4) of Section 10, Township 16 North, Range 9 East, N.M.P.M., Santa Fe County, New Mexico and more particularly described as follows:

Beginning at the Southeast corner of the tract herein described from whence the Southeast corner of Section 10 bears:

S. 89° 27' W. 1332.06 feet;  
thence from said point and place of beginning along the following bearings and distances:

N. 89° 27' W. 334.23 feet;  
N. 00° 11' E. 351.00 feet;  
S. 89° 10' E. 334.87 feet;  
S. 00° 17' W. 349.39 feet;

to the point and place of beginning. Being and intended to be Lot A, Tract 2 as shown on plat of survey by Joe D. Trujillo dated April 17, 1971 and amended September 22, 1972 to show division of Tract A, which plat was entitled "Plat of Survey for Mr. Wilbur H. Eskite".

Witness my hand this 7th day of January 1997.

Molly A. Schutz  
Molly A. Schutz

This Instrument was acknowledged before me on this 7th day of January 1997

[Signature]

My commission expires on:

9/5/99

SFC CLERK RECORDED 12/02/2022

SFC CLERK RECORDED 12/02/2022



## QUITCLAIM DEED

Molly A. Roybal for consideration paid, quitclaim  
to Leonard J. Roybal  
whose address is \_\_\_\_\_  
the following described real estate in Santa Fe County, New Mexico:

A certain tract of land situate within the Southeast Quarter (SE $\frac{1}{4}$ ) of the Southwest Quarter (SW $\frac{1}{4}$ ) of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section 10, Township 16 North, Range 9 East, NMPM, Santa Fe County, New Mexico and more particularly described as follows:

Beginning at the Southeast corner of the tract herein described from whence the Southeast corner of Section 10 bears:

S 89deg 27' E 1332.06 feet;

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

N 89deg 27' W 334.28 feet;  
N 00deg 11' E 351.00 feet;  
S 89deg 10' E 334.87 feet;  
S 00deg 17' W 349.39 feet;

to the point and place of beginning. Being and intended to be Lot A, Tract 2 as shown on plat of survey by Joe D. Trujillo dated April 17, 1971 and amended September 22, 1972 to show division of Tract A, which plat was entitled "Plat of Survey for Mr. Wilbur H. Eskite".

WITNESS my hand and seal this 27th day of April, 1987  
(Seal) (Seal)

Molly A. Roybal (Seal)

## ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO

COUNTY OF SANTA FE

The foregoing instrument was acknowledged before me this 24th day of April, 1987

By: MOLLY A. ROYBAL  
(Name of Person or Persons Acknowledging)

My commission expires: 11-13-88

(Seal)

Notary Public

## ACKNOWLEDGMENT FOR CORPORATION

STATE OF NEW MEXICO

COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

by \_\_\_\_\_ (Name of Officer)

\_\_\_\_\_ of \_\_\_\_\_ (Name of Corporation Acknowledging)

\_\_\_\_\_ corporation, on behalf of said

corporation. (State of Incorporation) \_\_\_\_\_

My commission expires: \_\_\_\_\_

(Seal)

FOR RECORDER'S USE ONLY

COUNTY OF SANTA FE

STATE OF NEW MEXICO

hereby certify that this instrument was filed or recorded on the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 19\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ m. and was duly recorded in book \_\_\_\_\_ page \_\_\_\_\_ of the records of Santa Fe County.

Witness my hand and seal of office

\_\_\_\_\_ County Clerk, Santa Fe County, N.M.

SANTA FE COUNTY TREASURER

Receipt No.

Santa Fe County

\*\*\* CUSTOMER RECEIPT \*\*\*

BATCH ID: GLORIA 1/09/97 00 RECEIPT : 0060699

DESCRIPTION	QTY	AMOUNT	PAYMENT DESC	PT SV TR
LICENSES & PERMITS / DE	1	\$15.00	010-DEVELOPMENT	AI CK

NONBUS LICENSES & PERMI	1	\$16.40	010-BUILDING PER AC	CK
-------------------------	---	---------	---------------------	----

CK 239

TOTAL CHECK \$31.40

SANTA FE COUNTY TREASURER

Receipt No.

Santa Fe County

\*\*\* CUSTOMER RECEIPT \*\*\*

BATCH ID: GLORIA 1/09/97 00

RECEIPT : 0060639

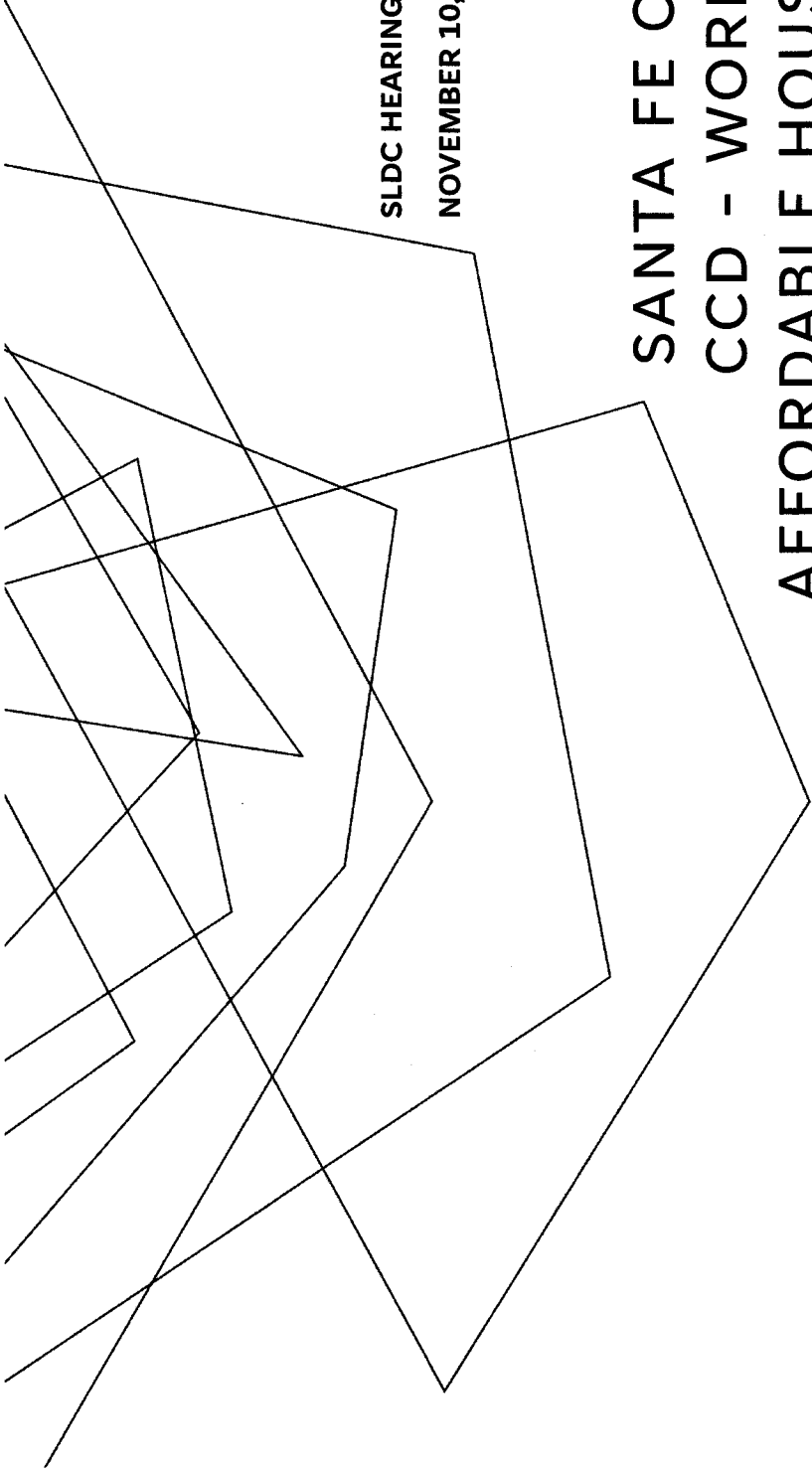
DESCRIPTION	QTY	AMOUNT	PAYMENT DESC	PT	SV	TR
-------------	-----	--------	--------------	----	----	----

LICENSES & PERMITS / DE	1	\$15.00	010-DEVELOPMENT	AI		CK
-------------------------	---	---------	-----------------	----	--	----

NONBUS LICENSES & PERMI	1	\$16.40	010-BUILDING PER AC			CK
-------------------------	---	---------	---------------------	--	--	----

CK 239

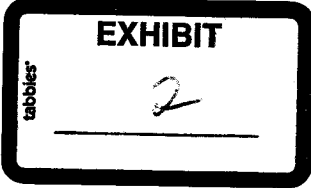
TOTAL CHECK \$31.40



SLDC HEARING OFFICER MEETING PRESENTATION  
NOVEMBER 10, 2022

SANTA FE COUNTY  
CCD - WORKFORCE  
AFFORDABLE HOUSING COMPLEX

SFC CLERK RECORDED 12/02/2022  
SFC CLERK RECORDED 12/02/2022





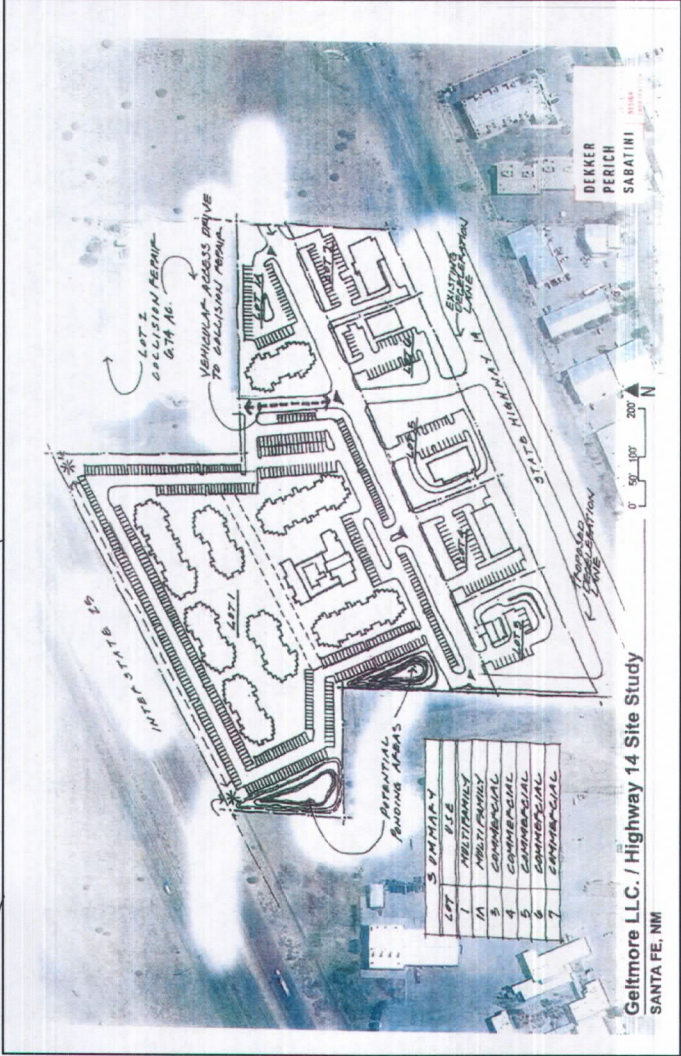




OVERAL PROJECT SUMMARY

TT2 LLC., Applicant, NM Land Solutions LLC., Agent, request a variance of Chapter 8.10.3.13 (Table 8-38 Dimensional Standards –Employment Center) to allow a workforce housing complex not to exceed a height of thirty-eight (38) feet and a variance of Chapter 10.21.2 (Units) to allow more than 12 units per building to create a “Workforce Affordable Housing Complex” & Mixed-Use Commercial Development on 17.40 ± acres

The Workforce Housing Complex will contain approximately 240 affordable housing units (within eight detached apartment buildings). In addition, the proposed Commercial Development will consist of five (5) lots with uses such as restaurants, retail, and or commercial pad sites geared towards the allowed uses in the CCD-Employment Center zoning district.



SFC CLERK RECORDED 12/02/2022

SFC CLERK RECORDED 12/02/2022



VARIANCES NEEDED  
FOR POSITIVE CHANGE / TACKLING CURRENT  
AFFORDABLE HOUSING CRISIS

CHAPTER 8.10.3.13

A variance of (Table 8-38  
Dimensional Standards –  
Employment Center) to allow a  
workforce housing complex to  
not exceed a height of thirty-  
eight (38) feet.

CHAPTER 10.21.2

A variance regarding Multi-  
Family Supplemental Design  
Standards to allow more than  
12 units per building for Multi-  
Family Developments.



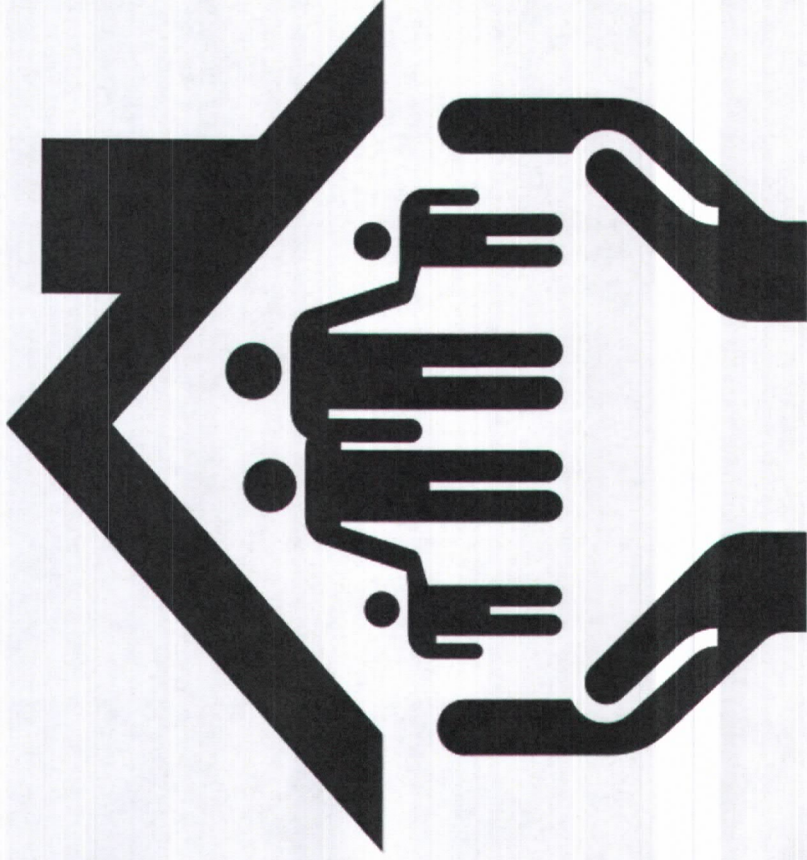
THIS IS A PRELIMINARY  
RENDERING FOR  
CONCEPTUAL  
DESIGN ONLY  
NOT FOR CONSTRUCTION  
Lincoln Avenue  
Capital  
Phase 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

GROUND LEVEL VIEW

SFC CLERK RECORDED 12/02/2022

SFC CLERK RECORDED 12/02/2022





## VARIANCE REQUEST JUSTIFIED / SPIRIT OF THE SLDC & CCD UPHELD

It is evident the current housing crisis / shortages in Santa Fe County are having a profound impact on both local-residents as well as those who seek to one day move to Santa Fe, as well as the everyday workers that help both the Santa Fe County and City of Santa Fe function.

TT2, LLC. looks forward to working with Santa Fe County in making the proposed 100% Affordable Housing project presented today a reality, well upholding the Spirit and Intent of the SLDC as per Chapter 1, Section 1.4.2.12, which specifically states:

**“The SLDC shall assure that a diversity of housing choices is available to residents within a wide range of economic levels and age groups.”**

Well insuring Substantial Justice is done and that the public interest to have affordable housing options for everyday workers and locals alike is provided in an expedited manner to help alleviate the strains currently felt by the current Affordable Housing Crisis at hand.



# PRELIMINARY PROJECT DESIGN ELEMENTS

12/2/2022

EXISTING  
COLLISION  
REPAIR



SUMMARY	
BUILDING	DRS
A	26
B	24
C	36
D	24
E	24
F	24
G	24
H	30
I	-
TOTAL	228

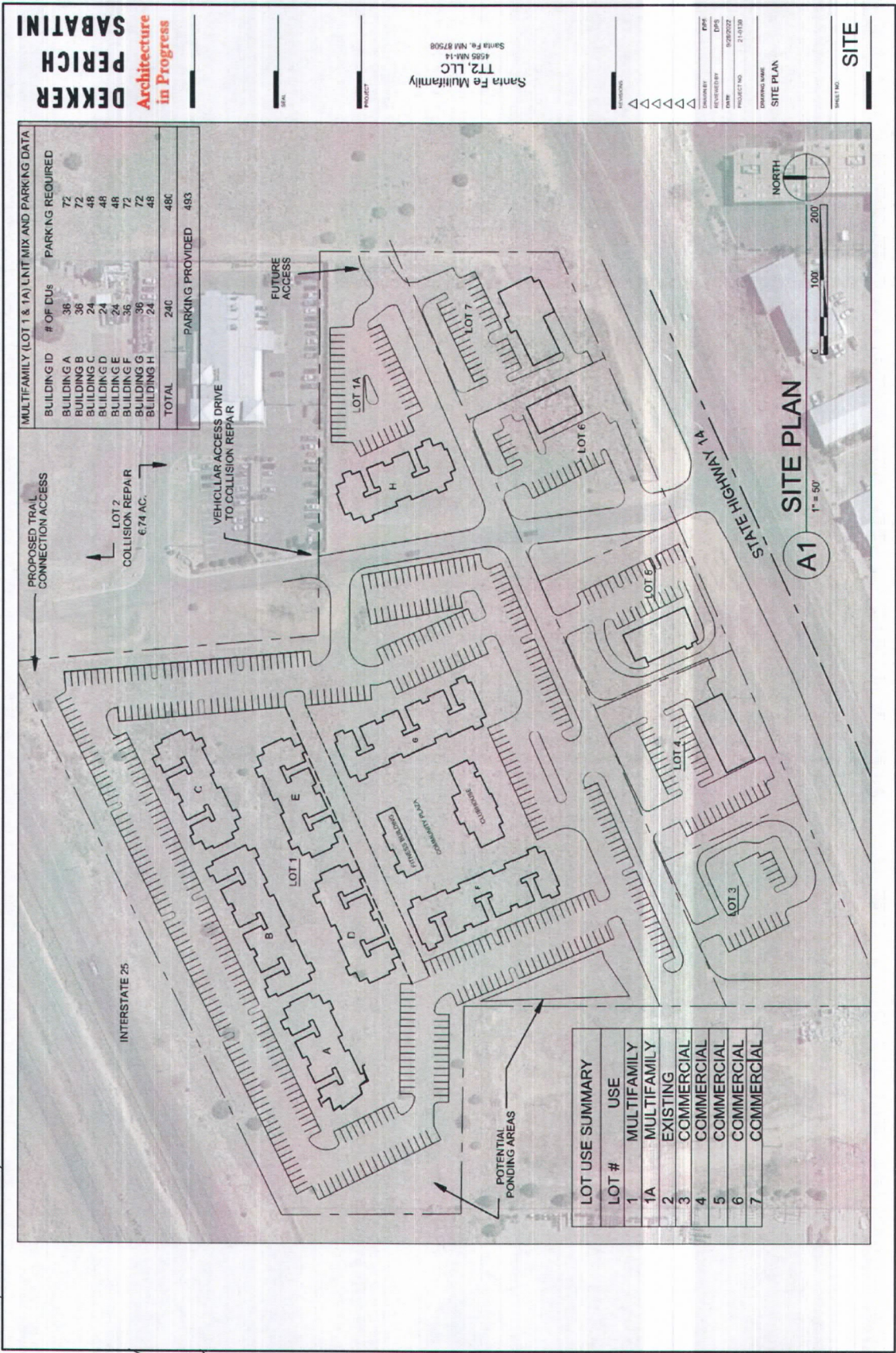
\* PARKING REQUIRED 450  
\* PARKING PROVIDED 475





SFC CLERK RECORDED 12/02/2022

SFC CLERK RECORDED 12/02/2022



DEKKER  
PERICH  
SABATINI  
Architecture  
in Progress

Santa Fe Multifamily  
TT2, LLC  
4565 NM-14  
Santa Fe, NM 87508

PROJECT NO. 21-0130  
DATE 12/02/2022  
DRAWING NAME SITE PLAN  
SHEET NO. 1

SITE



SFC CLERK RECORDED 12/02/2022

SFC CLERK RECORDED 12/02/2022





## ELEV

CONCEPTUAL  
ELEVATIONS  
PROTOTYPE  
24-UNIT BUILDING

DRAWN BY	LAC
REVIEWED BY	LAC
DATE	9-28-2022
PROJECT NO.	21-0130

REVISIONS

Santa Fe Multifamily  
TT2, LLC  
4585 NM-14  
Santa Fe, NM 87508

**ALCOHOL**

### LEGEND

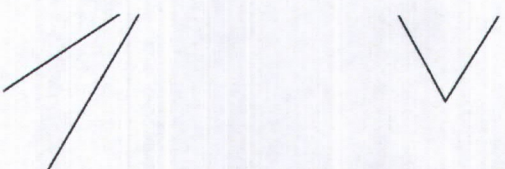
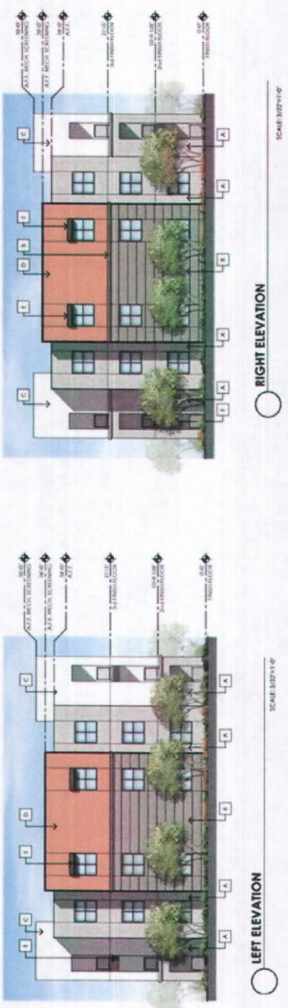


SHEET KEYED NOTES

- |          |                |  |
|----------|----------------|--|
| <b>A</b> | SUCCO COLOR 1  | DUNI EDWARDS, DE 601 - "TUMBLE TANGHO" |
| <b>B</b> | SUCCO COLOR 2  | DUNI EDWARDS, DE 602 - "TWOCH TAMP"    |
| <b>C</b> | SUCCO COLOR 3  | DUNI EDWARDS, DE 603 - "COCONUT GROVE" |
| <b>D</b> | SUCCO COLOR 4  | DUNI EDWARDS, DE 604 - "HANGERS HAT"   |
| <b>E</b> | ACCENT COLOR 5 | DUNI EDWARDS, DE 605 - "TA BA"         |

## GENERAL SHEET NOTES

1. BUILDING ELEVATIONS ARE PROTOTYPICAL IN NATURE
2. ELEVATIONS OWNED BY LINCOLN AVENUE CAPITAL
3. USED TO DESCRIBE OVERALL MASSING AND MATERIAL VARIATION
4. FINAL ELEVATION DESIGN, MATERIAL SELECTION AND COLOR PALETTE TO MEET REQUIREMENTS OF AHI AND FIT CONTEXTUALLY INTO THE SANTA FE COUNTY VERNACULAR





## Activities by Trail

### LEGEND:

**Purple = Hiking**

Green = Horseback Riding

Yellow = Hiking, Mountain Biking

Pink = Hiking, Backpacking

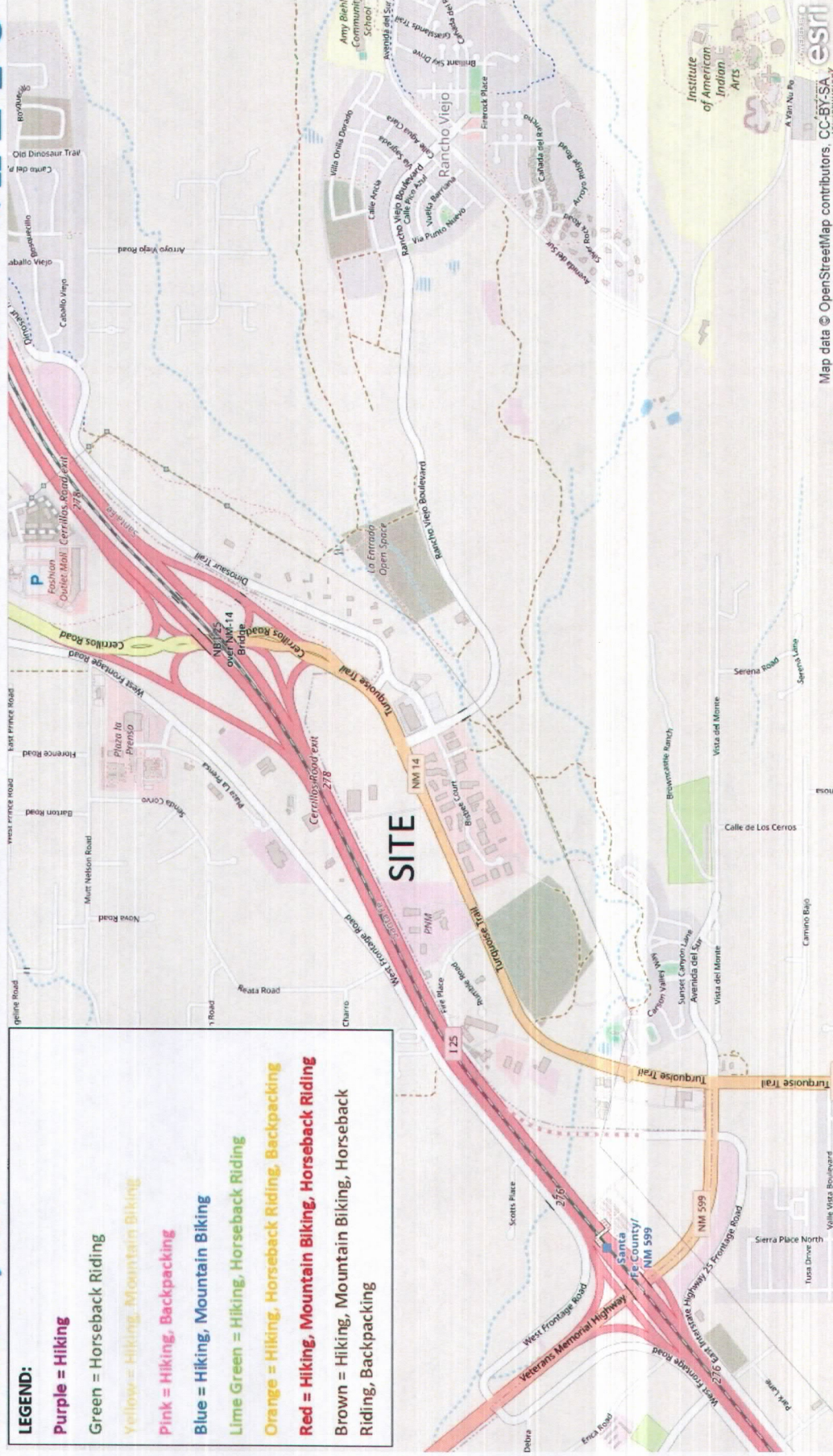
Blue = Hiking, Mountain Biking

Lime Green = Hiking, Horseback Riding

Orange = Hiking, Horseback Riding, Backpacking

Red = Hiking, Mountain Biking, Horseback Riding

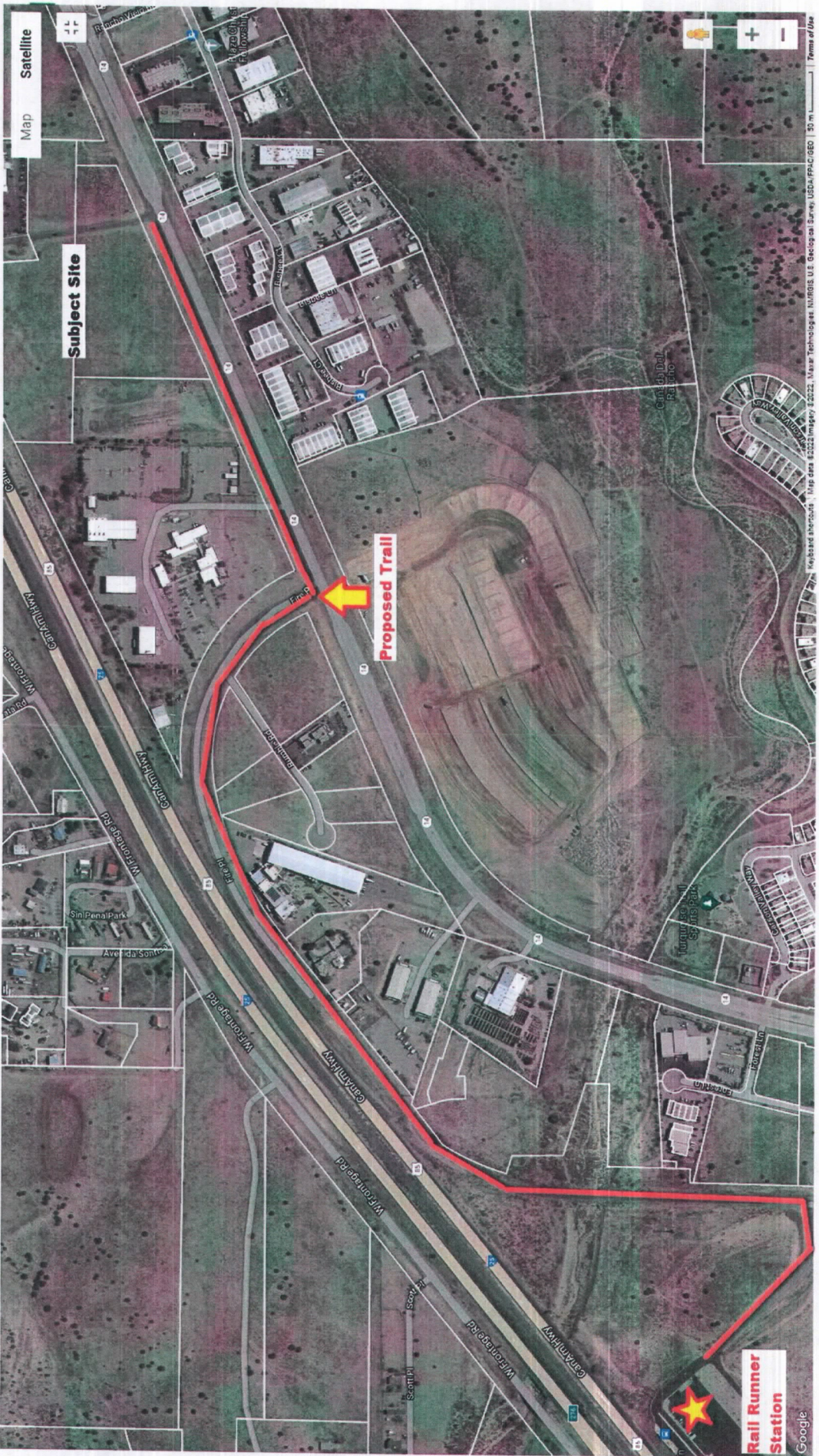
Brown = Hiking, Mountain Biking, Horseback Riding, Backpacking





SFC CLERK RECORDED 12/02/2022

SFC CLERK RECORDED 12/02/2022





# THANK YOU

