

City of Santa Fe, New Mexico

memo

DATE: March 1, 2016 for the March 9, 2016 City Council meeting

TO: Mayor Javier M. Gonzales
Members of the City Council

VIA: Brian K. Snyder, P.E., City Manager 
Lisa Martinez, Director, Land Use Department
Greg Smith, AICP, Director, Current Planning Division 

FROM: Donna Wynant, AICP, Senior Planner, Current Planning Division 

Case #2015-57. Gerhart Apartments General Plan Amendment. Scott Hoeft of Santa Fe Planning Group, agent for Storm River LLC requests approval of a General Plan Future Land Use map amendment to change the designation of 11.83± acres of land from Low Density Residential (1-3 dwelling units per acre) to High Density Residential (12-29 dwelling units per acre). The property is located at 2800 South Meadows Road (Donna Wynant, Case Manager).

Case #2015-58. Gerhart Apartments Rezoning. Scott Hoeft of Santa Fe Planning Group, agent for Storm River LLC, requests rezoning approval of 11.83± acres of land from R-1 (Residential, 1 du/acre) to R-21 (Residential, 21 du/acre). The property is located at 2800 South Meadows Road (Donna Wynant, Case Manager).

At the February 10, 2016 meeting, two motions were made:

- to postpone action on the Findings of Fact and Conclusions of Law; and
- to reconsider the December 9, 2015 decision of the Governing Body denying the application

A motion was made to place the case on the February 24, 2016 agenda. Since additional time was needed for proper legal notification to reopen the public hearing and to allow new information, a friendly amendment was made to hold the public hearing on March 9, 2016.

If the Governing Body determines after reconsideration to approve the General Plan Amendment and the Rezoning applications, two motions will be required: one for the General Plan Amendment and another for the Rezoning.

According to the attached March 1, 2016 memo from John Romero (see Exhibit A) the City's Capital Budget has \$200,000 programmed in FY17/18 for design and \$1,200,000 in FY 18/19 for construction of the South Meadows/Agua Fria intersection. This will be accomplished by either adding left-turn bays on Agua Fria or by replacing the signalized intersection with a roundabout. As stated in the memo, the proposed project will improve the capacity of the intersection, mitigating the existing and future failing traffic movements with an anticipated completion within a year of the apartment complex opening. The conditions of approval as stated in John Romero's attached memo, shall replace those conditions in his previous memo.

ATTACHMENTS:

EXHIBIT A: Traffic Engineering Division memorandum- Traffic Engineer, John Romero

EXHIBIT B: Materials are listed here with those most recent listed first:

- **February 10, 2016:** The Governing Body voted (7-0) to postpone action on the Findings of Fact and Conclusions of Law to reconsider the 12-9-15 denial of Case #2015-57 and #2015-58. The motion was to allow a public hearing to be held to hear any new information. Proper notice was given by the applicant to hold a new public hearing.
- **January 6, 2016:** Findings of Fact and Conclusions of Law drafted and attached.
- **December 9, 2015:** City Council minutes. The Governing Body voted (5-4) to deny the request.
- **November 10, 2015:** City Council minutes Public hearing held. Meeting was postponed to the 12-9-15 CC meeting.

CC packet for Case #2015-57 & #2015-58 attached with all exhibits.

City of Santa Fe, New Mexico

memo

DATE: March 1, 2016

TO: Donna Wynant, Senior Planner, Land Use Division

FROM: John J. Romero, Engineering Division Director 

SUBJECT: Gerhart Apartments General Plan Amendment and Rezone (Case# 2015-57 & 2015-58)

ISSUE:

Scott Hoeft of Santa Fe Planning Group, agent for Storm River LLC, requests approval of a General Plan Future Land Use Map amendment to change the designation of 11.83± acres of land from Low Density Residential (1-3 dwelling units per acre) to High Density Residential (12-29 dwelling units per acre.) The agent also requests rezoning of 11.83± acres of land from R-1 (Residential, 1 dwelling unit per acre) to R-21 (Residential, 21 dwelling units per acre). The property is located at 2800 South Meadows Road.

BACKGROUND & SUMMARY:

This memo shall replace that sent by the Traffic Engineering Division on 7/28/15.

The City's Capital Budget, approved in FY15/16, has \$200,000 programmed in FY17/18 for design and \$1,200,000 in FY 18/19 for construction of the South Meadows/Agua Fria intersection. The proposed project will improve the capacity of the intersection, mitigating the existing and future failing traffic movements. This will be accomplished by either adding left-turn bays on Agua Fria or by replacing the signalized intersection with a roundabout. This will be determined by an alignment study through the course of project development.

According to the attached letter from Santa Fe Engineering, if approved, the Gerhart apartment complex would open in early 2019. With this in mind, the South Meadows/Agua Fria intersection should be reconstructed within a year of the apartment complex opening.

RECOMMENDED ACTION:

Review comments are based on submittals received on May 27, 2015 and the revised Traffic Impact Analysis (TIA) dated 6/8/15 received in Public Works on June 9, 2015. The comments below should be considered as Conditions of Approval to be addressed prior to subsequent submittal unless otherwise noted:

- The Developer shall provide right-turn deceleration lane analyses on South Meadows Road at both driveways into the apartments per the criteria in the State Access Management Manual (SAMM); and shall build right-turn deceleration lane(s) if determined to be necessary by the Public Works Department (PWD);

- Per Article 14-9.2 of the City of Santa Fe Code, the Developer shall widen South Meadows Road (secondary arterial) along the extent of the Gerhart property by constructing the following:
 - 14' wide raised center median (including left-turn lane where applicable)
 - The developer shall construct along their frontage a 5' bicycle lane, 2' Curb & Gutter, 5' buffer, and 5' sidewalk.
- The Developer shall extend a 14' wide painted median southward along the frontage of the school property so that it ties in and terminates at the left-in to the school.
- The capacity analyses demonstrate that the east-bound left turn movement on Agua Fria at the intersection of South Meadows and Agua Fria is currently failing during the AM peak hour. The developer shall provide fair-share contributions for improvements to this intersection. The amount shall be determined by their percentage of total entering traffic and shall be based on the \$1.2 million dollar cost estimate shown in the City's Capital Improvements Plan or a revised estimate as approved by the Public Works Department.
- In lieu of Roadway Impact Fees, the developer shall make a one-time monetary contribution towards improvements to the South Meadows/Agua Fria intersection, in an amount equivalent to what Roadway Impact Fees they would otherwise be responsible for. Roadway Impact Fee credits will be granted in this amount. This monetary contribution is in addition to their fair share contribution towards the intersection based on percentage of entering traffic.
- The Development plan is preliminary at this point in time; therefore we will review the construction plans when the development plan is submitted for approval.

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

Santa Fe Engineering Consultants, LLC



Civil and Traffic Engineering
Construction Management
Land Development

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(505) 982-2845 Fax (505) 982-2641

February 4, 2016

Mr. John Romero, P.E.
City of Santa Fe
P.O. Box 909
Santa Fe, New Mexico 87504

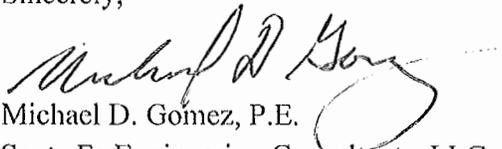
RE: Gerhart Apartments Timeline for Completion

According to the Planner, it is anticipated that if the Gerhart Apartments are approved by the City Council, the project will still need to obtain Development Plan Approval and Recordation. Development Plan and Recordation approval will take most of 2016 to accomplish. Construction will not be able to begin until the summer of 2017. It is estimated that construction will take approximately one and a half years and that the apartments will not be ready for occupancy until early 2019.

It is our understanding that funds will be available for design by July 1, 2017 and funds for construction for the intersection improvements by July of 2018. It is anticipated that construction of the improvements would take six months and the improvements should be ready by early 2019.

If you have any questions or desire additional information, please do not hesitate to contact us.

Sincerely,



Michael D. Gomez, P.E.
Santa Fe Engineering Consultants, LLC.

City of Santa Fe, New Mexico

EXHIBIT B:

MATERIALS FOR THE City Council March 9, 2016 packet

- **February 10, 2016:** The Governing Body voted (7-0) to postpone action on the Findings of Fact and Conclusions of Law to reconsider the 12-9-15 denial of Case #2015-57 and #2015-58. The motion was to allow a public hearing to be held to hear any new information. Proper notice was given by the applicant to hold a new public hearing.
- **January 6, 2016:** Findings of Fact and Conclusions of Law drafted and attached.
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CC packet for Case #2015-57 & #2015-58 attached with all exhibits.

Councilor Maestas said this is out of character by the Chair of Senate Finance, commenting it's some kind of political message, and in our case, the timing is terrible. He would like to amend the Resolution to provide we send a copy of this Resolution to Governor Martinez and the Cultural Affairs Department. He would like to work with the Mayor and his championing an effort to authenticate local art, to provide an incentive and exempt from taxation. He talked about what New Orleans did after Katrina in providing a partial gross receipts tax exemption. He said he is dismayed by the bill, and we need to oppose this vigorously, commenting our lobbyist understands clearly how devastating this would be.

Councilor Dominguez asked the status of the bill.

Zackary Quintero said the bill is still with Senator Smith waiting to go to the next Committee, so it hasn't moved through any committees at this time. He said in analyzing the bill, they saw it wasn't just galleries that would be affected. He said the language in the bill on page 2(F) defines Fine Art into a new system for the Tax Code. This means that what is defined as fine art in this Resolution will be subject to a 3.9% tax. He said if you produce a video in your garage and sell it to somebody else, a tax will be levied on you and it would apportioned to the State government. It doesn't impact only galleries, this is all what is defined in this limited scope as fine art.

Mr. Quintero continued, "We were expecting it to be only galleries, and I just want to make it clear for the public record that this actually... Councilor Lindell and both of you sponsored the Meow Wolf Resolution. Think of every product this company is going to be producing for Santa Fe and the local artists that are going to be employed by them. A tax would be levied on each one of their products of 3.9%."

MOTION: Councilor Maestas moved, seconded by Councilor Dominguez, to adopt Resolution No. 2016-15, with the amendment proposed by Councilor Maestas to send a copy to Governor Martinez and the Cultural Affairs Department Secretary.

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

For: Mayor Gonzales, Councilor Dimas, Councilor Dominguez, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: None.

13. FINDINGS OF FACT & CONCLUSIONS OF LAW

A copy of the Findings of Fact and Conclusions of Law in Case #2015-57, Gerhart Apartments General Plan Amendment, and Case #2015-58 Gerhart Apartments Rezoning to R-21, is incorporated herewith to these minutes as Exhibit "3."

Mayor Gonzales said this was postponed to see if additional funds were available to address the issue of the safety of the intersection, and asked the status of that effort.

Councilor Rivera said he has questions of John Romero and Scott Heft. He said it had come to his attention from staff that there had been funding identified that would coincide with the Gerhart Apartment project and when the traffic would be hitting the intersection from the project. He asked Mr. Romero "to fill everybody in on what you've come up with."

John Romero, Director, Traffic Engineering Division, said in the recently approved Capital Budget, funds were allocated for FY 17/18 and FY18/19. The funds in 17/18 would be for design of the intersection improvements to Agua Fria and South Meadows, and the funds in 18/19 would be for the construction to build the improvements. He said in consultation with the developer, their timeline tracks that roughly. He said if the rezoning was to be approved, they would have to go for development approval, recordation and construct the apartments. So, according to their timeline, the apartments would be up and running in early 2019. So, with the funding for the intersection, as approved in the Capital Budget, that intersection should be reconstructed no later than the end of 2019. There would be no more than one year lag time, if that, between the opening of the apartment complex and improvement of the intersection.

Councilor Rivera asked Mr. Hoeft if there were about year lag time, how long it would take to get all of the rental units rented, with people moved in, with the full impact of traffic to the intersection.

Scott Hoeft, Santa Fe Planning Group, Agent for the Applicant, said, "It would easily take a year to fully lease out a project like that."

Councilor Rivera asked, "Would you be willing to, and I hope we can do this, or ask for this, would you be willing to, if construction project were going to be delayed, to maybe rent only one-half of the units, and then wait for the intersection improvements to take place before moving forward. I don't know if that's even been talked about."

Scott Hoeft said, "The issue is, when you have conditions like that imposed on a project, it begins to hurt your financing and getting financing set up for a project early on. So ultimately you start applying for construction financing pretty early on, and they begin to look at the project overall. And so, even though you've got a two-year construction cycle, it hampers your ability to get started. So we would really prefer not to have conditions applied relating to the leasing of the project, on the concern that it would stop the entire project for that period of time. Now knowing how projects go, and the lag with construction, the timeline we provided is aggressive, knowing if we were approved, we would have to go through the Planning Commission again with an entire development plan submittal which would likely take the bulk of this year."

Councilor Rivera asked John Romero, "I understand. John, so between what the project is going to fund toward the intersection and what we already have, how much are we short to actually complete it. How much money are we looking for in the upcoming years."

John Romero said, "We have money programmed, I guess, in our Capital Budget and then we have money budgeted. The money we currently have budgeted is the \$25,000 from Legislative funds. The amount programmed in the Capital Budget, assuming it would be budgeted at that time, would fully fund the project. So anything in addition the developer would give us, would relieve some of those funds for other projects throughout the City."

Councilor Dominguez said, "I want to make sure that I'm clear. So we have \$25,000 budgeted, right now, in our CIP Budget. What is the total cost of the project."

Mr. Romero said "Our estimate was based off our ICIP. I believe the design was around \$200,000 and construction was \$1 million. I don't have the exact figure, but somewhere in that ballpark, total. And it could be less. It was a planning figure budget."

Councilor Dominguez asked, "Are we planning on programming \$1 million in FY 17/18."

Mr. Romero said, "Yes. There are two. The design money in 17/18, and the construction money in 18/19."

Councilor Dominguez said, "And this is all money that is going to come from our 1/4¢ CIP, our program."

Mr. Romero said, "I think it's some surplus money we have in the Capital Budget. Oscar could answer that."

Councilor Dominguez said, "I just want to make sure, Scott, that we're not going to be eliminating one project for another. I just want to make sure I'm clear and I know exactly where things are coming from and where they're going."

Oscar Rodriguez said, "Yes. That money, the \$200,000 and then the \$1 million after that will be coming from bond sales that were programmed at that time. In fact, there is still \$500,000 unprogrammed we have capacity for, for which there are no projects at this point, so it's clear it's not going to be moving anything out. And the bonds will be sold for the CIP with tax."

Councilor Dominguez said, "So the total cost of the project is \$1.2 million, with \$200,000 in FY 2017/2018, and \$1 million for construction in FY 2018/2019."

Mr. Romero said, "It's a combination of things. They are contributing impact fee dollars. And what we looked to do previously through rezoning, is instead of it going directly into the Impact Fee coffers, that in lieu of that, they give us that money specifically for this project. And we also asked that..."

Councilor Dominguez said, "I don't want to get into the project itself, but that's not the only intersection that this project is going to impact."

Mr. Romero said, "That would be the only intersection that would quantifiably be impacted, of course there are so many throughout the whole City, but just to have all that money toward that project. And we're also going to ask them, as a condition of approval, to pitch in their fair share contribution toward that intersection, actually, how many cars they have at that intersection, figure out that percentage and they contribute that percentage of dollars also."

Councilor Dominguez asked if all of the funds will go toward construction.

Mr. Romero said it can go to design or construction, it just depends on when we receive the funds.

Councilor Dominguez said, "Then in 18/19, whatever the balance is will be picked up by the City."

Mr. Romero said, "Whatever the balance would be. Yes. And if I may, I would think that by the time we were approving a CIP bond sale, we would already have them approved and underway, and we would already have their actual money in the City coffers. And we would be able to get a definitive amount of how much of the \$1 million we need to be funded through the Capital Bond."

Councilor Dominguez said, "I want to be as clear as I can be, that we are actually obligating CIP monies for this, maybe not with this motion, but if this follows through, we're going to be obligating CIP monies for that particular project, before the project is even started."

Mr. Romero said, "I believe it was already programmed through Council's approval of the capital budget, so it's already planned for that way."

Councilor Dominguez said, "It's been programmed, but the money hasn't been allocated for it. In other words, we haven't received the money, we haven't sold the bonds, and we haven't even decided what the budget is going to be in FY 17/18 for capital improvements."

Mr. Snyder said, "You are correct that we haven't sold the bonds, we haven't gone through that process, but the CIP Plan that as approved by Council had this project identified in 17/18 and 18/19, with monies allocated. So this project is going to get funded out of bond sales and a combination of impact fees and a number of...."

Councilor Dominguez said, "And that's all good, but that doesn't concern me, because we're going to be approving a CIP budget every year. So it is not as though those numbers that we have approved now in this budget are solid and true, we can change them. Otherwise, we wouldn't be approving a budget every year."

Mr. Snyder said, "I agree with you. That being said, the purpose of the multi-year CIP, is to plan. So there was a good discussion, because as we move forward on any project that has planning involved, we're going to have to be doing planning one year more likely than not, and then design maybe another year and then maybe another year in construction, so it will be a multi-year project. This is the discussion we had on this, but that being said, that's why we brought forward a multi-year plan. Every year, one year falls off, we've gotten it completed. We bring on a new year list of projects and funding...."

Councilor Dominguez said, "Let me make my point a little bit clearer. Oscar, what's our total CIP budget at the end of the 5 years."

Mr. Rodriguez said, "If I could answer the question in terms of how much we are going to be selling in bonds, \$34 million."

Councilor Dominguez said, "So what we're saying is that of that \$34 million, we're going to be obligating this much, regardless of what year it comes down in."

Mr. Rodriguez said, "Yes sir, but you have to vote on that at that time again. And you can change your mind."

Councilor Dominguez said, "I think the Motion is going to be to reconsider. And I will say that I'll support the motion, but more because I want to see what's cooking there Scott. I want to find out really what's going on. And I want to make sure that the City of Santa Fe understands really the obligations that it's making with regard to capital monies. And of course, I'm going to have the dilemma to.... or I'm going to struggle with the dilemma that we have. And my main purpose in not supporting it in the first place, was not necessarily the road, but more the social impact it potentially could have. But regardless of that Mayor, and aside from that, I would probably support a motion to reconsider, because I would like to see what's cooking. Thank you."

Councilor Rivera said, "I have been given directions by the City Attorney on how to do this, so there are a number of motions that need to be made to keep it in order. I'm doing this specifically, one, is that we need the housing. And we've had discussions about where they are located, and it seems like one part of town is getting all the multi-family dwellings and we can have that discussion, I'm sure, as we go through with every one that comes up. But, I do believe we need this type of housing. I believe it's a good location. My main concern has always been the current failing intersection. And if we can get to point where the project is finished around the same time that we can identify all the funding for the improvements to the intersection, I think it makes sense."

MOTION: Councilor Rivera moved, seconded by Councilor Trujillo, to postpone action on the Findings of Fact and Conclusions of Law in Case #2015-57, Gerhart Apartments General Plan Amendment and Case #2015-58, Gerhart Apartments Rezoning to R-21, so that I can make a motion to reconsider the December 9, 2015 decision of the Governing Body denying the application of Scott Hoefft for Santa Fe Planning Group as agent for Storm River LLC in those cases."

DISCUSSION: Mayor Gonzales asked when the reconsideration of these cases take place, or does that come in the next motion, and Councilor Rivera said yes, in the next motion.

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

For: Mayor Gonzales, Councilor Dimas, Councilor Dominguez, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: None

MOTION: Councilor Rivera moved, seconded by Councilor Maestas, to reconsider the December 9, 2015 decision of the Governing Body denying the application of Scott Hoeft for Santa Fe Planning Group as agent for Storm River LLC, in Case #2015-57, Gerhart Apartments General Plan Amendment and in Case #2015-58, Gerhart Apartments Rezoning to R-21, and to place such reconsideration on the agenda of the February 24, 2016 meeting of the Governing Body.

DISCUSSION: Councilor Dominguez asked, "Based on our Code, can we hear this *de novo*."

Mr. Brennan said, "That would really require a rescission vote which would void the previous decision. This really does not even call for a public hearing. It calls for you to reconsider. So you've had the public hearing and you would be going back basically to your deliberations."

Councilor Dominguez said, "Let me ask again. Can we hear it *de novo*."

Ms. Brennan said, "Oh, if you want to, it would be a different motion. Yes. Or I think you could also reopen the public hearing and take new information. In which case, you would probably have to give more notice, so it would fall in the first March meeting."

Councilor Dominguez said, "So *de novo* is different than just opening up the public hearing."

Ms. Brennan said, "*De novo* is hearing it again anew, but it was *de novo* when you heard it before."

FRIENDLY AMENDMENT: Councilor Dominguez said, "I guess what I'm wondering is, if the maker of the motion would agree to allow a public hearing to occur when we reconsider this." Ms. Brennan said, "And the only thing I would say to that, is then the date would have to be the March 9, 2016 meeting. Councilor Dominguez asked, "Would you consider that Councilor Rivera." **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

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

For: Mayor Gonzales, Councilor Dimas, Councilor Dominguez, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: None.

MOTION: Councilor Rivera moved, seconded by Councilor Dimas, to postpone action on the Findings of Fact and Conclusions of Law in Case #2015-57, Gerhart Apartments General Plan Amendment and Case #2015-58, Gerhart Apartments Rezoning to R-21, to the March 9, 2016 meeting of the Governing Body.

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

For: Mayor Gonzales, Councilor Dimas, Councilor Dominguez, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: None.

14. CONSIDERATION OF RESOLUTION 2016-16 (COUNCILOR DOMINGUEZ AND COUNCILOR IVES). A RESOLUTION PROVIDING GUIDANCE ON THE STRUCTURE OF THE BUDGET OF THE CITY OF SANTA FE AND CERTAIN REPORTING REQUIREMENTS. (OSCAR RODRIGUEZ)

MOTION: Councilor Dominguez moved, seconded by Councilor Lindell, to adopt Resolution No. 2016-16, as presented, with all recommendations of the Finance Committee.

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

For: Mayor Gonzales, Councilor Dominguez, Councilor Lindell, Councilor Rivera and Councilor Trujillo.

Against: Councilor Dimas and Councilor Maestas.

Mayor Gonzales thanked the Finance Committee for moving this Resolution to this level and looks forward to how we proceed with deliberations on the budget. He said, "As I told Councilor Maestas, in a private conversation at the last meeting, if there's a way to come forward and present the alternative through this process that allows for the increase in fees and efficiency as proposed, it would be good to have some of your thoughts concurrent with this process so that as much information is available, not only to the Finance Committee, but to the Council to deliberate. Because it would be great to get through all of this without having to necessarily consider the tax fees. But if the fees to the public are so great that in effect it becomes too daunting to them, more so than a potential tax, I think that we have to be able to evaluate both. So I think to the degree we can have the most information available and your thoughts on it through this process. I think that would be important."

Councilor Maestas said, "Mayor, on that point. Although I didn't support this, and I think I gave my reasons yesterday. And I think we need to be consistent in the messages that send. When I proposed the gasoline tax, obviously there was a trust deficit with City Hall. But when I looked at the rate of return of the gas tax, and those that would bear that burden, it's not going to fall entirely on our community. We get 100% rate of return on a municipal gas tax, but the logic was that we had to look at cuts first. And now gross receipts and property taxes are all of a sudden in vogue. And we all know that the gross receipts tax

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

Case #2015-57

Gerhart Apartments General Plan Amendment

Case #2015-58

Gerhart Apartments Rezoning to R-21

Applicant's Name – Storm River LLC

Agent's Name – Santa Fe Planning Group

THIS MATTER came before the Governing Body of the City of Santa Fe for hearing on November 10, 2015 and on December 9, 2015 upon the application (Application) of Scott Hoeft for Santa Fe Planning Group as agent for Storm River LLC (Applicant).

The property is comprised of 11.83± acres of land located at 2800 South Meadows Road (the Property) and is zoned R-1 (Residential – 1 dwelling unit/acre).

The Applicant seeks (1) approval of an amendment to the City of Santa Fe General Plan Future Land Use Map (Plan) changing the designation of the Property from Very Low Density Residential (1-3 dwelling units/acre) to High Density Residential (12 to 29 dwelling units/acre) and (2) to rezone the Property from R-1 to R-21 (Residential – 21 dwelling units/acre).

The Planning Commission (Commission) reviewed and acted upon the Applicant's proposed Plan amendment and rezoning at public hearings held on August 6, 2015 and September 3, 2015. Findings of Fact and Conclusions of Law (Commission Findings and Conclusions) embodying the Commission's vote recommending that the Governing Body approve the proposed General Plan amendment and the rezoning were adopted by the Commission on October 1, 2015 and were filed with the City Clerk as Item #15-1060. The Commission Findings are attached hereto as **Exhibit A**.

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

FINDINGS OF FACT

1. The Governing Body has authority, under Santa Fe City Code (Code) Sections 14-2.1 Table 14-2.1-1 and 14-2.2(A) to review and finally decide upon applications for amendments to the General Plan in accordance with the procedures set forth in Code Section 14-3.2(D)(3) and applying the criteria set forth in Code Section 14-3.2(E)(1).
2. The Governing Body has authority, under Code Sections 14-2.1 Table 14-2.1-1 and 14-2.2(A) to review and finally decide upon applications for rezoning in accordance with the

procedures set forth in Code Section 14-3.5(B)(2) and applying the criteria set forth in Code Section 14-3.5(C).

3. Code Section 14-3.1(H)(2) requires that notice of a public hearing before the Governing Body be provided in accordance with Code Section 14-3.1(H)(1)(a) and that, in addition, the applicant publish notice in a local daily newspaper of general circulation at least fifteen calendar days prior to the public hearing (collectively, the Notice Requirements).
4. The Notice Requirements have been met.
5. The Governing Body reviewed the report dated October 30, 2015 for the November 10, 2015 City Council Hearing prepared by City staff (Staff Report) summarizing the Application and the Commission vote recommending that the Governing Body approve the Application, subject to the Conditions, the Commission Findings and Conclusions embodying said vote, and the evidence introduced at the hearing in accordance with the requirements of Code Section 14-3.5(B)(2)(a).
6. The Governing Body heard direct testimony from City staff, the Applicant's representatives and the Applicant, residents of the neighborhood in which the Property is located, and certain interested others.
7. Commission Findings of Fact 1 through 15, 17, 19, 22 and 28 accurately reflect the facts in this matter as presented at the Hearing.
8. Commission Conclusions of Law 1 through 3, 5 and 6 are within the authority of the Commission and are reasonably based upon the Commission Findings of Fact.
9. The proposed Plan amendment is significantly different from and inconsistent with the prevailing character of the area at this time, in that the highest density land use designation provided for under the Plan in the vicinity of the Property is Medium Density Residential (7-12 dwelling units/acre), with most designated as Very Low Density Residential (1-3 dwelling units/acre) or Low Density Residential (3-7 dwelling units/acre). The Parcel to the southwest of the Property is designated Public/Institutional and the Agua Fria Tradition Historic Village abuts the Property on the east. The immediately adjacent parcels are undeveloped and many other parcels in the vicinity retain a rural character. The highest-density zoning in the vicinity of the Property is R-12 (Residential – 12 dwelling units/acre), with most parcels zoned R-1 (Residential – 1 dwelling unit/acre) to R-5 (Residential – 5 dwelling units/acre) and existing residential development in the vicinity of the Property has been developed consistent with the current Plan designations of Very Low, Low and Medium Density Residential rather than the High Density Residential development proposed with the Plan amendment. The Applicant has not at this time demonstrated that the proposed amendment promotes the general welfare or has other public advantages or justification pursuant to Code Section 14-3.2(E)(1)(d).
10. The proposed Plan amendment does not meet the criteria of Code Section 14-3.2(E)(1)(c)(i).
11. In accordance with the Finding of Fact 9 above, the character of the neighborhood has not changed sufficiently to justify the proposed rezoning and the proposed rezoning is inconsistent with the applicable policies of the Plan.
12. The existing and proposed infrastructure, specifically the failed intersection of South Meadows Road and Agua Fria Street, will not be able to accommodate the impacts of the proposed development at this time.

13. The proposed Rezoning does not meet the criteria of Code Section 14-3.5(C)(1)(c) and (e) and (2)(a).

CONCLUSIONS OF LAW

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

1. The Commission Findings and Conclusions, a copy of which is attached hereto as Exhibit A, are adopted in part by the Governing Body as follows: Commission Findings of Fact 1 through 15, 17, 19, 22 and 28 and Commission Conclusions of Law 1 through 3, 5 and 6. The foregoing enumerated Findings of Fact and Conclusions of Law are hereby adopted by the Governing Body and are incorporated in these Findings of Fact and Conclusions of Law as if set out in full herein. Those Findings of Fact and Conclusions of Law not specifically adopted herein are specifically not adopted.
2. The proposed Plan amendment does not meet the criteria established by Code Section 14-3.2(E)(1) (c)(i).
3. The proposed Rezoning does not meet the criteria established by Code Section 14-3.4(C)(1)(c) and (e) and (2)(a).

WHEREFORE, IT IS ORDERED ON THE _____ OF JANUARY 2016 BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

That the proposed amendment to the Plan and the proposed rezoning be, and they hereby are, denied.

Mayor

Date:

FILED WITH THE CITY CLERK:

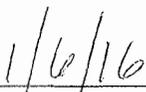
Yolanda Y. Vigil
City Clerk

Date:

APPROVED AS TO FORM:



Kelley Brennan
City Attorney



Date:

The Public Hearing was closed

MOTION: Councilor Ives moved, seconded by Councilor Trujillo, to adopt Ordinance No. 2015-35 as presented.

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

For: Mayor Gonzales, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: Councilor Bushee.

Explaining her vote: Councilor Bushee said, "I brought this forward initially, but I have some real heartburn over the glass collection piece, so I don't think I can vote for this right now."

Mayor Gonzales asked to go to Items H(8) and H(9) to take us to 11:00 p.m. He said everything left on the Agenda after that will be postponed to the Council meeting of January 13, 2016, reiterating that, "We are not going past 11:00 p.m."

- 8) **CONSIDERATION OF RESOLUTION NO. 2015-___: CASE NO. 2015-57, GERHART APARTMENTS GENERAL PLAN AMENDMENT. SCOTT HOEFT OF SANTA FE PLANNING GROUP, AGENT FOR STORM RIVER, LLC, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 11.83± ACRES OF LAND FROM R-1 (RESIDENTIAL 1 DWELLING UNIT PER ACRE) TO R-21 (RESIDENTIAL, 21 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED AT 2800 SOUTH MEADOWS ROAD. (DONNA WYNANT) (Postponed at November 10, 2015 City Council Meeting – Public Hearing Closed)**

Items H(8) and H(9) were combined for purposes of presentation, public hearing and discussion, but were voted upon separately.

A Memorandum dated October 30, 2015 for the November 10, 2015 Meeting, to the Governing Body, from Donna Wynant, Senior Planner, Current Planning Division, in this matter, is incorporated herewith to these minutes as Exhibit "17."

Donna Wynant noted her Memo in the packet with attachments, which was presented at the November 10, 2015 Council meeting, and said she will stand for questions. She said the City Traffic Engineer and the MPO Traffic Engineer are in attendance to answer questions, noting the unanswered questions from the previous meeting were around traffic.

Mayor Gonzales asked Mr. Romero if he had the opportunity to review the minutes to look at the questions asked by the Council at the last Council meeting. He asked him to start going through the questions that were raised, commenting Councilor Maestas had questions regarding the general traffic flow and Councilor Dominguez had questions on the roads network as well.

John Romero, Director, Traffic Engineering Division, said he reviewed the minutes, but he doesn't have the minutes with him, and asked the Mayor to reiterate those questions to him and he can answer them.

Councilor Maestas said Mr. Romero had commented about the lack of a street network in the area. There was talk about a cross-street every 1,000 feet, but they were your comments and "all eyes were on you, but you weren't here the last time." He asked Mr. Romero to comment on a local circulation and street network to service this development.

Mr. Romero said, "Those actually weren't my comments listed under traffic, and I think they were created by the Land Use Department, so those were not my comments. My comments were in the Memo from Sandy Kassens, via me, so I can't answer as to why those comments were created. I can provide my own opinion on those, but I can't comment on why the comments were created."

Councilor Maestas said he had asked for someone from the MPO to be in attendance.

Mr. Romero said Keith Wilson is here from the MPO. He said, "For the record, my comments are on page 58 of the Council packet."

Councilor Maestas said in looking at the area on the maps, he didn't see any proposed improvements. He said, as you know, any urbanized area has to be designated such that it's urbanized for the next 20 years. And generally, like our Long Range Transportation Plan should address those needs in the 20 year horizon, and asked Mr. Wilson to talk about that area and if the modeling is not showing a lot of population and if there are any proposed new street improvements in the 20-year horizon in our long range plan that would help service a lot of the traffic that would be generated by these apartments.

Keith Wilson, MPO Planner said, "At the MPO, we look at what are our regionally significant roadways, so it's by collector roadways in our Long Range Transportation Plan which utilized the NM 599 interchange priority study from 2010, which looked at frontage road and interchanges. That study brought us the new interchange at CR 62 which is just adjacent to this. They did look at frontage road connectivity between CR 62 and heading south or west. Their determination was that an interchange at the Caja del Rio location, which was a future identified interchange location would better serve that area road and the frontage road. Compounding that is the Cottonwood Mobile Home Subdivision there that blocks off the viability of a frontage road in that area. We have South Meadows Road that's been in the last 2-4 years. So that's the level of network that we look at, at the MPO. As developments come in, or it is developed, then you as a City are interested to you in a local network, but that's when those things get flushed out."

Mr. Wilson continued, "As for major roads, there are no new River crossings in the area. We have the interchange at CR 62 at Alameda heading east and north which are the routes away from the area."

Councilor Maestas asked Mr. Romero, "What comes first, the local street network or the development and what if the development is not big enough to really warrant the master planning of a local street network like a grid network. I know there was a lot of discussion about access and accommodating projected traffic volume from this development. The impression I got is that the proposed network would not be sufficient, but I didn't see any real future plans for some kind of a local grid network to accommodate future development in an organized manner. You are part of the Development Review Team, what is your opinion about this development?"

Mr. Romero said regarding roadway networks in this area, he doesn't believe it applies to it because of the alignments of the roads and where they are relative to other roads. He said, "Let's go to page 112 of the packet. And there you can see the major parcels in the area. I believe with the existing roadway system there, as far as roadway alignments go, that is what we need to service those locations. As Keith said, we don't need an alignment going through the blue City of Santa Fe property on through the School property, and looping back into South Meadows. I don't think we're getting a whole lot of efficiency with that. I think South Meadows itself is enough of a roadway to service those areas."

Councilor Rivera said asked Mr. Romero to describe the current conditions at Agua Fria and South Meadows.

Mr. Romero said the applicant performed a traffic study at that intersection, and right now it's operating at acceptable levels of service, except for the morning when there is failure. It has a pretty major failure, specifically for the eastbound moved, caused primarily because there are no left turn bays along Agua Fria at that signal, so it's very hard for us to separate the "lefts from the throughs," and get into that intersection efficiently. The primary cause is the School. He said, "When the school came forward, we met with them and asked them to look at that intersection. They explained to use that was outside the scope of their work and their budget. They did do improvements to South Meadows along their own frontage, putting a turn bay in front of their school. But they didn't want to do anything at that intersection. In anticipation of that, we performed some timing tweaks that didn't fix it, but made it better than what it would have been. We added a left turn arrow for the east bound movement to help get that flowing through."

Councilor Rivera asked the current delay in the morning eastbound.

Mr. Romero said it is a level service F, with 148 seconds of delay.

Councilor Rivera asked what does a level of service F mean.

Mr. Romero said it is a school grading, so level of service A is free flow and very good, virtually no traffic, pretty much no cars. Level of service F is failing. For a specific movement a level of service E is acceptable. For an entire intersection a level of service D is acceptable. He said roughly, the upper limit of a level service E right before it turns into an F is in the 50-60 seconds of delay range.

Councilor Rivera said Mr. Romero mentions in his remarks that consideration of a roundabout at Agua Fria and South Meadows might be something to consider, and asked the advantages and disadvantages.

Mr. Romero said they haven't explored it completely, but there are advantages both to adding a left turn bay at the signal, a more conventional approach. He said his sense is that the advantage of a roundabout would be less right-of-way needs. He said this hasn't been substantiated with a formal design, but we are going to have to provide a long left turn bay. We're basically going to have to widen the road for a long stretch versus a roundabout where we will only have to take corners more than likely only from the two northern properties and maybe the southwestern property.

Councilor Rivera asked if the amount of traffic going through that intersection, especially in the morning affect the decision of whether a roundabout or an intersection is most appropriate.

Mr. Romero said definitely, and we will have to do a form level of service analysis. If a single lane roundabout doesn't work, then we probably would consider a signal, but they haven't gotten that far.

Councilor Rivera said a roundabout at Cottonwood has been considered and is in the design phase.

Mr. Romero said yes, they just received proposals for the design.

Councilor Rivera asked if those two roundabouts in close proximity to one another, affect each other negatively, or positively.

Mr. Romero said no. He said you can't place traffic signals too closely, but one benefit from roundabouts is that they're all free flowing. So two roundabouts relatively close to one another don't have a negative affect on each other. In fact when you have a corridor, you want a corridor with either roundabouts or signals, so a series of roundabouts is something you would want to promote.

Councilor Rivera said we have been looking at improvements to that intersection for some time, and asked the current cost of getting an intersection versus a roundabout, and what is the difference between the two in terms of cost.

Mr. Romero said there are timing level numbers were included in the last two ICIP packages, and for design, right-of-way and construction, we estimated approximately \$1.4 million which may be a little conservative, but for Legislative funds, you want to be on the conservative side to make sure we get enough money.

Councilor Rivera asked for what percentage Gerhart would be responsible at the intersection.

Mr. Romero said based on the morning and p.m. peak hours, he looked at the TIA and it would be roughly at 3.7% percent of that or about \$51,800.

Councilor Rivera said since the Schools don't want to participate, then the burden of the costs would be on the City.

Mr. Romero said that is correct.

Councilor Rivera asked if there are plans for a source of funding, noting it is on the District 3 priority list, and asked if there are other funding sources.

Mr. Romero said we received \$25,000 from the last Legislature. He said it isn't enough to do a whole lot, but this \$51,000, in addition to the \$25,000, would help get a design going. He said possible funding sources would include City Impact Fees. Another they are going to try to pursue, would be to approach the State for CMAQ – Congestion Management And Air Quality. He said they believe that money would be a good fit for this, and it is one of the few available pots of money the State and FHWA have where we are usually successful in seeking funds. He said they don't know how likely it would be for us to get that money.

Councilor Rivera asked, best case scenario, if we had the money today, how long would it take to do the improvements that need to be done to make traffic flow smoothly.

Mr. Romero said it depends on the type of money. He said if we get Federal money, we probably could get a design going. He said, "For Federal money, the design and certification processes are a lot more complicated than if it is just City money. So usually from when we start design to construction it is about a two-year period. If it was City money we could get a design going now and get something out to bid as early as Spring 2016."

Councilor Rivera said at the last meeting, there was some question about fire truck and ambulance access, and asked if the Fire Marshal is still here. He asked if the changes to the roadway in front of the school, with the addition of a median the length of the school, would be a problem for a fire truck or ambulance to get through that roadway, especially at peak hours. He asked Mr. Romero, "Are you able to answer that."

Mr. Romero said, "I would probably have to defer to the Fire Marshal, but the proposed roadway typical section does meet Chapter 14 standards. So if there were issues, we would want to look into amending that portion of City Code, but it is in compliance with City Code."

Councilor Rivera said if a fire truck was coming through, traffic probably would have to pull into the bicycle lane.

Mr. Romero said most likely that would be the plan. He said the total width, including bicycle lane is 16 feet of asphalt, and that's exclusive of the gutter pan which are about 1½ feet each, so that would 19 feet of total travel-way. It's pretty close to the 20 feet required by the Fire Department.

Councilor Rivera said he has serious concerns about this intersection and what already is a problem and how this project would impact the already significant problem, especially with a service level F which is a failing intersections. He has concerns that the Schools can build a school and then sort of "turn their noses to the traffic issues that are there."

Councilor Trujillo said, "On that point, in discussing funding, one of the things he thought about is maybe LGRF that we get at the City. The other thing, as Councilor Rivera said, the Schools don't want to pony up anything, but there are some LGRF to the schools. He asked if there could be collaboration or open talks with the School, because those funds could be used to collaborate that intersection. He oversaw that project for many year. He said he is just looking at a funding source and remember that is a possibility.

Mr. Romero said the majority of the Local Government Road Fund that the Schools get, is more now for pedestrian improvements. But we can talk to them. He said the proposed development would be creating about \$311,000 in Roadway Impact Fees. So another potential, in lieu of that, is to ask them to cut a check for the \$311,000 earmarked especially for this intersection, which would give us just under \$400,000 and a pretty good head start in getting that intersection moving forward.

Councilor Ives said he has questions on conditions of approval in Exhibit B in the packet on packet page 14. He notices they are building a raised center median and maintaining the existing northbound typical section. He asked if consideration was given to the installation of what one might generally call green infrastructure along the roadway, grading infiltration galleries, rain gardens, especially given the park on the south side of South Meadows Road and the River.

Mr. Romero said they haven't gotten that far because they are at the zoning level, and "kind of are at the development level." He said the challenges he has seen with that kind of water harvesting with regard to roads, is that the roads generate water that is flowing at a fairly high rate. To divert it off the road with a curb cut or something like that it doesn't take enough water off the road, and two, if you do take enough water it starts scouring what you have on the side of the road. Things discussed are permeable pavement and things like that. The issues are they start off permeable where the water goes through, but as sediment fills in the permeability, it becomes impervious. The only way to get the sediment out, is the City would need to purchase a specific piece of equipment like a big vacuum to it clean it out to keep the water going down.

Councilor Ives said then your proposal for stormwater is just to run it in the roadway.

Mr. Romero said it would run through a storm drain.

Councilor Ives said then you propose to take it straight to River without opportunity for infiltration.

Mr. Romero said they probably could implement some retention type ponds in the system to keep it from flowing straight into the River.

Councilor Ives said we have an opportunity with new construction especially to implement these types of improvements built to slow down water, allow it to infiltrate, both of which are good goals in stormwater management. He understands those aren't being addressed at this point, but would come up in the context of any submitted development plan, and asked if he is understanding that correctly.

Mr. Romero said yes, that's when they look at it, and they definitely at trying to implement some of those, and will work with the developer. As far as integrating them with a future park, it would be difficult because the development of the park space to know how to integrate it.

Councilor Ives said in any event, bringing water to the park space can't be a bad thing.

Mr. Romero said maybe we can do something for the time being to get it to the River, but could be modified when the Park becomes a reality.

Councilor Ives said he is looking to save cost by doing it at this stage, rather than on City dollars in the future. He said to the degree we can require consideration of green infrastructure, in terms of stormwater especially, because we know future development along South Meadows is meant to have park space to the south and the River beyond the park space, would be intelligent and appropriate. "So know, that's I'm coming from.

Councilor Maestas noted on packet page 51, is the staff response regarding the Traffic Impact Analysis. He asked him to look at the last full paragraph, noting Mr. Romero said he didn't write this response which concerns him. He said that seems to say that the TIA doesn't really address the need for a local street network because of the odd shaped parcels and the hodge-podge of ownership. It says in here that if it is sub-zoned, if there is higher density that could be a concern – not having adequate access, emergency access. It also says that the provision of a road network that complies with the General Plan policies and Chapter 14 standards for connectivity, one through street every 1,000 feet will require coordination of access to the various parcels. So it seems that something like this would be out of the scope of the TIA for the development. So, who is going to do this, and the reason he asked early if the City really needs to look at an organized street network here. He can't fault the developer, even though staff criticized the TIA. It seems like this is falling through the cracks, the lack of an organized local network to provide general access, emergency access and connectivity. This is his comment. He asked how do we address this.

Mr. Romero said, "These comments, I don't know what information they used to substantiate them. In my opinion, the TIA fits the existing roadway network. I looked at it, both implementation year and horizon year basically growing the background traffic. And it showed everything working well, with the exception of the South Meadows/Agua Fria intersection and that's without any more roads, 1,000 feet, 2,000 feet, whatever. It did show that doing a roundabout and/or a signal would bring that intersection to acceptable levels of service, which I believe it well. It's just a simple fact. If there is a roundabout and we have that left turn bay, it would be working just fine."

Mr. Romero continued, "So, as far as what the General Plan says about every 1,000 feet, I see the benefit of that when you are on a grid system, which in the City we rarely are. But if you're in Phoenix, or Las Vegas, or any of those places it makes sense, even Albuquerque, that's where really that applies. But when we're over here, from a traffic standpoint, again, I don't see putting in some random road halfway between Agua Fria and 599, just to say we have a road every 1,000 feet. I don't see what benefit that would provide, from a traffic operations standpoint, at all."

Mr. Romero continued, "So I don't agree with the comment that the TIA was lacking in any of that. So bullet by bullet, South Meadows is a limited access road. That's not correct. It's not a limited access road. 599 is a limited access road, so is I-25, they have access control lines that cannot be breached unless it goes through an access control committee, so South Meadows is not that. There were no plans to extend the frontage road. There wasn't when 599 first came on board in the environmental document, nor was it planned for in the recent corridor study that DOT did. It's never been on any of the Santa Fe MPO's plans, so I don't agree with that. The third bullet, the second access to the City's leased parcel, I would prefer to have Matt O'Reilly speak to that, because I can't comment on what the ultimate plans are for that parcel. And then I commented on the 4th bullet."

Councilor Maestas asked if Mr. Romero shouldn't be weighing-in on these issues, asking who provides the transportation portion of the staff response in these staff reports. Is it everyone in Land Use, and don't they bring him in and have him do the analysis and help write the staff responses in the report.

Mr. Romero said, "The way I've understood it to work is I provide the traffic analysis and comments, and they incorporate my comments into the package."

Councilor Maestas said, "But you don't agree with these, these weren't your comments."

Mr. Romero said, yes, these were not his comments.

Mayor Gonzales asked Mr. Hoeft is there anything he would like to add to what he heard tonight.

Scott Hoeft, Santa Fe Planning Group, 109 St. Francis, was sworn. He said, "I'll be very brief Mayor. Because we've had a fragmented hearing for the last month, so I just want to double back on a couple of points here that are very important. I want to take off where John left off, because at the end there it kind of got bushed over really quickly. We met with John [Romero] during the gap of time we had, the month, and tried to bring some ideas of how we can get more money dedicated toward Agua Fria and South Meadows Road because we hear that's the problem. And one of the things we discussed with John is removing the condition that says we need to put the raised median down the center of South Meadows Road. We talked about, rather than doing that, to take those dollars which is not a small amount of money, in the area of about \$300,000 and dedicating that to Agua Fria and South Meadows Road and John concurred. Now he would have to adjust a couple of the conditions of approval in the Staff Report, indicating that we need a raised median and the other is the median needs to go all the way down in front of the school property. Rather than doing that, we would go back to the original proposal we had, which is a painted median down South Meadows Road and those dollars would be dedicated to the improvements at Agua Fria and South Meadows Road."

Mr. Hoefft continued, "So those numbers are roughly about, using ballpark, about \$300,000 of needed improvements combined with our \$50,000 of fair share contribution for the traffic that we're adding to it, which John indicated was about 5%, a small amount. So there's \$350,000 of added dollars, combined with the additional improvements we have to do at South Meadows Road anyway. So I just wanted to come back and double that. It's a substantial amount of money that could be dedicated toward that intersection and really give it a head start in terms of the improvements that need to be done. And we have two design options, one a roundabout, the other one is the way John indicated. Those are coming in at around \$600,000 and \$700,000. John indicated a number of \$1.4 million. The additional costs there are the right-of-way acquisitions. So the actual design we came up are in the \$600,000 to \$700,000 range, so we're not that far away. And I'll answer any further questions on that."

Mr. Hoefft said, "The second thing I wanted to emphasize again is that we did meet with the Open Space folks at the City, and they are interested in the land across the street as a dedication. So again as well as doing the Impact Fee for parks, we would in turn take the land across the street and dedicate that to the City for its future use, which I believe they're going to work with the County and continue the trails network through the City of Santa Fe. So that's the other component here that I just wanted to emphasize, and with that, I'll stand for questions."

Councilor Rivera said, "So John, in light of that, did I hear you say there were some Impact Fee monies as well."

Mr. Romero said, "Yes. I mis-spoke. So the median improvements that would be diverted, I guess they're in the \$300,000 range, but there's also Impact Fees on top of that, correct. No? That was the Impact Fees."

Councilor Rivera said the \$300,000 for the medians.

Mr. Romero said the way it was going to work is they were going to get a credit on all those improvements that have made to the major roadway, the Impact Fees. But instead of doing those improvements to the stretch of road, put it toward the intersection. We'll still have a left turn bay into the development though, that's the one thing he wants to point out, through a painted median.

Mr. Hoefft said, "One final point. At the last meeting, Councilor Dominguez had a concern regarding schools. So again, in the gap of time, we did meet with the schools, asked them to come and do a presentation. They didn't want to come, and said they prefer to stay out of the City politics. I did ask them about road improvements on the Agua Fria and South Meadows Road. They said when they built the School, they built about \$500,000 of improvements on South Meadows Road in the form of widening the roads and turning bays. So they did do substantial completion."

Mr. Hoefft continued, "But what I wanted to get to in terms of Councilor Dominguez's point is that we did a quick study that demonstrated the number of students that would be coming from our development and would be utilizing the school next door. I have a market analysis person here, Chris Cordova if you would like further information on that, he could stand up and say a few words. But the analysis that he did showed, generally, about 26-30 kids of school age for Camino Real Elementary to

junior high, at a given time in the project, up to 26-30 students would be going to the school next door. So when I indicated at the previous presentation, I said it wasn't as many as you think, that was the window that I was looking for, and he would be more than willing to expand that if you would like him to."

MOTION: Councilor Lindell moved, seconded by Councilor Maestas, to approve Case #2015-57, Gerhard Amendments General Plan Amendment, with all conditions of approval as recommended by staff.

FRIENDLY AMENDMENT: Councilor Ives would like to amend the motion would be using green infrastructure along South Meadows Roadway. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

DISCUSSION ON THE MOTION AS AMENDED: Councilor Dominguez said, "I'm going to go ahead and say what I need to say. I'm one of two Councilors who represents a portion of our community, so I'm going to go ahead and say what I feel needs to be said, as a constituent of this community and that District, and speaking for lots of people who aren't here tonight. I just want to also say that I have a tremendous amount of respect for my colleagues. I've been here long enough to know that sometimes politics make strange bedfellows. So we're up here every day, every week, making decision, so I have a tremendous amount of respect for you all, and certainly a tremendous amount of respect for the public as well. This is not an attempt to be derogatory in any sense, it's just to express my opinion and the opinions of others and how they feel."

Councilor Dominguez continued, "This issue of having this type of housing is not a new issue. I was on the Planning Commission 20 years ago, I was 26 years old and on the Planning Commission. And the need to have affordable housing and multi-family dwellings was something that was said even back then. And so the issue of multi-family housing, and affordable housing are not new issues. It is something that has been around in this community for many many years, so we've dealt with it in many different ways, that's for sure. But I want to remind this Governing Body of something. We had the El Rio project, or Blue Buffalo, or whatever it was called, and it was denied for whatever reasons, and I don't want to get into those reasons, but it was denied. And I even supported the efforts to do more planning for that project, but nonetheless, it was the night."

Councilor Dominguez continued, "The same thing with MorningStar, for whatever reasons, right, I don't want to get into the issues, but it was denied. And then just recently, Las Soleras. The opportunity to increase the density there, that was the night we ultimately reduced the density in Las Soleras. What I'm saying is that the opportunities we have had to spread density around in this community, this Governing Body, collectively has not done that. And why is that important. It is important because we want to look at facts. The fact is that part of community is more dense than any other part of the community where this project is located – on the outskirts. All the infrastructure, we look at. And you can look at the evidence in the recent redistricting we just went through and the numbers that apply to that. And really, the area we're looking at, square area. We are essentially, by approving this, increasing density again in a part of our community that has so many challenges. And I'm not talking just about the challenges of roads. And I just want to also say I appreciate the applicant and the applicant's application. I think it's a really solid application."

Councilor Dominguez continued, "But when I'm talking about challenges, I'm talking about challenges like access to food. And these are facts, this isn't just my speech. These are facts that have been debated among this Governing Body and with the public. Access to food, access for places for people to work doesn't exist. Places for people to shop, it doesn't exist. So when you talk about infrastructure, right, there are two different things we're talking about. There is City-provided infrastructure, City water, sewer, roads and those sorts of things. I'm talk about a different kind of infrastructure. I'm talking about the quality of life infrastructure. Economic development is important, there's no doubt about it. And I've had plenty of votes where I've indicated that priority as economic development. The quality of life is just as important in many cases. It's even more important. There has to be a balance. We can't just make a decision based on economic development on the issues."

Councilor Dominguez continued, "The part that is frustrating for me and many of my constituents is this, is where is the justice this community thrives for all the time. We are a community that is proud of equality and equity, but where is the room full of people tonight to advocate for those folks who are going to feel the impacts of this kind of development. They're not here. There are no stickers, there are no emails, the room isn't packed, we're not getting challenges, we're not getting tons of phone calls. It kind of lead to the quote by Benjamin when he says justice will not be served until those who are unaffected are as outraged as those who are, and I don't see that in this room tonight."

Councilor Dominguez continued, "And I say this with all due respect again, to the public and to my colleagues. And Mayor, I know I've been paying attention to local politics for 30 years. And every administration says we are going to promote that equity, and make sure that the quality of life services people need are established. And I'm willing to work with you and any other administration to make sure that happens. But to this date, it has not happened. And it's not necessarily anybody's fault. There are challenges. We've gone through how many redistrictings in the last 10 years, three, plus a huge annexation. That part of our community has the change, and no administration, quite frankly has had the opportunity to be able to keep up, if we're going to support higher density in a part of our community that has so many challenges."

Councilor Dominguez, "And just to finally finish up Mayor, I want to get to the case itself and get off the political soapbox if you will. When you look at the criteria for all General Plan amendments, and the County Commissioners made their findings and have had their debated and voted the way they voted. But one of the things we ask for is the consistency in the growth projections, so on and so forth and existing land use conditions such as access and availability of infrastructure. Maybe my definition of infrastructure is different than this, but my definition of infrastructure is more than roads and those sorts of things. I take a little bit of exception, respectfully, to the applicant, when they say in their response that this project can help serve the residential needs of this portion of the City of Santa Fe. What about every other portion of the City of Santa Fe. I'm not sure what this means when I read that. Is that to say that that portion of the City of Santa Fe is the only portion that needs that type of housing, I don't know."

Councilor Dominguez continued, "We talk about that the apartment project has readily available access to the infrastructure, meaning roads, right. I don't know how many roads. Is it one road that's new. South Meadows and maybe 599 if you want to call that [*inaudible*], I'm not sure. Water and sewer lines, that's probably true. Fire protection, I guess that's if we get the fire station built next door. It will help, but it's not new suddenly. And schools. Our schools, bottom line, however you want to propose the numbers, those schools are over-crowded and that is an injustice in itself, again, to increase density in a part of our community that has so many challenges. And parks. Some people think we have too many parks, and yet in this part of our community, we definitely don't have enough parks. And so it's really for those kinds of reasons that I don't support this application because of the criteria. You can look at a land use map, and I don't really see the same use surrounding it, and so it certainly isn't consistent in my mind. I know there are arguments that can be made both ways, but I speak on behalf of myself as a constituent of the community, that part of our community and certainly for many of the people who have not shown up. Thank you Mayor."

Councilor Rivera said, "So I agree with what my colleague has said and I hear from many constituents as well that have substantiated and supported everything he said tonight. I cannot but think that if we had a failing intersection in any other part of Santa Fe there would be a lot more discussion, a lot more people here. If you look at the intersection in the morning, we have a whole subdivision, Fairway Village, that tries to enter Agua Fria. It's about halfway between the entrance to Cottonwood and the South Meadows intersection. And with a 148 second delay it's difficult for them to get into traffic. Traffic is backed up way beyond, even where they can enter Agua Fria. To compound that problem with a large subdivision such as this, and I understand the need for housing, I think it is irresponsible of us. And as I said, if it were done in any other part of town, I think that were done in any other part of town, I think there would be more people here and more discussion. And that's the sad thing about what's going on here tonight. So I'll leave it at that Mayor. Thank you."

VOTE: The motion failed to pass on the following Roll Call vote:

For: Mayor Gonzales, Councilor Ives, Councilor Lindell and Councilor Maestas.

Against: Councilor Rivera, Councilor Dominguez, Councilor Trujillo, Councilor Dimas and Councilor Bushee.

MOTION: Councilor Dominguez moved, seconded by Councilor Rivera, to deny this request.

DISCUSSION: Mayor Gonzales said, "I want to state that I understand and have listened to certainly Councilor Dominguez, Councilor Rivera, your points. But I too have visited with many families in the District, and one of the issues of a quality of life perspective is access to housing. And the reality is that there is not enough housing options for much of our workforce throughout this community. We can argue whether those housing options should be in the northern District, the eastside District, the Southside, but what we can't argue is that the gap is getting wider and wider when it comes to access to housing options in our community. Rents have gone up 17% since 2008. 5,000 families in our community, largely in this part of the City, spend more than 50% of their income of housing because it's gotten too costly. I think the

City has done a lot to try to introduce housing and make the opportunity available for families to have it. But a quality of life issue is being able to have enough money to spend on things outside of just having a roof over your head."

Mayor Gonzales continued, "We can go back and forth on what's appropriate on the east side, or the south side, but the only ones that are losing out in this debate is a workforce that is not getting access to any type of housing that allows for them to raise a family. And I hope, and we're going to be presenting options to the Council to try and find consensus where this will work, but if we don't and if we continue this issue of saying yes to developments on the east side because we think it's okay, or no and this east/south game that is going on, this community is going to lose. So I hope we find a way to be able to have consensus on this Council where we are going to support the introduction of new housing so that families have options of where to live. There are lot of younger people, I would say that your District has probably the youngest people and the youngest workforce in our City, because that's where they have been able to go and raise families. I think we have to find ways to make sure there is continuous supply and array of supply of housing so we don't continue to lose our workforce to Rio Rancho and other communities.

Councilor Dominguez said, "I don't disagree with anything you're said. I think it's been asked by us to make decisions based on data, but there's lots of data out there that needs to be considered. And what you're saying Mayor, with all due respect, is all of the numbers have changed. It's not anything new. It's the argument that applicants have used for years and years and years, right. And I'm not denying that's not the case, that certainly is the case. But even recently, this Governing Body has not done what they can do, collectively, to spread that density around. I have a gentleman who's living illegally in a motor home out there in District 3. I think the bigger challenge really is to make sure these folks have jobs to go to so they can get out of rental housing and into single family dwellings. I think that's really the ultimate goal that we all have, but it can't just be, and I don't mean to be divisive and certainly I think that people who know me, know I'm not like that. But it is the fact, the reality, a creation of not only this Governing Body, but previous Governing Bodies and lots of action in between, is we have a situation that needs to be deeply considered."

Councilor Dominguez continued, "And so, again Mayor, I'm not necessarily arguing with you, I just make that point. And again, it's not necessarily how I feel, it's how lots of my constituents feel. They feel like they are not being heard and they are not meeting their needs, access to food and those sorts of things are not being addressed. I'm not saying that we shouldn't provide quality market or multi-family dwellings. I've supported my share of multi-family dwellings in that area, but it can't just be that part of our community that is taking on that kind of density. We need to be fair. That's really all I wanted to say. Thank you, Mayor."

Councilor Trujillo said, "On that point, too, many years back, we approved in District 4, right behind Villa Linda Mall, a complex. Do you remember that Councilor Dimas. They were going to build to a condo that would connect to Nava Adé. Where is it. That's the whole thing. These developers came in, said they were going to do it, we approved it, it didn't happen. Same thing right there, a small little complex that was going to be right off Pacheco, on Siringo Road too. I don't know, maybe staff might know. What happened to those, because they came to us, we voted yes, and they were never built. To say that we haven't done it, there have been cases where we have tried to put housing, we said yes to them, but then it doesn't

happen. I would like to know what happened, because I remember that rumble that we were going to connect Nava Adé to Villa Linda Mall. It was going to be a great, huge complex. Guess what, there is still a vacant lot behind the Santa Fe Place. I just wanted to mention that.”

Councilor Rivera said, “I appreciate your comments as well, but we are also an aging community. And as our elderly come in and need more places to live that aren’t necessarily single resident dwellings, that we take those into consideration as well. We do want to keep our young people here, but we also have to consider our elderly as well. As these continue to come up, I agree with you, we have to start bridging that gap, so I hope we can all work together to try to accomplish that. It would be nice if infrastructure was in place to be handle any development that came up, but I love the look of this project, it’s just hard to support it with all the problems we have right now at that intersection. Thank you.”

Councilor Bushee said, “I admire Scott and the work that he has brought to this community and it has nothing to do with the project so much itself, except for the density and the failed intersection. I can’t see how you can make this work with that intersection there. It doesn’t mean that it can’t be another attempt at putting some housing, maybe a little change in terms of the offering, but I have been worried about that failed intersection. It is interesting. I heard my colleagues from District 4 and some from 3 argue for more density in Las Soleras, and it’s not as if I feel this division is north/south, east/west. I feel on a case by case basis, we have some particular failed intersections in this community from my perspective. Zia and St. Francis has been one. I think Zafarano started out as a bad intersection, just a bad design. And I think South Meadows quickly became a failed intersection. So until we as a community and the City address those infrastructure needs around that intersection, I don’t think you are going to see much be able to happen out there.”

Councilor Maestas, “Just a closing comment. We have to think about, when we make these decisions, based on equity. And I realize, I think in many parts of the City we have some really glaring infrastructure needs that really can’t support much at all, much less a development. But when we make these decisions, I think our City is at a critical phase. We have a construction sector that is struggling. We’ve seen our building permit levels stagnate at about 150 a year. We’re in a very delicate, slow economic recovery. We definitely have housing needs throughout the City. We’re seeing an out-migration of Santa Fe works, and their families. I think we’re accelerating this demographic change. If we don’t start accepting the fact that we’re going to have to approve higher density needs, we’re probably going to contribute indirectly for this gentrification that is going on where land prices will continue to go up, be unaffordable. And developers that want to build multi-unit, higher density housing aren’t going to want to do business in the City.”

Councilor Maestas continued, “If we’re going to work together, let’s talk about the totality of all the issues that play into these actions before us. So I just wanted to point that out, let’s put all the factors on the table and then move forward.”

Councilor Dominguez asked Ms. Brennan if she is comfortable with the discussion they have had, to be able to establish a finding.

Ms. Brennan said yes.

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

For: Councilor Rivera, Councilor Dominguez, Councilor Trujillo, Councilor Dimas and Councilor Bushee

Against: Mayor Gonzales, Councilor Ives, Councilor Lindell and Councilor Maestas.

- 9) **CONSIDERATION OF BILL NO. 2015-38: ADOPTION OF ORDINANCE NO. 2015-___
CASE NO. 2015-58. GERHART APARTMENTS REZONING SCOTT HOEFT OF
SANTA FE PLANNING GROUP, AGENT FOR STORM RIVER LLC, REQUESTS
REZONING APPROVAL OF 11.83± ACRES OF LAND FROM R-1 (RESIDENTIAL, 1
DWELLING UNIT PER ACRE) TO R-21 (RESIDENTIAL, 21 DWELLING UNITS PER
ACRE). THE PROPERTY IS LOCATED AT 2800 SOUTH MEADOWS ROAD. (DONNA
WYNANT) (Postponed at November 10, 2015 City Council Meeting – Public Hearing
Closed)**

MOTION: Councilor Rivera moved, seconded by Councilor Dimas, to deny this request.

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

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

Against: Councilor Ives, Councilor Lindell, Councilor Maestas and Mayor Gonzales.

MOTION: Councilor Bushee moved, seconded by Councilor Rivera to postpone the remaining items on the Evening Agenda to the next meeting of the Governing Body on January 13, 2016.

DISCUSSION: Mayor Gonzales said for the record, those items from the Evening Session which will be postponed are H(4), H(5), H(6) and H(10), which will be postponed to the meeting of January 13, 2016.

Councilor Rivera said it seems Item H(4) is low hanging fruit and is unsure "how much longer that could possibly take." He agrees the rest should be postponed, but thinks we can move fairly quickly on that one.

Mayor Gonzales said if it's not going to take that long, let's do it in January, because we still have to go through introductions tonight.

Councilor Rivera said that is okay.

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

Case #2015-57

Gerhart Apartments General Plan Amendment

Case #2015-58

Gerhart Apartment Rezoning to R-21

Owner's Name – Storm River LLC

Agent's Name – Scott Hoeft of Santa Fe Planning Group

THIS MATTER came before the Planning Commission (Commission) for hearing on August 6, 2015 and September 3, 2015 upon the application (Application) of Scott Hoeft of Santa Fe Planning Group as agent for Storm River LLC (Applicant).

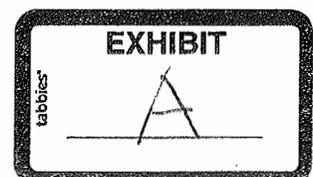
The Applicant requests an amendment to General Plan Future Land Use map to change the designation of 11.83± acres of land from Low Density Residential (1-3 dwelling units per acre) to High Density Residential (12-29 dwelling units per acre) and requests rezoning of 11.83± acres of land from R-1 (Residential, 1 dwelling unit per acre) to R-21 (Residential, 21 dwelling units per acre). The property is located at 2800 South Meadows Road.

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

FINDINGS OF FACT

General

1. The Commission heard testimony and took evidence from staff, the Applicant, and six members of the public interested in the matter.
2. Santa Fe City Code (Code) §14-3.2(D) sets out certain procedures for amendments to the General Plan (Plan), including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-3.2(E).
3. Code §14-3.5(B) sets out certain procedures for rezonings, including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-3.5(C).
4. Code §14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [§14-3.1(E)]; (b) an Early Neighborhood Notification (ENN) meeting [§14-3.1(F) and (c) compliance with Code Section 14-3.1(H) notice and public hearing requirements.



5. Code §14-3.1(F) establishes procedures for the ENN meeting, including (a) scheduling and notice requirements [Code §14-3.1(F)(4) and (5)]; (b) regulating the timing and conduct of the meeting [Code §14-3.1(F)(5)]; and (c) setting out guidelines to be followed at the ENN meeting [§14-3.1(F)(6)].
6. A pre-application conference was held on January 22, 2015 in accordance with the procedures for subdivisions set out in Code § 14-3.1(E).
7. An ENN meeting was held on the Application on March 16, 2015 at the El Camino Real Academy.
8. Notice of the ENN meeting was properly given.
9. The ENN meeting was attended by the Applicant and City staff; there were 10 members of the public in attendance and concerns were raised.
10. The Applicant voluntarily held a second meeting with the neighbor members.
11. Commission staff provided the Commission with a report (Staff Report) evaluating the factors relevant to the Application.
12. Code §14-3.2(B)(2)(b) requires the City's official zoning map to conform to the General Plan, and requires an amendment to the Plan before a change in land use classification is proposed for a parcel shown on the Plan's land use map.
13. The Commission is authorized under Code §14-2.3(C)(7)(a) to review and make recommendations to the Governing Body regarding proposed amendments to the General Plan.
14. City Land Use Department staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable Code requirements and provided the Commission with a written report of its findings Staff Report, subject to certain conditions (the Conditions) set out in such report.

General Plan Amendment

15. Under Code § 14-3.2, an amendment to the General Plan requires submittal of an application for review and recommendation to the Governing Body by the Planning Commission.
16. The Commission has considered the criteria established by Code §14-3.2(E)(1)(a) and finds the following facts: (a) *Consistency with growth projections for the City, economic development goals as set forth in a comprehensive economic development plan for the City, and with existing land use conditions, such as access and availability of infrastructure. [§14-3.2(E)(1)(a)].* The South Meadows Road extension and the NM 599 interchange provide sufficient access to support development that is much more intense than the current R-1 and R-3 that apply to the project site and to much of the nearby land. Although the city has a lease of neighboring land with plans for a fire station, it was revealed that there is no master plan or design for access through the subject property and the adjacent property at this time.
17. The Commission has considered the criteria established by Code §14-3.2(E)(1)(b) and finds the following facts: (b) *Consistency with other parts of the Plan. [§14-3.2(E)(1)(b)].* General Plan Policies encourage compact urban form and

development at a higher intensity to make the most efficient use of utilities, roads and parks and encourage pedestrian linkages.

18. The Commission has considered the criteria established by Code §14-3.2(E)(1)(c) and finds the following facts: (c) *The amendment does not: (i) allow uses or a change that is significantly different from or inconsistent with the prevailing use and character of the area. [§14-3.2(E)(1)(c)].* The proposed high density residential development is an appropriate use located between a school and proposed fire station and near a proposed commercial area. This growing area is in transition, near an interchange and features a variety of uses in the surrounding areas.
19. The Commission has considered the criteria established by Code §14-3.2(E)(1)(c) and finds the following facts: (c) *The amendment does not: (ii) affect an area of less than two acres, except when adjusting boundaries between districts. [§14-3.2(E)(1)(c)].* The site is 11.83± acres which is well beyond the minimum requirement of two acres.
20. The Commission has considered the criteria established by Code §14-3.2(E)(1)(c) and finds the following facts: (c) *The amendment does not: (iii) benefit one of a few landowners at the expense of the surrounding landowners or the general public [§14-3.2(E)(1)(c)].* The proposed General Plan Amendment will not benefit a few landowners at the expense of surrounding landowners.
21. The Commission has considered the criteria established by Code §14-3.2(E)(1)(d) and finds the following facts: (d) *An amendment is not required to conform with Code §14-3.2(E)(1)(c) if it promotes the general welfare or has other adequate public advantage or justification [§14-3.2(E)(1)(d)].* The proposal already conforms with Code §14-3.2(E)(1)(c).
22. The Commission has considered the criteria established by Code §14-3.2(E)(1)(e) and finds the following facts: (e) *Compliance with extraterritorial zoning ordinances and extraterritorial plans [§14-3.2(E)(1)(e)].* This criterion is no longer relevant since the adoption of SPaZZo and the relinquishment of the land use regulatory authority outside the city limits and the transfer of authority from extraterritorial jurisdiction to the City.
23. The Commission has considered the criteria established by Code §14-3.2(E)(1)(f) and finds the following facts: (f) *Contribution to a coordinated, adjusted and harmonious development of the municipality which will, in accordance with existing and future needs, best promote health, safety, morals, order, convenience, prosperity or the general welfare as well as efficiency and economy in the process of development [§14-3.2(D)(1)(f)].* A high density market rate residential apartment development in the proposed location is well situated near a school, proposed fire station, a proposed commercial area, the Santa Fe river trail and proximity to the 599 interchange.
24. The Commission has considered the criteria established by Code §14-3.2(E)(1)(g) and finds the following facts: (g) *Consideration of conformity with other city policies, including land use policies, ordinances, regulations and plans.* There are no identified inconsistencies with any other adopted policies. Access through and connecting adjacent properties was not able to be defined at this time.

25. The Commission has considered the criteria established by Code §14-3.2(E)(2)(a) and finds the following facts: *(a) the growth and economic projections contained within the general plan are erroneous or have changed.* New school uses, proposed fire stations, new parks/trail and proposed commercial areas all make up the ongoing changes that are occurring in this area.
26. The Commission has considered the criteria established by Code §14-3.2(E)(2)(b) and finds the following facts: *no reasonable locations have been provided for certain land uses for which there is a demonstrated need.* A high density residential development that is adjacent to a school makes for a safer, more convenient trip to school, without crossing busy streets and the proposed fire station on the north side of the property increases safety to the development.
27. The Commission has considered the criteria established by Code §14-3.2(E)(2)(c) and finds the following facts: *conditions affecting the location or land area requirements of the proposed land use have changed, for example the cost of land space requirements, consumer acceptance, market or building technology.* New school uses, new fire stations, new parks/trail and commercial areas all make up the ongoing changes that are occurring in this area.

Rezoning

28. Under Code §14-3.5(C), the Commission may review the proposed rezonings and make recommendations to the Governing Body by the Planning Commission.
29. The Commission has considered the criteria established by Code §14-3.5(C)(1)(a) and finds the following facts: *One or more of the following conditions exist: (i) there was a mistake in the original zoning; (ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning; or (iii) a different use category is more advantageous to the community, as articulated in the Plan or other adopted City plans [Code §14-3.5(C)(1)(a)].* Recent changes in the surrounding areas do alter the character of the neighborhood to such an extent as to justify changing the zoning and a different use category is more advantageous to the community, as articulated in the General Plan and other adopted city plans.
30. The Commission has considered the criteria established by Code §14-3.5(C)(1)(b) and finds the following facts: *All the rezoning requirements of Code Chapter 14 have been met [Code §14-3.5(C)(1)(b)].* All the rezoning requirements of Code Chapter 14 have been met.
31. The Commission has considered the criteria established by Code §14-3.5(C)(1)(c) and finds the following facts: *The proposed rezoning is consistent with the applicable policies of the Plan [Section 14-3.5(C)(1)(c)].* The proposed rezoning is consistent with the Plan.
32. The Commission has considered the criteria established by Code §14-3.5(C)(1)(d) and finds the following facts: *The amount of land proposed for rezoning and the proposed use for the land is consistent with City policies regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the*

growth of the City [Code §14-3.5(C)(1)(d)]. The nearby proposed commercial development and proximity to the interchange for the subject property makes the site well-suited to higher density development rather than a low density single family subdivision.

33. The Commission has considered the criteria established by Code §14-3.5(C)(1)(e) and finds the following facts: *(e)The existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development [Section 14-3.5(C)(1)(e)];* The subject area features new streets, such as South Meadows Road, a new interchange at NM 599, new water and sewer lines and new public facilities with a proposed fire station and proposed new parks. A new elementary school is immediately adjacent to the subject site.
34. The Commission has considered the criteria established by Code §§14-3.5(D)(1),(2) and finds the following facts: *If the impacts of the proposed development or rezoning cannot be accommodated by the existing infrastructure and public facilities, the city may require the developer to participate wholly or in part in the cost of construction of off-site facilities in conformance with any applicable city ordinances, regulations or policies; If the proposed rezoning creates a need for additional streets, sidewalks or curbs necessitated by and attributable to the new development, the city may require the developer to contribute a proportional fair share of the cost of the expansion in addition to impact fees that may be required pursuant to Section 14-8.14.* The apartment project can be accommodated by existing infrastructure and public facilities. The area features new infrastructure such as water, sewer, NM 599 interchange and a possible new fire station.

CONCLUSIONS OF LAW

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

General

1. The proposals were properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.
2. The ENN meeting complied with the requirements established under the Code.

The General Plan Amendment

3. The Commission has the power and authority at law and under the Code to review the proposed amendment to the Plan and to make recommendations to the Governing Body regarding such amendment.
4. The Applicable Requirements have been met.

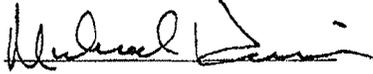
The Rezoning

5. The Applicant has the right under the Code to propose the rezoning of the Property.
6. The Commission has the power and authority at law and under the Code to review the proposed rezoning of the Property and to make recommendations regarding the proposed rezoning to the Governing Body.
7. The Applicable Requirements have been met.

WHEREFORE, IT IS ORDERED ON THE 1 DAY OF OCTOBER, 2015 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends approval of the General Plan Amendment to High Density Residential to the Governing Body.

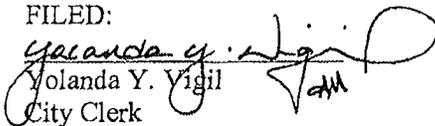
That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends approval of the rezoning request to R-21 to the Governing Body, subject to Staff Conditions.



Michael Harris, Chair

10/7/15
Date:

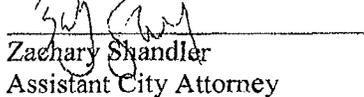
FILED:



Yolanda Y. Vigil
City Clerk

10/7/15
Date:

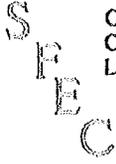
APPROVED AS TO FORM:



Zachary Shandler
Assistant City Attorney

10-1-15
Date:

Santa Fe Engineering Consultants, LLC



Civil and Traffic Engineering
Construction Management
Land Development

1599 St Francis Drive, Suite B
Santa Fe, N. M. 87505
(505) 982-2845 Fax (505) 982-2641

February 4, 2016

Mr. John Romero, P.E.
City of Santa Fe
P.O. Box 909
Santa Fe, New Mexico 87504

RE: Gerhart Apartments Timeline for Completion

According to the Planner, it is anticipated that if the Gerhart Apartments are approved by the City Council, the project will still need to obtain Development Plan Approval and Recordation. Development Plan and Recordation approval will take most of 2016 to accomplish. Construction will not be able to begin until the summer of 2017. It is estimated that construction will take approximately one and a half years and that the apartments will not be ready for occupancy until early 2019.

It is our understanding that funds will be available for design by July 1, 2017 and funds for construction for the intersection improvements by July of 2018. It is anticipated that construction of the improvements would take six months and the improvements should be ready by early 2019.

If you have any questions or desire additional information, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael D. Gomez".

Michael D. Gomez, P.E.
Santa Fe Engineering Consultants, LLC.

MOTION: Councilor Lindell moved, seconded by Councilor Rivera, to approve this request.

DISCUSSION: Councilor Dominguez asked if this is just a Request to Publish and Ms. Vigil said yes, to publish for a public hearing.

VOTE: The motion failed to pass for lack of a majority vote on the following Roll Call vote:

For: Councilor Dominguez, Councilor Lindell, Councilor Rivera and Mayor Gonzales.

Against: Councilor Trujillo, Councilor Dimas, Councilor Ives, Councilor Maestas.

Explaining his vote: Councilor Ives said, "No, and I would make a brief statement afterwards."

MOTION: Councilor Dominguez moved, seconded by Councilor Maestas, to deny this request:

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

For: Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Maestas and Councilor Trujillo.

Against: Councilor Lindell, Councilor Rivera and Mayor Gonzales.

Statement following the vote: Councilor Ives said, "Just a brief statement. I, in no way think that in bringing this forward there is any intent to politicize the Municipal Judge position [salary?]. I certainly believe that acting to set salaries would be well within the power of the Governing Body. But, having been present for our many many discussions about trying to create a sense of true independence within the Audit Committee, and fundamentally relying on the Municipal Judge. I just can't go toward taking that back when I think there is a fair salary set according to the State.

Statement following the vote: Councilor Dominguez said, "Just briefly, I want to articulate the reason I made the motion, is if someone wouldn't have gone in the other direction we would have another tie and that motion would fail, and I didn't want to go there."

10(bb) REQUEST FOR APPROVAL OF FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR GERHART APARTMENTS. (KELLEY BRENNAN)

- 1) CASE NO. 2015-57. GERHART APARTMENTS GENERAL PLAN AMENDMENT.
- 2) CASE NO. 2015-58. GERHART APARTMENTS REZONING TO R-21.

Councilor Rivera said when we first heard these cases at the Council, most of his concern was around the failing intersection of South Meadows and Agua Fria. He now understands the City has identified possible funding sources that may be able to take care of the issues occurring here. He said, "I

think in fairness to everybody, I'm going to make a motion to postpone this to the February 10, 2016 meeting of the Governing Body to give staff sufficient time to come up with possible funding sources to take care of this intersection.

MOTION: Councilor Rivera moved, seconded by Councilor Lindell to postpone Governing Body action on Item 10(bb) Findings of Fact and Conclusions of Law for Gerhart Apartment, to the February 10, 2016 Council meeting of the Governing Body in order to identify sufficient sources of funding to make necessary improvements to the South Meadows Road-Agua Fria Street intersection to mitigate the impact of the proposed development.

DISCUSSION: Councilor Dominguez said he doesn't mind postponing this, and will take Councilor Rivera's leadership into consideration. He said, "The one thing I don't want this to do is turn into another fiasco like we've had in some of the previous Land Use cases. I'm not all that comfortable negotiating after decisions have been made, but with all due respect to this Governing Body and the leadership here, let's see what happens. So it's just a motion to postpone, so I'll support that."

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

For: Mayor Gonzales, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: None.

END OF CONSENT CALENDAR DISCUSSION

Councilor Ives said, "I just wanted to note for the record that I would like to join as a cosponsor for Item 10(z)(3) as well as 10(z)(6)."

11. **CONSIDERATION OF RESOLUTION NO. 2016-08 (MAYOR GONZALES AND COUNCILOR IVES, COUNCILOR RIVERA AND COUNCILOR TRUJILLO). A RESOLUTION IN SUPPORT OF THE "NEW MEXICO GROWN FRESH FRUITS AND FRESH VEGETABLES FOR SCHOOL MEALS PROGRAM" STATE LEGISLATION. (JOHN ALEJANDRO)**

MOTION: Councilor Dominguez moved, seconded by Councilor Trujillo, to adopt Resolution No. 2016-8.

- 5) **CONSIDERATION OF BILL NO. 2015-39: ADOPTION OF ORDINANCE NO. 2015-34 CASE NO. 2015-43. 2729 & 2751 AGUA FRIA STREET REZONE. JAMES W. SIEBERT AND ASSOCIATES, AGENT FOR EMELECIO (LEROY) ROMERO, REQUESTS REZONING OF 2.20 ACRES FROM R-1 (RESIDENTIAL – 1 UNIT PER ACRE) TO c-2 (GENERAL COMMERCIAL). THE PROPERTY IS LOCATED AT 2749 AND 2751 AGUA FRIA STREET. (ZACHARY THOMAS)**

MOTION: Councilor Dominguez moved, seconded by Councilor Trujillo, to adopt Ordinance No. 2015-34, approving Case No. 2015-43, 2729 & 2751 Agua Fria Street Rezone, with all conditions of approval as recommended by staff.

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

For: Mayor Gonzales, Councilor Dimas, Councilor Dominguez, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: Councilor Bushee, Councilor Lindell and Councilor Ives.

CLARIFICATION OF MOTIONS ON ITEM H(4) AND H(5): Yolanda Vigil said, "The City Attorney just asked me to make sure that both of the motions included staff conditions." Both **Councilor Dominguez** and **Councilor Trujillo** said yes.

- 6) **CONSIDERATION OF RESOLUTION NO. 2015-106. CASE NO. 2015-57. GERHART APARTMENTS GENERAL PLAN AMENDMENT. SCOTT HOEFT OF SANTA FE PLANNING GROUP, AGENT FOR STORM RIVER, LLC, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 11.83± ACRES OF LAND FROM R-1 (RESIDENTIAL 1 DWELLING UNIT PER ACRE) TO R-21 (RESIDENTIAL, 21 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED AT 2800 SOUTH MEADOWS ROAD. (DONNA WYNANT)**

Items H(6) and H(7) were combined for purposes of presentation, public hearing and discussion, but were voted upon separately.

A Memorandum prepared October 20, 2015, for the November 10, 2015 City Council meeting, with attachments, to Mayor Javier M. Gonzales and Members of the City Council, from Donna Wynant, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "12."

The Staff Report was presented by Donna Wynant. Please see Exhibit "12," for specifics of this presentation. Ms. Wynant noted the staff has provide a conceptual site plan, purely for illustrative purposes.

Public Hearing

Presentation by Applicant

Mayor Gonzales gave Scott Hoefft 7 minutes, as requested, to make his presentation to the Council.

Scott Hoefft, Santa Fe Planning Group, 109 St. Francis Drive, Agent for Storm River, LLC, was sworn. Mr. Hoefft said they agree with the staff conditions. He said Chris Cordova, Southwest Marketing Planning, who completed the marketing study, is here to answer any questions on that study. He said his Traffic Engineer, Mike Gomez, is attending the County Commission meeting, but may be here later.

Mr. Hoefft said, "We did go through the conditions with John Romero and staff quite extensively, and we concur with John's conditions for road improvements for the project, and I will answer any of the questions you have on the road improvements. But we do have significant changes to make in terms of an acceleration lane, deceleration lane, a median across the road that extends all the way over to the school, compared with fair share contributions for Agua Fria and South Meadows Road."

Mr. Hoefft said, "In terms of speed and to try to reemphasize points Donna made in her Staff Report, what I want to emphasize is that this area for this site, in terms of infrastructure is a really rough site. A brand new road at South Meadows which is near a brand new intersection at County Road 62, the intersection at #599. We have water, sewer. We have the brand new school which is right next door to the site to our west. North to our site is the City-owned land, which is proposed for a new fire station, and Matt O'Reilly is working on that."

Mr. Hoefft said, "We did a market analysis on this project, and we do have apartment occupancy levels in Santa Fe right now at 97%, vacancy levels at 3%. There is a very strong demand for apartments in Santa Fe right now. The market is there. One of the most fair ways to assist affordable housing in bringing product into the market is to bring new apartments into Santa Fe, new development projects, that of course brings more supply and helps to reduce the costs for everyone in Santa Fe, in terms of the apartment projects. I stated before that the people who have the existing apartment projects are the ones that pretty much have it made, because very few apartments are coming on line right now. They are very difficult. This site is very well equipped to handle an apartment project."

Mr. Hoefft said, "I think if you look on the monitor, I think it's very important to see here that this is the subject site 'here,' which is the apartment project. Right next door is shown in green is the brand new school site. Above us is shown in the blue 'here,' is the site that is leased now by the City of Santa Fe. That's earmarked for the new fire station. If you head over toward the east, you will see the project called Village Plaza which is a commercial project that is close to the intersection at 599. As you move away, beyond that, the other projects in the area are the Nancy Rodriguez Community Center, the Agua Fria Park, the *[inaudible]* fire station are in that area. The La Familia Medical Center. If you move in the other direction, you'll have Cottonwood Mobile Home Park 'here,' and then State land is beyond that. And so this area 'here' is fairly well planned out in terms of its uses and future uses for that area."

Mr. Hoeft continued, "On the opposite side I wanted to point out...coming up on the opposite side, across the street from the project is a ten-acre site that is open space. We've been working with the City and the County to have that as part of this project, in terms of our park dedication requirement, the City Housing requirement for park dedication, and the County wants the land for their Trails Corridor Project. And so that's currently underway by Santa Fe County."

Mr. Hoeft continued, "In conclusion, I'm really condensing my presentation in the interest of time, but I just wanted to indicate, and I think it is important to highlight the consistency with the Growth Management Plan and the consistency with the City of Santa Fe General Plan. I think the site next to a school is a great complement. This is in Stage 2 of the Urban Area which is planned through 2025, and the key aspects of that General Plan are concentration of population and greater densities in future growth areas, encourage compact urban form as an MPO project, and then infill should be developed at higher density to make the most efficient use of utilities, roads and parks. And then again, areas that can be served reasonably well with by City utilities. And as I stated earlier, we have a lot of infrastructure in this area already built-out and planned."

Mr. Hoeft continued, "And finally, I just wanted to state that the site, again, in terms of the design, the site is not maximized. The maximum density is R-29, and this site is at R-21, which is what the request is this evening. The design is to a cluster of buildings in the center 'here,' rather than the buildings pushed close to the roadway. There is a central clubhouse 'here,' and so again, this is not maximizing at R-29, this is a comfortable density at 240 units for the site. So with that, I stand for questions."

Speaking to the Request

Lorene Mills, 4197 Agua Fria Street, was sworn. Ms Mills said she is a resident of the Traditional Historic Village of Agua Fria. She said, "I want to speak against this project for many many reasons, one of which is that it is completely out of character with the neighborhood, to have ten 3-story buildings where there have been quail and wildlife running there. I am concerned about that. I am concerned about the traffic. As we know, the intersection of [inaudible] and Agua Fria has been a dismal failure. Traffic is backed up at school time all the way to Lopez Lane. You can't get out of your driveway. It's very bad, and the addition of 200 more cars and how many more car trips a day, I don't know. So the traffic is an issue. Also, because there are no services near there, there's no grocery stores, gas stations and no bus service, there is going to be people walking in a very danger area. People go around that curve there by the school very very quickly. We are working on a plan for the River Corridor and we want to protect that. All of us know that the river and water are so important to us. So I would like to ask you to honor the history of the community in Agua Fria Village, and to not allow this, it is such an influx of traffic and it will really affect the lifestyle of the people in the Village. So with that, I want to thank you so much Mr. Mayor and Councilors, and thank you for giving us the opportunity to speak."

Cheryl Odom, 1152 Vuelta de Las Acequias [previously sworn], said she sent the Governing Body a lengthy letter with all of her concerns about this development. She said, "I'm 100% opposed to putting apartments there, or putting a development there. My concern is the scale of the project and the fact there is no bus service, that the closest store, is, I don't know, Albertson's, however far away that is,

amenities, and the fact that often on the south side, people do not have transportation and they rely on public transportation. And of course, the things that have already mentioned. The scale of the thing in that neighborhood. I think the biggest issue with people in my neighborhood is the 3-story thing, because there's nothing as big as that anywhere in that part of the southwest part of town. So thank you. I won't go into it, because hopefully, you've all read my letter, but thank you."

Hilario Romero, 1561 La Cieneguita, was sworn. Mr. Romero said, "I am very much adamantly against this project and I think for many reasons, but since I only have 2 minutes to speak, I guess I'll just go through with it. Historically, this land the land as part of the Village of Agua Fria and somehow it got annexed into the City of Santa Fe, and if it hasn't, it will be. It is used for pasture from the villages. And the other thing is that it's located next to El Camino Real Academy, and it's so conveniently... I believe that land was sold by the owner of that property to the School District, which means you got free infrastructure off taxpayer dollars. It was built for the Historic Agua Fria Village, this school was, the El Camino Real Academy, because basically their school could not handle the large influx of families and children. The school now has one of the longest waiting lists in the City because it is at capacity. This school was not built for new developments to bring gentrification [*inaudible*] so they can have priority for their children over those of the immediate community. We can't begin to do this kind of thing. It's not right. The criteria set forth in 14.3.2(E) for all general plan amendments re not met by this application. The General Plan Amendment does not allow for uses that are significantly different from the surrounding, prevailing land uses and the character of this part of the Santa River Corridor mix to the Historic Agua Fria Village. The General Plan amendment benefits a developer at the expense of the community. There are many other locations for multi-family housing at the proposed density. And I really would like to encourage all of you to consider the fact that this is urban sprawl, once again, and it's located near the historic Camino Real. Thank you."

Montserrat Baez, 1561 La Cieneguita [previously sworn], said she urges the Governing Body to deny this project tonight, because it is out of character with the neighborhood, and opens the way to gentrification, and we need to have a master plan for all these areas, and then all of the community can benefit from this project. She said we need affordable housing. She said, "I don't really believe about the need for this kind of apartments, because we need to study much and we will find out that 375 apartments are [*inaudible*] every day. And this is my main concern, thank you."

The Public Hearing was closed

Councilor Dominguez said his first question is regarding traffic, and John Romero is not here, and asked who from staff is going to speak to traffic.

Mr. Smith apologized that the Traffic Engineer is not here this evening, commenting staff had anticipated that he would be. He said, "The Traffic Engineer has recommended conditions of approval as Mr. Hoelt outlined, and we outlined in our Staff Report, on page 20 of your packet."

Councilor Dominguez said, "I read the conditions, and the reality is that intersection is not good at all. And I know part of the conditions of approval is that there be some mitigation alternatives to the intersection of Agua Fria and South Meadows, but that's too vague for me. So I'm just wondering what

does that mean, because mitigation could be anything from putting in curb and gutter in some areas.... I don't know what that means, because it's horrendous. It's pretty significant."

Mr. Smith said, "I apologize, but we do not have the staff to answer that technical question. I'm not sure whether Mr. Hoeft or his Traffic Engineer would be able to respond."

Councilor Dominguez said, "I appreciate that, and I'm sure Mr. Hoeft could answer, but what reassurances do I have to get to the public that those mitigation alternatives will be enough."

Mayor Gonzales said, "Are you guys prepared to answer that question?"

Mr. Smith said, "Mayor, Council, all I can report is the recommendation of the Traffic Engineer. I can't address specifics about level of service."

Mayor Gonzales asked if he would like to ask the Applicant what assurances they can give him.

Councilor Dominguez said, "No. Because they're going to tell me that they are going to everything that they can to make sure it's right, and I'm sure they will. But for me, it's just a huge issue, because for all intents and purposes, that intersection is failing. To get through there in the morning, and I think Councilor Rivera and myself just went to a few meetings where there were questions about what exactly is going to be done."

Councilor Dominguez said, "The second question I have is for the applicant. I understand in our Code we are really supposed to get School District input at the development plan phase. So my question to you is specific to the School District and not whether or not you have complied with the Code in getting the input from the School District. Do you know what the impact is going to be on the school with that kind of development?"

Mr. Hoeft said, "Yes, we have met with the school. Actually this comment was raised after our first ENN meeting, the school overcrowding issue. And they understand the project that is proposed, they've always understood the project that has been proposed here, going back 3 years ago, so this has not been a surprise to the School District. A representative from the School District came to our last ENN meeting back in August and explained that the School does the best they can to prepare for the future and anticipate the children that will be coming through into the particular school system. Some schools get overcrowded at times, others are left at half occupancy, for example, the one on the other side of town up near Rio Grande. It is very difficult for them to anticipate the shift of populations and the kids at a certain school age. They are aware of this, they came to our last meeting and talked with the neighbors about this issue. I think the biggest concern is will kids in the area be not allowed to attend this school. And what they stated was the kids in the area have the priority to attend the school. What made it at capacity, were other kids shifting over to the school because it's a brand new school."

Councilor Dominguez said, "I appreciate for that, and I'm not going to speak for the School District, I am the one who wrote that Ordinance, so I know what the intent was. The intent was to make sure that the City no longer got accused of allowing projects to happen without proper planning from the School District to accommodate the impact the projects were going to have on the School District. And I don't have anything from the School District. I believe you that they met with you and they've talked to you. But my question was, do you understand the impact this is going to have on the schools."

Mr. Hoeft asked if that is in terms of the children from the project that will be attending the school.

Councilor Dominguez said, "Just any impact, because it goes beyond just doing population."

Mr. Hoeft said, "In terms of the population of the project in terms of the number of kids, it's not as many as you think."

Councilor Dominguez said, "Tell me, what am I thinking. My point is that it will be a huge impact on that school, much less the School District, and it goes beyond student population. My next question to really kind of articulate that.... I had staff do research, and if you look at the District that school is in, you have 4.97 square miles of populated area for 20,000 people. I'm going to use District 1 for example, for no particular reason other than they have the Northwest Quadrant which has a lot of open space. In comparison, that District has 11.05 square miles of populated area, compared to less than 5 in District 3. So what that tells me, without necessarily looking at Districts, *per se*, but looking at areas, is that there is not enough infrastructure in the area to accommodate these young people. There is not enough park space, and I know this is an application for a General Plan Amendment and Rezoning, but they are all pieces of the puzzle."

Councilor Dominguez continued, "I'm just wondering.... I think you said there is plenty of infrastructure in the area, are you talking about the site itself and the surrounding area, or are you talking in general."

Mr. Hoeft said, "In terms of the infrastructure, what I referred to are several things. One is the road in front of the project, the utilities in that road, water, sewer and electricity, the brand new interchange at 599 which is a short distance away. Those are the major pieces of infrastructure I was referring to. The brand new school right next to it, which, by the way the height of that school higher than our site. It was stated earlier that there is nothing in the area that is higher than what we are building here, in terms of the site."

Councilor Dominguez said, "That is a huge school."

Mr. Hoeft said, "In terms of the last piece of infrastructure, parks has come up. We have, as part of this project, across the street, which is where the River Trail Corridor goes through, a 10 acre site, that's part of this project. And we're working with both the City and the County to figure out how to incorporate that into this project. And so that's been on the table all along."

Councilor Dominguez said, "I appreciate that."

Mr. Hoefft said, "That is the last component of infrastructure which is really in terms of the park. A short distance away there is another park across from La Familia. And I stated earlier that there is a fire station that will be built just to our north a short distance away."

Councilor Dominguez asked if it is a County park and there was no verbal response by Mr. Hoefft.

Mr. Hoefft said, "Other components, earlier, there was mentioned that there was no commercial. Just a short distance away, at the interchange there's a commercial project."

Councilor Dominguez said he isn't asking about commercial.

Mr. Hoefft said, "That's in terms of a grocery store component, that's a short distance away as well."

Councilor Dominguez asked if he is considering that as part of potential infrastructure that doesn't quite exist."

Mr. Hoefft said, "Correct, combined with sidewalks...."

Councilor Dominguez said, "My comment is I think you're right, there are sewer, water, new roads, a new interchange at 599. In that definition of infrastructure, you are right, there's been plenty of money spent for that. However, generally speaking, there is not enough infrastructure for the 20,000 people, more or less, who live in a less than 5 square mile area. And this is going to add to that failing infrastructure. Major intersections, lack of amenities like sidewalks and all the other things that come with it."

Councilor Dominguez said, "I'm not sure it is a question, as much it is a comment, I don't know if I consider this infill, quite frankly. When I look at the definition under Chapter 14 of infill, I guess it kind of meets that definition. But in the sense that this is in the outskirts of the City, in many ways, you would think this would be the perfect location for that kind of project, because the terrain is relatively flat. Right."

Mr. Hoefft said, "The site is very disturbed, because it was a gravel pit at one point when 599 was built."

Councilor Dominguez said, "So there's going to have to be some remediation to the soil."

Mr. Hoefft said this is correct.

Councilor Dominguez said, "Going back to my comment about infill, I do not think this fits the definition of what infill should be. Maybe we need to change our definition. Okay, that's all I have, Mr. Mayor Pro-Tem, thank you."

Councilor Lindell said on page 59 of the packet, it says, "*Amendment: The Developer will be eligible to apply for Impact Fee Credits in an amount to be determined by the Public Works Department for Roadway Improvements...*" She asked Mr. Hoeft to speak about that.

Mr. Hoeft said, "What that is related to, is part of the conditions of approval from Mr. Romero, the Traffic Engineer. He wants us to build a median down the center of South Meadows Road, a raised median, which will help pedestrians cross to the other side to the park. He wants that median extended all the way down in front of the school. So it will be the entire distance of our site, plus the entire distance of the School site and that provides for safety for cars and pedestrians. So, in terms of Impact Fee Credits, he said we could get Impact Fee credits for anything we're building beyond our site for the school, for the safety of the school."

Mr. Hoeft said, "The other questions that was brought up earlier, regarding the intersection at Agua Fria and South Meadows Road, there were two specific suggestions. One is a roundabout, or secondly, a signalization with an additional turning lane. And we are charged with exploring those two options."

Councilor Lindell said, "Okay, that's all I had. Thank you."

Councilor Rivera said to follow up on Councilor Dominguez's questions. He said it is clear that Camino Real is already at capacity, and Mr. Hoeft said it is.

Councilor Rivera said a lot of those kids come from other areas not surrounded by the school, so any kids from your kids would have priority at Camino Real, and those kids would be displaced.

Mr. Hoeft said according to his discussions with the School, it is at capacity due to inter-zone transfers.

Councilor Rivera said then the only other three schools they could attend would be Cesar Chavez, Sweeney and the new school. He asked the capacity of those schools.

Mr. Hoeft said he doesn't know.

Councilor Rivera said he believes all of them are full. He said then any children coming from your development going to Camino Real would impact all the schools that are at capacity. He asked if staff has any information in this regard.

Mr. Smith said no.

Councilor Rivera said he and Councilor Dominguez attended a meeting on improvements to Agua Fria and South Meadows. He said, "I took a challenge from one of the neighbors to drive that in the morning and that intersection is crazy. The improvements suggested by Public Works that you would make would be minimal to that intersection, and that whole intersection needs to be redone with turning lanes in every direction and signalized. I don't know if a roundabout is the way to go. From when I've spoken to John, who is not here, he suggested turning lanes in all areas. So until that intersection is ready

to handle all the traffic that would be coming from your development, as well as current traffic, I don't feel comfortable with approving this."

Councilor Rivera said, "A question for staff. On packet page 60, it talks about safety. What is that safety in reference to."

Mr. Smith said he doesn't know.

Councilor Rivera said, "And so the frontage road from County Road 62 to Caja del Rio would serve new development, though safety would not be improved. Page 60 of our packet, 66 of your document. I'm asking the question of staff. So is this safety for the children, safety for vehicles, pedestrians, bicycles, do we know what this is referring to."

Councilor Maestas asked, "Mayor, may I take a stab at that just based on my reading of it. I think that the existing interchange at County Road 62 is also used to access Caja del Rio. This study looked at should we extend the frontage road, or should we build an interchange at Caja del Rio/599. And they're basically saying the interchange is a better improvement over the frontage road, and it alleviates all the traffic that crosses County Road 62, to take the frontage road to Caja del Rio. That's my reading of it."

Mr. Smith said, "I don't disagree with Councilor Maestas's reading of the intersection study. However, the staff is not prepared to address the details. We would note that the likelihood of extension of that frontage road onto 599 has been blocked by construction in close proximity to the existing 599."

Councilor Rivera said, "This doesn't have anything to do with safety going in the other direction."

Mr. Smith said he thinks not.

Councilor Rivera said, "So I guess John would be the person to answer this question, or somebody from traffic."

Mr. Smith said, "I believe this was through a federal grant, and the MPO or Mr. Romero's department."

Councilor Rivera said, "Until the intersection is improved significantly or when John Romero is here to answer some of these questions, I'm not comfortable moving forward with this. I'm not sure where John is, or when he'll be back, and I'm not sure why he isn't here, but these are important questions, and I think important to be answered before we proceed forward."

Mayor Gonzales asked where John Romero is.

Mr. Snyder said he thinks he had an event.

Mayor Gonzales said, "Let's make sure, in the future, whether it's John, or not John, that somebody from his department is represented."

Mr. Snyder said, "I'll do my best to have adequate resources here."

Councilor Maestas said he is going to focus on only one issue which is traffic. He said, "And not just traffic in the immediate area, but it's the lack of a local street network, intersection volumes, capacity. I think if we approve this, we would be setting the stage for a fatal flaw in this area. If you look at page 51, under the discussion about existing infrastructure, in the middle of page 61, it says, '*The TIA does not address whether local roads will be needed to provide access to the other undeveloped parcels nearby, including the parcel leased by the City. Future access issues are complicated by the existence of a hodge-podge pattern of ownership, and by uncertainty regarding the intensity of development that may occur if other land is 'upzoned' in a manner similar to the applicant's property.*' It seems the TIA was approved by staff and there are some localized improvements that will help channel traffic around the development and provide for safety to eliminate any backup into the gates. I think the gates were recessed, and that was accommodating some feedback from ENN meeting."

Councilor Maestas continued, "But the broader problem is there is really no local road network here. Our General Plan requires one through street every 1,000 feet, and because of the hodgepodge, we need to master plan a local street network to address traffic volume and access. We haven't even resolved access to our City leased property for the future fire station. I'm surprised we didn't object to this because of that very issue – that we haven't resolved access to that property. I just see some fatal flaws now. We could take the approach that there is really no development before us, but we're going to have to address this sooner or later and look at the local street network. But that begs the question of who is going to go in there and plan an ideal local street network that addresses proper access to all the parcels and working with all the different owners. Is it us, the City. I would think we bear some responsibility for that. It's very difficult to me to approve this without any local street network to accommodate the future traffic volume. In the future, we need to expand the scope of the TIAs to look at the broader network, especially when you have a high density in the middle of nowhere, but around parcels that are going to be developed in the very near future. I just see fatal flaws – traffic access, traffic volume, safe access. We either address it now, or address it later. That's all I had Mr. Mayor."

Mayor Gonzales said, "It is hard to address issues of traffic without John Romero here. On one hand, I understand the point of view of Councilor Maestas that it seems to contradict the Traffic Engineer who has stated that there is a pathway forward. So, I think if the decision tonight that you're thinking about is the traffic issue, would you prefer to wait for the Engineer to be here to address this directly, or do you want to go ahead and do this tonight."

Councilor Maestas said, "In one of the City's conditions, we are insisting on a fair share cost for other road improvements. What are those improvements, and who is going to pay for the other part of those road improvements. There are still a lot of unanswered questions, and I think it would be good for John to be here. But again, I have no problem with the mitigating circumstances for traffic in the immediate area of the development, but it's the broader street network. We already have existing problems as it is. And I don't think that some of those measures in the TIA and the conditions for approval are going to address the intersection volume problems. Again, if John were here, I think it would be ideal."

Mr. Smith said, "At the Planning Commission, we did discuss, and the Planning Commission did discuss with Mr. Romero, the issues that there are ways in the Staff Report with regard to the local *[inaudible]*. And the Traffic Engineers and the Planning Commission have agreed that any necessary mitigation measures, it is likely they could be accommodated when the Planning Commission reviews the Development Plan. I would just want to note that in the record. I cannot include Mr. Romero, but I want the staff to know that at the Planning Commission."

Councilor Maestas asked, "If we could have someone weigh in on some appraisal level design costs for our parcels that we just leased for the fire station. I think it's early, but I think the City needs to look at that parcel and speculate or determine where likely access points would be and if they would impact the adjacent development and parcels. We are silent on our plans for that, and I think we need to weigh in on that, is my feeling."

Ms. Wynant said, "The fire station access will be strictly away from that frontage road at the interchange, towards the Gerhart site. *[inaudible because she was away from the microphone]*. I don't know what else to add. The access is strictly from the frontage road off the intersection."

Councilor Bushee said, "There's not much more to repeat, except that it is disappointing not to have the Traffic Engineer here to answer directly. What I would like to understand is.... we needed to address this intersection before this development. Is there a plan. Mayor, you indicated you would like to see this move forward, because the report indicates you approved this. We've had this happen in other parts of town. And we know when we're adding to the problem, and I can't, in [good] conscience do that. I don't think this is a bad development. I have trouble with the existing intersection, and I don't know how to address that. I know we still need housing out there, but I think we're all in the same place, but we don't know how to do that."

Councilor Rivera said, "Just a follow-up to that. I agree with you Councilor Bushee. If the intersection were already built-out and could handle the traffic, the project is beautiful and doesn't look like it's something to stay away from. But until that intersection can handle all the traffic... it already can't handle the demand on it right now, so to increase that is irresponsible."

Mayor Gonzales said it obviously is a challenge without Mr. Romero being here. However, to create intersections on 599, I'm seeing that is a Legislative issue.

Councilor Dominguez said, "It's part of the road network that the MPO has been talking about for quite some time."

Mayor Gonzales said, "So the reality of that coming into play anytime soon would be an issue. It makes it hard without John being here to go to the question of the overall traffic impact and the discussion of what's going on."

Councilor Rivera said Agua Fria already can't handle the traffic.

Councilor Rivera said he is unsure that the intersection at South Meadows goes directly to 599, and he isn't sure that is the intersection that is question. The one on the opposite side of South Meadows, the intersection at Agua Fria which already can't handle the amount of traffic.

Councilor Dominguez said, "A final comment. Again, this is one of those projects where people aren't going to be complaining about their views like they are in other parts of the community. They're going to look into 599 or vacant parcels of land. If they are going to put a project like that anywhere, you might as well put it there at this time, because there's no surrounding development happening. My problem, again has to do with the infrastructure. And again, it goes beyond the road networks that are lacking or in place now. I'm talking about a whole slew of infrastructure, and not just bricks and mortar, it's places to shop, to work, to learn, all of those things that help create community and make a community. Not only is it the intersections that I have problems with, and infrastructure in general as we typically talk about infrastructure. It is all of the things that come into quality of life which are strained or don't exist in that part of our community. That's part of the problem. Thank you Mayor."

Mayor Gonzales asked Mr. Hoefft what he expects to do on the intersection at South Meadows and 599.

Mr. Hoefft said, "John recommended two solutions, one was a roundabout, the other was a traffic signal with turning lanes on both sides, which would require expanded right-of-way at those two locations. And so these issues you are discussing, we need to discuss in depth with John Romero and my Traffic Engineer. And I don't have my Traffic Engineer and I don't have John Romero here. I just want also to remind you, we're a short distance away from a brand new interchange right off 599. So a significant amount of our traffic is heading left toward 599 and the interchange, and we can't lose sight of that."

Mr. Hoefft continued, "The second component is that at the last Planning Commission meeting, we got into an depth discussion with Matt O'Reilly, because he was in attendance as well, and talked about his fire station, up to the north, how he was accessing directly to the interchange and would not be impacting the road network below on South Meadows Road which is a brand new road. We also talked about any connectivity from Matt's parcel to South Meadows Road, and it was deemed that was not necessary as well. And so the discussion was fleshed out quite a bit at the Planning Commission hearing. The comment brought up earlier by Councilor Maestas hit it right on the nose. That's exactly what it is in regard to. At one point the MPO is recommending a frontage road along 599 which was not necessary, because Matt is going to be accessing the interchange from that portion *[inaudible]*"

Mr. Hoefft said, "In terms of the discussion I've heard and it's a concern. We did get an extensive list of comments from Mr. Romero and staff on what we need to do with South Meadows to make the site work. And then we have to do a fair share contribution to Agua Fria and South Meadows Road, and that was our fair share. I think Councilor Bushee pointed out earlier the situation is existing and we are adding traffic, but we're not causing the situation. The other comment that came from the schools is that every school in the City has problem with traffic twice a day. It's the fact of the situation of being at a school at 7:30 a.m. and at 3:00 p.m."

Mr. Hoeft continued, "I feel confident that as we proceed with the project through Final Development Plan, a lot of these issues will be further addressed, pursuant to the extensive report done by John Romero. We had numerous meetings with John over the last 6 months."

Councilor Lindell said, "I would like to see us postpone a decision on this until we do have a Traffic Engineer here. It is a sizable project. It's 240 apartments which we need desperately. And I hate to turn our back on this without doing everything we possibly can to find a way to bring those 240 units into our midst, because I know that we need them. I know that your Traffic Engineer isn't here because he's at the County, I don't know where John is. Perhaps Mr. O'Reilly could shed some more light on this. I just hate to turn my back on this development, when we could postpone it and wait until we have a traffic engineer here to make sure we've gone through every bit of information possible."

Mayor Gonzales asked, "What is the process between this request and a final approval. Is there a development plan that still needs to come back to Council that specifically addresses how the infrastructure will be dealt with. Or if this is approved tonight, basically it's left to you and John Romero to decide what it will be."

Mr. Smith said, "If you approve the rezoning tonight, the applicant would file an application for a Development Plan that would be reviewed by the Planning Commission."

Mayor Gonzales asked, "Or, if the Council asked for it as a part of a condition still to review it."

Ms. Brennan said, "There is a provision in the Code that permits the Governing Body to call up a case heard before the Planning Commission under certain circumstances."

Mayor Gonzales said, "The question before the Council is, one, do we want to amend the General Plan Future Land Map to go from low density residential to high density residential, and then, two, to grant the rezoning from residential to R-21. Is that correct?"

Mr. Smith said, "That's correct. The criteria for approval of a general plan and rezoning are, is the infrastructure in the neighborhood adequate to handle the expected intensity of development, or can it be made adequate. There are specific mitigation measures to handle specific impacts *(inaudible)* to approval of the development plan by the Commission."

Mayor Gonzales asked, "So the appropriate time to address the issues with the Traffic Engineer is at the time of the development plan or at the time of the rezoning that's being considered tonight."

Mr. Smith said, "If you need to make that specific finding, that staff finding could be deferred to the Commission hearing on the development plan. In general terms, you need to make a finding that the infrastructure as is would be adequate to handle the likely impacts with regard to the specific development plan and specific mitigation measures that could be deferred to the Commission."

Councilor Rivera said, "I heard the fire department would access off 599 for the frontage road. That's correct. Okay. But their calls for service would be primarily down South Meadows Road. So imagine a fire truck going down South Meadows Road at 7:00 or 8:00 a.m. in the morning with all the traffic problems that are now. Yet, they would access it from 599, but then all their responses would be toward town. That's a point to remember."

Councilor Rivera continued, "The intersection, as far as the ICIP is determined, and I think this came from John, the total cost to make the improvements to the intersection would be \$1.4 million. The developer would provide a fair share contribution, and I'm not sure what that means, and again, without John, I agree with Councilor Lindell that it's probably unfair to move this forward without him being here."

Councilor Rivera continued, "The applicant said that most of this traffic would be leaving from the apartments going to 599, and I'm not sure he can accurately say that without knowing who is living there. I'm not sure there wouldn't be quite a bit of traffic going down South Meadows trying to get where they need to be. So I just wanted to make those clarifications."

Councilor Maestas said, "Just some feedback for staff is, I'm struggling when I read the Staff Report, it's great. But then, I read the conditions and it seems the Staff Report really doesn't speak to the conditions and how effective the conditions would be in addressing their responses in the Staff Report. That's what I'm struggling with, and why there is so much doubt. In the Staff Report, it doesn't mention the conditions of approval, the fair share contributions, the improvements to the intersection, the roundabout or the traffic signal and if this would be enough. So I'm struggling with whether staff really addresses how effective the conditions for approval would be, and there is confusion. I am confused here. It seems like the staff response.... like it was written prior to the conditions of approval. So I think this is a John Romero issue, and I and would support Councilor Lindell on postponing, because as I read this, I can't tell whether conditions for review, particularly the traffic mitigation measures, will address all this doubt about future traffic volume and access in that area."

Mayor Gonzales said, "If there is going to be a motion to table [postpone], since there is no discussion on those, I just wanted to make sure that the Council can really make sure that we offer who we want in attendance, and the clarifications so we can have a draft. That way, when it comes back, we have everybody here together."

Councilor Ives said he concurs that the traffic issues are significant, the issues of infrastructure are significant, and having our Traffic staff here to answer and respond to these questions is necessary to move this forward. He said he too would support postponement with direction to have staff attend and Councilors could submit questions in terms of particulars they would like answered. He said Councilor Maestas has questions on the impact of the conditions, and what a fair share contribution of those improvements would be. He has questions on future land use and availability of open space within this area, because the section just underneath school will be designated and serve in that capacity. Otherwise, the apartments are within ½ mile of a park space. And having that amenity available for school kids and people at the apartment complex would be significant.

Councilor Ives continued, saying he agrees with his colleagues that we don't want to lose the opportunity, so he would rather take a little more time and answer those questions so we do fully understand the issues. He said in looking at the proposed development, it appears it is gated, noting we've had discussions about gated communities and it is an issue for him. He said if a development plan is submitted, he would like to see it come back here, if it is possible to pull the development plan simply to discuss those issues.

Councilor Trujillo said he agrees with postponement. He would also like the applicant's Traffic Engineer in attendance. His main concern is that we know that is a failing intersection, and doesn't see where we can get the extra *[inaudible]* because there are houses right there, there is a bridge. He thinks this is going to be a challenge. He said he definitely would like to know how this can be done, and he wants to hear from the City Engineer and the Applicant's Engineer as well.

Councilor Dominguez said, "I think there is a motion coming, and I am going to be in support of the motion, but I want to know what kinds of apartments these will be. I keep hearing folks say that we should not miss the opportunity for this type of housing. And when I read the Report, it says there is going to be market rate apartments here, but when you look at the need, it's not necessarily market rate apartments we need, it's affordable apartments. I am going to stand in support of the motion to give everyone a chance, but I just keep wondering why these kinds of projects have to be put in one part of our community. When you look at all of the apartment complexes and all of the high density in 4.5 sq. miles of area, why we have this situation and the problems that we have. So that's it."

Mayor Gonzales said, "We need market rate housing, and we can have that conversation, because 97% of the available rental stock in multi-family housing is occupied, which means we're actually driving up the cost of rents for normal working people that can't qualify for a low income apartment, or have the income to qualify for rents that are going up into the future. So the point of a market rate house is to match the level of income of a community with the available housing stock that is in place."

MOTION: Councilor Lindell moved, seconded by Councilor Maestas, to postpone Case #2015-57, Gerhart Apartments General Plan Amendment and Case #2015-58, Gerhard Apartments Rezoning to the next meeting of the Governing Body, on December 9, 2015, with direction to staff that both the City Traffic Engineer and the project traffic engineer be present, as well as Matthew O'Reilly.

FRIENDLY AMENDMENT: Councilor Maestas would like to amend the motion that we also have an appropriate representative from the MPO in attendance, because he wants someone to speak to the Streets Master Plan, and the MPO is supposed to have a Street Master Plan, and we should have a master plan for the newly annexed area. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

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

For: Mayor Gonzales, Councilor Bushee, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: None.

- 7) **CONSIDERATION OF BILL NO. 2015-38: ADOPTION OF ORDINANCE NO. 2015-
CASE NO. 2015-58. GERHART APARTMENTS REZONING SCOTT HOEFT OF
SANTA FE PLANNING GROUP, AGENT FOR STORM RIVER LLC, REQUESTS
REZONING APPROVAL OF 11.83± ACRES OF LAND FROM R-1 (RESIDENTIAL, 1
DWELLING UNIT PER ACRE) TO R-21 (RESIDENTIAL, 21 DWELLING UNITS PER
ACRE). THE PROPERTY IS LOCATED AT 2800 SOUTH MEADOWS ROAD. (DONNA
WYNANT)**

This item is postponed to the next meeting of the City Council. Please see Item H(6) for action to postpone.

THE GOVERNING BODY RETURNED TO THE AFTERNOON AGENDA

13. **REQUEST FOR APPROVAL OF STAFF RECOMMENDATIONS FOR MAKING THE WATER UTILITY ENTERPRISE FINANCIALLY SELF-SUSTAINING AS CALLED FOR IN RESOLUTION 2015-41. (OSCAR RODRIGUEZ)**

Councilor Dominguez said, given the discussions we've had at Committee regarding this issue, it seems that the appropriate action might not need to take place, if at all, until 2016.

MOTION: Councilor Dominguez moved, seconded by Councilor Bushee, "to defer consideration of this issue until the budget is considered."

VOTE: The motion was approved on a voice vote with Mayor Gonzales, and Councilors Bushee, Dimas, Dominguez, Ives Lindell, Rivera and Trujillo voting in favor of the motion and Councilor Maestas voting against.

14. **REQUEST FOR APPROVAL OF STAFF RECOMMENDATIONS FOR IMPROVING THE CITY'S COLLECTION OF DELINQUENT FEES AND PAYMENTS AS CALLED FOR IN RESOLUTION 2015-80. (OSCAR RODRIGUEZ)**

Councilor Lindell said she doesn't know we need a presentation from staff, noting there is information in the Council packet and we were given two different options. One would be to turn collections over to an Agency, noting we made the decision to do that with parking.

Mr. Rodriguez said, "No, what we have is a plan to the change the Code to allow us to go there, but that hasn't come before you yet. That will be coming before you at the next meeting.

Councilor Dimas said it is a new Ordinance, and it's been amended from the old one. It will include all parking violations which will now be civil matters rather than criminal, commenting it will be uniform and those collections will be through a collection agency, so that's already been determined.

City of Santa Fe, New Mexico

memo

DATE: October 30, 2015 for the November 10, 2015 City Council meeting

TO: Mayor Javier M. Gonzales
Members of the City Council

VIA: Brian K. Snyder, P.E., City Manager 
Lisa Martinez, Director, Land Use Department
Greg Smith, AICP, Director, Current Planning Division 

FROM: Donna Wynant, AICP, Senior Planner, Current Planning Division 

Case #2015-57. Gerhart Apartments General Plan Amendment. Scott Hoeft of Santa Fe Planning Group, agent for Storm River LLC requests approval of a General Plan Future Land Use map amendment to change the designation of 11.83± acres of land from Low Density Residential (1-3 dwelling units per acre) to High Density Residential (12-29 dwelling units per acre). The property is located at 2800 South Meadows Road (Donna Wynant, Case Manager).

Case #2015-58. Gerhart Apartments Rezoning. Scott Hoeft of Santa Fe Planning Group, agent for Storm River LLC, requests rezoning approval of 11.83± acres of land from R-1 (Residential, 1 du/acre) to R-21 (Residential, 21 du/acre). The property is located at 2800 South Meadows Road (Donna Wynant, Case Manager).

I. RECOMMENDATION

The Planning Commission and staff recommend **APPROVAL** to the Governing Body subject to conditions of approval as outlined in the staff report and rezoning bill.

Two motions will be required in this case, one for the General Plan Amendment and another for the Rezoning.

II. APPLICATION OVERVIEW

The General Plan Amendment and Rezoning applications pertain to property that was annexed into the City in 2014 as part of the City-initiated annexation process and zoned R-1 (Residential, one dwelling unit per acre). No specific development will occur as a result of these applications; if the rezoning is approved, a separate development plan application will be submitted for review by the Planning Commission before development can occur.

The property is bounded by South Meadows along the southeast property line and Camino Real Academy public school to the west and south. A 30-acre parcel of state-owned land that is leased by the city is located to the north, about 5 acres of which may be developed in the future for a City fire station. Eight small parcels are located northeast of the applicant's property on the north side of South Meadows Road, between the road and the city parcel. Some of the small parcels are owned by the state or the Bureau of Land Management, and several are in private ownership. Across South Meadows is a 10 acre vacant parcel, owned by the applicant and to the north of that is BLM land. The site is accessed by South Meadows and is approximately ¼ mile south from the new CR62/NM599 interchange, and ¼ mile north of the South Meadows/Agua Fria intersection.

The staff report to the Planning Commission (attached) addresses details of the application and consistency with approval criteria, including consistency with adopted General Plan policies for land use in the vicinity and sufficiency of roads and other infrastructure.

The applicant has provided a conceptual site plan that shows a 240 unit apartment development. The site plan is for illustrative purposes only since a more detailed development plan will be submitted for the Planning Commission's review and approval. The conceptual plan proposes ten 3-story buildings, each consisting of 24 units. The applicant is working with the Office on Affordable Housing on their plan to either provide the required number of affordable units or an alternate means of compliance.

An Early Neighborhood Notification meeting was held on March 16, 2015. Neighbor concerns at that meeting and at the Planning Commission hearing included possible traffic congestion at morning and afternoon peak hours at the school and the backup of traffic at the 2 gated entries. School overcrowding in the area and the El Camino Real Academy already at full enrollment seemed to be the major concern.

III. SUMMARY OF PLANNING COMMISSION ACTION

The Planning Commission opened the public hearing on this case on August 6, 2015, but due to the lateness of the meeting, continued the public hearing and postponed action on the application to the meeting of September 3, 2015. (See attached minutes, Exhibit 2)

The Planning Commission unanimously (6-0) recommended approval of the General Plan Amendment and Rezoning, subject to conditions of approval as outlined in the staff report and rezoning bill.

ATTACHMENTS:

EXHIBIT 1:

- a) Findings of Fact and Conclusions of Law
- b) General Plan Amendment Resolution
- c) Rezoning Bill

EXHIBIT 2: Planning Commission Minutes August 6, 2015 and September 3, 2015

EXHIBIT 3: Planning Commission Staff Report Packet August 6, 2015

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

Case #2015-57

Gerhart Apartments General Plan Amendment

Case #2015-58

Gerhart Apartment Rezoning to R-21

Owner's Name – Storm River LLC

Agent's Name – Scott Hoeft of Santa Fe Planning Group

THIS MATTER came before the Planning Commission (Commission) for hearing on August 6, 2015 and September 3, 2015 upon the application (Application) of Scott Hoeft of Santa Fe Planning Group as agent for Storm River LLC (Applicant).

The Applicant requests an amendment to General Plan Future Land Use map to change the designation of 11.83± acres of land from Low Density Residential (1-3 dwelling units per acre) to High Density Residential (12-29 dwelling units per acre) and requests rezoning of 11.83± acres of land from R-1 (Residential, 1 dwelling unit per acre) to R-21 (Residential, 21 dwelling units per acre). The property is located at 2800 South Meadows Road.

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

FINDINGS OF FACT

General

1. The Commission heard testimony and took evidence from staff, the Applicant, and six members of the public interested in the matter.
2. Santa Fe City Code (Code) §14-3.2(D) sets out certain procedures for amendments to the General Plan (Plan), including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-3.2(E).
3. Code §14-3.5(B) sets out certain procedures for rezonings, including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-3.5(C).
4. Code §14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [§14-3.1(E)]; (b) an Early Neighborhood Notification (ENN) meeting [§14-3.1(F) and (c) compliance with Code Section 14-3.1(H) notice and public hearing requirements.

5. Code §14-3.1(F) establishes procedures for the ENN meeting, including (a) scheduling and notice requirements [Code §14-3.1(F)(4) and (5)]; (b) regulating the timing and conduct of the meeting [Code §14-3.1(F)(5)]; and (c) setting out guidelines to be followed at the ENN meeting [§14-3.1(F)(6)].
6. A pre-application conference was held on January 22, 2015 in accordance with the procedures for subdivisions set out in Code § 14-3.1(E).
7. An ENN meeting was held on the Application on March 16, 2015 at the El Camino Real Academy.
8. Notice of the ENN meeting was properly given.
9. The ENN meeting was attended by the Applicant and City staff; there were 10 members of the public in attendance and concerns were raised.
10. The Applicant voluntarily held a second meeting with the neighbor members.
11. Commission staff provided the Commission with a report (Staff Report) evaluating the factors relevant to the Application.
12. Code §14-3.2(B)(2)(b) requires the City's official zoning map to conform to the General Plan, and requires an amendment to the Plan before a change in land use classification is proposed for a parcel shown on the Plan's land use map.
13. The Commission is authorized under Code §14-2.3(C)(7)(a) to review and make recommendations to the Governing Body regarding proposed amendments to the General Plan.
14. City Land Use Department staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable Code requirements and provided the Commission with a written report of its findings Staff Report, subject to certain conditions (the Conditions) set out in such report.

General Plan Amendment

15. Under Code § 14-3.2, an amendment to the General Plan requires submittal of an application for review and recommendation to the Governing Body by the Planning Commission.
16. The Commission has considered the criteria established by Code §14-3.2(E)(1)(a) and finds the following facts: (a) *Consistency with growth projections for the City, economic development goals as set forth in a comprehensive economic development plan for the City, and with existing land use conditions, such as access and availability of infrastructure.* [§14-3.2(E)(1)(a)]. The South Meadows Road extension and the NM 599 interchange provide sufficient access to support development that is much more intense than the current R-1 and R-3 that apply to the project site and to much of the nearby land. Although the city has a lease of neighboring land with plans for a fire station, it was revealed that there is no master plan or design for access through the subject property and the adjacent property at this time.
17. The Commission has considered the criteria established by Code §14-3.2(E)(1)(b) and finds the following facts: (b) *Consistency with other parts of the Plan.* [§14-3.2(E)(1)(b)]. General Plan Policies encourage compact urban form and

development at a higher intensity to make the most efficient use of utilities, roads and parks and encourage pedestrian linkages.

18. The Commission has considered the criteria established by Code §14-3.2(E)(1)(c) and finds the following facts: (c) *The amendment does not: (i) allow uses or a change that is significantly different from or inconsistent with the prevailing use and character of the area. [§14-3.2(E)(1)(c)].* The proposed high density residential development is an appropriate use located between a school and proposed fire station and near a proposed commercial area. This growing area is in transition, near an interchange and features a variety of uses in the surrounding areas.
19. The Commission has considered the criteria established by Code §14-3.2(E)(1)(c) and finds the following facts: (c) *The amendment does not: (ii) affect an area of less than two acres, except when adjusting boundaries between districts. [§14-3.2(E)(1)(c)].* The site is 11.83± acres which is well beyond the minimum requirement of two acres.
20. The Commission has considered the criteria established by Code §14-3.2(E)(1)(c) and finds the following facts: (c) *The amendment does not: (iii) benefit one of a few landowners at the expense of the surrounding landowners or the general public [§14-3.2(E)(1)(c)].* The proposed General Plan Amendment will not benefit a few landowners at the expense of surrounding landowners.
21. The Commission has considered the criteria established by Code §14-3.2(E)(1)(d) and finds the following facts: (d) *An amendment is not required to conform with Code §14-3.2(E)(1)(c) if it promotes the general welfare or has other adequate public advantage or justification [§14-3.2(E)(1)(d)].* The proposal already conforms with Code §14-3.2(E)(1)(c).
22. The Commission has considered the criteria established by Code §14-3.2(E)(1)(e) and finds the following facts: (e) *Compliance with extraterritorial zoning ordinances and extraterritorial plans [§14-3.2(E)(1)(e)].* This criterion is no longer relevant since the adoption of SPaZZo and the relinquishment of the land use regulatory authority outside the city limits and the transfer of authority from extraterritorial jurisdiction to the City.
23. The Commission has considered the criteria established by Code §14-3.2(E)(1)(f) and finds the following facts: (f) *Contribution to a coordinated, adjusted and harmonious development of the municipality which will, in accordance with existing and future needs, best promote health, safety, morals, order, convenience, prosperity or the general welfare as well as efficiency and economy in the process of development [§14-3.2(D)(1)(f)].* A high density market rate residential apartment development in the proposed location is well situated near a school, proposed fire station, a proposed commercial area, the Santa Fe river trail and proximity to the 599 interchange.
24. The Commission has considered the criteria established by Code §14-3.2(E)(1)(g) and finds the following facts: (g) *Consideration of conformity with other city policies, including land use policies, ordinances, regulations and plans.* There are no identified inconsistencies with any other adopted policies. Access through and connecting adjacent properties was not able to be defined at this time.

25. The Commission has considered the criteria established by Code §14-3.2(E)(2)(a) and finds the following facts: *(a) the growth and economic projections contained within the general plan are erroneous or have changed.* New school uses, proposed fire stations, new parks/trail and proposed commercial areas all make up the ongoing changes that are occurring in this area.
26. The Commission has considered the criteria established by Code §14-3.2(E)(2)(b) and finds the following facts: *no reasonable locations have been provided for certain land uses for which there is a demonstrated need.* A high density residential development that is adjacent to a school makes for a safer, more convenient trip to school, without crossing busy streets and the proposed fire station on the north side of the property increases safety to the development.
27. The Commission has considered the criteria established by Code §14-3.2(E)(2)(c) and finds the following facts: *conditions affecting the location or land area requirements of the proposed land use have changed, for example the cost of land space requirements, consumer acceptance, market or building technology.* New school uses, new fire stations, new parks/trail and commercial areas all make up the ongoing changes that are occurring in this area.

Rezoning

28. Under Code §14-3.5(C), the Commission may review the proposed rezonings and make recommendations to the Governing Body by the Planning Commission.
29. The Commission has considered the criteria established by Code §14-3.5(C)(1)(a) and finds the following facts: *One or more of the following conditions exist: (i) there was a mistake in the original zoning; (ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning; or (iii) a different use category is more advantageous to the community, as articulated in the Plan or other adopted City plans [Code §14-3.5(C)(1)(a)].* Recent changes in the surrounding areas do alter the character of the neighborhood to such an extent as to justify changing the zoning and a different use category is more advantageous to the community, as articulated in the General Plan and other adopted city plans.
30. The Commission has considered the criteria established by Code §14-3.5(C)(1)(b) and finds the following facts: *All the rezoning requirements of Code Chapter 14 have been met [Code §14-3.5(C)(1)(b)].* All the rezoning requirements of Code Chapter 14 have been met.
31. The Commission has considered the criteria established by Code §14-3.5(C)(1)(c) and finds the following facts: *The proposed rezoning is consistent with the applicable policies of the Plan [Section 14-3.5(C)(1)(c)].* The proposed rezoning is consistent with the Plan.
32. The Commission has considered the criteria established by Code §14-3.5(C)(1)(d) and finds the following facts: *The amount of land proposed for rezoning and the proposed use for the land is consistent with City policies regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the*

growth of the City [Code §14-3.5(C)(1)(d)]. The nearby proposed commercial development and proximity to the interchange for the subject property makes the site well-suited to higher density development rather than a low density single family subdivision.

33. The Commission has considered the criteria established by Code §14-3.5(C)(1)(e) and finds the following facts: *(e)The existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development [Section 14-3.5(C)(1)(e)];* The subject area features new streets, such as South Meadows Road, a new interchange at NM 599, new water and sewer lines and new public facilities with a proposed fire station and proposed new parks. A new elementary school is immediately adjacent to the subject site.
34. The Commission has considered the criteria established by Code §§14-3.5(D)(1),(2) and finds the following facts: *If the impacts of the proposed development or rezoning cannot be accommodated by the existing infrastructure and public facilities, the city may require the developer to participate wholly or in part in the cost of construction of off-site facilities in conformance with any applicable city ordinances, regulations or policies; If the proposed rezoning creates a need for additional streets, sidewalks or curbs necessitated by and attributable to the new development, the city may require the developer to contribute a proportional fair share of the cost of the expansion in addition to impact fees that may be required pursuant to Section 14-8.14.* The apartment project can be accommodated by existing infrastructure and public facilities. The area features new infrastructure such as water, sewer, NM 599 interchange and a possible new fire station.

CONCLUSIONS OF LAW

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

General

1. The proposals were properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.
2. The ENN meeting complied with the requirements established under the Code.

The General Plan Amendment

3. The Commission has the power and authority at law and under the Code to review the proposed amendment to the Plan and to make recommendations to the Governing Body regarding such amendment.
4. The Applicable Requirements have been met.

The Rezoning

5. The Applicant has the right under the Code to propose the rezoning of the Property.
6. The Commission has the power and authority at law and under the Code to review the proposed rezoning of the Property and to make recommendations regarding the proposed rezoning to the Governing Body.
7. The Applicable Requirements have been met.

WHEREFORE, IT IS ORDERED ON THE 1 DAY OF OCTOBER, 2015 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends approval of the General Plan Amendment to High Density Residential to the Governing Body.

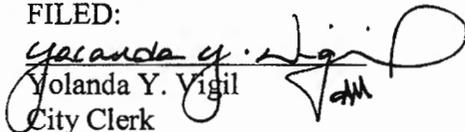
That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends approval of the rezoning request to R-21 to the Governing Body, subject to Staff Conditions.



Michael Harris, Chair

10/7/15
Date:

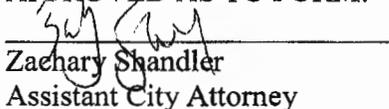
FILED:



Yolanda Y. Vigil
City Clerk

10/7/15
Date:

APPROVED AS TO FORM:



Zachary Shandler
Assistant City Attorney

10-1-15
Date:

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

2 **RESOLUTION NO. 2015-__**

3 **INTRODUCED BY:**

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10 **A RESOLUTION**

11 **AMENDING THE GENERAL PLAN FUTURE LAND USE MAP TO CHANGE THE**
12 **DESIGNATION OF 11.83± ACRES OF LAND FROM VERY LOW DENSITY**
13 **RESIDENTIAL (1-3 DWELLING UNITS PER ACRE) TO HIGH DENSITY**
14 **RESIDENTIAL (12-29 DWELLING UNITS PER ACRE) LOCATED AT 2800 SOUTH**
15 **MEADOWS ROAD, EAST OF THE EL CAMINO REAL ACADEMY (“GERHART**
16 **APARTMENTS” GENERAL PLAN AMENDMENT, CASE NO. 2015-57).**

17
18 **WHEREAS**, the agent for the owner of the subject property (Gerhart Apartments) has
19 submitted an application to amend the General Plan Future Land Use Map designation of the
20 property from Very Low Density Residential (1-3 dwelling units per acre) to High Density
21 Residential (12-29 dwelling units per acre); and

22 **WHEREAS**, pursuant to Section 3-19-9 NMSA 1978, the General Plan may be
23 amended, extended or supplemented; and

24 **WHEREAS**, the Governing Body has held a public hearing on the proposed amendment,
25 reviewed the staff report and the recommendation of the Planning Commission and the evidence

1 obtained at the public hearing, and has determined that the proposed amendment to the General
2 Plan meets the approval criteria set forth in Section 14-3.2(E) SFCC 1987; and

3 **WHEREAS**, the reclassification of the Property would be substantially consistent with
4 the provisions of the General Plan by encouraging compact urban form and development at a
5 higher intensity to make the most efficient use of utilities, roads and parks and encourage
6 pedestrian linkages; and

7 **WHEREAS**, the reclassification of the Property will not allow a use or change that is
8 inconsistent with prevailing uses of the area, and will not have adverse impacts upon this
9 growing area which is in transition near the 599 interchange featuring a variety of uses such as a
10 school, a proposed fire station and a proposed commercial area; and

11 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
12 **CITY OF SANTA FE:**

13 **Section 1.** That the General Plan Future Land Use Map classification for the Property
14 be and hereby amended as shown in the General Plan Future Land Use Map attached hereto
15 [EXHIBIT A] and incorporated herein by reference.

16 **Section 2.** Said General Plan amendment and any future development plan for the
17 Property is approved with and subject to the conditions set forth in the table attached hereto
18 [EXHIBIT B] summarizing City of Santa Fe staff technical memoranda and conditions approved
19 by the Planning Commission on September 3, 2015.

20 **PASSED, APPROVED and ADOPTED this ____ day of _____, 2015.**

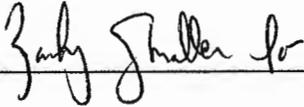
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22 _____
23 **JAVIER M. GONZALES, MAYOR**
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ATTEST:

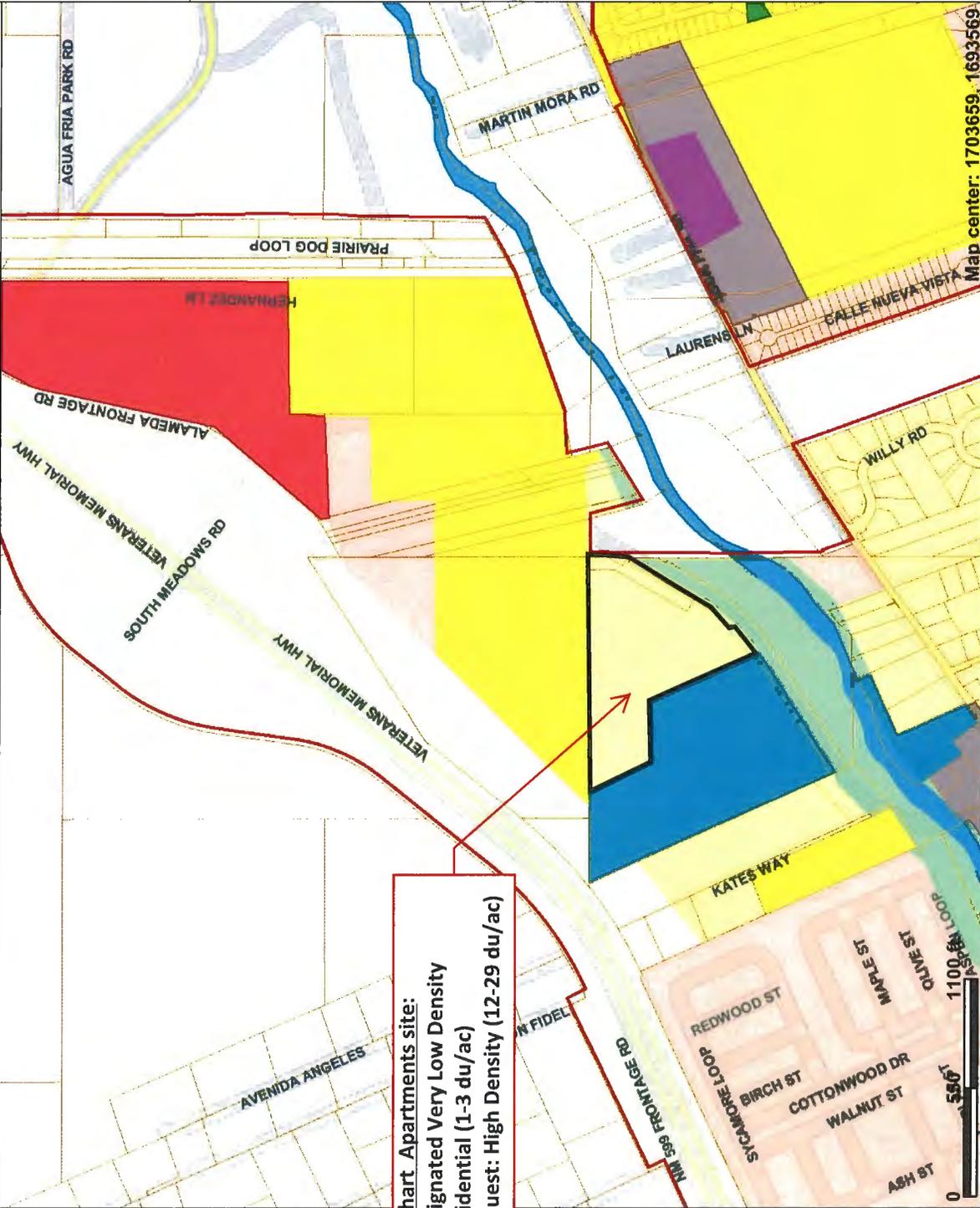
YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:



KELLEY A. BRENNAN, CITY ATTORNEY

EXHIBIT A: Future Land Use Map- Resolution No. 2015-___



**Gerhart Apartments site:
Designated Very Low Density
Residential (1-3 du/ac)
Request: High Density (12-29 du/ac)**

Legend

- City Limits
- Parcels
- Santa Fe River
- Future Land Use
- Mountain/Corridor (1 dwelling per 10+ acres)
- Very Low Density (1-3 dwellings per acre)
- Low Density (3-7 dwellings per acre)
- Moderate Density (7-9 dwellings per acre)
- Medium Density (7-12 dwellings per acre)
- High Density (12-29 dwellings per acre)
- Regional Commercial
- Community Commercial
- Neighborhood Center
- Transitional Mixed Use
- Business Park
- Office
- Industrial
- Public/Institutional
- Open Space
- Parks

Scale: 1:9,293

This map is a user generated static output from an internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.

Gerhart Apartments General Plan Amendment- Conditions of Approval
EXHIBIT B for Resolution No. 2015-
Case #2015-57- Gerhart Apartments, 2800 South Meadows

DRT Conditions of Approval	Department	Staff
<p>1. The Developer shall provide right-turn deceleration lane analyses on South Meadows Road at both driveways into the apartments per the criteria in the State Access Management Manual (SAMM); and shall build right-turn deceleration lane(s) if determined to be necessary by the Public Works Department (PWD);</p> <p>2. The Developer shall build a 14' wide raised center median (instead of painted median); and along the frontage of the Gerhart property the Developer shall add a 5' bicycle lane to the typical section that already includes sidewalk and buffer;</p> <p>3. The Developer shall maintain the existing northbound typical section; and</p> <p>4. The Developer shall extend the 14' wide median southward along the frontage of the school property so that it ties in and terminates at the left-in to the school.</p> <p>5. The Developer shall work with the PWD to <u>refine cost estimates</u>, including Right-of-Way (ROW) acquisition, for the following two (2) mitigation alternatives for the Agua Fria/South Meadows Intersection: 1) added left turn lanes on Agua Fria and 2) replacement of signalized intersection with a roundabout.</p> <p>6. The Developer shall provide <u>fair-share contributions</u> for future improvements to the off-site intersection at Agua Fria Street and South Meadows Road; once it has been determined by the Public Works Department which mitigation will be implemented and how much it will cost.</p>	<p>Traffic Engineering/Public Works</p>	<p>John Romero (per Sandra Kassens)</p>

Gerhart Apartments General Plan Amendment- Conditions of Approval
EXHIBIT B for Resolution No. 2015-
Case #2015-57- Gerhart Apartments, 2800 South Meadows

<p>The proposed stormwater ponds cannot be considered to be amenities integrated into the landscape. If this case proceeds to the Development Plan stage, the following provisions of the Land Development Code must be met:</p> <p>14-8.2(A)(6) treat stormwater runoff as a valuable natural resource in Santa Fe...by encouraging water collection and infiltration on site</p> <p>14-8.2(A)(11) integrate stormwater management measures into the landscape and site planning process...</p> <p>14-8.2(A)(12) provide aesthetically pleasing solutions to stormwater management and erosion control measures by integrating measures into the overall landscape and site design</p> <p>14-8.4(A)(1) This section requires water harvesting and encourages the development of alternate sources of landscape irrigation water...Water conservation, water harvesting and irrigation efficiency shall guide landscape design...</p> <p>14-8.4(A)(2)...this Section 14-8.4 is part of the purpose and intent of Chapter 14, which is to enhance the appearance of Santa Fe's streets and public places in order to promote their role as community amenities...</p> <p>14-8.4(E)...Alternative sources of irrigation water shall be developed, including harvested water from roof and site runoff.</p> <p>14-8.4(E)(1) The landscaping plan shall include passive water harvesting for landscape irrigation purposes...</p> <p>14-8.4(E)(1)(b)(i)...Detention and retention ponds should be integrated landscape features, rather than single-purpose flood control ponds.</p> <p>14-8.4(l)(4) - {referring to parking lots}: ...stormwater runoff shall be used to provide irrigation for the perimeter and interior plantings to the greatest extent possible...stormwater runoff water shall be harvested and infiltrated as close to</p>	<p>Technical Review Division/LUD</p> <p>Risana Zaxus</p>
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Gerhart Apartments General Plan Amendment- Conditions of Approval
EXHIBIT B for Resolution No. 2015-_____
Case #2015-57- Gerhart Apartments, 2800 South Meadows

<p>where it falls as possible.</p>		
<p>The following notes shall be added to the plats:</p> <ol style="list-style-type: none"> 1. Each lot shall be served by separate water and sewer services 2. Wastewater Utility Expansion Charges (UEC) shall be paid at the time of building permit application. <p>The following is a design review comment:</p> <ol style="list-style-type: none"> 1. A public sewer system design is shown to be serving the site. Typically, sewer system serving single property developments are designed utilizing private on-site sewer systems. 	<p>Wastewater Management/Pubic Works</p>	<p>Stan Holland</p>

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2015-38

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10 AN ORDINANCE

11 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE;
12 CHANGING THE ZONING CLASSIFICATION FROM R-1 (RESIDENTIAL, 1
13 DWELLING UNIT PER ACRE) TO R-21 (RESIDENTIAL, 21 DWELLING UNITS PER
14 ACRE); AND PROVIDING AN EFFECTIVE DATE WITH RESPECT TO A CERTAIN
15 PARCEL OF LAND COMPRISING 11.83± ACRES LOCATED AT 2800 SOUTH
16 MEADOWS ROAD, EAST OF THE EL CAMINO REAL ACADEMY (“GERHART
17 APARTMENTS” REZONING CASE NO. 2015-58).

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

20 Section 1. The following real property (the “Property”) located within the municipal
21 boundaries of the city of Santa Fe, is restricted to and classified R-21 (Residential, 21 dwelling
22 unit per acre):

23 A parcel of land comprising 11.83± acres located at 2800 South Meadows Road
24 east of the El Camino Real Academy and more fully described in EXHIBIT A
25 attached hereto and incorporated by reference, located in Section 1, T16N, R8E,

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N.M.P.M., Santa Fe County, New Mexico,

Section 2. The official zoning map of the City of Santa Fe adopted by Ordinance No. 2001-27 is amended to conform to the changes in zoning classifications for the Property set forth in Section 1 of this Ordinance.

Section 3. This rezoning action and any future development plan for the Property is approved with and subject to the conditions set forth in the table attached hereto as EXHIBIT B and incorporated herein summarizing the City of Santa Fe staff technical memoranda and conditions recommended by the Planning Commission on September 3, 2015.

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

APPROVED AS TO FORM:



KELLEY A. BRENNAN, CITY ATTORNEY

EXHIBIT A:
For Bill No. 2015- 38

**Legal Description of the
Gerhart Apartments
2800 South Meadows**

Tract 2, comprising 11.000 acres, more or less, lying within section 1, T.16 N., R.8 E., N.M.P.M., Santa Fe County, New Mexico, and being more particularly described as follows:

Commencing at the northeast corner of the parcel hereon described being the northeast corner of section 1 as referenced above; thence from said point and place of beginning S 00°20'24" W, 41.51'; thence S 29°52'49" W, 84.92'; thence S 60°07'11" E, 40.00'; thence S 29°52'49" W, 90.25'; thence N 60°07'11" W, 10.00'; thence S 29°52'49" W, 355.68'; thence 24.56' along a 880.00' radius curve to the right having a chord of S 30°40'47" W, 24.56' and a delta of 1°35'56"; thence N 58°31'15" W, 70.00'; thence 22.60' along a 810.00' radius curve to the left having a chord of N 30°40'47" E, 22.60' and a delta of 1°35'56"; thence N 29°52'49" E, 396.87'; thence N 00°07'01" E, 132.90'; thence S 89°55'10" E, 101.40' to the point and place of beginning.

And as more fully shown as Tract 2 on plat entitled "Summary Review Subdivision Plat for Lot Split Storm River Properties, LLC," prepared by Richard A. Chatroop, NMPLS #11011, filed for record in the Office of the Santa Fe County Clerk on 10 March 20 11, in Plat Book 728, Page 040, Document No. 1629136.

Gerhart Apartments Rezone- Conditions of Approval
EXHIBIT B for Bill No. 2015- 38
Case #2015-58- Gerhart Apartments, 2800 South Meadows

DRT Conditions of Approval	Department	Staff
<p style="text-align: center;">DRT Conditions of Approval</p> <ol style="list-style-type: none"> 1. The Developer shall provide right-turn deceleration lane analyses on South Meadows Road at both driveways into the apartments per the criteria in the State Access Management Manual (SAMM); and shall build right-turn deceleration lane(s) if determined to be necessary by the Public Works Department (PWD); 2. The Developer shall build a 14' wide raised center median (instead of painted median); and along the frontage of the Gerhart property the Developer shall add a 5' bicycle lane to the typical section that already includes sidewalk and buffer; 3. The Developer shall maintain the existing northbound typical section; and 4. The Developer shall extend the 14' wide median southward along the frontage of the school property so that it ties in and terminates at the left-in to the school. 5. The Developer shall work with the PWD to <u>refine cost estimates</u>, including Right-of-Way (ROW) acquisition, for the following two (2) mitigation alternatives for the Agua Fria/South Meadows Intersection: 1) added left turn lanes on Agua Fria and 2) replacement of signalized intersection with a roundabout. 6. The Developer shall provide <u>fair-share contributions</u> for future improvements to the off-site intersection at Agua Fria Street and South Meadows Road; once it has been determined by the Public Works Department which mitigation will be implemented and how much it will cost. 	<p>Traffic Engineering/Public Works</p>	<p>John Romero (per Sandra Kassens)</p>

Gerhart Apartments Rezone- Conditions of Approval
EXHIBIT B for Bill No. 2015- 38
Case #2015-58- Gerhart Apartments, 2800 South Meadows

<p>The proposed stormwater ponds cannot be considered to be amenities integrated into the landscape. If this case proceeds to the Development Plan stage, the following provisions of the Land Development Code must be met:</p> <p>14-8.2(A)(6) treat stormwater runoff as a valuable natural resource in Santa Fe...by encouraging water collection and infiltration on site</p> <p>14-8.2(A)(11) integrate stormwater management measures into the landscape and site planning process...</p> <p>14-8.2(A)(12) provide aesthetically pleasing solutions to stormwater management and erosion control measures by integrating measures into the overall landscape and site design</p> <p>14-8.4(A)(1) This section requires water harvesting and encourages the development of alternate sources of landscape irrigation water...Water conservation, water harvesting and irrigation efficiency shall guide landscape design...</p> <p>14-8.4(A)(2)...this Section 14-8.4 is part of the purpose and intent of Chapter 14, which is to enhance the appearance of Santa Fe's streets and public places in order to promote their role as community amenities...</p> <p>14-8.4(E)...Alternative sources of irrigation water shall be developed, including harvested water from roof and site runoff.</p> <p>14-8.4(E)(1) The landscaping plan shall include passive water harvesting for landscape irrigation purposes...</p> <p>14-8.4(E)(1)(b)(i)...Detention and retention ponds should be integrated landscape features, rather than single-purpose flood control ponds.</p> <p>14-8.4(I)(4) - {referring to parking lots}: ...stormwater runoff shall be used to provide irrigation for the perimeter and interior plantings to the greatest extent possible...stormwater runoff water shall be harvested and infiltrated as close to</p>	<p>Technical Review Division/LUD</p> <p>Risana Zaxus</p>
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Gerhart Apartments Rezone- Conditions of Approval
EXHIBIT B for Bill No. 2015-38
Case #2015-58- Gerhart Apartments, 2800 South Meadows

<p>where it falls as possible.</p> <p>The following notes shall be added to the plats:</p> <ol style="list-style-type: none"> 1. Each lot shall be served by separate water and sewer services 2. Wastewater Utility Expansion Charges (UEC) shall be paid at the time of building permit application. <p>The following is a design review comment:</p> <ol style="list-style-type: none"> 1. A public sewer system design is shown to be serving the site. Typically, sewer system serving single property developments are designed utilizing private on-site sewer systems. 	<p style="text-align: center;">Wastewater Management/Pubic Works</p> <p style="text-align: center;">Stan Holland</p>
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motion and it passed by unanimous voice vote.

d. Case #2015-66. 820 Camino Vistas Encantada Variance.

The Findings and Conclusions for Case #2015-66 are attached to these minutes as Exhibit 3.

Mr. Shandler said there were no changes to his Findings and Conclusions.

Commissioner Kadlubek moved to approve the Findings of Fact and Conclusions of Law for Case #2015-66, 820 Camino Vistas Encantada Variance, as presented. Commissioner Greene seconded the motion and it passed by unanimous (6-0) voice vote.

F. CONSENT

- 1. Case #2015-73. San Isidro Apartments Development Plan Time Extension.** Report of the Land Use Director's approval of a one-year administrative time extension for Phase II B (up to 126 units) of the San Isidro Apartments Development Plan located 4501 San Ignacio Road. The August 17, 2015 expiration would be extended to August 17, 2016. Sommer Karnes & Associates LLP, agents for BRT Realty Operating Partnership. (Zach Thomas, Case Manager)

The consent case was approved earlier under Approval of Consent Agenda.

Chair Harris welcomed Commissioner Abeyta to the Planning Commission.

G. OLD BUSINESS

- 1. Case #2015-57. Gerhart Apartments General Plan Amendment.** Scott Hoeft of Santa Fe Planning Group, agent for Storm River LLC requests approval of a General Plan Future Land Use map amendment to change the designation of 11.83± acres of land from Low Density Residential (1-3 dwelling units per acre) to High Density Residential (12-29 dwelling units per acre). The property is located at 2800 South Meadows Road. (Donna Wynant, Case Manager)
(POSTPONED FROM AUGUST 6, 2015)

- 2. Case #2015-58. Gerhart Apartments Rezoning.** Scott Hoeft of Santa Fe Planning Group, agent for Storm River LLC, requests rezoning approval of 11.83± acres of land from R-1 (Residential, 1 dwelling units per acre) to R-21 (Residential, 21 dwelling units per acre). The property is located at 2800 South Meadows Road. (Donna Wynant, Case Manager) **(POSTPONED FROM AUGUST 6, 2015)**

A Memorandum dated August 25, 2015 for the September 3, 2015 meeting to the Planning Commission from Ms. Donna Wynant, Senior Planner, in this matter is incorporated herewith to these minutes as Exhibit 4. Please refer to Exhibit 4 for details concerning the Staff Report for Case #2015-57 and Case #2015-58.

Chair Harris explained that the Commission didn't start hearing this case until 12:30 a.m. and began hearing it because people stayed at the meeting for the previous six and a half hours. So after the applicant and Staff made some initial statements they decided to postpone it from the August 6 meeting and continue hearing it at this time.

Chair Harris asked Ms. Wynant if she had more to address in the staff report.

Ms. Wynant apologized for missing the August 6 meeting, having been called to take care of a family emergency. She was grateful that Mr. Smith presented for her at the earlier meeting. She explained that there was an informal neighborhood meeting at the Southside Public Library on August 25th with some of the residents and their comments were a late communication to the Commission. Those same concerns were raised at that meeting. The applicant will make the presentation. She asked Mr. Smith for anything else to mention.

Mr. Smith said the position of the Staff is unchanged. Staff recognized that the recommendation for approval of the rezoning is at odds with the previous policy and does specifically change the General Plan policy. But Staff reviewed the facts and believe the changed circumstances that have transpired since the adoption of the Southwest Area Master Plan (SWAMP) in the SPAZO zoning ordinance do justify changing the zoning on this property.

Mr. Scott Hoefft, Southwest Planning Group, said they have a project with 220 dwelling units on eleven acres on South Meadows Road near the new interchange on NM 599 and wanted to talk about the map that Ms. Wynant displayed. It was essentially a regional map to show what was occurring in the area. He identified it on the map and explained that the area shown to the north in blue is the city site for a new fire station. Village Plaza is a commercial property to the east. Beyond that is a new park, the Agua Fria volunteer fire station and La Familia. This area is fairly well planned out and beyond the commercial area is the traditional village with a gap of land between owned by the BLM and a strip of land between the school and Cottonwood/ beyond Cottonwood a vacant parcel and then state land again. Most of the uses have already been determined for that area.

It is consistent with the City's growth management plan. It is in phase 2 of the Urban Area Staging Plan which goes to 2025. The intent of the plan is to concentrate population at greater densities in future growth areas, encourage compact urban form as an infill project to make most efficient use of roads, utilities and parks.

Across South Meadows Road is a vacant 10-acre parcel and He intends to try to make that as a contribution to the County Trails network. They are willing to work with whatever entity to make that work. The bulk of that is in the flood plain. The commercial area close to the highway interchange will be a nice complement to the area.

Mr. Hoeft introduced Mr. Mike Gomez as traffic engineer and Chris Cordova who did the market analysis. He noted there hasn't been a market rate project in the last 10 years. Between the last meeting and this one, they sat with the neighbors and had a pretty cordial meeting

PUBLIC HEARING

Ms. Katherine Sherlock, 1044 Camino Oraibi in Casa Alegre was sworn. She said she is a member of West Santa Fe River Alliance and heard about the development through that organization. And she wanted to raise several questions. It is a part of their concern for not only the river corridor door but Agua Fria Road. She heard this plan is for a gated community. It is right next to a school with mostly low income students. She thought how to manage that and the impression given to the kids is a question.

Another question is about the actual size. She asked if this is way too big an amount. High density was mentioned as an advantage. "But if you have high density along with parking, you no longer have the benefit of high density savings." She is looking at traffic congestion. "Is it appropriate to the area? I did read the General Plan. Even though it was written in 1999, it hasn't been revised yet to my knowledge. It talks about what is appropriate for the area. Size is a big question."

Mr. William Mean, 2073 Camino Montoya, was sworn. He said at their second informal ENN meeting with Scott Hoeft - and he thanked him for doing that - a couple of new neighbors came out and they were in closer proximity. They had concerns about restricting lighting to be toward the northwest away from the Agua Fria traditional village and having evergreens along on the southwest border of South Meadows to screen the apartments from them. They commented about how bad the lighting is from the school and a flashing neon sign nearby so it is already light polluted.

They also advocated for rainwater harvesting on those trees and using bigger than 2" caliper trees.

There were no other speakers from the public regarding this case.

Chair Harris said the Planning Commission is pleased that the applicant and the neighbors got together. It represents real progress. He added, "We are considering the General Plan Amendment and Rezoning and if that moves forward after Council consideration, we will be looking at the development plan and it would come back to this body and we will be dealing with specifics that you raised in your letter.

The Public Hearing was closed.

Mr. Shandler requested that Mr. John Romero be allowed to speak next as he is double-booked.

Chair Harris agreed but then said the Commission is open to questions from the Commissioners, of staff, of the applicant and others and the public, if appropriate.

Mr. Romero reviewed the traffic memo and noted that, basically, there are three conditions. The first is to put right-turn deceleration lanes at both driveways. The second is the 4 bullets. He said, "We are asking

them to urbanize South Meadows along frontage and also along a portion of the school's frontage with raised median, bike lanes on the north side of the road, a shoulder on the other side, a buffer space and a sidewalk on their side of the road. We are also recommending that it be based off of a fair share contribution and that they receive impact fee credits for that portion of the improvements. The reason for this is right now, we are trying to fit this all into a two-lane rural highway that was built by the County. The school provided a left-turn deceleration lane by jogging out the northbound lane."

The last condition is regarding South meadows and Agua Fria. They did do a traffic study. The interchange has lots of capacity and can handle a lot of traffic. It was designed that way so there is no problem at that point Access with South Meadows is okay but at Agua Fria it is congested without left turn bays. His suggestion is to ask the developer to provide fair-share improvements to the intersection. It depends on how much traffic there development contributes to that intersection. The intersection is in the ICIP list to ask State Legislature for improvements. At the last session, the City received \$25,000 to at least fund the design and then construction funding would come from Council.

Commissioner Kapin noted in the report it was stated that the TIA doesn't address whether local roads would be needed to provide access to other undeveloped parcels nearby and that the two proposed driveways will impact future development on South Meadows. There seems to be some specific requirements about where curb cuts can happen. She asked what the impact is on future development and whether there will be enough access and if the Commission needs to consider that at all right now.

Mr. Smith recalled the Land Use staff, at the previous meeting, said those concerns could be deferred to the development plan meeting.

Commissioner Kapin said in the report it was sort of a question whether it may be resolvable.

Mr. Smith said they reviewed those details in more detail after the first meeting.

Commissioner Kapin asked if Land Use Staff feel they are resolvable at the development plan review stage.

Mr. Smith agreed.

Commissioner Greene, along same lines, said a question came up with City leased property adjacent and potential access. "Are we giving up the opportunity for access to that property?"

Mr. Romero replied that it does have good access at the roundabout and he believed it has sufficient access there for fire station and the like.

Commissioner Greene asked if the fire station would be better served if it also had access to the north and also to the west at South Meadows. He wondered if there had been any attempt to create some sort of road network in that whole section surrounded by the frontage road which design is yet to be determined.

Mr. Smith said that is also included in staff comments to defer to the development plan. For the record,

the Land Use Staff understanding is that the entire 38 per parcel is leased by the City but only 5 acres will be used as the site for the fire station. If the Commission wants to direct it to Mr. O'Reilly, he could address it.

Chair Harris asked Mr. O'Reilly what the City is considering for that parcel.

Mr. O'Reilly said the City earlier this year entered a long term lease for this 30.5 acres. The purpose of the lease - the land is owned by State Land Office as New Mexico Trust Lands and the City has been working on that lease for several years. The City Council and Commissioner for Public Lands entered into that lease earlier. The primary purpose of the leasehold is for construction of a future fire station which has been in the planning since around 2008 and 2009 when City was working on annexation. It was determined that another fire station was needed in this area once the city took over my response obligations in this area. It is part of annexation phase 2. The idea is that the fire station would be located at the extreme north portion of the property of about 4 acres. The Fire Department wants that location because of immediate access to 599 through the roundabout. There is no frontage road right-of-way dedicated at this time by the highway department along the south side of Highway 599. So the frontage road will not continue on the south side. The advantages of having a fire station there were discussed at length by the Council. It is in accord with location strategy and proper spacing of fire stations. It also allows fire department quick access to Airport Road. There might be a need for secondary emergency access to South Meadows Road. This leased land is not under consideration tonight and there are no firm plans on how to develop that land.

Commissioner Abeyta asked Mr. O'Reilly if the Agua Fria volunteer Fire Station wasn't just up the street from there.

Mr. O'Reilly said the City won't use the Agua Fria Fire Development and needs to have a full service fire station including residential facilities for its staff. The Agua Fria Fire Department facility is more of a garage only capable of housing equipment. It was addressed in our discussions.

Commissioner Abeyta asked what will happen to the Agua Fria Volunteer Fire Station then. When it comes to a fire emergency, it doesn't matter if it is city or county. He asked if there have been discussions with the County about it.

Mr. O'Reilly said he would disagree slightly. The fire station is not a valid station under the IFC requirements for the City which has to be at a different level. There were extensive discussions about it. It is not part of the discussions tonight. The fire department would be happy to address it with the Commission. The City found an appropriate location and hoped to build it soon.

Commissioner Gutierrez asked Mr. O'Reilly if right now there is just one entrance to that property.

Mr. O'Reilly said right now the access is from the roundabout. That is the only way to get to this property right now.

Commissioner Gutierrez pointed out that in the packet, the applicant referred to the fire station more than once. He asked what the realistic time frame is to build the station.

Mr. O'Reilly said he couldn't answer that. There was a bond issue some years ago for this fire station but that didn't pass. Now the City is faced with the responsibility for fire protection on this side of town. He suggested we should bring the fire chief to the Commission to talk about how that will be done.

Commissioner Kadlubek asked Mr. Romero about traffic to gated communities and whether traffic backup would be taken into consideration.

Mr. Romero said they would take that into consideration at the time of the development plan.

Commissioner Greene said the General Plan talks about connectivity and road network and now it has two cul-de-sacs and could connect these two pieces of property with a shared road in between and connect with South Meadows. He thought the General Plan recommends more connectivity.

Mr. Romero said he looked at it from an operational standpoint and didn't know in which context that was generated in the General Plan. But this area has a very unique shape to it. He didn't see an advantage to get to South Meadows except directly to the roundabout.

Commissioner Greene said the layout doesn't have a design for pedestrians and this would put people in harm's way.

Mr. Romero said there could be pedestrian and bike connections between the two properties.

Commissioner Probst said, in light of moving most of these to the development plan consideration, she asked if the Commission would deal with any of the conditions now.

Chair Harris clarified that if the recommendation is approval to the Governing Body for the General Plan Amendment and for the Rezoning, then the Staff has proposed that these conditions will be attached. He asked if that is correct.

Mr. Smith said Staff is not recommending the circulation conditions be attached to the rezoning. Those circulation concerns can be addressed at the time the development plan is in front of the Commission. Mr. Romero has recommended specific conditions he presented to the Commission but not for the road network. That will be reviewed more carefully with the Development Plan.

Commissioner Probst noted that Romero recommended deceleration lanes.

Mr. Smith agreed but in context, it is that the circulation be adequate in the development plan.

Commissioner Abeyta understood Commissioner Greene's point about connectivity but it is a fire station and we might not want more traffic going in front of a fire station with fire trucks going onto a residential road so no access from South Meadows and probably they would want connectivity to the roundabout.

Mr. Romero said since the rest of the development of that property is unknown, he would agree with that statement and he didn't see making a fire truck go through the development to get to the fire. Regarding circulation, he felt that is more appropriate to the development plan and why most of his comments are about issues outside of that circulation issue.

Chair Harris asked Mr. Hoeft what level of discussion had been held on that 10 acres.

Mr. Hoeft said that parcel is in the flood plain and they have been approached by County Open Space Staff and asked to provide that land to the County. And then it got stalled. The developers have a requirement for an amount of open space. There is a park dedication requirement so the City could require them to reserve that as open space. He met with Mr. Thompson about it and Mr. Thompson said their focus was in other parts of the City. It is an either/or option. We are required to do the impact fee either by land dedication or paying a fee. Those are the options on the table. We have no intent to develop that parcel.

Chair Harris assumed other matters of discussion would occur at the development plan review.

Mr. Smith agreed. There will be a specific proposal concerning dedication of park space then.

Commissioner Greene asked if the Commission shouldn't discuss if that is in the City's best interests. There is a park across from the school. He asked if the Commission is in a position to get that codified right now.

Mr. Hoeft said the problem, in talking with Mr. Thompson, is with sustaining that park. In his conversation with the County, the County was very interested in the land because the river trail goes right through it. But a quick dedication might not be beneficial to the City at this point. Mr. Thompson stated that in his letter in so many words and he wanted time to sort it out.

Commissioner Greene added that the Commission needs time to look at the map. There are specific formulae in the code. It obviously needs fire protection so the City will build a station. If it costs \$100,000 to build a park, that would be part of the impact fee.

Mr. Hoeft understood. The question is that the Code gives an option and he was just questioning if this is the forum to decide it when Parks has not addressed it.

Commissioner Greene said that parcel might be the entire flood plain.

Mr. Smith concurred with the points Mr. Hoeft has raised and apologized that Mr. Thompson wasn't here at the meeting. He anticipated that would be dealt with at the development plan approval time. Mr. Thompson does have concerns about the balance of managing parks relative to the number of parks that are already on his plate.

Commissioner Greene concluded that the budget says a park isn't suitable now but with money it might be.

Mr. Smith reiterated that when it comes to the development plan that there will be a specific recommendation by Staff and provide detailed factors about it.

Commissioner Kadlubek moved in Case #2015-57, Gerhart Apartments General Plan Amendment to recommend approval to the Governing Body. Commissioner Abeyta seconded the motion and it passed by unanimous (6-0) voice vote.

Commissioner Kadlubek appreciated the efforts to have another ENN and asked how it was initiated.

Mr. Hoeft said he initiated it. The Commission gave them a month and they used it productively.

Commissioner Kadlubek said Agua Fria Village should be taken into account at development plan consideration for a larger buffer zone to deal with noise and light pollution.

Commissioner Kadlubek moved in Case #2015-58, Gerhart Apartments Rezoning to recommend approval of rezoning to the Governing Body. Commissioner Kapin seconded the motion and it passed by unanimous (6-0) voice vote.

H. NEW BUSINESS

3. Study Session. Presentations and discussion of planning issues and processes along Agua Fria Road. (Kate Noble and Lisa Martínez)

Ms. Noble hoped the Commission had seen in the memo that Staff put this together to bring intention and clarity along the river corridor and the Agua Fria area. The proposed rezoning requests demonstrate the pressure for change and the Staff want a coordinated effort for rezoning and to minimize a haphazard pattern of development. The goals tonight are outlined in the memo and are threefold: to have clear operating principles currently guiding the recommendations and processes for rezoning requests and General Plan amendments coming before the Commission. This has been a coordinated effort between the Land Use Department and the Long range Planning Staff. It is also to provide a timeline in the form of a resolution from Commissioner Bushee to do some of this planning work. We want to foster a common understanding, if the planning work goes forward and how it will be used.

Ms. Martínez provided the background. She said "As we know, over the last several months, the north side of Agua Fria Road is an area recently annexation and has experienced lots of growth pressure in the form of requests for General Plan amendments and rezones. Folks have come in and asked for higher density land use designations and different zoning districts. Among examples recently considered are the apartments known as the Blue Buffalo for a General Plan amendment and rezoning. We've also had rezoning requests for Corazon Santo, Rivera, the Boylan property, Gerhart Apartments just hear and one more later tonight for 2749 Agua Fria. Land use on the north side in this vicinity have been historically characterized as rural residential with some quasi-industrial uses and most of them really predate the Extraterritorial Zoning regulations and have existed as legal nonconforming uses or as home occupations. South of Agua Fria, the more urbanized land is characterized as a combination of mixed use and also light

VOTE: The motion was approved on the following Roll Call vote [7-0]:

For: Commissioner Chavez, Commissioner Greene, Commissioner Gutierrez, Commissioner Kadlubek, Commissioner Kapin and Commissioner Propst.

Against: None.

F. NEW BUSINESS

1. **CASE #2015-66. 820 CAMINO VISTAS ENCANTADA VARIANCE. [HEARD PREVIOUSLY AFTER BEING MOVED UP ON THE AGENDA]**

2. **CASE #2015-57. CASE #2015-57. GERHART APARTMENTS GENERAL PLAN AMENDMENT. SCOTT HOEFT OF SANTA FE PLANNING GROUP, AGENT FOR STORM RIVER LLC REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 11.83± ACRES OF LAND FROM LOW DENSITY RESIDENTIAL (1-3 DWELLING UNITS PER ACRE) TO HIGH DENSITY RESIDENTIAL (12-29 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED AT 2800 SOUTH MEADOWS ROAD. (DONNA WYNANT, CASE MANAGER)**

Items F(2) and F(3) were combined for purposes of presentation, discussion and public hearing but were voted upon separately

A Memorandum dated July 29, 2015 for the August 6, 2015 Meeting, to the Planning Commission from Donna Wynant, Senior Planner, in this matter, is incorporated herewith to these minutes as Exhibit "12"

Copies of the following documents are on file in, and can be obtained from, the Land Use Department:

The Site Plan, Slope Analysis Terrain Management, Floor Plan and Elevations;
Development Report, *General Plan Amendment and Rezoning Application*;
Preliminary Site Plan; and
Gerhart Apartments: General Plan Amendment and Rezoning Submittal.

Ms. Martinez thanked everyone who have patiently waited this evening for these additional cases to come up. She would like to give the public and the staff an idea of how much longer the meeting might go, because it would helpful to extend that courtesy and give them a little bit of information.

Chair Harris said they took a quick poll and he thinks it's a function of the public testimony. He thanked everyone for persevering, saying he felt it was important to give the previous cases priority since they started it one month ago. He said he hopes everyone understands, but this what it takes on occasion.

Greg Smith, Director, Current Planning Division, presented the staff report in this case. Please see Exhibit "12" for specifics of this presentation.

Public Hearing

Presentation by the Applicant

Scott Hoeft, Santa Fe Planning Group, 109 St. Francis, Agent for Storm River LLC, was sworn. Mr. Hoeft, using a series of enlarged drawings of the proposed project, presented information regarding the project. Mr. Hoeft noted Mike Gomez, Traffic Engineer, and Chris Cordova, Market Analyst, Southwest Planning and Marketing, who did a market study for them, will be available to answer question.

Mr. Hoeft said, "I agree with staff conditions, and I need to clarify some things on the project because there is a lot at stake. The Gerhart Apartments is right in the center of this board. It's right 'there,' an 11 acre site, 240 dwelling units. And why I presented this Board is to give you sense of the context of this area and demonstrate that there a few things happening in the area, the biggest thing is the new school. We're immediately next to the brand new school, El Camino Real, a K-Middle School, up to 800 students."

Mr. Hoeft continued saying right above the project is land recently leased by the City of Santa Fe, for a fire station. He pointed out the interchange at CR-62 and 599 where a commercial area and residential area are planned. He said, 'In this area 'here,' there are several existing uses. The County Fire Station, a new park, a medical center, the community center is right in this area here.' Across 599 at Caja del Rio a senior housing group approved by the County for 200 dwell units which is at the Master Plan level done by Jennifer Jenkins which was approved earlier this year.

Mr. Hoeft said the point of the presentation is to put this in context because a lot of rezoning and the General Amendment questions are related to how this relates to the General Plan, the intent of the City ordinances and how the area is planned to be built out. He said this area is transitioning to more of an urban area, and a lot of the standards that they having to comply with at this stage are urban. He said many of you have driven South Meadows Road before and know that is a design from the County standpoint, but we need to beef-up that road with turning lanes, a center median, widenings and decel lanes to make the project work. So this area is in a transition.

Mr. Hoeft continued saying, this is a General Plan Amendment and Rezoning Application, and unlike the previous application, this is a general concept plan of what they are intending to do at the site, roughly. This is not a Final Development Plan. He said they are required when submitting for a General Plan Amendment Rezoning, to put a plan together we think will work in terms of density. He said this is a concept plan that shows the nice *[inaudible]*, but they have another version of the plan that works in terms of the mass, and where the fire lanes work, for example between the buildings, where the access points

work on South Meadows Road. The plan demonstrates in general the project which is on 11 acres, there are 10 buildings, 24 units per building, 3 story buildings. In the center there is a common sales area in entryway 1 and in entryway 2 which is a right-in right-out.

Mr. Hoeft said to the west is the existing new school in its second school year. To the north is the City of Santa Fe parcel. Across South Meadows Road is an open space of land. These are abutters to this project, noting the surrounding parcels other than the school are vacant.

Mr. Hoeft said 'this' plan gives you an idea of the architectural appearance, noting they are a long way from finalizing these, but you can get a sense of what we're planning in terms of the buildings. They are large buildings, but the intent here is to break up overall mass to a variety of small masses, colors, and such to take away the appearance of the larger buildings. He said the San Isidro project are 3 stories and about 30 feet away from the road, assuming most people here know that project. He said the intent here was to get the building centralized into a single court area away from the road so when you're driving down South Meadows Road, you're not looking at a building 30 feet from the road, noting this setback is 100 feet from South Meadows Road. It is a core plan. As opposed to having the buildings around the perimeter and the parking on the inside.

Mr. Hoeft continued, "I'm a little off my presentation, but I want to iterate again the consistency with the Growth Management Plan and the City of Santa Fe General Plan." He highlighted items that were contained in the staff report and all the questions they were to answer. They are next to a brand new school. An apartment complex next to a school is a great complementary use for the School. The project is in Stage 2 of the Urban Staging Area which is 2010-2025, the intent to concentrate population in greater densities in future growth areas, encourage compact urban form, so again, we've for a higher density project, 240 units on 11 acres, noting the rezoning is to R-21. Infill should develop at higher densities to make the most efficient use of utilities, roads and parks.:

Mr. Hoeft continued, "Combined with that are areas that can be served with City utilities. What's really unique about this project is you have a site, and this is rare, where you're right near a brand new interchange at CR-62. You're right on a brand new road, South Meadows Road, meaning in the last two years. You have City water and sewer on South Meadows Road. It is rare to have all that infrastructure teed-up for a project right next to it is a great benefit for the project."

Mr. Hoeft continued, "The General Plan also encourages pedestrian linkages, and as I stated earlier, the benefit of being next to a school is you have a place where children can actually walk to school. We did meet with the Santa Fe Public Schools, and one of the questions that came up at the ENN meeting was can we break the fence between the two schools and can children actually walk to the school between the two projects. The answer is yes they can, which doesn't seem like much, but I guess it's quite an amazing thing to have such a close connectivity between the two uses. You have a trail system on the opposite side of the road. As I mentioned earlier, I'll come back to that really quickly. Again the close proximity to the interchange and 599, so that transportation network is right close by."

Mr. Hoeft continued, "And the other thing before I go back to the open space question is the market analysis. We ran a market analysis to better understand what was happening with the apartment situation in Santa Fe. You have occupancy rates at 97% right now of apartments which is extremely high, you've got vacancies at around 3%. So what that means is that your apartment projects right now are full. There is a demand for apartments in Santa Fe. The market study also showed that in the last 10 years, you had 18 market rate units come on, total, in terms of apartment projects, so there's no supply being brought onto the market. Of those projects, small projects, 2-3 units at a pop."

Mr. Hoeft said, "So a couple of things to point out is why that is important, we hear that the price of living in Santa Fe high, but ultimately one of the reasons of the high cost to live in Santa Fe is because there's not a lot of supply coming on. So if you bring on new apartment projects that actually enhances the supply, it reduces the cost because the consumers have choices, they have more places to go to. And so more apartment projects are actually a good thing for Santa Fe. The market analysis demonstrated that over the next 6 years that there is a demand for up to 1,000 units of apartments in Santa Fe, but our project only brings 240 units of that unmet demand. The other thing, I'll just talk quickly about jobs. One of the things that also surfaces in a lot of our meetings is employment and jobs, and Santa Fe needs jobs. Well construction jobs, according to the National Homebuilders Association generates almost a one to one ratio. What I mean by that is about 1,000 units generates about 1,100 jobs, so it's almost one to one, meaning if you have 240 units, 240 jobs are created, and those are construction jobs. When people say those are just temporary jobs, all construction jobs are temporary. You go from project to the next project, and those are good quality high paying jobs that are very important to Santa Fe."

Mr. Hoeft continued, "One thing I wanted to talk about, and I promised I would be short, but you know, now that I'm getting my legs, is also across the street right now is a 10 acre tract of land and we have that labeled as open space. It's not technically part of the project because this parcel existed, it existed in one and when South Meadows Road came in, it split the parcel in half. So we have a parcel on the opposite of the road that is the Santa Fe River Corridor Parcel. When we looked at this, we saw a synergy between the school, the apartment project and the open space across the street. What happened later was the fire station to the north. We're not quite sure yet what happens to that open space. We were working with Santa Fe County to see if they're interested in acquiring it for the trails network. They seemed interested, but it didn't get anywhere. We also have a park dedication requirement as part of this project, so in terms of open space, we're required to put up so much on site, and we also have a regional park requirement combined with a community park requirement. And so it is within the City's purview essentially."

Mr. Hoeft continued, "And we met with Richard Thompson, Parks Director, to see if the City is interested and able to take on this parcel for a new park to meet the requirements of the Code. And just so you know, it's an either/or option. If they do not want the land then we have to pay an impact fee, if they want it we don't have to pay the impact fees associated with the project. That is pending. The reason I bring that up, I notice two letters I saw earlier from concerned citizens regarding the land across the way. I don't know if we have the right site in reading this letter, because the land on south side of South Meadows

Road will not feature apartments, that's the open space tract of 10 acres that's pending in terms of its use. Will it be owned by the County or the City of Santa Fe we don't know yet. That's one of those items we need to work out yet, but it's definitely available and it does have the Santa Fe River Corridor going right through it, so it's available."

Mr. Hoeft continued, "One of the questions I saw in the letter was, we need a comprehensive plan for the River Corridor, again we're not in the River Corridor, the parcel across the street is. It mentioned that we're the 100 year flood plain. We're not in the 100 year flood plan. The 100 year flood plain is the land across the street."

Mr. Hoeft said, "I'll just make it brief and stop at that point. I'm sure the folks in the room will have a few things to say on that. And just to conclude my comments, we had an ENN meeting a couple months ago and the issues that surfaced, there were probably 10-15 issues that surfaced. I feel we adequately addressed most of them but some stood out. And was school overcrowding, another was traffic and one was whether we would be gating the project. And there were a host of others that surface and you can read in the staff report, and I feel we addressed most of those fairly adequately."

Mr. Hoeft continued, "School overcrowding is one that did surface at the meeting and was a bit of a surprise to me. When you're building an apartment project next to a brand new school and the paint is still wet, how can the school be overcrowded. And I did talk with the School administrators and met with representatives of Santa Fe Public Schools and they said the schools earmarked for 750-800 students and is it at capacity already. And I asked what are you actually going to do about that, because I can only do so much as a developer's representative, and they say we do what we can. A lot of the over-crowding is due to inter-zone transfers. They see, with time, that population shift. They have a new school on the opposite side of town at Atalaya and that's not close to being full. They plan the best they can is the answer I got, in anticipation of that demographic switch, people shift around town and they hope they can handle the capacity."

Mr. Hoeft said, "The other issue was traffic. As I mentioned, we're right on South Meadows Road. We worked extensively with Mr. Romero over the last two months to determine how that was going to work with our improvements and given the last case, I'm certain that you're totally familiar with traffic improvements, what we needed to do with south to make it save, and so we need a decel lane, we need a raised median down the center of the road and that goes in front of our project. But Mr. Romero suggested that it goes all the way down in front of the school project, and that should be a part of the design as well. And so we're working on improvements to South Meadows Road to have a raised median, to have even a crossover."

Mr. Hoeft continued, "One of the comments that came from the neighborhood meeting is how we're going to get folks to the other side of South Meadows Road if that becomes a park. And with a center median that's raised provides a safety area for people to be able to cross the street. So now crossing is definitely a possibility according to Mr. Romero. We also talked about the concern around the intersection of Agua Fria and South Meadows Road, and the traffic at that intersection during school hours. And I talked with the Public Schools about that and the Public Schools seem to be consistent with their response, which is you know between the hours of 8:00 and 8:30 a.m., around schools it's going to be

crowded, and between the hours of 3:00 and 4:00 p.m., and it happens at every school. We worked with Mr. Romero however, to determine a solution for that intersection at Agua Fria and South Meadows to which we would contribute a fair share to an improvement there, either a turn lane or a roundabout and further work needs to determine exactly what improvement is going to be necessary and we have conditions of approval to that effect."

Mr. Hoeft said, "In conclusion, because I can see I'm losing most of you, we agree with the conditions of approval that Mr. Smith mentioned in his staff report, and we have Mr. Gomez and Mr. Cordova available for questions. Thank you very much."

Speaking to the Request

All those speaking were sworn en masse

William Mee, President, Agua Fria Association, [previously sworn], said, "When I first headed out to the ENN meeting for the Gerhart Apartments, I thought the site was going to be one of the best locations for this density of use. I thought people will just jump onto 599 to get to work, or go to the two malls, and we would all live in utopia. Then at the ENN, the immediate neighbors started raising some really good points. There's no neighborhood grocery store, retail services within many miles of the site. At one time, directly east of the site, is the Village Plaza Shopping Center owned by Carlos Garcia, and that's been approved since 1999, but no ground has been broken."

Mr. Mee continued, "At one time... they've had all kinds of anchor stores and restaurants that were going to go in there, and no one has. At one time, both Smith's and Albertson's were supposed to locate supermarkets there, and they opted out. And Albertson's relocated to Zafarano, and Smith's bought a lot on Airport Road. And then Sprouts came in on Zafarano and I think that kind of put a damper on Smith's plans. So basically, if we build something there, there's nothing enough. True enough, Scott pointed out that there's a school there, and Scott also said the school is over capacity. The school was built for 650 students at a cost of \$30 million. You know, Warren, another school built for 650 at \$30 million, is also over-capacity. Salazar is over capacity. Pinon, Chavez, Sweeney all are over capacity. What's going to happen it's going to take a District-wide redistricting of the school system. They just completed that in 2012 because of the 2010 census. The School systems worked with the City and County to do that redistricting and there just wasn't anything in this area."

Mr. Mee continued, "Scott mentioned some divisions in that area. There's also Cielo Vistas on Agua Fria that is 224 homes, and they might have about 6-8 homes there. The school issue is huge and nothing should be put in there until the school issue is resolved. The traffic on South Meadows, the first two weeks of school was impossible. And to John Romero's credit, he worked on changing the timing of the light so that the yellow light would have a few more seconds and people could make their left-hand turn. But really, there needs to be turn arrows on that light, and that should be the financial responsibility of the Applicant."

Mr. Mee continued, "Drainage at the site was not presented at the ENN. When you look at the plans, I would say 75-90% of the lot is really impervious, and the water has to go somewhere, so they really have to do so planning on that. And this shooting it off to the school is not a preferable solution. There's no bus service in the area. We don't have the Fire Department yet. In 2012, the City bond issue was voted down for that Fire Department, so they might have the 5 acres. In the UNM, BBER Report, they were saying that they needed about \$14 million to serve the newly annexed area. So there's a lot of money costs associated. Maybe what we need to is what the County Commission did with the apartments and developments on Richards Avenue. They said there can be no building until 2017 when the road is expanded. I think that's some of the problems we have."

Mr. Mee continued, "I think that really this ties into Councilor Patti Bushee's Resolution introduced at the July 11th City Council meeting to develop a Master Plan and Overlay District for the entire settlement annexation agreement area along the Santa Fe River. This is definitely in that River Corridor in the newly annexed area. There are no plans in that area. It's a no-man's land out there, and anything goes. And the City really needs to wrap its head around getting some solutions for our area, instead of just throwing everything down our way and just making life impossible for people."

Chair Harris said, "Thank you, Mr. Mee."

Mr. Mee said, "I have a little bit more. I'm going to take my wife's time, she had to leave. The density of this development and the intensity of use on this lot are very high and this directly affects the quality of life of the residents. Therefore, I think the owner or the management of these apartments, really must develop some recreational opportunities and amendments for the rest of the residents. We need some kind of protected access to the River Trail through this open space area. So I think maybe we need a pedestrian underpass or overpass to get to those lands. And I think in the development itself, we need a community center. There is a small community center at Cottonwood Village and it's always at capacity. We have the Nancy Rodriguez Community Center in the village with a capacity of about 75 people and it's booked every weekend since 2008. We really need to have meeting places for people for bridal showers, baptismal showers, graduations and such. I think it really needs a community center."

Mr. Mee continued, "And you just can't say they'll be using the playground of the School, because the schools, because of security and insurance, actually lock the schools after school hours. So this apartment complex will not be using that school. Thank you very much."

Cheryl Odom [previously sworn], said she lives in the Las Acquias neighborhood which is about a mile as the crow flies from the development. She said, "I won't take up a lot of your time, but there were some points I did want to emphasize. One is that with the new annexation there is no real Master Plan idea for how this area gets developed. So it's important to that neighborhood, people in Agua Fria, Las Acequias and all the other people living in the neighborhood, that there is a plan so we don't get these huge developments coming in, plopping down and so forth. The application asks for a zoning change, but the requirements for zoning changes don't seem to be met here. There has not been a significant change in the character of that Neighborhood and we had one ENN meeting with a lot of questions and a lot of problems with this development. There was never another ENN meeting, they went straight to you. So we

would have an opportunity to sit with the developers and really have a community conversation and work out how this development could proceed. I'm not saying don't put it, I'm just saying we never had an opportunity to fine tune it. I don't think our concerns were addressed. I would love this to go back and start with another ENN meeting, that would be my preference."

Ms. Odom continued, "Also, you are aware that last week the City Council passed the Residents Bill of Rights, the Resolution put together by Chainbreakers, which particularly addresses our community. In the Bill of Rights, it says that housing is to be controlled through democratic structures and processes with particular emphasis and special protections allowed for the neighborhoods that are composed of a majority of people of color and low income residents. It matters to that neighborhood. I love that neighborhood, but I'm wondering about putting up a big apartment complex. These people probably didn't know there was an ENN. I don't know how many people were notified. A lot of these people of color are transportation challenged in that neighborhood. There's no bus service. I don't know who's going to live in these apartments. When I asked that at the ENN, the guy said, why families of course. I doubt if it's affordable, I don't know what the rents are, that hasn't been mentioned at all. So to me there's just a lot of unanswered questions. And I'm hoping you ask us some of those questions, but I'm also hoping the neighbors get a change to revisit this and sit with these developers so they feel like this is actually a part of their *[inaudible]* something that is being imposed on them. Thank you."

Hilario Romero, lifelong resident of Santa Fe, and his ancestors go back to the founding of this town, former State Historian, professor of History in Spanish and Education for the last 40 years, [previously sworn], said, "They talked about the market analysis forecast for building in this town, building apartments especially. Forecasts. Their forecasts. We can all do that. Anyone of you in the room can do a forecast. We can even get on TV and do weather forecasts if you want, because the weather is so unpredictable here. The reality is we did a study in March, showing there were 395 available affordable apartments, and I say affordable to people who are basically working on the Santa Fe's Living Wage. I'm not talking about those who make \$50,000 and more a year. I'm talking about people who need affordable housing, and that's something we're not talking about in this town."

Mr. Romero continued, "We don't have those discussions, but we need to have them very soon before we continue to build these apartment structures that are not affordable. I don't know what the cost is, but I can tell you it's going to be a lot higher than the \$870 average two bedroom apartment and higher than \$700 for one bedroom, or \$600 for a utility apartment. That's what we found is that there is more than 325 apartments available for people. So these apartment buildings get built and they want more money for these apartments. This is supposedly a gated community. A gated community, you know it's going to be higher. When they construct the building, who are they going to get to build it if it is steel frame. Are we going to find somebody here in town to do it. No they're not, they're going to a lower bid of an Albuquerque contractor like all the rest have done. And once again we have temporary construction jobs, and the jobs will go to the Albuquerque contracts."

Mr. Romero said, "Last but not least, is that we continue to do R-1 rural mountain land, right to R-21 or R-29, back and forth. It needs to be handled in a way we can do it properly and we need a Master Plan for that. At the last meeting of the City Council, a resolution was passed unanimously for a Resident's

Bill of Rights, and the Mayor ordered one of the staff to seek solutions to Santa Fe's housing affordability crisis, especially as it pertains to gentrification, inequity and the widening gap between rich and poor. This is Thomas Reagan's article in *The Santa Fe Reporter*, that I'm quoting from. This gated development is a perfect example of this. It is located next to a low income neighborhood and is within the historic corridor of the Agua Fria Village. So this is very much an economic and environmental justice issue as well. And I would urge all of you to really think seriously about this, because it's probably going to be headed to the City Council and there, it will be dealt with, probably in a different manner, or we hope that. Thank you for your time."

Montserrat Baez said I am part of the West Santa Fe Regal Alliance and we need to ask for a moratorium for these kinds of developers want to have. There is no plan for exit from the County. They don't say the needs we need in Santa Fe. We need affordable housing, but I don't see anybody that is facing that right now, because it would be the rent. Just consider a moratorium until a master plan is negotiated.

Former Councilor, Karen Heldmeyer, 325 E. Berger, [previously sworn], said she doesn't want to speak to the merits of this case, she wants to speak to process. She said, "It's ten to one, and there were other people here who were going to speak tonight. And I know that this for you is a recommending vote, it's not a final decision because it will go to Council. I think it would be a more informed vote if you had heard from the other people you would here. In making recommendations to the Council is that they hear this case hear at a reasonable hour so the people who came tonight will have a chance to speak. And maybe Lisa could pass that on as well. I think... it's getting late and my mind is going, sorry. There's one last sentence that there are some cases and I know Ms. Gomez has said this in her editorial, there are some cases that will take a whole meeting, and maybe agendas should be set up so that case is the only thing on the agenda. I think you have one of those cases tonight, and I think in future, as you're setting agendas you need to think about that. People need to have an opportunity to be able to hear what you had say, and if they're not around to hear that, you need to think about this as you set up your agendas for future meetings.

The Public Hearing was continued to September 3, 2015

Chair Harris they took a quick poll not to vote, but as to how we might honor the persistence of the the Applicant and the members of public for these cases who chose to "hang in there." He thinks we need to postpone the rest of this case, the Commission portion of this case and perhaps other comments until a date certain. He doesn't feel we're of a mind to make a decision this evening. He would suggest we postpone further consideration of these two cases to a date certain, which would be sometime in September, but he doesn't know the date.

Mr. Smith said the regularly scheduled meeting will be September 3, 2015. Responding to the Chair he said the agenda is fairly light at this point.

Chair Harris asked the Commissioners their pleasure in this regard.

Commissioner Kadlubek said he would be happy to go along with that, and asked if we have the ability to request some things in the interim.

Chair Harris said yes, similar to what we've done. He said, "Ms. Heldmeyer, you probably know that even though we spent essentially 6 hours on that case, that is in addition to the 5-6 hours we spent a month ago. We do have practice now on Las Soleras and the Hospital. We've got some information, we've heard the gist of the public testimony. I think we can ask for more specific information or other questions and take it from there."

Commissioner Kadlubek asked if this would be done via email like we've been doing.

Chair Harris said, "Yes. Submit questions to staff in a reasonable turnaround time so they can work on it. Unless there's a better suggestion, I think that works reasonably well."

Commissioner Kadlubek said he would like to speak to what Former Councilor Heldmeyer said. He totally agrees that we need to allow for the public to be heard. He said, "I don't think that request is quite in earnest though and I don't think we really act in earnest simply because of only listening to the public that shows up for a Planning Commission meeting, saying that's the public we should be listening to, I think there's a huge red flag that comes up for me. So if we're going to really talk about listening to the public, we need to set up a much better apparatus to listen to the public. We need to have meetings elsewhere, we need to have meetings at different times, we need to have better outreach as to what these meetings are. We need to do a much better job at education portions of the public that don't even understand the public process, and I understand the 4-5 people were here and then left, we should have listened to them."

Commissioner Kadlubek continued, "But, you know the 17,000 people that voted in the last election need to know better about what's going on in their community and we need to have a better system to be able to reach a larger portion of people. If we're going to go down that road, let's actually go down that road and talk about how we get real public input into this. I know from my point of view as somebody who is 33 years old, it's very difficult to get young people under the age of 40 involved in this process due to embedded discriminations that happen through the process. I think similarly we can speak to people who don't speak English as their first language as being people who are left out of this process. There's a lot of demographics that don't get a chance to happen again, and so I want to put that out there. It's way bigger than the 4 people that may have been here and left."

Commissioner Gutierrez said a date certain sounds good to him. He said he does know there were other people here that left, and he would ask that we would give them a chance to speak at the next meeting.

Chair Harris agreed saying he thinks that's probably what we should do as well.

Mr. Smith said, "Point of order technically, I know the practice has been different. I believe that we are continuing the public hearing to the date certain, rather than postponing the hearing to that date."

MOTION: Commissioner Kadlubek moved, seconded by Commissioner Chavez, to postpone Case 2015-57, Gerhart Apartments General Plan Amendment and 2015-58, Gerhart Apartments Rezoning, and continue public comment to September 3, 2015.

VOTE: The motion was approved on a voice vote with Commissioners Chavez, Gutierrez, Greene, Kadlubek, Kapin and Propst voting in the affirmative and none voting in the negative (6-0).

Chair Harris noted if everyone follows up, we will have questions for the Applicant and staff at that time.

3. **CASE #2015-58. GERHART APARTMENTS REZONING. SCOTT HOEFT OF SANTA FE PLANNING GROUP, AGENT FOR STORM RIVER LLC REQUESTS REZONING APPROVAL OF 11.83± ACRES OF LAND FROM R-1(RESIDENTIAL, 1 DWELLING UNIT PER ACRE) TO R-21 (RESIDENTIAL, 21 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED AT 2800 SOUTH MEADOWS ROAD. (DONNA WYNANT, CASE MANAGER)**

Postponed to September 3, 2015. See action under item F(2) above.

G. STAFF COMMUNICATIONS

Mr. Smith said, "We had discussed the potential of having study sessions. I don't know that staff is ready to propose any specifics. I'm not sure if the Commissions are or not."

Chair Harris said he doesn't think so, but maybe it's a tuneup for the discussion next time.

H. MATTERS FROM THE COMMISSION

Commissioner Greene said he has a laundry list of things he knows are coming down the pike that are long term, land use issues that some of us might not be aware, that we might want to discuss taking up sometime soon. One is the MPO is putting its Pedestrian Plan draft together and comments are due within the next few weeks, but he doesn't know when. He recommends Commissioners take a look at it and put our comments together, noting it is a 20 year plan. He said they discussed the next general plan at the Long Range Planning meeting, and would like to have a study session on this. He said these cases on the Gerhart apartments is a priority among newly annexed territory that needs to be master planned and included in the General Plan and properly zoned, or not.

City of Santa Fe, New Mexico

memo

DATE: July 29, 2015 for the August 6, 2015 meeting

TO: Planning Commission

VIA: Lisa Martinez, Director, Land Use Department 
Greg Smith, AICP, Current Planning Division Director 

FROM: Donna Wynant, AICP, Senior Planner, Current Planning Division 

Case #2015-57. Gerhart Apartments General Plan Amendment. Scott Hoeft of Santa Fe Planning Group, agent for Storm River LLC requests approval of a General Plan Future Land Use map amendment to change the designation of 11.83± acres of land from Low Density Residential (1-3 dwelling units per acre) to High Density Residential (12-29 dwelling units per acre). The property is located at 2800 South Meadows Road (Donna Wynant, Case Manager).

Case #2015-58. Gerhart Apartments Rezoning. Scott Hoeft of Santa Fe Planning Group, agent for Storm River LLC, requests rezoning approval of 11.83± acres of land from R-1 (Residential, 1 du/acre) to R-21 (Residential, 21 du/acre). The property is located at 2800 South Meadows Road (Donna Wynant, Case Manager).

Cases #2015-57, #2015-58 are combined for purposes of staff report, public hearing and Planning Commission comment and action, but each is a separate application and shall be reviewed and voted upon separately.

RECOMMENDATION

If the Commission determines that the road network in the vicinity is adequate to serve future development on this property and on surrounding properties – or that the road network can be upgraded as development occurs – the Commission should recommend **approval** of both cases, with staff Conditions of Approval for the rezoning case. No specific development will occur as a result of these applications. The General Plan Amendment and Rezoning cases will proceed to the City Council for final decision, and if approved, a Development Plan for Planning Commission review and approval will be required for the proposed development. The agenda packet includes a copy of the development plan the applicant intends to submit for future approval

I. EXECUTIVE SUMMARY

The General Plan Amendment and Rezoning applications pertain to the subject 11.83± acres currently designated Low Density Residential (1-3 dwelling units per acre) and zoned R-1 (Residential, 1 dwelling unit per acre). The property was annexed into the City in 2014 as part of the City-initiated annexation process and zoned R-1 (Residential, one dwelling unit per acre).

The property is bounded by South Meadows along the southeast property line and Camino Real Academy public school to the west and south., A 30-acre parcel of state-owned land that is leased by the city is located to the north, about 5 acres of which may be developed in the future for a City fire station. Eight small parcels are located northeast of the applicant's property on the north side of South Meadows Road, between the road and the city parcel. Some of the small parcels are owned by the state or the Bureau of Land Management, and several are apparently in private ownership. Across South Meadows is a 10 acre vacant parcel, owned by the applicant and to the north of that is BLM land. The site is accessed by South Meadows and is approximately ¼ mile south from the new CR62/NM599 interchange, and ¼ mile north of the South Meadows/Agua Fria intersection.

The property is fairly flat and features very few trees and is not in the flood plain. An archaeological survey and report were provided with the application. The Archeological Review Committee (ARC) approved the archaeological reconnaissance report and issued an Archaeological Clearance Permit for the project at their 7/2/15. (See Exhibit __).

The applicant has submitted a Traffic Impact Analysis, and the city's Traffic Engineering Division has determined that adequate access can be provided to the site via two driveways to South Meadows Road, of appropriate turn lanes and medians are constructed. However, Land Use staff has identified potential concerns with whether the existing road network will provide adequate access for the likely types and intensity of development on this and other nearby parcels (see Section III of this report).

Utilities available to serve the site include a water and sewer line located along South Meadows Road. The applicant will be required to transfer water rights to the City of Santa Fe. The non-domestic well on-site will not be use for the apartment project.

The applicant has provided a conceptual site plan (see Exhibit E) that shows a 240 unit apartment development. The site plan is for illustrative purposes only since a more detailed development plan will be submitted for the Planning Commission's review and approval. The applicant proposes ten 3-story buildings, each consisting of 24 units. The applicant proposes to build the apartment building to the same final elevation as the adjacent school for the majority of the site. Requirements for common or private open space, and land to be dedicated for neighborhood parks, open space, trails and recreation facilities will be more closely reviewed at the time of final development plan.

Additional information is provided in the applicant's "Gerhart Apartment Project report regarding the proposed layout of the buildings, amenities, architectural features, etc. The applicant is working with the Office on Affordable Housing on their plan to either provide the required number of affordable units or an alternate means of compliance. The applicant also submitted a housing market study that shows a lack of market rate housing in Santa Fe.

II. GENERAL PLAN AMENDMENT

14-3.2 (E) Approval Criteria

(1) Criteria for All Amendments to the General Plan

The planning commission and the governing body shall review all general plan amendment proposals on the basis of the following criteria, and shall make complete findings of fact sufficient to show that these criteria have been met before recommending or approving any amendment to the general plan:

- (a) *consistency with growth projections for Santa Fe, economic development goals as set forth in a comprehensive economic development plan for Santa Fe and existing land use conditions such as access and availability of infrastructure;*

Applicant Response:

As part of the presumptive City limit, this area is identified for future growth of the City. A high-density residential project can help serve the residential needs of this portion of the City of Santa Fe. Multi-family projects can encourage young people and families to stay in Santa Fe. The apartment project has readily available access to new infrastructure, namely new roads, water/sewer lines, fire protection, schools, and parks.

The area of the subject site (southwest Santa Fe) shows a 95.67% occupancy rate for existing apartment projects.

Staff Response:

The South Meadows Road extension and the 599 interchange provide sufficient access to support development that is much more intense than the current R-1 and R-3 that apply to the project site and to much of the nearby land. No detailed land use plan has been approved for the vicinity, although commercial zoning and a master plan were approved for parcels nearer to the 599 interchange (Village Plaza). That approval was granted under the Extraterritorial Zoning Ordinance prior to annexation by the city, and the zoning approval remains in effect. Although the city does not maintain specific projections for types and rates of growth, it appears that:

- There is currently unmet demand for large-scale apartment projects
- There are several parcels of land in the city that have already been planned and/or zoned for apartment development.
-

- (b) *consistency with other parts of the general plan;*

Applicant Response:

The apartment project is in Stage 2 of Urban Area Stage Plan (2010-2025) the goal of which is to concentrate population at greater densities in future growth areas, encourage “compact urban form” and develop at a higher density to make the most efficient use of utilities, roads and parks. The General Plan also encourages pedestrian linkages (children can walk to school; school

connections; bus stop possibility on Agua Fria, close proximity to existing infrastructure (NM599 interchange).

Staff Response:

Staff general concurs with the applicant's responses to the approval criteria for the General Plan amendment. The proposed apartment complex could become part of a potential future nodal area near the NM 599 / South Meadows interchange, along with the El Camino Real Academy, Cottonwood Mobile Home Park, a new city fire station and the previously-approved commercial center (Village Plaza). The project adjoins and is walking distance to the new El Camino Real Academy and is approximately 400 feet from NM 599 and 400 feet from the Santa Fe River. There are no directly adjacent homes or farms.

(c) the amendment does not:

(i) allow uses or a change that is significantly different from or inconsistent with the prevailing use and character in the area; or

(ii) affect an area of less than two acres, except when adjusting boundaries between districts; or

(iii) benefit one or a few landowners at the expense of the surrounding landowners or the general public;

Applicant Response:

See response below.

Staff Response:

The proposed high density residential development is an appropriate use located between a school and future fire station and near a future commercial area. This growing area is in transition, near an interchange and features a variety of uses in the surrounding area, and is therefore not "significantly different from or inconsistent with the prevailing use and character in the area."

The site is 11.83± acres; well beyond the minimum requirement of two acres when amending the General Plan or rezoning a parcel.

The request to amend the future land use designation from low density residential to high density residential does not benefit one or a few landowners at the expense of the surrounding landowners or the general public.

(d) an amendment is not required to conform with Subsection 14-3.2(E)(1)(c) if it promotes the general welfare or has other adequate public advantage or justification;

Applicant Response:

The area in and around the subject site will witness numerous changes in the coming years, starting with the new infrastructure in the area (NM599) interchange at CR62 and S. Meadows Rd), the new school, new parks and trails, and new commercial areas close by. The character of the area is in the process of transforming into compact urban form. The request for the apartment project is consistent with the General Plan, which encourages compact urban form, thus it is put forth in this narrative that the requested change promotes the general welfare of the City and has public advantage to efficiently utilize the new infrastructure in the area.

Staff Response:

Approval criterion (d) is not required for this proposal, since it is more than two acres in size. The proposed plan amendment would comply in any case.

(e) compliance with extraterritorial zoning ordinances and extraterritorial plans;

Applicant Response:

No longer applicable.

Staff Response:

Staff concurs.

(f) contribution to a coordinated, adjusted and harmonious development of Santa Fe that in accordance with existing and future needs best promotes health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development;

Applicant Response:

The apartment project is one component of several components in the area that will make up a harmonious development in the municipality. High density residential units combined with medium/low density residential product, a new school, parks/trails, commercial development and a new municipal fire station will all be occurring within a ½ mile radius.

Staff Response:

A high density market rate residential apartment development in the proposed location is well situated near a school, fire station, commercial area, the Santa Fe river trail and proximity to the 599 interchange.

(g) consideration of conformity with other city policies, including land use policies, ordinances, regulations and plans.

Applicant Response:

(No response was given)

Staff Response:

Staff has not identified inconsistencies with any other adopted policies. Development that complies with applicable regulations should be feasible.

(2) Additional Criteria for Amendments to Land Use Policies

In addition to complying with the general criteria set forth in Subsection 14-3.2(E)(1), amendments to the land use policies section of the general plan shall be made only if evidence shows that the effect of the proposed change in land use shown on the future land use map of the general plan will not have a negative impact on the surrounding properties. The proposed change in land use must be related to the character of the surrounding area or a provision must be made to separate the proposed change in use from adjacent properties by a setback, landscaping or other means, and a finding must be made that:

(a) the growth and economic projections contained within the general plan are erroneous or have changed;

(b) no reasonable locations have been provided for certain land uses for which there is a demonstrated need; or

(c) conditions affecting the location or land area requirements of the proposed land use have changed, for example, the cost of land space requirements, consumer acceptance, market or building technology.

Applicant Response:

The General Plan Amendment is justified in this case as growth is expected and planned for this area. The site is located in the Phase 2 annexation area. The proposed change will not have a negative impact on surrounding property, as many surrounding properties are all in the state of change. New school uses, new fire stations, new parks/trail and commercial areas all make up the ongoing changes that are occurring in this area.

Staff Response:

A high density residential development that is adjacent to a school makes for a safer, more convenient trip to school, without crossing busy streets. The future fire station on the north side

of the property certainly increases safety to the development in many ways. The sound of sirens from fire engines in such close proximity, however, is something to be mitigated with additional landscaping, buffer, sound wall, and/or practice of silencing the sirens within a certain distance of the apartment project.

III. REZONING

Section 14-3.5(A) and (C) SFCC 2001 sets forth approval criteria for rezoning as follows:

(1) The planning commission and the governing body shall review all rezoning proposals on the basis of the criteria provided in this section, and the reviewing entities must make complete findings of fact sufficient to show that these criteria have been met before recommending or approving any rezoning:

(a) one or more of the following conditions exist:

(i) there was a mistake in the original zoning;

(ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning; or

(iii) a different use category is more advantageous to the community, as articulated in the general plan or other adopted city plans;

Applicant Response:

Regarding these three conditions, and addressing the first, while a mistake was not made with the original zoning of R-1, it was a default zoning classification for sites and land areas that did not have a previously approved Master Plan. Given the transition that is occurring in the area (new interchange at NM599, new school, greater density, new fire station, new parks and trails) the R-1 zoning classification was certainly not the highest and best use for the subject site in consideration of the objectives of the General Plan. It is evident that the second criteria is met as well given that the area is in transition due to the new infrastructure in the area (NM599 Interchange and new S. Meadows Rd). Regarding criteria three, it is more advantageous to the community and the City to encourage a more compact urban form to utilize the existing land areas more efficiently as well as the new utility infrastructure in the area (to include water, sewer, and roadways).

Staff Response:

No mistake was made in the original zoning. Recent changes in the surrounding area do alter the character of the neighborhood to such an extent as to justify changing the zoning. A different use category is more advantageous to the community, as articulated in the general plan and other adopted city plans.

(b) all the rezoning requirements of Chapter 14 have been met

Applicant Response:

The apartment project, as it is further designed in the development plan process, will adhere to Chapter 14 of the City of Santa Fe land use code. Procedural and other requirements will be met, which will include: parking, landscaping, engineering (terrain management), water/sewer hookup, water rights transfer, open space, building height and architectural standards.

Staff Response:

The notice requirements were met with the pre-application conference, the ENN, posting and mailing, etc. Details of the proposed development will be more closely reviewed for compliance to all the Chapter 14 requirements as the applicant states above.

(c) the rezoning is consistent with the applicable policies of the general plan, including the future land use map;

Applicant Response:

The General Plan encourages compact urban form in developing areas. The subject area is within Stage 2 Urban Staging Area (2010-2025). The development of the site is in accordance with the timeline of the Plan.

Staff Response:

The rezoning proposal is consistent with applicable general plan policies, as described in more detail in Section II of this report.

(d) the amount of land proposed for rezoning and the proposed use for the land is consistent with city policies regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the growth of the city;

Applicant Response:

It is estimated that there will be a demand for over 1,900 new market rate apartment units by year 2020. If one considers the anticipated supply pipeline of new apartment projects, there is still a demand for over 900 new market rate units.

Staff Response:

Other areas available throughout the city that are designated high density residential, that are already zoned R-21 or R-29, near existing services. However, the nearby future commercial development and proximity to the interchange, etc. for the subject property makes the site well-suited to higher density development rather than a low density single family subdivision.

(e) the existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development.

Applicant Response:

The subject area features new streets (S Meadows Rd.), a new interchange at NM599, new water and sewer lines, and new public facilities such as a new fire station and proposed new parks. A new school is immediately adjacent to the subject site.

Staff Response:

Staff concurs with the applicant's statement.

(2) Unless the proposed change is consistent with applicable general plan policies, the planning commission and the governing body shall not recommend or approve any rezoning, the practical effect of which is to:

(a) allow uses or a change in character significantly different from or inconsistent with the prevailing use and character in the area;

(b) affect an area of less than two acres, unless adjusting boundaries between districts; or

(c) benefit one or a few landowners at the expense of the surrounding landowners or general public.

Applicant Response:

As stated earlier in this narrative the subject area is in transition with a new school, commercial area and new infrastructure.

Staff Response:

The amendment does not: allow uses or a change that is significantly different from or inconsistent with the prevailing use and character in the area; or does not affect an area of less than two acres, and does not benefit one or a few landowners at the expense of the surrounding landowners or the general public;

(D) Additional Applicant Requirements

(1) If the impacts of the proposed development or rezoning cannot be accommodated by the existing infrastructure and public facilities, the city may require the developer to participate wholly or in part in the cost of construction of off-site facilities in conformance with any applicable city ordinances, regulations or policies;

(2) If the proposed rezoning creates a need for additional streets, sidewalks or curbs necessitated by and attributable to the new development, the city may require the developer to contribute a proportional fair share of the cost of the expansion in addition to impact fees that may be required pursuant to Section 14-8.14.

Applicant Response:

The apartment project can be accommodated by existing infrastructure and public facilities. The area features new infrastructure (water, sewer, interchange, fire station to name a few). That being said, the project will participate in its fair share of improvements as indicated by the City of Santa Fe staff members.

Staff Response:

The applicant proposes two access points into the property from South Meadows, both with gated entries. The gates were set in further to the property in response to concerns raise at the ENN regarding possible back up of traffic into the street during the morning and afternoon school peak hours. The applicant also acknowledges any necessary fair share proportional road improvements in the area based upon additional traffic from the apartment project.

The applicant has submitted a traffic impact analysis that addresses site access and functioning of nearby intersections based on projections of traffic that will result from development of the applicant's property. The TIA has been reviewed and approved by the city traffic engineering division. A deceleration lane and turn lane are proposed and a raised median is required by the Traffic Engineer along the length of the subject property and along the adjacent school to its entrance.

The TIA does not address whether local roads will be needed to provide access to the other undeveloped parcels nearby, including the parcel leased by the city. Future access issues are complicated by the existence of a 'hodge-podge' pattern of ownership, and by uncertainty regarding the intensity of development that may occur if other land is "upzoned" in a manner similar to the applicant's property. Other relevant issues include:

- South Meadows is a limited-access road, so engineering standards call for street and driveway intersections with left turns to be widely spaced. Parcels that do not have direct left-turn access will be restricted to "right-in, right-out access, which may limit the type and intensity of development that will be possible.
- Previous plans to extend a frontage road along the south side of NM 599 seem unlikely to be implemented.
- A second access to the city-leased parcel – to South Meadows – would improve emergency access to the fire station, and would increase the range and intensity of development that would be possible on the remainder of the parcel.
- Provision of a road network that complies with General Plan policies and Chapter 14 standards for connectivity – one through street every 1,000 feet – will require coordination of access to the various parcels.

It may be possible to resolve the access issues as part of the future development plan review.

Regarding bus transportation, Santa Fe Trails Route 1 is about ¼ mile away from the subject site on Agua Fria. The applicant has discussed this with the Santa Fe Trails for extension of bus

service to the area as the area develops in the future. A convenient route for bike and pedestrian traffic will be possible to several destinations once the river trail is extended to this area.

IV. EARLY NEIGHBORHOOD NOTIFICATION MEETING

An ENN meeting was held on March 16, 2015 at the El Camino Real Academy, where approximately 10 neighbors, plus 2 people representing the applicant and one city staff person were in attendance. Mr. Hoeft presented a conceptual plan of the development and explained that a more detailed plan would be presented to the Planning Commission after the Council's decision on the General Plan Amendment and a Rezoning. He also pointed out that since the previous ENN held in 2013 part of the overall site was sold to the school District (for the El Camino Real Academy) and the new South Meadows Road split off 10 acres of land (mostly floodplain) to the south. That portion was for the County to eventually extend the trail along the Santa Fe River.

Questions raised primarily concerned traffic congestion and overcrowding of schools. People asked about possible traffic congestion at morning and afternoon peak hours at the school and the backup of traffic at the 2 gated entries. School overcrowding in the area and the El Camino Real Academy already at full enrollment (see Exhibit D-2: ENN Notes) was a major concern.

ATTACHMENTS:

EXHIBIT A: Conditions of Approval

EXHIBIT B: Development Review Team Memoranda

1. Long Range Planning, Housing, & Community Dev. Dept, Richard Macpherson
2. Traffic Engineering Division memorandum, Sandra Kassens
3. Metropolitan Planning Organization email, Keith Wilson
4. Technical Review Division memorandum– City Engineer, Risana Zaxus
5. Wastewater Management Division memorandum, Stan Holland
6. Water Division memorandum, Dee Beingessner
7. Affordable Housing memorandum, Alexandra Ladd [Not available at staff report deadline]
8. Fire Marshal memorandum, Reynaldo Gonzales [Not available at staff report deadline]
9. Archaeological Liaison – Letter & ARC Clearance- Lisa Roach
10. Santa Fe Public Schools

EXHIBIT C: Maps

1. Aerial Photo
2. Future Land Use
3. Current Zoning

EXHIBIT D: ENN Materials

1. ENN Responses to Guidelines
2. ENN Meeting Notes

EXHIBIT E: Applicant Materials

1. Conceptual Site Plan [Included in Commissioner packets]

EXHIBIT F: Other Material

1. List of permitted uses in the R-21 district (Residential, 21 du/acre)

**Gerhart Apartments
 Planning Commission
 General Plan Amendment (Case #2015-57)
 Rezoning (Case #2015-58)**

DRT Conditions of Approval	Department	Staff
<ol style="list-style-type: none"> 1. The Developer shall provide right-turn deceleration lane analyses on South Meadows Road at both driveways into the apartments per the criteria in the State Access Management Manual (SAMM); and shall build right-turn deceleration lane(s) if determined to be necessary by the Public Works Department (PWD); 2. The Developer shall build a 14' wide raised center median (instead of painted median); and along the frontage of the Gerhart property the Developer shall add a 5' bicycle lane to the typical section that already includes sidewalk and buffer; 3. The Developer shall maintain the existing northbound typical section; and 4. The Developer shall extend the 14' wide median southward along the frontage of the school property so that it ties in and terminates at the left-in to the school. 5. The Developer shall work with the PWD to <u>refine cost estimates</u>, including Right-of-Way (ROW) acquisition, for the following two (2) mitigation alternatives for the Agua Fria/South Meadows Intersection: 1) added left turn lanes on Agua Fria and 2) replacement of signalized intersection with a roundabout. 6. The Developer shall provide <u>fair-share contributions</u> for future improvements to the off-site intersection at Agua Fria Street and South Meadows Road; once it has been determined by the Public Works Department which mitigation will be implemented and how much it will cost. 	<p>Traffic Engineering/Public Works</p>	<p>John Romero (per Sandra Kassens)</p>

**Gerhart Apartments
 Planning Commission
 General Plan Amendment (Case #2015-57)
 Rezoning (Case #2015-58)**

<p>The proposed stormwater ponds cannot be considered to be amenities integrated into the landscape. If this case proceeds to the Development Plan stage, the following provisions of the Land Development Code must be met:</p> <p>14-8.2(A)(6) treat stormwater runoff as a valuable natural resource in Santa Fe...by encouraging water collection and infiltration on site</p> <p>14-8.2(A)(11) integrate stormwater management measures into the landscape and site planning process...</p> <p>14-8.2(A)(12) provide aesthetically pleasing solutions to stormwater management and erosion control measures by integrating measures into the overall landscape and site design</p> <p>14-8.4(A)(1) This section requires water harvesting and encourages the development of alternate sources of landscape irrigation water...Water conservation, water harvesting and irrigation efficiency shall guide landscape design...</p> <p>14-8.4(A)(2)...this Section 14-8.4 is part of the purpose and intent of Chapter 14, which is to enhance the appearance of Santa Fe's streets and public places in order to promote their role as community amenities...</p> <p>14-8.4(E)...Alternative sources of irrigation water shall be developed, including harvested water from roof and site runoff.</p> <p>14-8.4(E)(1) The landscaping plan shall include passive water harvesting for landscape irrigation purposes...</p> <p>14-8.4(E)(1)(b)(i)...Detention and retention ponds should be integrated landscape features, rather than single-purpose flood control ponds.</p> <p>14-8.4(I)(4) - {referring to parking lots}: ...stormwater runoff shall be used to provide irrigation for the perimeter and interior plantings to the greatest extent possible...stormwater runoff water shall be harvested and infiltrated as close to</p>	<p>Technical Review Division/LUD</p> <p>Risana Zaxus</p>
--	---

**Gerhart Apartments
 Planning Commission
 General Plan Amendment (Case #2015-57)
 Rezoning (Case #2015-58)**

<p>where it falls as possible...</p> <p>The following notes shall be added to the plats:</p> <ol style="list-style-type: none"> 1. Each lot shall be served by separate water and sewer services 2. Wastewater Utility Expansion Charges (UEC) shall be paid at the time of building permit application. <p>The following is a design review comment:</p> <ol style="list-style-type: none"> 1. A public sewer system design is shown to be serving the site. Typically, sewer system serving single property developments are designed utilizing private on-site sewer systems. 	<p>Wastewater Management/Pubic Works</p> <p>Stan Holland</p>
---	--

City of Santa Fe, New Mexico

memo

DATE: July 17, 2015

TO: Kate Noble, Acting Manager, Housing and Community Development Dept. *KN*

VIA: Reed Liming, Director, Long Range Planning Division *RL*

FROM: Richard Macpherson, Senior Planner, Long Range Planning Division *RM*.

RE: The Gerhart Apartment Project

Long Range Planning generally concurs with the applicant's responses to the approval criteria for a General Plan amendment. This proposed apartment complex could become part of a potential future nodal area near the NM 599 / South Meadows interchange, along with the El Camino Real Academy, Cottonwood Mobile Home Park, a new city fire station and a planned commercial center (Village Plaza). The project adjoins and is walking distance to the new El Camino Real Academy and is approximately 400 feet from NM 599 and 400 feet from the Santa Fe River. The site plan shows a fully landscaped project that could become part of a nicely designed development. It seems a higher-density residential apartment project could be appropriate in this location. There are no directly adjacent homes or farms. In summary, a General Plan amendment to higher density residential use would seem to be acceptable for this site.

City of Santa Fe, New Mexico

memo

**AMENDED MEMO*

DATE: July 28, 2015

TO: Donna Wynant, Senior Planner, Land Use Division

VIA: John J. Romero, Traffic Engineering Division Director *JR*

FROM: Sandra Kassens, Engineer Assistant *SK*

SUBJECT: Gerhart Apartments General Plan Amendment and Rezone (Case# 2015-57 & 2015-58)

ISSUE:

Scott Hoefft of Santa Fe Planning Group, agent for Storm River LLC, requests approval of a General Plan Future Land Use Map amendment to change the designation of 11.83± acres of land from Low Density Residential (1-3 dwelling units per acre) to High Density Residential (12-29 dwelling units per acre.) The agent also requests rezoning of 11.83± acres of land from R-1 (Residential, 1 dwelling unit per acre) to R-21 (Residential, 21 dwelling units per acre). The property is located at 2800 South Meadows Road.

RECOMMENDED ACTION:

Review comments are based on submittals received on May 27, 2015 and the revised Traffic Impact Analysis (TIA) dated 6/8/15 received in Public Works on June 9, 2015. The comments below should be considered as Conditions of Approval to be addressed prior to subsequent submittal unless otherwise noted:

- **The Developer shall provide right-turn deceleration lane analyses on South Meadows Road at both driveways into the apartments per the criteria in the State Access Management Manual (SAMM); and shall build right-turn deceleration lane(s) if determined to be necessary by the Public Works Department (PWD);**

Per Article 14-9.2 of the City of Santa Fe Code, the Developer shall widen South Meadows Road (secondary arterial) along the extent of the Gerhart property by constructing the following:

- **The Developer shall build a 14' wide raised center median (instead of painted median); and along the frontage of the Gerhart property the Developer shall add a 5' bicycle lane to the typical section that already includes sidewalk and buffer;**
- **The Developer shall maintain the existing northbound typical section; and**
- **The Developer shall extend the 14' wide median southward along the frontage of the school property so that it ties in and terminates at the left-in to the school.**

**See amended notes on following page.*

SS001.PM5 - 7/95

EXHIBIT *B-2*

****Amendment: The Developer will be eligible to apply for Impact Fe Credits in an amount to be determined by the Public Works Department for Roadway Improvements; the amount will be based on the difference between the estimated cost of the above mentioned improvements less the amount that the Developer had previously proposed.***

Off-site Improvements at Agua Fria St. and South Meadows Road intersection:

The capacity analyses demonstrate that the east-bound left turn movement on Agua Fria at the intersection of South Meadows and Agua Fria is currently failing during the AM peak hour. The Developer analyzed two options for mitigation; namely adding left turn lanes on Agua Fria Street at the existing signalized intersection, or replacing the signal with a single-lane roundabout. Either option would operate at an acceptable level of service (LOS) based on conceptual designs and LOS analysis provided by the Developer.

- **The Developer shall work with the PWD to refine cost estimates, including Right-of-Way (ROW) acquisition, for the following two (2) mitigation alternatives for the Agua Fria/South Meadows Intersection: 1) added left turn lanes on Agua Fria and 2) replacement of signalized intersection with a roundabout.**

****Amendment: The Developer shall provide fair-share contributions for the greater of the two cost estimates listed above for future off-site intersection improvements at Agua Fria Street and South Meadows Road.***

Development Plan Review:

The Development plan is preliminary at this point in time; therefore we will review the construction plans when the development plan is submitted for approval.

If you have any questions or need any more information, feel free to contact me at 955-6697. Thank you.

K. NM 599 S. Frontage Road from CR 62 to Caja del Rio

This alternative is to construct a frontage road on the south side of NM 599 from the CR 62 Intersection to Caja del Rio as shown in Figure 14. This alternative could be used as an alternative to construction the Caja del Rio Interchange to provide access to the south side of NM 599. There is a parcel on the south side of NM 599 that only has access to the Santa Fe River and not to any road.

1. Traffic Analysis

The S. Frontage Road from CR 62 to Caja del Rio would serve new development. The frontage road would funnel traffic to the CR 62 intersection. This future development is included in the traffic forecasting model and will be included in the intersection analysis.

2. Safety

A frontage road from CR 62 to Caja del Rio would serve new development so safety would not be improved.

3. Horizontal and Vertical Alignment

The horizontal alignment of the S. Frontage Road from Caja del Rio to CR 62 alternative is shown in Figure 14 along with the horizontal curve data. The vertical profile data can be found in Appendix N. The design speed of the frontage road is 40 miles per hour.

4. Typical Section

The south frontage road typical section is assumed to be 2-12' lanes with 5' shoulders as shown in Figure 4. A concrete wall barrier would be needed between NM 599 and the frontage road. A half concrete wall barrier and a noise wall would be needed between the frontage road and the Cottonwood Mobile Home Park.

A minimum of 4' of clear space is recommended for bicyclists. An additional foot is needed because the open graded friction course laps onto the shoulder 1'. In areas with guardrails or walls the shoulders are recommended to be 6'. The pavement section is assumed to be 5/8 inches of open graded friction course and 5 1/2 inches of hot mix asphalt type SP-III over 7 inches of base course to match the existing frontage roads.

5. Multi-modal Transportation

The shoulder on the south frontage road would accommodate road bicyclists; however, the right-of-way becomes restricted halfway between Caja del Rio and County Road 62. It is possible that the Santa Fe River Trail could serve as an alternate route for pedestrians, equestrians and mountain bicyclists. There is an existing trail underpass just west of Caja del Rio that provides a reasonable crossing of NM 599.

6. Drainage

The existing structures under NM 599 are not impacted by the frontage road alternative. A storm drain with drop inlets would be needed for the frontage road where it is adjacent to NM 599. It was assumed that the drop inlets were 1000 feet apart for the estimate. In addition a pipe would be needed under Caja del Rio. The proposed structures are shown in Table 21.

Pipe Size	Length Required (ft)	Remarks
24"	120	Under Caja del Rio
30"	1696	Storm drain
36"	1696	Storm drain
42"	1696	Storm drain
24"	40	Connect 8 drop inlets to storm drain.

7. Noise Wall

The existing noise wall between NM 599 and the Cottonwood Mobile Home Park will have to be replaced with this alternative. The existing wall is approximately 7 feet tall and 2200 feet long. The wall is placed on a berm which adds approximately 6' to the height. The existing berm would need to be removed to construct the frontage road. A post and panel retaining/noise wall system is recommended to replace this wall. The system consists of drilled concrete shafts (approximately 36" diameter by 20 to 25 feet deep) with steel shape reinforcement embedded to the full depth of the concrete shaft. These posts would be spaced at approximately 20 feet on center. Precast concrete panels are then placed between the posts.

8. Utilities

There is a Gas Company of New Mexico 20 inch gas line which crosses under NM 599 and the I-25 frontage roads approximately 1300 feet north of Interstate 25. A 20 inch gas line goes north within the right-of-way from a point between NM 599 and the frontage road to the west side of the Cottonwood mobile home park near Caja del Rio. The line then crosses under NM 599 and goes north.

There is a 16 inch water line within the NM 599 right-of-way which starts on the outside of the I-25 W. Frontage Road and then goes north to the northwest corner of the Caja del Rio / NM 599 W. Frontage Road intersection. There is a 24 inch water line crossing of NM 599 approximately 200 feet north of the Cottonwood Mobile Home Park. There are three parallel 12 inch water lines which cross NM 599 approximately 1600 feet northeast of the Caja del Rio / NM 599 W. Frontage Road intersection.

9. **Constructability**

The frontage road can be constructed without impacting existing traffic.

10. **Right-of-way**

Approximately 15.5 acres will be needed to construct the S. Frontage Road from Caja del Rio to CR 62. The property is owned by the State Land Office or privately owned.

Access control will need to be established between the frontage road and NM 599.

11. **Environmental Factors**

The right-of-way for this future frontage road was not cleared under the 1987 EA; however, the engineering, social, economic, and environmental investigations conducted thus far have not disclosed any potentially significant impacts on the quality of the human or natural environment. The recommended level of effort for the construction of this alternative is an Environmental Assessment.

Field surveys would be required to determine the level of impact for the following resource areas: cultural resources, biological resources, threatened and endangered species, and hazardous materials. Consideration of local and regional travel patterns and access modifications would need to be completed. Evaluations will need to include both traffic and access impacts as well as potential noise and visual impacts.

12. **Estimated Construction Cost**

The approximate cost of a frontage road would be \$8,000,000 including 8% Engineering and Contingencies and 7.9375% New Mexico Gross Receipts Tax (NMGRT). The construction cost estimate can be found in Appendix N.

13. **Recommendations**

The preferred alternative for the Caja del Rio Location is to construct an interchange. An interchange meets the purpose and need of eventually making NM 599 and access controlled facility. This alternative would take traffic off of the existing CR 62 intersection which would improve the safety at that location. In addition it improves the traffic flow from the Caja del Rio intersection with the NM 599 frontage road that currently has to go out of direction by approximately three miles in order to go southbound. The estimated construction cost for the interchange is approximately the same as the cost for the south frontage road but it provides improved access both north and south. The frontage road only provides access to the south side of NM 599. It is recommended that the alternative be prioritized with the other alternatives.



ID	RADIUS	APC	DELTA	TANGENT
C1	1146.00'	56.602°	2816.45'	2887.0'
C2	1146.00'	56.602°	2816.45'	2887.0'
C3	5301.00'	113.02°	1201.48'	558.58'
C4	983.86'	936.81°	2703.22'	477.31'
C5	500.00'	172.04°	1542.53'	86.85'
CB	1445.92'	497.52°	1542.53'	2518.4'

Delonnan & Neider
 CONSULTING ENGINEERS
 10000 N. MESA LANE, SUITE 100
 DALLAS, TEXAS 75243-1000
 TEL: 972.346.1000
 FAX: 972.346.1001
 WWW.DELONNAN.COM

NM 599 INTERCHANGE STUDY

FIGURE 14
NM 599 S. FRONTAGE RD
FROM CR 62 TO CAJIA DEL RIO

From: WILSON, KEITH P.
Sent: Monday, July 27, 2015 11:38 AM
To: WYNANT, DONNA J.
Cc: AUNE, ERICK J.; TIBBETTS, MARK S.
Subject: RE: Gerhart Apartments

Donna:

A Frontage Road along the south side of NM599 from County Road 62 to Caja del Rio Road was evaluated as part of the "Final Project Prioritization Plan for the NM599 Corridor" (<http://santafemppo.org/wp-content/uploads/2009/07/NM599-Final-Project-Prioritization-Plan-Apr2010.pdf>), but was not recommended as it was concluded that constructing an Interchange at Caja del Rio Road would provide better access, so the Frontage Road was not carried forward. I have attached the relevant pages from the Prioritization Plan for your review.

I assume as future developments come in they may need to or be required to utilize and extend the frontage road for access.

Let me know if you need additional information or have questions.

Keith P. Wilson
MPO Senior Planner
Santa Fe Metropolitan Planning Organization

Mailing: P.O. Box 909
Santa Fe, NM 87504-0909

Office: 500 Market St, Suite 200 (Above REI Store)
Santa Fe, NM
Map: <http://tinyurl.com/l6kejeg>
Directions & Parking: <http://www.railyardsantafe.com/north-railyard/>

Phone: 505-955-6706
Email: kpwilson@santafenm.gov
santafemppo@santafenm.gov

Please Visit Our Website at: www.santafemppo.org



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DATE: June 10, 2015
TO: Donna Wynant, Case Manager
FROM: Risana "RB" Zaxus, PE
City Engineer
RE: Cases # 2015-57 and # 2015-58
Gerhart Apartments General Plan Amendment and Rezoning

The following review comment is to be regarded as a condition of approval:

The proposed stormwater ponds cannot be considered to be amenities integrated into the landscape. If this case proceeds to the Development Plan stage, the following provisions of the Land Development Code must be met:

14-8.2(A)(6) treat stormwater runoff as a valuable natural resource in Santa Fe...by encouraging water collection and infiltration on site

14-8.2(A)(11) integrate stormwater management measures into the landscape and site planning process...

14-8.2(A)(12) provide aesthetically pleasing solutions to stormwater management and erosion control measures by integrating measures into the overall landscape and site design

14-8.4(A)(1) This section requires water harvesting and encourages the development of alternate sources of landscape irrigation water...Water conservation, water harvesting and irrigation efficiency shall guide landscape design...

14-8.4(A)(2)...this Section 14-8.4 is part of the purpose and intent of Chapter 14, which is to enhance the appearance of Santa Fe's streets and public places in order to promote their role as community amenities...

14-8.4(E)...Alternative sources of irrigation water shall be developed, including harvested water from roof and site runoff.

14-8.4(E)(1)The landscaping plan shall include passive water harvesting for landscape irrigation purposes...

14-8.4(E)(1)(b)(i)...Detention and retention ponds should be integrated landscape features, rather than single-purpose flood control ponds.

14-8.4(I)(4) - {referring to parking lots}: ...stormwater runoff shall be used to provide irrigation for the perimeter and interior plantings to the greatest extent possible...stormwater runoff water shall be harvested and infiltrated as close to where it falls as possible...



MEMO

Wastewater Management Division DEVELOPMENT REVIEW COMMENTS

E-MAIL DELIVERY

Date: May 29, 2015

To: Donna Wynant, Case Manager

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

Subject: Case 2015-57 & 58 Gerhart Apartments General Plan Amendments & Rezoning

The subject property is accessible (within 200 feet) to the City public sewer system.

The Wastewater Division has no objection to the General Plan Amendment or Rezoning request.

The following notes shall be added to the plats:

1. Each lot shall be served by separate water and sewer services
2. Wastewater Utility Expansion Charges (UEC) shall be paid at the time of building permit application.

The following is a design review comment:

1. A public sewer system design is shown to be serving the site. Typically, sewer system serving single property developments are designed utilizing private on-site sewer systems.

City of Santa Fe
memo

DATE: July 23, 2015
TO: Donna Wynant, Land Use Senior Planner, Land Use Department
FROM: Dee Beingessner, Water Division Engineer 
SUBJECT: Case # 2015-57 & 58 Gerhart Apartments

The proposed development will require a water main extension for the proposed mains throughout the complex. Each dwelling unit must either be separately metered or sub-metered with a master meter for each building.

An agreement to construct and dedicate will be required to connect the existing mains through the subject lot. An approved water plan will be required for the agreement to construct and dedicate the new main.

Fire service requirements will have to be determined by the Fire Department prior to development.



City of Santa Fe, New Mexico

200 Lincoln Avenue, P.O. Box 909, Santa Fe, N.M. 87504-0909

www.santafenm.gov

Javier M. Gonzales, Mayor

Councilors:

Peter N. Ives, Mayor Pro Tem, Dist. 2

Patti J. Bushee, Dist. 1

Signe I. Lindell, Dist. 1

Joseph M. Maestas, Dist. 2

Carmichael A. Dominguez, Dist. 3

Christopher M. Rivera, Dist. 3

Ronald S. Trujillo, Dist. 4

Bill Dimas, Dist. 4

July 15, 2015

Soren Peters
Storm River LLC
P.O. Box 908
Santa Fe, NM 87504

NOTICE OF ARC ACTION

Project Location: South Meadows Road (proposed Gerhart Apartments)

ARC Case Number: AR-21-15

Dear Mr. Peters,

At their hearing on July 2, 2015, the City of Santa Fe Archaeological Review Committee (ARC) voted unanimously to approve an archaeological reconnaissance report prepared by Stephen Post, covering 11.8 acres for the proposed Gerhart Apartments. The ARC found the report to be in compliance with the requirements of the Santa Fe Archaeological Review Districts Ordinance and issued an Archaeological Clearance Permit for the project. No further investigation is required. If you have questions or concerns, please do not hesitate to contact me at 505-955-6660 or lgroach@santafenm.gov.

Sincerely,

Lisa G. Roach
Senior Planner / Archaeological Liaison
Historic Preservation Division
City of Santa Fe

CC: Stephen Post
3924 Old Santa Fe Trail
Santa Fe, NM 87505



Santa Fe Public Schools

Property & Asset Management

Residential Development Impact Information Form

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

Required for all projects that create six or more new residential lots or dwelling units.

1. Project Name: Genhart Apartment project
2. Location of Property: 2800 S. ALBAQUERQUE Rd!
3. Owner/Agent Name: SCOTT HOEFT / 1st planning group
 Mailing Address: P.O BOX 2482 SE, NM 87504
 Phone & Fax: 505 4120309
4. Unit Matrix

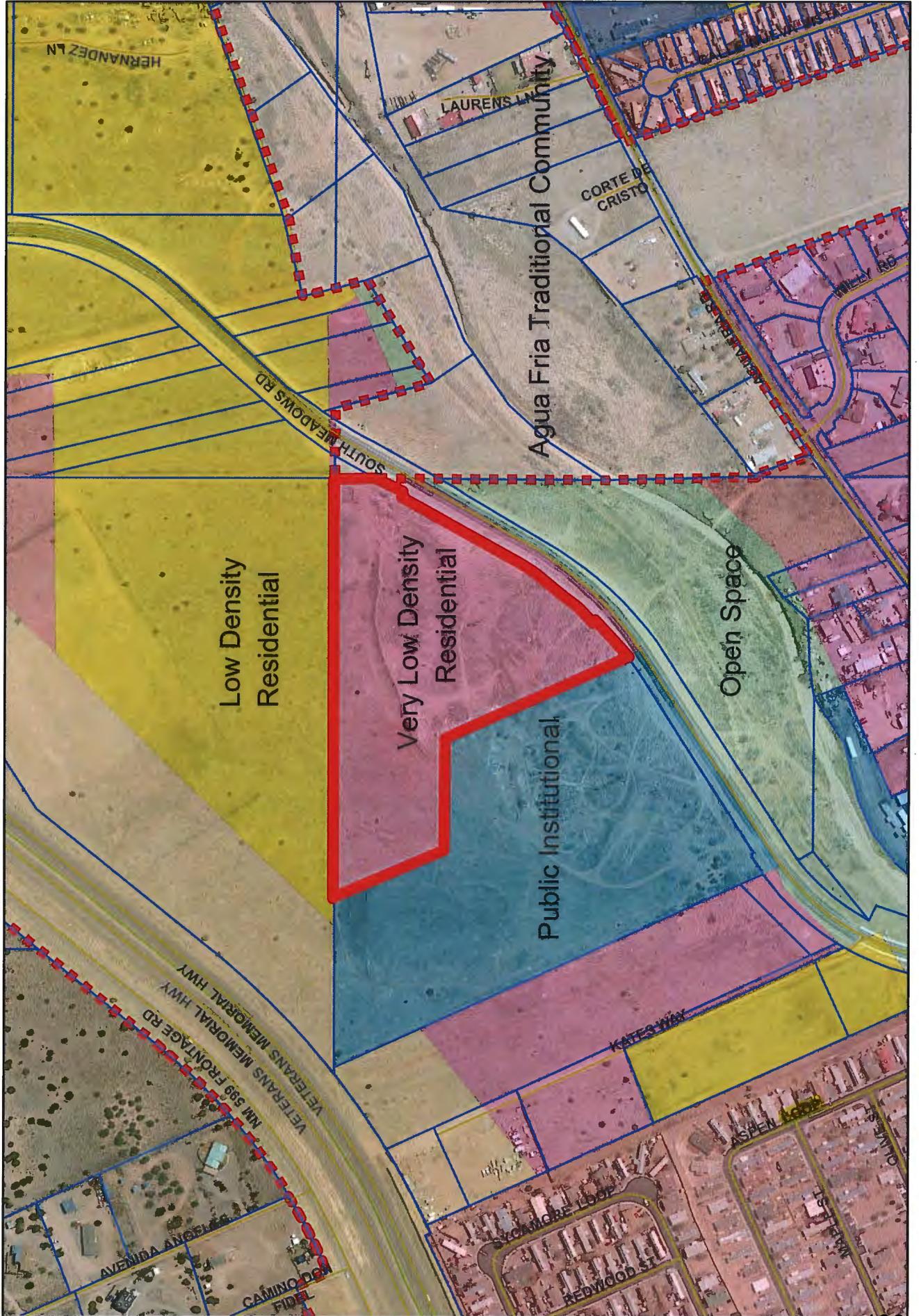
PROJECT EFFECT ON STUDENT POPULATION		
Unit Type	Unit Quantity	Average Price
Single Family (detached)		
Single Family (attached)		
<u>Townhome/ Apartment</u>	240	200-1200/monthly
Multi-Family		
Commercial		

5. Elementary School Zone for Proposed Development: Albuca Fria
6. Middle School Zone for Proposed Development: Albuca Fria
7. High School Zone for Proposed Development: Capitol Hill
8. Build-out Timeline (i.e. year(s); #/yr):
phase 1 = 120 units 2016
phase 2 = 120 units 2017

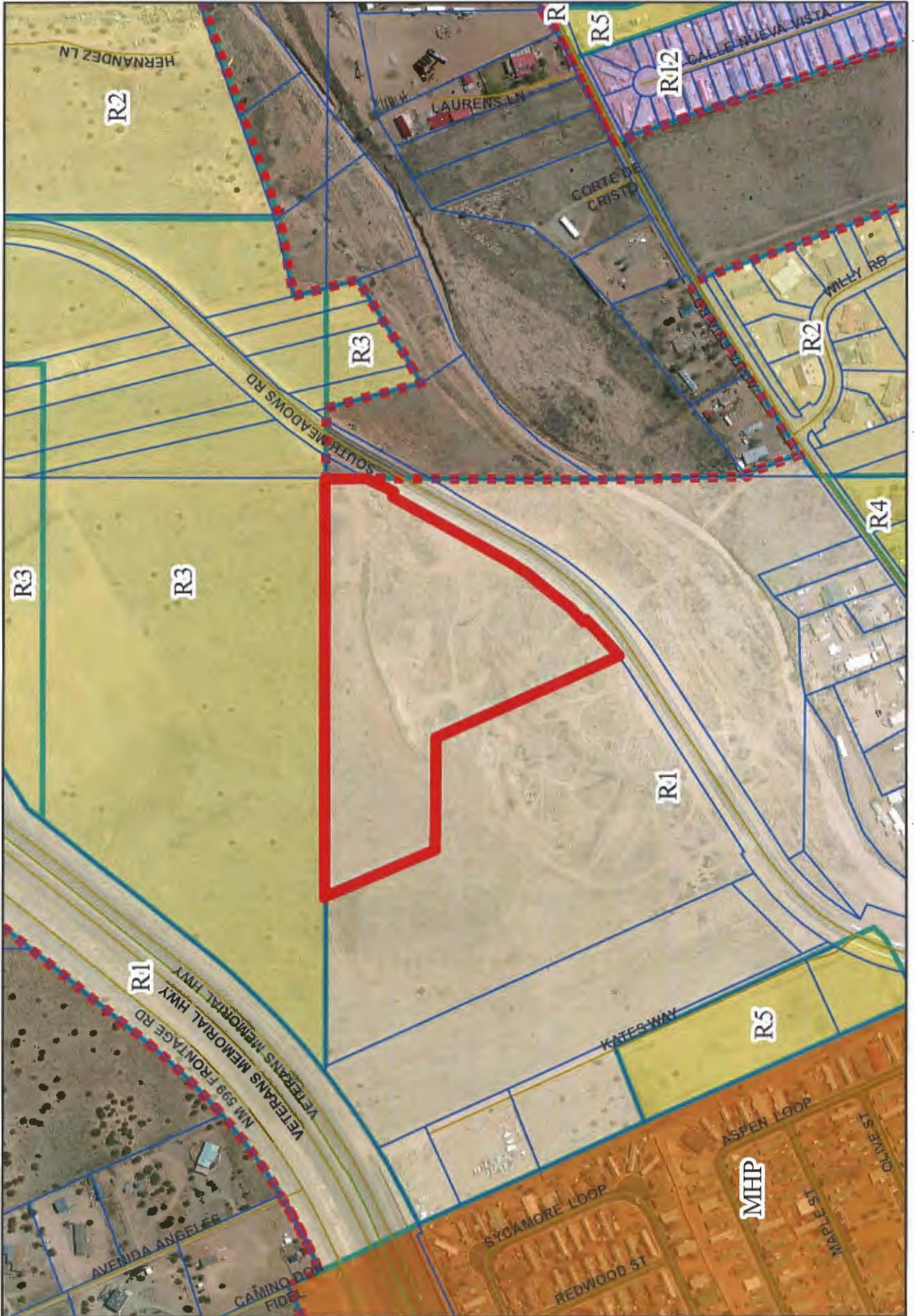
Educational Services Center
 610 Alta Vista
 Santa Fe, NM 87505
 Telephone (505) 467-2000
 www.sfps.info

Submit completed form directly to:
 Justin Snyder, Property & Asset Management,
 Santa Fe Public Schools, 610 Alta Vista, Santa Fe, NM 87505

**Gerhart Apartments- Future Land Use Map
(Project Site Highlighted in Red,
City Limits Noted by Red Dashed Line)**



**Gerhart Apartments - Current Zoning
(Project Site Highlighted in Red,
City Limits Noted by Red Dashed Line)**



**Gerhart Apartment Project:
General Plan Amendment/Rezoning Request
Early Neighborhood Notification**

The City Code provides for the exchange of information between an applicant for subdivision approval and the area neighborhoods. Eleven points are to be discussed with the neighborhood residents and landowners. This document is intended to address these eleven points.

LOCATION:

The subject site is approximately 11.83-aces in size and is located on South Meadows Road, immediately adjacent to the new Agua Fria Public School (to our west). To the north is land owned by the State Land Office, to the south is land owned by the same owner, and to the east is land owned by the BLM. The subject site is located in the Presumptive City Limits.

REQUEST:

The subject site is currently shown on the land use map as low-density residential. The intent of this application is to re-zone the property to high-density zoning (R-21) for an apartment project that has 240 dwelling units. 36-ft. of height for the building (or 3 stories) is the anticipated height of the structures.

The following is an outline of the eleven discussion points to be considered in the ENN process:

1. The effect on character and appearance of the surrounding neighborhoods:

The subject site is adjacent to the new Agua Fria School (which is located to the west). Vacant land is located to the north, south and east. Beyond the Santa Fe River (to the south) single-family homes front Agua Fria. ¼ mile to the west (beyond the school) is the high-density Cottonwood Mobile Home Pal. NM599 is located approximately 600-ft. to the northwest of the subject site.

The project encourages compact urban form as an infill project. It is envisioned that the apartment project combined with the new school will provide a higher density development area where children can walk to school (literally next door), adults can easily access the transportation infrastructure (NM599) to the north to drive to work, and all participants can access the trails network which will be located in the Santa Fe River Corridor.

The buildings will be three-story in height but will be setback a considerable distance from the S. Meadows Road (approximately 100-ft.). Pedestrian access will be provided to the school and to the SF River Trail network across S. Meadows Rd.

2. Effect on protection of the physical environment:

A large portion of the site was disturbed and used as a borrow pit for gravel operations during the construction of NM599. As the site experienced significant disturbance, a new project will significantly improve the appearance and circumstances of the area. The site features few if any trees and is not in the flood plain or escarpment district.

3. Impacts on prehistoric, historic, archaeological or cultural sites, including acequias and the historic downtown:

The site does not feature historic or archaeological/cultural sites or structures. The project will conform to the City of Santa Fe guidelines for archaeological review.

4. Relationship to existing density and zoning within the surrounding area:

The area that surrounds the subject site is largely vacant. The school use is the most important associate use and a high-density apartment project is the perfect complement to the school in order to have a high number of school children walking to school. The Cottonwood Mobile Home Park is located about ¼ mile distance to the site and is another high-density use in relative close proximity to the subject site.

5. Effects upon parking, traffic patterns, congestion, pedestrian safety, impacts of the project on flow of pedestrians or vehicular traffic and provision of access for the disabled, children, low-income and elderly services:

The site is located near the new interchange at CR62 and NM599 and fronts the new South Meadows Road, which provides for almost immediate and contemporary access to NM599. South Meadows Road, which will serve as the primary access to the subject site, is newly constructed. In other words, the transportation infrastructure in the area has been designed to accommodate the transportation generated from the proposed use.

Implementation of this project will have no adverse effect on the ability of disabled persons, children, low-income and the elderly to access services.

6. Effect on the economic base of Santa Fe:

The project and the construction will have a positive economic benefit to the economic base of Santa Fe. Secondary impacts include jobs created and the sale of building materials for the construction of roads, utilities, home and other buildings. Gross receipts tax will be generated on the sale of retail goods, construction materials locally and on local construction contracts.

The project will also bring a much needed product type to the market in Santa Fe: market rate apartments. The demand for apartments is high and studies show occupancy rates in the mid-90% range (vacancy rates in the 5% range). The proposed project will be meeting an existing market demand.

7. Effect on availability of affordable housing and availability of housing choice for all Santa Fe residents:

The project will meet the requirements of the affordable housing ordinance for rental projects.

8. Effect on services such as fire, police protection, school services, and other public infrastructure elements such as water, power, communications, bus service, commuter or other services or facilities:

The project will increase the need for police, fire, school and other public services. It will also increase the need for infrastructure such as water, power, sewer, communications and commuter services. The developer is responsible for the cost of installing all infrastructures.

It should be noted that the infrastructure in the area is relatively new. New water and sewer lines are located in South Meadows Road. South Meadow Road is only a few years old and connects to a new interchange at NM599 and CR62.

9. Impacts on water supply and conservation methods:

The project will be served by the Sangre de Cristo Water Division and the City of Santa Fe Liquid Waste Division. The apartments will utilize 0.16-afy of water per unit (this compares to 0.25-afy of water for a single family residential unit). Water conservation measures such as water reducing fixtures are used in the buildings, landscaping plants that use low to moderate amounts of water and water harvesting measures.

10. Effects on opportunities for community integration and social balance through mixed land use, pedestrian oriented design, and linkages among neighborhood and recreational activities and employment centers:

The project, combined with the location of Agua Fria School and the Santa Fe River trail, will provide an excellent opportunity to connect these three uses with pedestrian linkages. Given the close proximity to the Agua Fria School site, pedestrian access will be provided to the school for children to walk to school. Pedestrian access and connectivity will be provided to the Santa Fe River Trail network as well which will provide for recreational opportunities.

11. Effects on Santa Fe's urban form:

The project encourages compact urban form as an infill project. The best use for the subject site, given the proximity of the new school is high-density residential. This will encourage a great number of students to walk to the new school.



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

<i>Project Name</i>	The Gerhart Apartments
<i>Project Location</i>	2800 South Meadows
<i>Project Description</i>	GPA and Rezoning to build 240 apartments on 11.83 acres
<i>Applicant / Owner</i>	Storm River Properties, Inc.
<i>Agent</i>	Scott Hoeft of Santa Fe Planning Group
<i>Pre-App Meeting Date</i>	1/22/15
<i>ENN Meeting Date</i>	Monday, March 16, 2015
<i>ENN Meeting Location</i>	El Camino Real Academy, 2500 South Meadows Road
<i>Application Type</i>	General Plan Amendment (from Low to High Density Residential) and Rezoning (from R-1 to R-21)
<i>Land Use Staff</i>	Donna Wynant
<i>Other Staff</i>	
<i>Attendance</i>	Approximately 10 neighbors plus 2 representing the developer & one city staff person

Notes/Comments:

Meeting began at 5:45 pm. Donna Wynant introduced the meeting, addressing City procedures for review of the requested applications, including Early Neighborhood Notification meetings. The applicant, Scott Hoeft, introduced himself and his engineer Mike Gomez.

Mr. Hoeft pointed out that a previous ENN was held in 2013 for this proposal. This request involves a General Plan Amendment and a Rezoning which will ultimately be decided by Council. They will then return to the Planning Commission to request approval of a more detailed Development Plan. Since the previous ENN, part of the overall site was sold to the school District (for the El Camino Real Academy) and the new South Meadows Road split off 10 acres of land (mostly floodplain) to the south. That portion was sold to the County to eventually extend the trail along the Santa Fe River. Mr. Hoeft also pointed out the 25 acre property to the north, owned by the State

of New Mexico/State Land Office, which may become the site of a new city fire station (per Matt O'Reilly, Public Assets Manager).

Mr. Hoeft then opened the meeting up for questions/comments:

Question: Any archeological study done of the site

Mr. Hoeft: Yes, and nothing of significance was found.

A comment was made about the schools in the area that were already maxed out, such as Agua Fria, Thomas Ramirez and Sweeny. Someone else expressed concern about possibly being kicked out of El Camino Real with any redistricting of the school.

A comment was made about the 3 story height of the buildings and asked if something could be done to make it appear friendlier to the area. Mr. Hoeft stated that the buildings will actually be less in height than the adjacent school. There will be 10 buildings for a total of 240 units.

Question: Will there be a community center to handle events, such as receptions, showers, etc?

Mr. Hoeft: (pointed out the location of the center) We haven't yet gotten into the design of the community center, but will take these things into consideration.

Mr. Hoeft pointed out the City's requirements for open space (250 sq. ft. per unit) which would be just over an acre on site. The ten acres across South Meadow, along the river, will be available for open space that the County will soon buy.

Someone stated that South Meadows is not a safe street to cross to get to the open space/river trail property. Mr. Hoeft said that will need to be looked at for ways to cross safely for pedestrians, bicyclists, etc. He talked about the proposed traffic improvements to include a center turning lane and a decel and acceleration lane.

Discussion about traffic:

Concern was expressed about traffic congestion during peak hours, and that not everyone will use the bypass. Someone said that this project will back up into the school traffic. Agua Fria and South Meadows is a problem.

Mike Gomez, engineer for the project, said that they were there to gather information from people in attendance who knew the streets better than they did and could identify issues.

Question: Will the community be gated?

Mr. Hoeft: Yes.

Discussion followed regarding the stacking and possible congestion at the PM peak hour as people return home from work. Mike Gomez that they expect approximately 96 vehicles throughout that one hour PM peak hour period. Someone expressed their

concern with a gated entry and pointed out problems with Fairway Village which has a gated entry that often backs up with cars waiting to pull in.

Question: What will the average rents be for the proposed development?

Mr. Hoeft: Rents will range from around \$900- \$1,300 for one, two and three bedroom apartments. There won't be any studio apartments.

Question: Is there any possibility for a pedestrian gate from the development to the school to allow more direct access to the children going to the Academy?

Mr. Hoeft said he just talked to the security person for the school who responded favorably to the idea. Mr. Hoeft therefore thought that the school may have possibly had a change in perspective on the matter.

Question: Since the school attendance at El Camino Real Academy is at capacity, will this development result in a shifting of children from other areas.

Question: Will the development include any affordable housing units?

Mr. Hoeft: Yes, the city requires 15% of the units to be affordable (around 36 units). This is odd since the Housing Trust that does affordable housing in Santa Fe typically wants the units to be in one building, making it easier to manage rather than having them dispersed throughout the development, as the City requires. This will be looked at by the City's Office of Affordable Housing. They actually like to get a fee in lieu of payment since it adds to the cash needed for down payments by new homeowners and security deposits for tenants.

Question: Will the development have access to city water and sewer?

Mr. Hoeft: Yes, the utilities are available in this area from the City. The development will have a water budget of 45 afy with the apartments at approximately .16 afy of water. Water conserving measures will be used in the buildings, and with the landscaping.

Mr. Hoeft said there will be around 459 parking spaces, which is actually around 40-50 spaces over parked.

Question: Will there be an elevator in each of the buildings?

Mr. Hoeft: Yes, there will be.

A member of the public, Linda Trujillo, who is the president of the School Board, said the El Camino Real Academy, which is K-8 school has an enrollment of around 700 students which is why someone questioned whether the school population was increasing or just shifting around. She said more and more children are returning to public schools from private schools. Another member of the public said that there were no plans to expand El Camino Real Academy enrollment, which is currently at capacity.

Question: Does the applicant have any financing to move forward with the project?

Mr. Hoefft: Yes, we do have financial backing. Our first step, is to request the General Plan Amendment and Rezoning from Council, and then come back to request Development Plan approval from the Planning Commission.

Question: Does Gerald Peters own the properties and will he retain ownership?

Mr. Hoefft: Yes, he owns the property, and will retain ownership. He has actually done a similar project in Albuquerque near Coors and Montano.

Question: Will this be a LEED certified project? Will there be any use of solar?

Mr. Hoefft: No, it will not be LEED certified. However, we may reduce the number of parking spaces and use solar panels (similar to how the Academy has placed solar panels in the their parking lot on top of carports.)

Question: Can you incorporate more open space into the development for play space?

Mr. Hoefft pointed out the open space on the property as shown in the open courtyards and the offsite 10 acre park area across South Meadows that the County wants for the river trail.

Meeting adjourned at 7:30.

R-10, R-12, R-21 and R-29 Residential Districts

The purpose of the R-10, R-12, R-21 and R-29 districts is to make available a variety of *dwelling unit* types to serve a wide range of household needs at medium- and high-*density* levels.

Permitted Uses

1. Boarding, dormitory, monastery
2. Daycare; preschool; for infants & children (6 or fewer)
3. Dwelling, multiple-family
4. Dwelling, single-family
5. Electrical distribution facilities
6. Electrical substation
7. Electrical transmission lines
8. Foster homes licensed by the State
9. Group residential care facility (limited)
10. Manufactured homes
11. Police substations (6 or fewer staff)
12. Public parks, playgrounds & playfields

☼ Requires a **Special Use Permit** if located within 200 feet, excluding rights-of-way, of residentially zoned property.

Special Use Permits

The following uses may be conditionally permitted in R-10, R-12, R-21 and R-29 *residential* districts subject to a Special Use Permit:

1. Adult day care
2. Clubs & lodges (private)
3. Colleges & universities (residential)
4. Continuing care community
5. Correctional group residential care facility
6. Daycare; preschool; for infants & children (more than 6)
7. Fire stations
8. Grocery stores (neighborhood)
9. Group residential care facility
10. Laundromats (neighborhood)
11. Mobile home; permanent installation
12. Museums
13. Neighborhood & community centers (including youth & senior centers)
14. Nursing, extended care, convalescent, recovery care facilities
15. Personal care facilities for the elderly
16. Police stations
17. Religious assembly (all)
18. Religious educational & charitable institutions (no schools or assembly uses)
- ☼ 19. Schools; elementary & secondary (public & private)
20. Sheltered care facilities

21. Utilities (all, including natural gas regulation station, telephone exchange, water or sewage pumping station, water storage facility)

Accessory Uses

The following accessory uses are permitted in R-10, R-12, R-21 and R-29 districts:

1. Accessory dwelling units
2. Accessory structures, permanent, temporary or portable, not constructed of solid building materials; covers; accessory structures exceeding 30 inches from the ground
3. Barbecue pits, swimming pools (private)
4. Children play areas & equipment
5. Daycare for infants & children (private)
6. Garages (private)
7. Greenhouses (non-commercial)
8. Home occupations
9. Incidental & subordinate uses & structures
10. Residential use ancillary to an approved use
11. Utility sheds, located within the rear yard only

Dimensional Standards

Max density R-10=10; R-12, R-21 & R-29 = 10 dwelling units per acre – or per development plan or special use permit approval (14-7.2(F))

Minimum lot: Area: Single family: 3,000 square feet (may be reduced to 2,000 square feet if common open space is provided.) Multiple-family: as required to comply with gross density factor.

It is intended that the *common open space* required in single-family subdivisions where the *lot* size has been reduced from that of a conventional subdivision be a compensation to occupants for reduced *lot* size. It is further intended that *common open space* be usable and be provided for occupants outside of the *lot* but within the subdivision.

Where the *lot* size is between two thousand (2,000) and four thousand (4,000) square feet, *common open space* is required in an amount such that the sum of the square footage of the *lots* in the *development* plus the sum of the square footage for *common open space*, all divided by the number of single-family *lots*, equals no less than four thousand (4,000) square feet.

Max height: R-21 & R-29: 24 (36 with development plan or special use permit approval (14-7.2(E)).

R-10 & R-2-LD: 24

Within 10 feet of a property line, no point on a structure shall be higher than 14 feet above finished grade at the closest point on the perimeter of the structure. Within 15 feet of a property line, no point on a structure shall be higher than 24 feet above finished grade at the closest point of the perimeter.

Setbacks: Generally established by a development plan approved by the Planning Commission, otherwise: Street 7 (20 for garage or carport); side 5 or 10*; rear 15 or 20% of the average depth dimension of lot, whichever is less

A garage or carport with a vehicle entrance facing the street must be set back 20 feet from the street property line (refer to illustration 14-7.1-3)

(*Within 10 feet of a property line, no point on a structure shall be higher than 14 feet above finished grade at the closest point on the perimeter of the structure. Within 15 feet of a property line, no point on a structure shall be higher than 24 feet above finished grade at the closes point of the perimeter.)

Max lot cover: Multiple-family of 6 or more units: 40

Single-family, two-family or multiple-family of less than 6 units: 40 (70 if private open space is provided (14-7.5(c)(1) increase in maximum lot coverage if private open space is provided.

The intent of private open space is to ensure easily available access to the outdoors in medium- to high-density developments, and to provide for a sufficient sense of privacy. Requirements are as follows:

The maximum lot coverage may be increased in accordance with Table 14-7.2-1 if qualifying private open space for each dwelling unit is provided as follows:

- (a) for *lots* in R-10, R-12, R-21 and R-29, an amount not less than thirty percent of the total *gross floor area* of that *dwelling unit*.; and
- (2) balconies, roof decks or roofed areas such as porches or portals may be included as twenty-five percent of the required private open space;
- (3) private open space does not include parking areas, driveways or related access for automobiles or stormwater ponding areas;
- (4) the minimum dimension for required private open space shall not be less than twelve (12) feet;
- (5) finished grade for required private open space shall have a slope no greater than one (1) vertical foot in ten (10) horizontal feet; and

(6) accessory dwelling units shall also be required to meet the private open space criteria in this Subsection 14-7.5(C); provided, however, that private open space for the accessory dwelling unit does not have to be physically separated from the private open space for the primary dwelling unit, and up to fifty percent of the private open space required for the accessory dwelling unit may be the same private open space provided for the primary dwelling unit; and

(7) there are no planting requirements for private open space.

Minimum Qualifying Open Space

Detached single family dwellings or multiple family dwellings: 250 square feet of common and / or private open space per unit.

Santa Fe Apartment Market Study Update May 22, 2015

Prepared For:

Gerhart Apartment Project

South Meadows Road

Santa Fe, New Mexico

Prepared By:

Southwest Planning, LLC

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Case # 2015-57
2015-58
case: Gerhart Apartments

Santa Fe Apartment Market Study Update 2015

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Project Description

Southwest Planning (SWP) updated a 2013 Apartment Market Study in Santa Fe. In the 2011 report, SWP analyzed the impact of the city's affordable housing requirement for apartment complexes, local and national housing trends, market demographics, and other factors affecting the apartment market in Santa Fe.

SWP determined if any changes to city ordinances and policies, national housing trends, demographics, etc. had occurred since 2013 that would affect the conclusions of the 2013 report. It also determined if any new factors affecting the Santa Fe apartment market had emerged since 2013.

Methodology

SWP began the update by analyzing the 2013 report in order to identify the quantitative data and qualitative topics included in the original report. Next, secondary research was conducted to provide updated information for all quantitative data. After the first round of secondary research was completed, SWP interviewed a number of housing professionals who were familiar with the Santa Fe housing market. The interviews were designed to discuss changes in the qualitative trends from the 2011 report. Additionally, interviewees were asked to discuss any new important factors that had emerged since 2013 that would impact the Santa Fe apartment market. Finally, SWP conducted a second round of secondary research based on information brought up during the interview stage. All information gathered was analyzed and summarized into this 2015 Santa Fe Apartment Market Study Update.

Occupancy

Historically, Santa Fe has had occupancy rates in the 90-95% range for market rate and affordable rental housing. The economic downturn resulting from the subprime lending crisis affected the rental market from 2009-2011, most notably for service and construction workers who prefer lower-priced efficiency and one bedroom units. Because the City's construction workforce was largely transient, many left the area as a construction industry that had already seen limited market rate construction became further depressed.

The general perception among the housing professionals interviewed by SWP in 2013 was that the construction work force that left during the sub-prime lending crisis had not returned. That being said, occupancy continued to recover following the downturn and the population continued to grow. In anticipation of future demand, construction permit requests from January 2012 to January 2013 nearly doubled.

The following table lists apartment occupancies and other data from 2002 to 2015:

Santa Fe Apartment Market Statistics 2002-2013				
Year (quarter)	Occupancy	Average Rent	Earliest and Latest Year Built	Average Year Built
2002 (1)	93.2%	*	*	*
2003 (1)	95.1%	*	*	*
2004 (1)	95.7%	*	*	*
2005 (1)	96.1%	*	*	*
2006 (1)	96.8%	*	*	*
2007 (2)	96.9%	*	*	*
2008 (3)	94.2%	782	1973, 2005	1991
2009 (3)	83.3%	750	1973, 2000	1990
2010 (3)	92.6%	759	1973, 2008	1992
2011 (3)	91.9%	778	1973, 2008	1992
2013 (3)	94.3%	788	1973, 2010	1994
2014 (3)	96.4%	806	1973, 2010	
2015 (1)	96.5%	817	1973, 2014	1995

Source: CB Richard Ellis Apartment Market Surveys, Apartment Association of New Mexico Apartment Market Survey, RRC Associates, Inc.

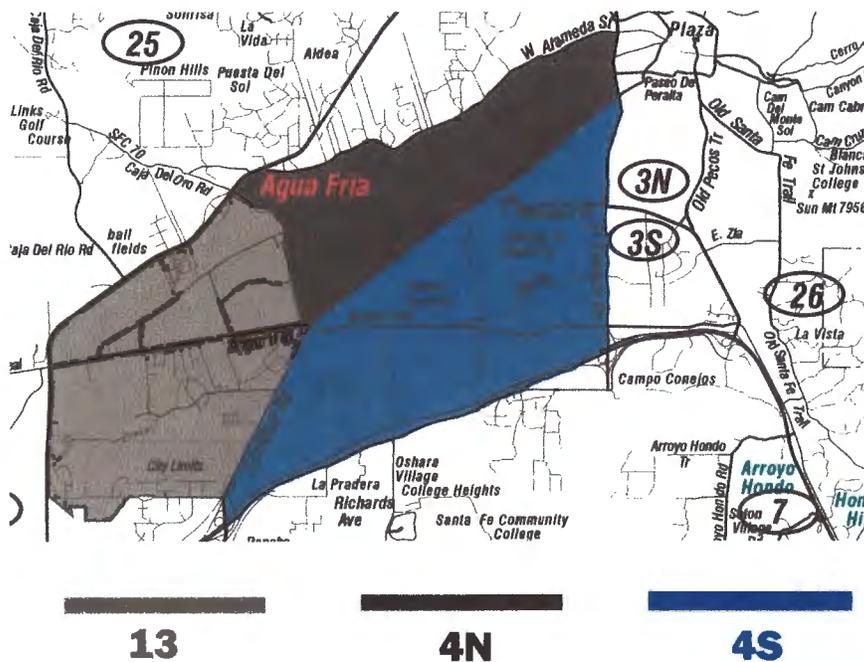
Even with the influx of new units, most notably from the Stagecoach and San Isidro developments, occupancy has continued to increase since 2013. Occupancy increased 2.2% between 2013 and 2015 to just below its 2007 high. High occupancy is the result of an overall increase in demand. This is likely due to a number of factors including the growing Santa Fe population, the national trend for higher rental levels vs. home ownership coupled, demographics changes that would drive more demand for rental units, and the lack of new rental development to meet the new demand.

The following table shows the occupancy rates and rents by selected Multiple Listing Service (MLS) areas within the City of Santa Fe. Areas 4S and 13 comprise almost half of all multifamily apartments within the City.

SANTA FE APARTMENT STATISTICS by MLS AREA					
First Quarter	MLS Area	Total # of Units	# Vacant Units	Occupancy	Average Rent
2008	4N	100	2	96.00%	\$639
	4S	899	68	92.40%	\$764
	13	1,233	96	92.20%	\$767
2009	4N	48	0	100.00%	\$680
	4S	1,099	231	79.00%	\$741
	13	1,233	192	84.40%	\$750
2010	4N	N/A*	N/A	N/A	N/A
	4S	1,099	60	94.50%	\$744
	13	1,455	139	90.40%	\$725
2011	4N	N/A	N/A	N/A	N/A
	4S	1,099	78	92.90%	\$761
	13	1,455	147	89.90%	\$737
2013	4N	227	2	99.12%	\$716
	4S	1,099	65	94.09%	\$768
	13	1,455	95	93.47%	\$756
2015	4N	403	4	99.01%	\$790
	4S	895	31	96.54%	\$773
	13	1,455	63	95.67%	\$779

Source: CB Richard Ellis Apartment Market Surveys

*Data not available



New Supply

The following table shows the construction of multifamily apartments for affordable and market rate units within the City from January, 2004 to June, 2013. Only 18 market rate units were constructed between 2004 and 2011. Because those units were part of 1-2 unit developments, none of these units had to comply with the affordability requirement. At that time, no large-scale market rate project had been initiated for the past 7 years.

Since 2011, the city has issued 240 new multi-family construction permits. While the city did issue a large amount new market rate construction permits, the overwhelming majority of those units are part of the San Isidro apartment complex. The San Isidro development is made up of tax credit apartments. While they are not subsidized up front, the developer receives a future credit against tax liability and a fairly substantial developer's fee. In exchange for these benefits, the developer agrees to keep rent prices affordable to renters earning no more than a certain percentage of the AMI (in this case 60%). Effectively, the ongoing lack of market rate apartment construction has continued through 2013.

SANTA FE MULTI-FAMILY APARTMENT CONSTRUCTION		
2004-JUNE 2015		
	Affordable Apartment Units	Market Rate Apartment Units
2004	0	0
2005	0	0
2006	0	0
2007	0	4
2008	233	4
2009	0	4
2010	60	6
2011	0	5
2012	237	0
2013	0	0
2014	176	0
2015	0	0

Source: 2004-2013 City of Santa Fe Building Permits Division, 2014-2015 CBRE Apartment Market Surveys

The following large residential rental development is undergoing construction in Santa Fe, in addition to a number of small affordable rent projects:

1. The Housing Trust: While the details of their project are still being worked out and are subject to change, The Housing Trust indicated that they intend construction of 140 new units to be phased in during 2016. All units would be affordable, with an average AMI of 50% across units. Around 70 of the units will be built in the Tierra Contenta subdivision, and the rest will be built at various yet-to-be determined locations.

In addition to new construction, there will be future construction of apartment units in the Las Soleras development. The development will consist of 1200 new units, primarily market rate apartments. In 2013, project consultant Jim Siebert indicated that market rate units would cluster towards the lower end of market rate apartments (60% to 100% AMI). The units will begin being phased in soon and will continue for over the next decade. The 1200 units represent the current development plan; however, Mr. Siebert indicated that final numbers could change significantly by the time the project is completed.

Recent Policy Factors

Between 2013 and 2014, the City of Santa Fe had implemented an impact fee waiver as a way to stimulate unmet demand recognized in its 2013 Housing Needs Assessment. The benefit of the impact fee waiver was seen in a significant increase in residential construction between 2013 and 2014. On February 26, 2014, the City Council voted to reinstate residential impact fees; however, impact fees will remain at 50% of the full rate until February 27, 2016 (city ordinance 2014-28).

The state of New Mexico offers tax incentives for LEED certified building through the Sustainable Building Tax Credit Program (SBTC). Local developers have noted that all residential SBTC funds for both 2015 and 2016 have already been used up. The lack of remaining funds is a disincentive to further development until more funding becomes available.

Finally, as previously mentioned, the City Council made permanent the reduction of the owner-occupied portion of the affordability requirement from 30% to 20%. While this does not directly affect the Santa Fe rental market, it does indirectly decrease demand for apartments as new owner-occupied supply becomes available to those individuals who are in the market for either type of unit.

Demographics

Demographic trends have not changed significantly since the 2013 and 2015 reports. Because U.S. census data has not been updated since our 2013 report, nor has other applicable primary research been conducted, the population estimates and analysis used in that report were re-applied in 2015. BBC Consulting gives a description of the on-going trends in their 2013 Santa Fe Housing Needs Assessment Update.

The average household size of Santa Fe residents decreased slightly between 2000 and 2010, particularly among homeowners. The 2010 Census shows an increase in single-person households (2000 – 36% and 2010 – 41%) and a decrease in the proportion of households with three or more residents (2000 – 30% and 2010 – 26%). These data suggest that families may have moved from or not chosen to live within the city, perhaps due to lack of affordable housing. This is supported by the resident survey, which found more than half of residents had lived in Santa Fe but left the city because housing was too expensive. Santa Fe's family composition confirms that trend with a notable 5 percent increase in

residents living alone and a decrease in married couples with children. However, the proportion of single parents in Santa Fe only dropped by half a percentage point between 2000 and 2010.

The following chart provides population records and estimates for the City of Santa Fe between 2000 and 2020.

Year	Population	Compound Annual Growth Rate
2000	62203	
2005	65800	1.16%
2007	68359	1.94%
2010	67947	-0.20%
2011	68634	1.01%
2013	69976	0.98%
*2015	72753	1.98%
*2020	77102	1.20%

Source: Bureau of Business and Economic Research (2012), 2013 Housing Needs Assessment, US Census Bureau (ongoing)

As noted, the Santa Fe apartment market is shifting towards an older, wealthier population with smaller average family sizes. As people age, they tend to rent at higher rates than they did when they were younger. This is largely because small rentals are easier to maintain than houses but can still provide high-quality living accommodations. Another underserved portion of the population is young single professionals with high-paying jobs. Young professionals often want the same types of rentals as the older population. The results these trends have had on the market are reflected by the gap in supply and demand for apartments above the 100% AMI level. The following chart provides demographic information for the City of Santa Fe.

*Based on population forecasts

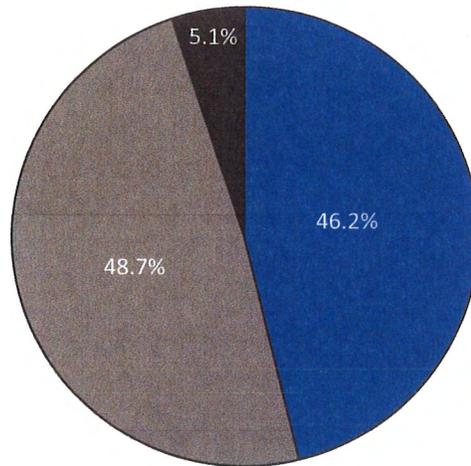
Santa Fe Demographics				
		2000	2010	2013
Total Population		62203	67947	69976
Average Household Size (persons)		2.2	2.1	2.15
	Owner Occupied	2.31	2.15	2.20
	Renter Occupied	2.05	2.01	2.05
Median Household Income		\$40,392	\$50,717	\$ 49,445
Households with 1 or more people under 18		26.8%	23.2%	22.3%
Households with 1 or more people over 65		23.1%	28.6%	*See Note
Owner Occupied		58.2%	60.5%	64.60%
Renter Occupied		41.8%	39.5%	35.4%
Vacancy - Rental Units		5.5%	9.4%	3.5%
Median Contract Rate		\$707	\$759	\$ 817
Median Age		40	44	45
Source: 2013 Santa Fe Housing Needs Assessment Update, U.S. Census Bureau, 2013 American Community Survey 1-year Estimates, CBRE Apartment Market Surveys				
*The American Community Survey presents only "Households with 1 or more people over 60. This represented 47.4% of all households				

According to estimates from the U.S. Census Bureau's American Community Survey, the percentage of units that are rentals continued its previous downward trend, and the disparity actually increased steeply in the past three years. This is in spite of the fact that home ownership rates across the U.S. continue to drop. Furthermore, the elderly generally rent at higher rates than their younger counterparts, and Santa Fe has an aging population.

It is worth noting that this phenomena (higher home ownership in spite of demographic trends that would suggest the opposite) would be expected with an easing of the affordability requirement for owner-occupied homes with no concurrent affordability requirement easing for rental properties. Because the standard market forces affecting owner-occupancy vs. rental units would seem to be pushing for the opposite of the observed trend with the exception of the Santa Fe Homes Program, it is likely at least partially the cause of the ongoing trend.

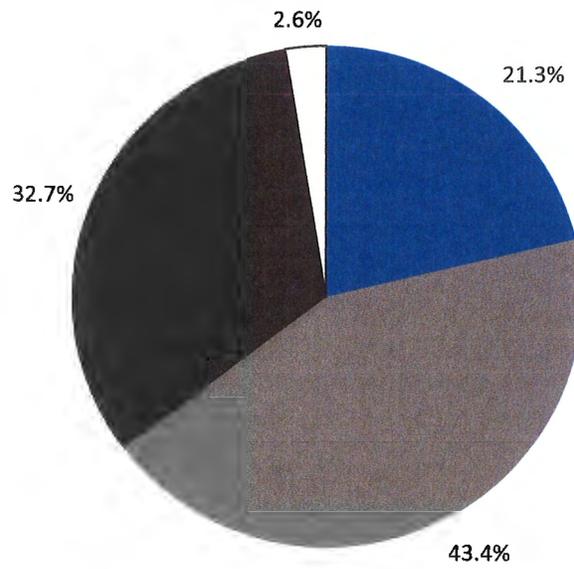
As stated in the Santa Fe Housing Needs Assessment, "The median age in Santa Fe was 44 in 2010, up from 40 in 2000... The city's non-Hispanic population is, on average, 20 years older than its Hispanic population". See the charts below.

Ethnicity



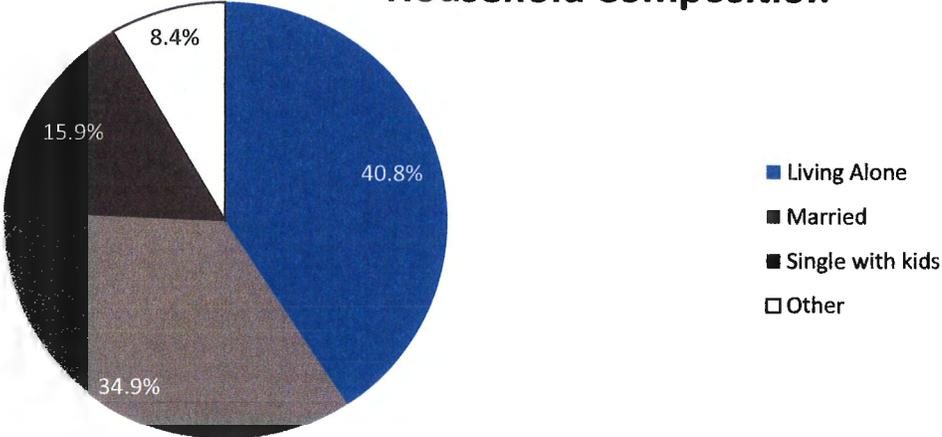
- White
- Hispanic
- Other

Age



- 0-19
- 20-54
- 55-84
- 85+

Household Composition



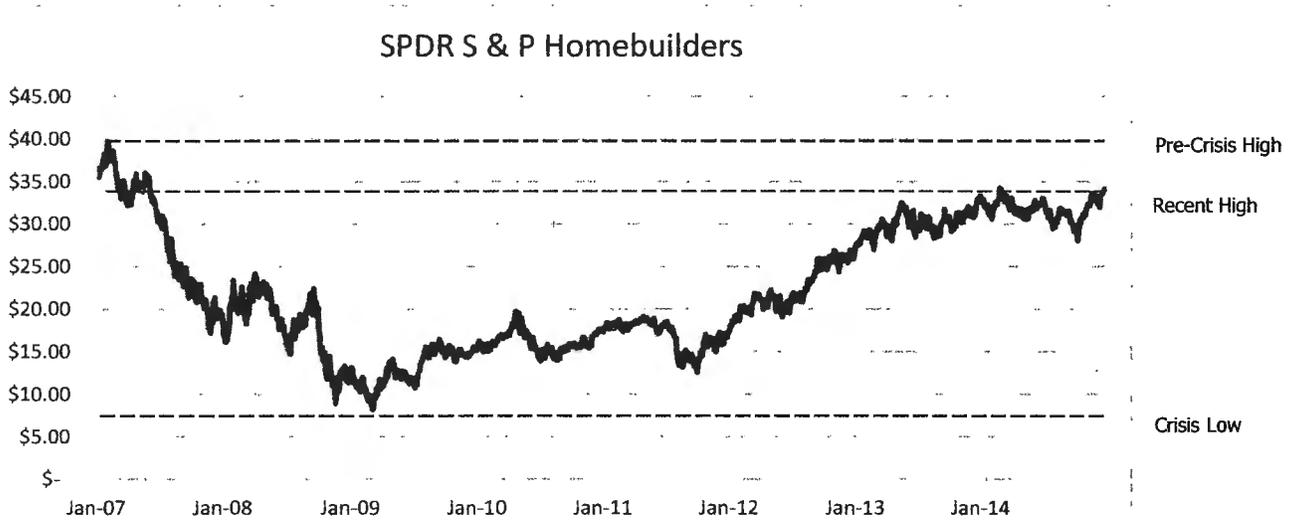
Effect of National Housing Trends

The 2013 Apartment Market Study noted that, while the housing market had not completely recovered since the 2008 sub-prime lending crisis, conditions had continually improved. Since 2013, the housing market has continued to improve at a slower rate than it had previously.

"Housing activity continues to recover, although the pace of the recovery remains slower than in the previous couple of years, owing to the decline in housing affordability" (Blerina Uruci, Barclays economist, NY)

One key indicator of future homes performance, the National Homebuilder's Builder Confidence Survey, gave a reading of 59 in September, 2014, the highest reading since 2005. This is one point above the 58 that was noted in the 2013 Apartment Market Survey as the previous high.

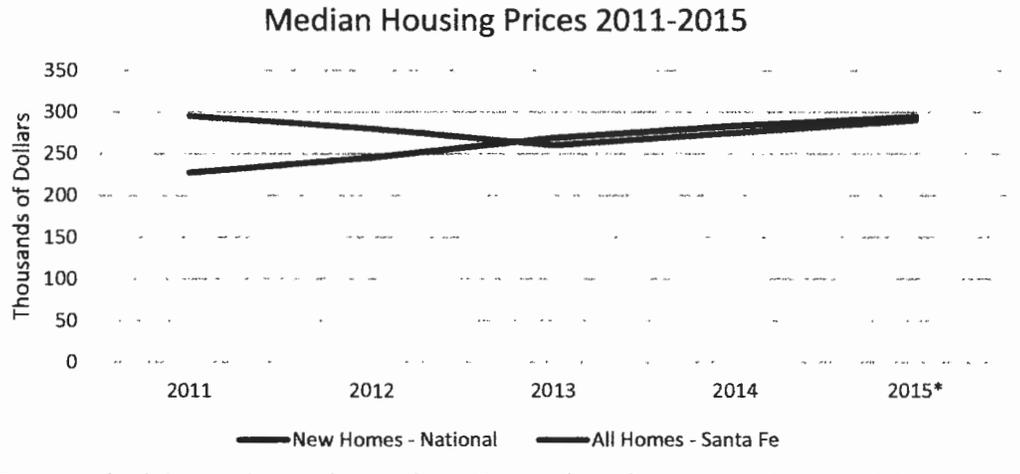
The SPDR S & P Homebuilders Index (ticker symbol XHB) is an index fund that consolidates the share prices of all major companies in the homebuilders industry into a single stock. XHB reached a peak in 2007 and declined ahead of other industries in response to the housing bubble bursting. Since 2007, the index has continually improved and had recovered to nearly 90% of the 2007 high as of January, 2015. The following chart shows XHB's movement since 2007:



Source: Google Finance

While the Fed's easy money policy continues in spite of years of announcement that it would be raising rates soon, employment has mostly recovered and the general feeling in the market is that rates will be raised sometime in the spring of 2015. While this represents a market risk to the housing sector, it has only slightly diminished positive sentiment among homebuilders or investors for the sectors prospects, as is shown by slowed growth (but not a decline) in key indicators for both groups. This could be in part to economic benefits stemming from cheap oil prices.

With regards to housing prices, the Santa Fe market has been comparable to national statistics. The following chart compares national median new home prices to Santa Fe housing prices.



*2015 national home median prices are from January, all other national median new home prices are average yearly median

Sources: Santa Fe Properties, National Association of Homebuilders

As noted in our 2011 and 2013 reports, a long-term demographics shift related to the aging baby boomer population is affecting the US housing market. On June 30, 2011 in Santa Fe, a speech made by Dr. Arthur Nelson provided evidence that projects increasing demand for rental housing over the next 30 years¹. The market has been providing family-style housing for family-sized households, but the demographic trends show a decrease in the market seeking such housing. The need for rental units will increase because:

1. Household types are changing and household sizes are decreasing
2. The population is aging and life expectancies are increasing
3. Fewer people will be able to purchase homes due to tightening credit requirements

There will continue to be fewer family households and more "other" and single person households in the future. In 1970, single and "other" households (i.e. households consisting of unrelated people living together) were 14% of all households. By 2030, single and "other" households are estimated to represent 34% of all households. Between 2010 and 2020, single person households are estimated to represent 36% of the growth in household types.

Dr. Nelson noted that the combination of the "baby boom bulge" and the fact that seniors begin to sell homes when they turn 70 will lead to a phenomenon he called "The Great Senior Sell-Off", which will dump many homes on the market. Seniors are candidates for rental units because they do not want large units or the hassles of home ownership. Because people are living longer,

¹ Dr. Arthur Nelson, a nationally-recognized housing expert from the University of Utah, gave a speech entitled "The Future of the U.S. Housing Market...Impacts on Santa Fe and other Cities" at the Forum at the Santa Fe University of Art and Design on June 30, 2011. The speech was sponsored by the Santa Fe Association of Realtors for an audience of public and private stakeholders in the housing industry.

the portion of their lives that they could spend raising children will decrease. Consequently, over a person's lifetime, he or she will have less need for family-style housing units than his predecessors.

In 2013 we noted that the loss of sub-prime mortgages, active loan sponsorship by Fannie Mae and Freddie Mac, and a general tightening of regulations would lead to an expectation of more demand for rentals. The expectation has matched the reality of the national housing market, as demand for rentals continues to increase. U.S. Census Bureau statistics show that home ownership rates reached a 20 year low in 2014. Furthermore, rental rates continue to grow nationally.

Early in this report, we also noted that demographic trends in Santa Fe should suggest that the city experiences growth in residential rental rates and a decrease in home ownership rates to a greater extent than nationally. The fact that the opposite is true, most likely due to policies and other market externalities unique to Santa Fe, would suggest that there is significant unmet demand for new market rate rental units in Santa Fe. The ongoing shift isn't because the demand for new rental units isn't as great as it is for owner-occupied units; rather, it is because existing supply is saturated, new supply is filled quickly, and there is greater relative new supply for owner-occupied housing than there is for rental units.

Projected Demand for Apartments

Long term demand for apartment units can be calculated by using demographics data. University of New Mexico Bureau of Business and Economic Research (BBER) provides population estimates for municipalities and counties within New Mexico. According to a 2012 projection by BBER, Santa Fe **County** will gain 19,474 residents from 2010 to 2020. Assuming city vs. county percentages remain the same, the **City** of Santa Fe will gain 9,155 new residents during the same period, with the majority of these residents located in the Santa Fe urban area. The 2010 Census provides an average household size of 2.10 persons per household. Due to the previously noted demographics shifts in Santa Fe, SWP shifted this number down for use as a 2020 estimate for the purposes of this study for the following reasons:

1. The population of Santa Fe is aging, and older people rent at higher rates than younger people.
2. The average median income in Santa Fe is rising in part due to an increase in young professionals. These professionals prefer to rent to maintain their mobility.
3. The average household size in Santa Fe has been declining, and dropped from 2.3 in 2000 to 2.1 in 2010.

Based on the above-listed reasons, SWP used an average household size of 2.0 (extension of the existing long-term trend) to estimate new housing demand by 2020. By comparing the population growth to new housing demand, SWP estimated a demand for 4,578 new dwelling units by 2020. According to the 2013 Housing Needs Assessment Update, 42% of Santa Fe residents rent. In 2013, SWP shifted that percentage upwards to 47% based on new supply and demographics changes in the area. In 2015, SWP has further shifted the percentage upward to 50% for the following reason:

1. National home-ownership rates continue to fall while the percentage of Americans who rent rises. While the census indicates that the trend for Santa Fe is the opposite of this, it is the result of city policy causing there to be more owner-occupied home construction as compared to new rental unit construction, and not the result of an actual decrease in demand for rental units as compared to owner-occupied units. National home-ownership levels decreased by 1% from 2013 to 2015.
2. SWP estimates an additional slight shift towards higher rental percentages based on demographics and home conversion trends.

Using these estimates, SWP estimates a demand for 2,289 new rental units between 2010 and 2020.

According to the 2013 Housing Needs Assessment Update, roughly 40% of total rentals are market rate units. After taking into account the effect of new supply (and assuming an 80% completion rate on the Las Soleras development by 2020), market rate units will represent a total of 43% of total rental units in 2020. Based on these numbers, SWP estimates that there will be a total new demand for 984 market rate rental units by 2020. When added to current demand of 931 units (2013 Housing Needs Assessment estimate), total estimated demand for market rate rental units (not counting new supply introduced between 2015 and 2020) by 2020 is estimated to be 1,915 units.

Assuming that the Las Soleras development is 80% complete by 2020, but excluding any market-rate construction between now and 2020, SWP anticipates that **total market rate rental unit unmet demand in 2020 will be 955 units**. Please note that a variety of factors can affect this estimate, most notably any potential changes in the SFHP ordinance.

Santa Fe Homes Program Background

The City Council voted in June, 2011 to temporarily reduce the affordability requirement for owner-occupied housing from 30% to 20%. Effective June 7, 2014 the City Council made permanent the 20% reduced affordability requirement (Ordinance 2014-10). The City Council has continued to maintain affordability requirement for apartments at the 15% level first established by the Santa Fe Homes Program Ordinance 2005-30 in 2007².

The City of Santa Fe first required that new developments provide affordable housing for both rental and ownership developments when it passed the Inclusionary Zoning Ordinance (1998-2) in December, 1998. This ordinance stipulated that new rental developments with more than 6 units provide anywhere from 11% to 16% affordable rentals. In October 2007 the City passed the Santa Fe Homes Program (SFHP, Ordinance Number 2005-30) with the overall goals of increasing the affordability of housing and having greater distribution of income groups in housing developments. This affordability ordinance revised the former ordinance, and required all market rate apartment developments with two or more units (i.e., those that are not 100% affordable,

² Ordinance 2005-30, passed on October 29, 2007 replaced the original Housing Opportunity Program created in 1987 with the Santa Fe Homes Program.

such as Housing and Urban Development Tax Credit properties) to provide a minimum of 15% affordable rental units as follows:

- Income Range 1: 5% of all units must be affordable to persons at or below 50% of Area Median Income (AMI)
- Income Range 2: 5% of all units must be affordable to persons between 50% and 65% of AMI
- Income Range 3: 5% of all units must be affordable to persons between 65% and 80% of AMI

The following chart shows different AMI levels and the associated maximum rental price affordable at those levels:

Monthly Rent by % AMI	
Income as a % of AMI	Max Affordable Rent
0-30% of AMI	\$468
31-50% of AMI	\$780
51-60% of AMI	\$936
61-80% of AMI	\$1,248
81-100% of AMI	\$1,560
More than 100% of AMI	\$1,560+
Affordable rent in 2015 based on HUD AMI of \$62,400	

Context for Market Rate Apartments

The City of Santa Fe’s 2013 Housing Needs Assessment Update provides a definition of the rental market as being rental housing sought by households making between 0% to 200% of the AMI. The Housing Needs Assessment Update also defines the market for market rate apartments as being households making between 50% and 80% of the AMI, but can also include households earning up to 200% AMI. The 2011 and 2013 SWPM Santa Fe Apartment Market Studies adjusted the low-end upward to 60% due to economic conditions and the perception of market rate rents held among local housing professionals. SWP will adjust the 2011/2013 definition of market rate rental housing further upward to being housing that is sought by households between 65% and 200% AMI for 2015. We have made the upward shift because of the following two factors:

1. Since 2013, both average rents across unit types and occupancy rates have increased.
2. The HUD affordable income levels have, concurrently, continued to decrease since 2011.

HUD INCOME LEVELS & OCCUPANCY				
HH SIZE	50% 2013	50% 2015	80% 2013	80% 2015
1	\$ 22,900	\$ 21,850	\$ 36,600	\$ 34,950
2	\$ 26,150	\$ 25,000	\$ 41,800	\$ 39,950
3	\$ 29,400	\$ 28,100	\$ 47,050	\$ 44,950
4	\$ 32,650	\$ 31,200	\$ 52,250	\$ 49,900
5	\$ 35,300	\$ 33,700	\$ 56,450	\$ 53,900
Source: U.S. Dept. of Housing and Urban Development				
	2013		2015	
Occupancy	94.3%		96.5%	
Source: CBRE Apartment Market Surveys				

History

Between 2007 (when the SFHP ordinance was passed) and the time the 2011 SWP Santa Fe Apartment Market Study was delivered, the City of Santa Fe had issued 311 permits for multi-family housing, of which only 18 units were market rate, and 293 were priced to be affordable to persons at or below 80% of the AMI.

Our 2011 report found that the lack of new market rate apartment development was primarily the result of the SFHP ordinance. The report further found that the program had resulted in a market with an adequate supply of affordable units and a significant deficiency of market rate units.

Between 2011 and 2013 apartment construction increased significantly, with 235 new affordable rental units having been granted construction permits. This was a result of a spike in affordable housing resulting from an upswing in the national housing market, local policy changes, and ongoing trends in the local market; however, the Santa Fe apartment market remained imbalanced, in spite of new construction. This was in part due to the fact that new construction was almost entirely affordable units, with very little new supply to meet the unmet demand for market rate units.

Demand for Apartments

Demand for rental units in Santa Fe is currently highest at the ends of the rent pricing spectrum. Specifically, there is unmet demand for units priced below 30% of the AMI and for units priced to be affordable for people making 100% of the AMI and above.

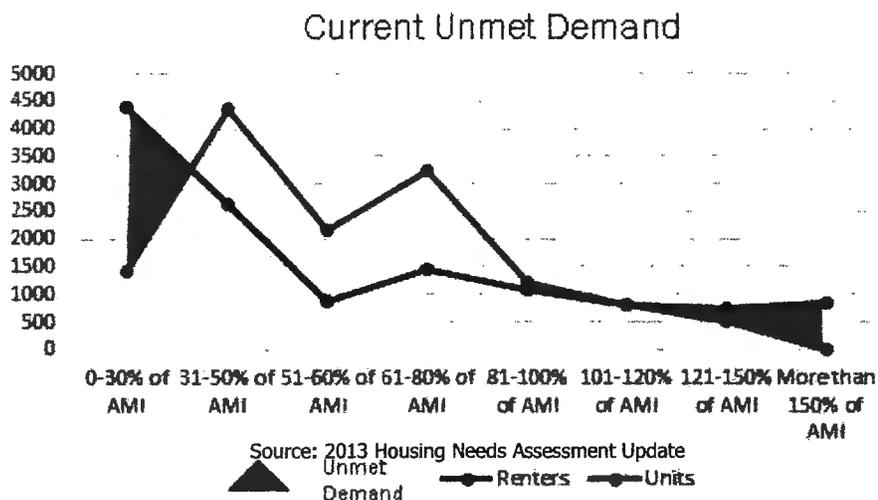
The 15% affordability requirement is one significant factor contributing to a deficiency of market rate apartments in the City of Santa Fe. The affordable housing requirement includes a provision that affordable units have similar construction/finishes and be interspersed with non-affordable housing. Effectively, affordable units in market rate developments will have similar overhead and construction costs to market rate units. As the quality of units goes up, the revenue generated on affordable units eventually becomes less than the costs of construction

and operation (or, alternatively, the return is too low to justify the investment). The difference has to be made up from the profit margin on the market rate units. As the market rate unit rents/costs increase, the incremental cost of the affordability requirement increases. It is worth noting that a fee-in-lieu of the affordability requirement would encourage development of market rate units. The fee-in-lieu would allow developers to more safely determine the potential profitability of a new market rate complex without having as many concerns over future changes in the market damaging profitability.

The additional cost of subsidizing affordable units for developments with more expensive rents has resulted in an oversaturation of the Santa Fe apartment market for market rate rents that are near the affordable housing requirement AMI rents, ranging from 50% to 80% AMI. The affordable housing requirement has resulted in unmet market demand for units with rents greater than the 100% AMI rents. As rents above 100% of AMI become more expensive, the unmet market demand as a percentage of total demand at that AMI level increases.

In addition to the unmet demand for higher-end market rents, the affordability requirement of the SFHP ordinance has indirectly resulted in unmet demand for units with rents at 30% AMI and less. As noted in the 2013 Santa Fe Housing Needs Assessment Update (SFHNA), "The greatest need in Santa Fe's market is for rental units priced less than \$500 per month, serving renters earning 30 percent of the AMI and less (incomes of less than \$20,000)".

The reason for the unmet demand at 30% and lower AMI rents is the result of the categories delineated by the SFHNA and the SFHP ordinance. The SFHNA uses both 0%-30% and 31%-50% AMI categories, while the SFHP ordinance only specifies 50% and less for the low income range. The chart below on the table below indicate is that developers are building rental units at the 50% upper limit of Income Range 1 of the SFHP ordinance in order to meet the requirement and are not building cheaper properties. The following table compares 2013 demand for rental units by households with various incomes to available units on the market.



The data needed to update the 2013 unmet demand chart will not be available until the city commissions another Housing Needs Assessment Update. That being said, demographic, economic, and policy changes indicate that the situation has become more imbalanced since 2013. First, occupancy rates and average rents have gone up since 2013. This demonstrates that the demand for units across income ranges has increased. While there has been new construction since 2013, the new units were primarily priced to be either market rate units or affordable housing between 50% AMI and 80% AMI, with only a small number of units introduced at the Stagecoach (around 12) being affordable to renters between 30% and 40% of AMI. Furthermore, no high-income luxury units were introduced during this period, due to the aforementioned conflict between overhead and the affordability requirement. Finally, the total population of Santa Fe continues to increase. The result of these forces is that the unmet demand at both ends of the previous chart has almost certainly increased.

Until a new Housing Needs Assessment is conducted, evidence supporting the previous analysis can be garnered from other sources rather than a direct unmet demand update. By comparing the percentage change in rents and occupancy levels of the most expensive MLS area with available data to the least expensive MLS area with data available, we can demonstrate that unmet demand has increased more steeply at the ends of the AMI spectrum.

Unmet Demand Analysis Statistics				
MLS Area	Reporting Date	Weighted-Average Rent	Occupancy	%Occupancy Change
2	2013	1033	95.68%	3.70%
	2015	1034	99.38%	
4N	2013	716	99.12%	-0.11%
	2015	790	99.01%	
All MLS Areas	2013	788	94.3%	2.15%
	2015	817	96.5%	

Source: CBRE Apartment Market Surveys

Because the MLS areas have mixed rental levels, it is difficult to perfectly estimate change in demand. The presence of affordable units in a higher-priced MLS area will dampen the impact demand for higher-priced units has on the overall occupancy for that MLS area. Nonetheless, the steep increase in occupancy levels for the highest rent MLS area compared to the slight decrease in occupancy levels for the lowest rent MLS area indicates that unmet demand for higher-priced rental units has increased more than the unmet demand for affordable rents covered by the Santa Fe Homes Program ordinance. Furthermore, the overall increase in demand without any new supply of sub-30% AMI rental units coupled with the lower AMI indicates that sub-30% AMI units has almost certainly increased. Finally, the overall increases in occupancy and rent levels during a time period that the AMI decreased indicates that, in spite of new construction, overall unmet demand at all AMI rents is increasing.

Conclusions

The Santa Fe rental market continues to have a significant amount of unmet demand for market rate units. This is a result of a few factors.

Rental demand has continued to increase as the City shifts to an older, wealthier population. Furthermore, the City's population is estimated to grow over the next decade. Based on demographic shifts, population growth, and rental preferences, SWP estimates a new demand for 984 market rate rental units by 2020. Added to existing demand, SWP estimates total demand for market rate apartment units in 2020 (not counting new supply) to be 1,915 units. After factoring in new supply, SWP estimates total unmet demand for market rate apartment units in 2020 to be 955.

The lack of any large-scale market rate developments in over a decade, along with the aforementioned increase of demand, has caused demand for market rate units to increase continually. The somewhat recent easing of the requirements for owner-occupied housing, coupled with a lack of a concurrent easing of the rental market requirements, has caused Santa Fe to become artificially balanced towards owner-occupied housing in recent years. For those residents who are renters, there is a significant lack of supply for units affordable to people making 100% of the AMI and more. The city has, as a result, unmet demand for units affordable to people making less than 30% of the AMI and for people making 100% and greater of the AMI.

As a result of positive market forces and policy changes, new apartment construction has significantly increased since 2011. Unfortunately, new units continue to be almost entirely affordable rentals. The fact that affordable rental and owner-occupied construction continues without any new market rate development continues to decrease market efficiency.

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Appendix I

New Rental Supply 2013-2015						
Permit Year	Project	Rental Units	Rental Mix	Unit Sizes	Rents	Status
2013	San Isidro	176	100% Tax credit apartments	Mixed 1-3 bedrooms	Mixed, averaging affordability for people making 60% AMI or less	Complete
2013	Stagecoach	60	100% affordable housing		Mixed, averaging affordability for people making 50% AMI or less	Complete
TBD, likely 2015	Tierra Contenta & Other Housing Trust	140	100% affordable housing	Mixed 1-4 bedrooms	Mixed, averaging affordability for people making 50% AMI or less	Incomplete
TBD, will vary	Las Soleras	~1200	Primarily market rate (no exact number available)		TBD, estimated lower end of market rate (60% to 100% AMI)	Incomplete
Notes						
Las Soleras: SF City Council met on May 21, 2015 to consider final approval of the first phase of Las Soleras. The first subdivision, Ross' Peak, will contain about 200 single-family homes for purchase.						
Housing Trust: 2016 new supply will include 70 units at Tierra Contenta and another 70 at yet-to-be determined locations						



PROJECT DATA:

SITE AREA:	± 11.83 ACRES
TOTAL UNITS:	
1-BDRM:	± 118 UNITS (± 49.2%)
2-BDRM:	± 110 UNITS (± 45.8%)
3-BDRM:	± 12 UNITS (± 5.0%)
TOTAL:	± 240 UNITS
DENSITY:	± 20.28 D.U. / ACRE
PARKING:	± 459 SPACES
PARKING RATIO:	± 1.91 SPACES / UNIT

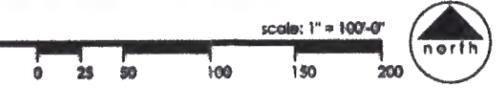
NOTE: ALL PROPOSED BUILDINGS WITHIN THIS SITE WILL CONFORM TO A 36' MAXIMUM BUILDING HEIGHT PER CITY OF SANTA FE GUIDELINES AND REQUIREMENTS

**GERHART
APARTMENT
COMMUNITY**
South Meadows Road
SANTA FE, NEW MEXICO

CONCEPT MASTER PLAN

WPI No. 1222

06.21.15



WHITNEYBELL PERRY INC



ARCHITECTURE AND PLANNING

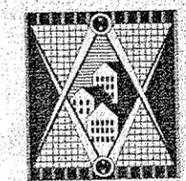
**GERHART
APARTMENTS**

SANTA FE, NEW MEXICO

**PRELIMINARY
NOT FOR
CONSTRUCTION**

Expires 12/31/2012

WHITNEYBELL PERRY INC
575 West Chandler Boulevard, STE. 123
Chandler, Arizona 85225
(602) 265-1891



ARCHITECTURE AND PLANNING

2.11
1222

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12 Aug 2013

**PRELIMINARY
BUILDING ELEVATION**



36'-0" T.O. PARAPET
29'-4" TOP OF PLATE
20'-4" 3RD FLOOR
10'-0" 2ND FLOOR
0'-0" FIN. FLR.

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

P:\1451202 - Santa Fe - Gerhart @ WhitneyBell\1451202 - Preliminary Concept Elevations.dwg 4/17/2013 3:41 PM 1/46



GERHART APARTMENTS
 SANTA FE, NEW MEXICO
PRELIMINARY NOT FOR CONSTRUCTION

WHITNEYBELL PERRY INC
 575 West Chandler Boulevard, STE. 123
 Chandler, Arizona 85225
 (602)265-1891



ARCHITECTURE AND PLANNING

3-4
 1222

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 16 Jun 2015

PRELIMINARY CONTEXT SITE PLAN

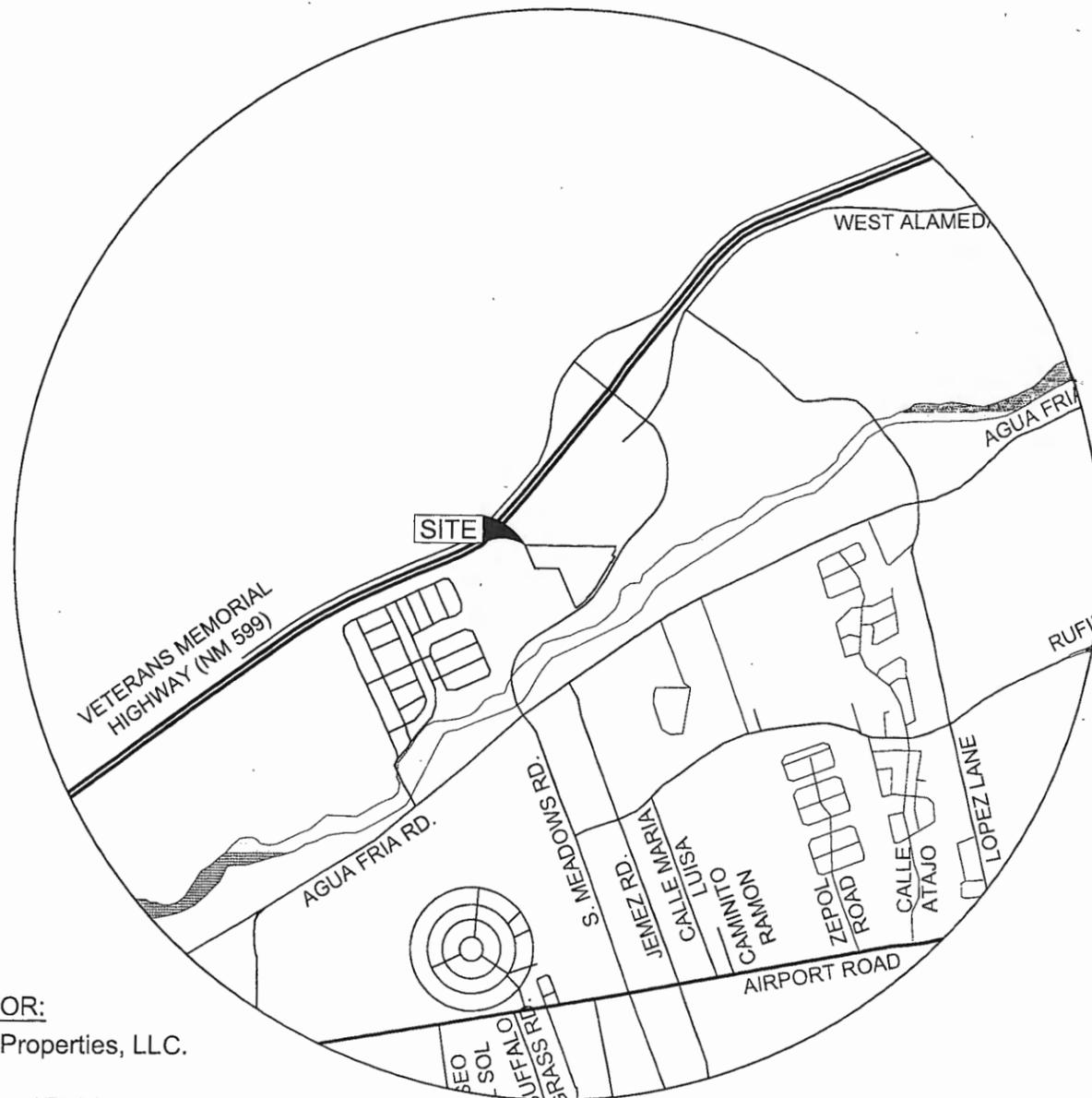


PRELIMINARY SITE PLAN

01 Jun 2015 - Santa Fe County, 10/1/15 - Preliminary Site Plan Context, Auxiliary 10/1/15 10:00 AM

Case # 2015-57
2015-58

GERHART APARTMENTS GENERAL PLAN AMENDMENT AND REZONING SUBMITTAL



PREPARED FOR:

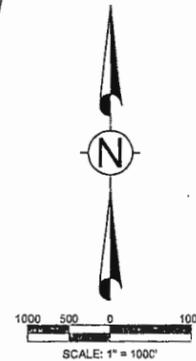
Storm River Properties, LLC.
PO Box 908
Santa Fe, NM 87504

SANTA FE COUNTY, NEW MEXICO
LYING WITHIN PROJECTED
SECTION 1, T16N, R08E NMPM

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2-3	CERTIFIED TOPOGRAPHIC MAP
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8-1 TO 8-2	CONCEPTUAL UTILITY NOTES
8-3	CONCEPTUAL UTILITY PLAN

PROPERTY DEVELOPMENT MUST COMPLY
WITH SECTION 14-8.12
(RELOCATION OF GUNNISON'S PRAIRIE
DOGS.)



**MAY
2015**

RICK CHATROOP
PROFESSIONAL LAND SURVEYOR
NEW MEXICO REGISTRATION NO. 11011
(505) 470-0037 110 WAGON TRAIL RD. CERRILLOS, NM. 87010

Land Use Planning
Landscape Architecture



P.O. Box 1761, Santa Fe, New Mexico, 87504
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**Santa Fe Engineering
Consultants, LLC**
1599 St. Francis Drive, Suite B
Santa Fe, NM 87505
(505) 982-2845 - Phone
(505) 982-2641 - Fax
<http://www.SFENGR.com>

REV.	SHEETS	CITY ENGR.	DATE	REV.	SHEETS	CITY ENGR.	DATE
APPROVAL OF REVISIONS							
CITY OF SANTA FE				APPROVED FOR CONSTRUCTION			
COVER SHEET AND INDEX OF SHEETS				SHEET 1-1			
				CITY ENGINEER DATE			



ANIMAL SHELTER

SENIOR HOUSING PROJECT (APPROVED) 200 D.U.

COMMERCIAL

RESIDENTIAL 77 D.U.

CITY OF SANTA FE NEW FIRE STATION

EL CAMINO REAL ACADEMY

COTTONWOOD

SANTA FE COUNTY FIRE

LAFAMILIA MEDICAL CENTER

NANCY RODRIGUEZ COMMUNITY CENTER

SANTA FE RIVER TRAIL

Agua Fria Rd

Ramirez Thomas Elementary School

Sierra Vista

Rancho Zia

Cañal Del Rio Rd

Veterans Memorial Hwy

OPEN SPACE

62 599

57077

618

Santa Fe River

GERHART APARTMENTS
SANTA FE, NEW MEXICO

PRELIMINARY NOT FOR CONSTRUCTION

WHITNEYBELL PERRY INC
575 West Chandler Boulevard, STE. 123
Chandler, Arizona 85225
(602)265-1891



ARCHITECTURE AND PLANNING

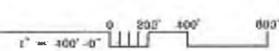
3-4
1222

COPYRIGHT WHITNEYBELL PERRY INC
16 Jun 2015

PRELIMINARY CONTEXT SITE PLAN



PRELIMINARY SITE PLAN



CITY ENGINEER FOR LAND USE _____ DATE _____

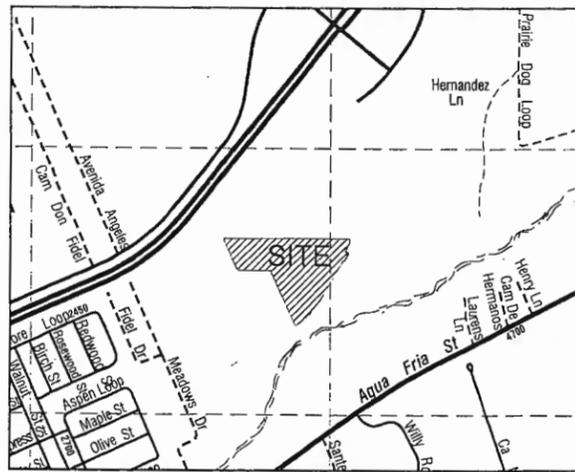
CITY PLANNER _____ DATE _____

CASE NUMBER: 2015- _____

APPROVED BY THE CITY COUNCIL AT THEIR MEETING OF _____

MAYOR _____

CITY CLERK _____



DEDICATION AND AFFIDAVIT

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNER(S), HAVE CAUSED TO BE AMENDED THE GENERAL PLAN SHOWN HEREON. THIS AMENDMENT IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE WISHES AND DESIRES OF SAID OWNER(S). UTILITY COMPANIES ARE GRANTED EASEMENTS AS SHOWN AND FOR EXISTING UTILITIES. OTHER EASEMENTS ARE GRANTED AS SHOWN.

THIS AMENDMENT CONTAINS 11.838 AC.±, AND LIES WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE CITY OF SANTA FE, NEW MEXICO.

SOREN PETERS PRESIDENT STORM RIVER, LLC DATE _____

STATE OF NEW MEXICO SS _____

COUNTY OF SANTA FE _____

THE FOREGOING INSTRUMENT WAS SWORN, ACKNOWLEDGED AND SUBSCRIBED BEFORE ME BY SOREN PETERS PRESIDENT STORM RIVER, LLC DATE _____

THIS _____ DAY OF _____, 2015, _____

MY COMMISSION EXPIRES _____ NOTARY PUBLIC _____

PLAT REFERENCES

- THE FOLLOWING PLATS WERE USED IN THE DETERMINATION OF LOT LINES AND RIGHT-OF-WAYS AND ARE RECORD DOCUMENTS FOR THIS PLAT.
- "BOUNDARY SURVEY PREPARED FOR MAXINE GERHART" BY BRIAN K. MCCLINTOCK NMPLS#11597, AND FILED IN PLAT BOOK 325, PG. 033 IN THE OFFICE OF THE COUNTY CLERK SANTA FE COUNTY, NEW MEXICO.
 - "TOWNSHIP 17 NORTH, RANGE 9 EAST, OF THE NEW MEXICO PRINCIPAL MERIDIAN NEW MEXICO DEPENDENT RESURVEY AND SUBDIVISION OF SECTION AND SURVEY OF LOTS" BY THE UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT SANTA FE, NEW MEXICO ACCEPTED 12/02/1993.
 - "TOWNSHIP 17 NORTH, RANGE 9 EAST, OF THE NEW MEXICO PRINCIPAL MERIDIAN NEW MEXICO DEPENDENT RESURVEY AND SURVEY" BY THE UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT SANTA FE, NEW MEXICO ACCEPTED 03/20/2007.
 - "SOUTH MEADOWS ROAD EXTENSION PROJECT" SANTA FE COUNTY PUBLIC WORKS DEPARTMENT, BY STEPHEN J. TOLER NMPLS#11599 DATED APRIL, 2007. NOT RECORDED.
 - "SUMMARY REVIEW SUBDIVISION PLAT FOR LOT SPLIT STORM RIVER PROPERTIES, LLC" BY RICHARD A. CHATROOP NMPLS #11011 AND FILED IN THE OFFICE OF THE COUNTY CLERK IN PLAT BOOK 728, PG. 040.
 - "LOT LINE ADJUSTMENT PLAT FOR LOT SPLIT STORM RIVER PROPERTIES, LLC" BY RICHARD A. CHATROOP NMPLS#11011 AND FILED IN THE OFFICE OF THE COUNTY CLERK IN PLAT BOOK 748, PG. 037.

LEGEND AND NOTES

- DENOTES POINT FOUND AS NOTED
 - DENOTES POINT SET THIS SURVEY
 - DENOTES POINT CALCULATED
 - ⊙ DENOTES MONUMENT
 - DENOTES SAN. SEW. MANHOLE
 - DENOTES WATER VALVE
 - DENOTES EDGE OF EASEMENT
 - x-x- DENOTES FENCE LINE
1. BASIS OF BEARING IS FROM "BOUNDARY SURVEY OF LOT 1 SUERTE DEL SUR, LLC" BY RICHARD A. CHATROOP, NMPLS # 11011 AND FILED IN THE OFFICE OF THE SANTA FE CO. CLERK IN PLAT BK-710, PG.003.
2. THIS PLAT IS SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD.

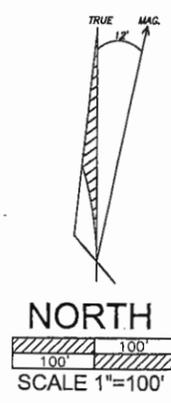
VICINITY MAP
NOT TO SCALE

LINE TABLE

LINE	LENGTH	BEARING
L1	38.41	S57°10'09"W
L2	10.00	N32°49'50"W
L3	641.38	S57°10'09"W
L4	10.00	S45°41'02"E
L5	355.68	S29°52'49"W
L6	10.00	N60°07'11"W
L7	104.59	S29°52'49"W
L8	162.26	S00°20'24"W
L9	103.41	N29°52'49"E
L10	10.00	N60°07'11"W
L11	215.68	N29°52'49"E
L12	679.79	N57°10'09"E
L13	102.35	N24°21'45"W
L14	70.00	S58°31'15"E

CURVE TABLE

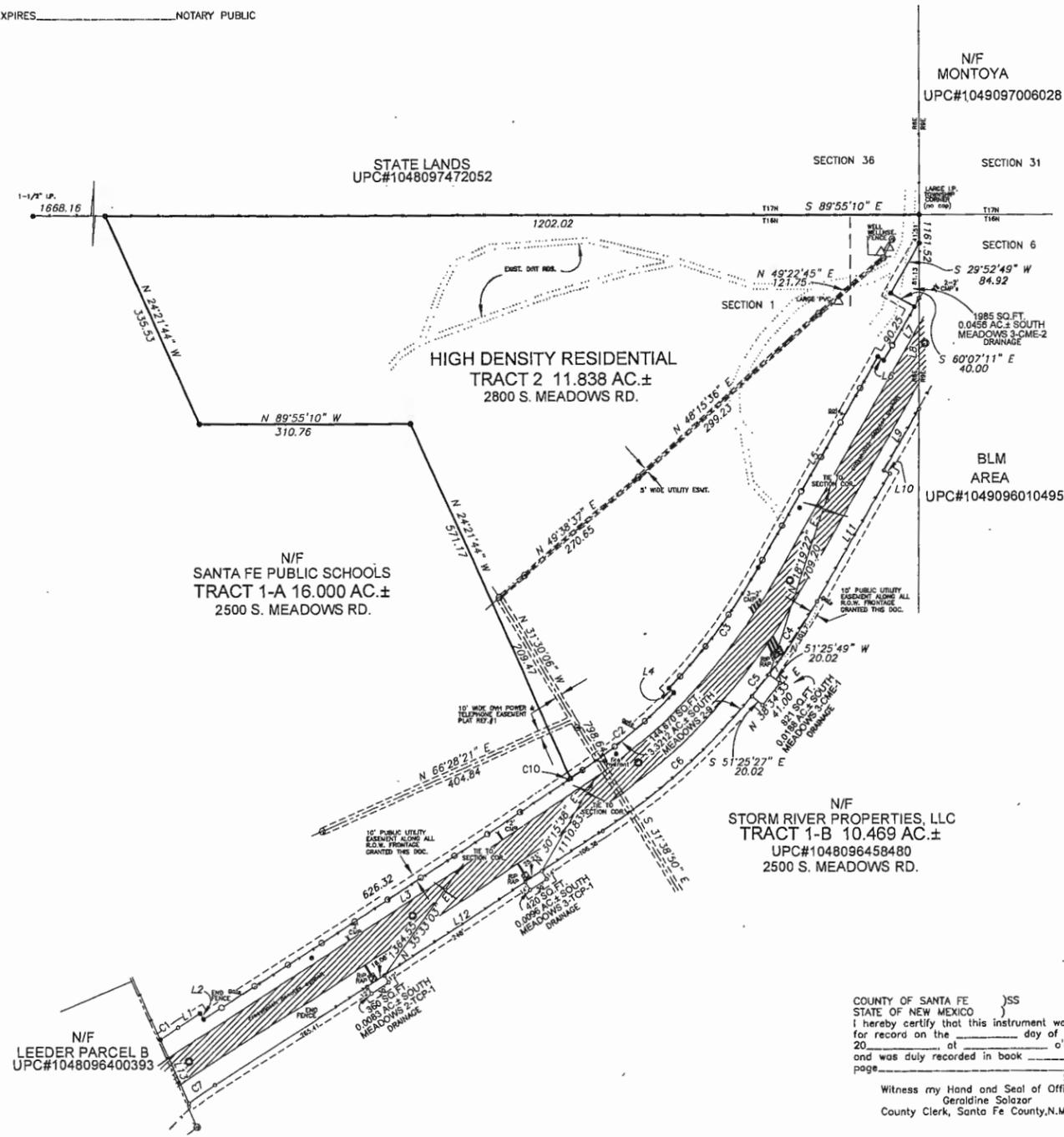
CURVE	LENGTH	RADIUS	CHORD BRG	CHORD DIST	DELTA
C1	31.54	703.28	S55°31'40"W	31.53	2°34'09"
C2	196.96	890.00	N50°39'22"E	196.56	12°40'49"
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C6	297.52	980.00	N48°28'18"E	296.38	17°23'41"
C7	46.66	603.31	N54°32'34"E	46.64	4°25'50"
C8	22.60	810.00	S30°40'47"W	22.60	1°35'56"
C9	24.56	880.00	S30°40'47"W	24.56	1°35'56"
C10	2.69	890.00	N57°04'58"E	2.69	0°10'23"



SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT AND THE NOTES HEREON ARE AN ACCURATE DELINEATION OF A FIELD SURVEY COMPLETED BY ME OR UNDER MY DIRECTION ON MAY 21ST, 2015, AND ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND MEET THE STANDARDS FOR PROFESSIONAL LAND SURVEYORS PRACTICING IN NEW MEXICO.

Richard A. Chatroop
RICHARD A. CHATROOP N.M.P.L.S. #11011



CITY NOTES

- THIS PROPERTY IS SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD WHICH PERTAIN.
- TRACT 2 LIES WITHIN ZONE "X" AREAS OUTSIDE THE 0.2% CHANGE FLOODPLAIN AS PER FEMA F.I.R.M. PANEL#35049C0393D DATED 2/18/11.
- RECORDING OF THIS PLAT DOES NOT CONSTITUTE THE APPROVAL BY THE CITY OF ANY ENCROACHMENTS INTO PRIVATE PROPERTIES.
- EACH LOT SHALL BE SERVED BY SEPARATE SEWER AND WATER SERVICE INCLUDING SETTING UP SEPARATE METER SERVICE ACCOUNTS.
- PROPERTY DEVELOPMENT IS REQUIRED TO COMPLY WITH APPLICABLE PROVISIONS OF CHAPT. 14, LAND DEVELOPMENT CODE SFCC 1987, AND SUBSEQUENT AMENDMENTS.
- PROPERTY DEVELOPMENT IS REQUIRED TO COMPLY WITH THE PROVISIONS OF EACH CITY OF SANTA FE ORDINANCE ADOPTED PRIOR TO PLAT AND/OR DEVELOPMENT PLAN RECORDING WITH THE COUNTY CLERK OR SUBMITTAL FOR A BUILDING PERMIT APPLICATION THAT MODIFIES ANY PROVISION OF OF CHAPTER 14, LAND DEVELOPMENT CODE, SFCC 1987 AND SUBSEQUENT AMENDMENTS. TRACT 3A IS REQUIRED TO COMPLY WITH THE TIERRA CONTENTA DESIGN STANDARDS FOR PHASE 2C.
- BUILDABLE AREAS FOR PLATTED PARCELS WILL BE DETERMINED AT THE TIME OF BUILDING PERMIT APPLICATION AS DETAILED IN THE LAND DEVELOPMENT CODE.

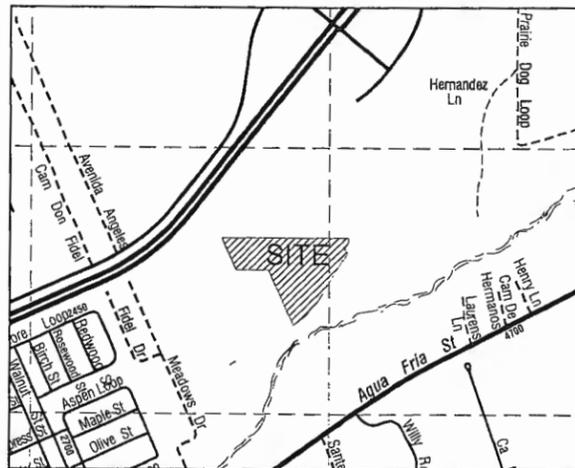
GENERAL PLAN AMENDMENT FOR GERHART APARTMENTS OF TRACT 2

LYING WITHIN SECTION 1, T16N, R9E, N.M.P.M. SANTA FE COUNTY, NEW MEXICO.

RICK CHATROOP
PROFESSIONAL LAND SURVEYOR
NEW MEXICO REGISTRATION NO. 11011
(505) 470-0037 110 WAGON TRAIL RD. CERRILLOS, NM. 87010

COUNTY OF SANTA FE) SS
STATE OF NEW MEXICO)
I hereby certify that this instrument was filed for record on the _____ day of _____ A.D. 20____ at _____ o'clock _____ m. and was duly recorded in book _____ of the records of Santa Fe County.
Witness my Hand and Seal of Office
Gerardine Salazar
County Clerk, Santa Fe County, N.M.

Deputy



VICINITY MAP
NOT TO SCALE

DEDICATION AND AFFIDAVIT

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNER(S), HAVE CAUSED TO BE REZONED THOSE LANDS SHOWN HEREON. THIS REZONING IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE WISHES AND DESIRES OF SAID OWNER(S). UTILITY COMPANIES ARE GRANTED EASEMENTS AS SHOWN AND FOR EXISTING UTILITIES. OTHER EASEMENTS ARE GRANTED AS SHOWN.

THIS REZONING CONTAINS 11.838 AC.±, AND LIES WITHIN THE PLANNING AND PLATTING JURISDICTION OF THE CITY OF SANTA FE, NEW MEXICO.

SOREN PETERS PRESIDENT STORM RIVER, LLC DATE _____
 STATE OF NEW MEXICO SS
 COUNTY OF SANTA FE
 THE FOREGOING INSTRUMENT WAS SWORN, ACKNOWLEDGED AND SUBSCRIBED BEFORE ME BY SOREN PETERS PRESIDENT STORM RIVER, LLC DATE _____
 THIS _____ DAY OF _____, 2015.
 MY COMMISSION EXPIRES _____ NOTARY PUBLIC

PLAT REFERENCES

- THE FOLLOWING PLATS WERE USED IN THE DETERMINATION OF LOT LINES AND RIGHT-OF-WAYS AND ARE RECORD DOCUMENTS FOR THIS PLAT.
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LEGEND AND NOTES

- DENOTES POINT FOUND AS NOTED
 - DENOTES POINT SET THIS SURVEY
 - DENOTES POINT CALCULATED
 - ⊙ DENOTES MONUMENT
 - ⊙ DENOTES SAN.SEW. MANHOLE
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 - DENOTES EDGE OF EASEMENT
 - x-x- DENOTES FENCE LINE
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 2. THIS PLAT IS SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD.

CITY OF SANTA FE REVIEW

CITY ENGINEER FOR LAND USE _____ DATE _____
 CITY PLANNER _____ DATE _____
 CASE NUMBER: 2015-_____
 APPROVED BY THE CITY COUNCIL AT THEIR MEETING OF _____
 MAYOR _____
 CITY CLERK _____

CITY NOTES

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LINE TABLE

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L3	641.38	S57°10'09"W
L4	10.00	S45°41'02"E
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L14	70.00	S58°31'15"E

CURVE TABLE

CURVE	LENGTH	RADIUS	CHORD BRG	CHORD DIST	DELTA
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C3	221.72	880.00	S37°05'53"W	221.13	14°26'08"
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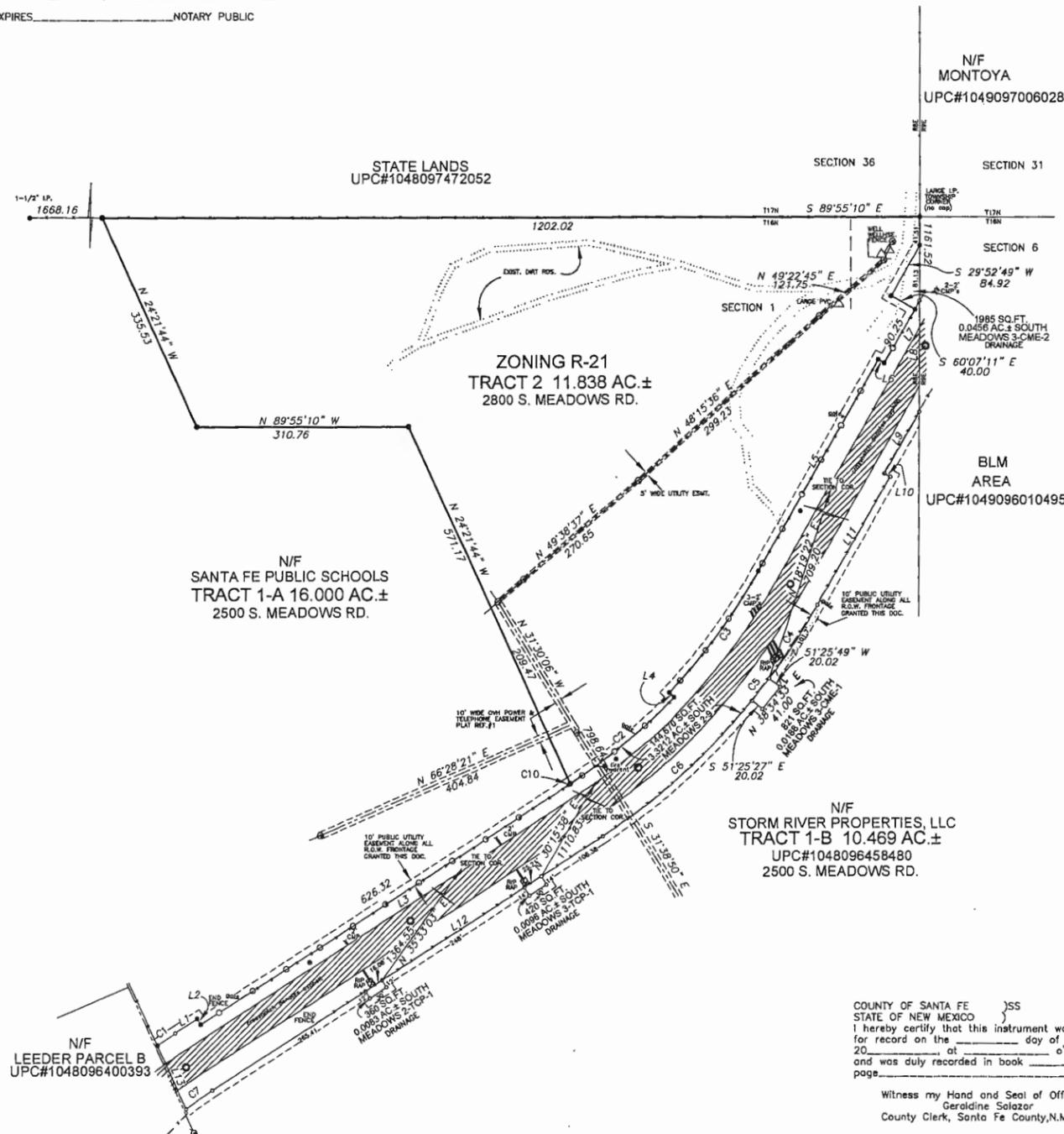


NORTH
 100'
 100'
 SCALE 1"=100'

SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT AND THE NOTES HEREON ARE AN ACCURATE DELINEATION OF A FIELD SURVEY COMPLETED BY ME OR UNDER MY DIRECTION ON MAY 21ST, 2015, AND ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND MEET THE STANDARDS FOR PROFESSIONAL LAND SURVEYORS PRACTICING IN NEW MEXICO.

RICHARD A. CHATROOP N.M.P.L.S. #11011



COUNTY OF SANTA FE)
 STATE OF NEW MEXICO)
 I hereby certify that this instrument was filed for record on the _____ day of _____ A.D. 20____ at _____ o'clock _____ m. and was duly recorded in book _____ of the records of page _____ of the records of Santa Fe County.
 Witness my Hand and Seal of Office
 Geraldine Salazar
 County Clerk, Santa Fe County, N.M.
 Deputy _____

ZONING MAP FOR GERHART APARTMENTS OF TRACT 2

LYING WITHIN SECTION 1, T16N, R8E, N.M.P.M. SANTA FE COUNTY, NEW MEXICO.

RICK CHATROOP
 PROFESSIONAL LAND SURVEYOR
 NEW MEXICO REGISTRATION NO. 11011
 (505) 470-0037 110 WAGON TRAIL RD. CERRILLOS, NM. 87010

INDEXING INFORMATION FOR THE COUNTY CLERK
 OWNER: STORM RIVER, LLC UPC#1048096458480
 LOCATION: LYING WITHIN SECTION 1, T16N, R8E, N.M.P., SANTA FE COUNTY, N.M.

LEGEND AND NOTES

- DENOTES POINT FOUND AS NOTED
- DENOTES POINT SET THIS SURVEY
- DENOTES POINT CALCULATED
- ⊙ DENOTES MONUMENT
- DENOTES SAN, SEW, MANHOLE
- DENOTES WATER VALVE
- X—X— DENOTES EDGE OF EASEMENT
- - - - - DENOTES FENCE LINE
- ▭ DENOTES FLOOD ZONE X OTHER FLOOD AREAS & FLOODWAY AREAS IN ZONE AE.

1. BASIS OF BEARING IS FROM "BOUNDARY SURVEY OF LOT 1 SUERTE DEL SUR, LLC" BY RICHARD A. CHATROOP, NMPLS # 11011 AND FILED IN THE OFFICE OF THE SANTA FE CO. CLERK IN PLAT BK.710, PG.003.
2. THIS PLAT IS SUBJECT TO ANY EASEMENTS, RESTRICTIONS AND COVENANTS OF RECORD.
3. CONTOUR INTERVAL=1'
4. ELEVATION DATUM COMPUTED FROM OPUS SOLUTION: LOG20120425_090416.TPS OP1336582825171 DATED 5/09/12 11:07 AM.

LINE TABLE

LINE	LENGTH	BEARING
L1	38.41	S57°10'09"W
L2	10.00	N32°49'50"W
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L4	10.00	S45°41'02"E
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L11	215.68	N29°52'49"E
L12	679.79	N57°10'09"E
L13	102.35	N24°21'45"W
L14	70.00	S58°31'15"E
L15	52.29	S22°16'56"E
L16	182.74	S24°57'15"W

CURVE TABLE

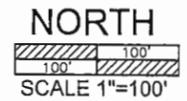
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C10	2.69	890.00	N57°04'58"E	2.69	0°10'23"



SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAT AND THE NOTES HEREON ARE AN ACCURATE DELINEATION OF A FIELD SURVEY COMPLETED BY ME OR UNDER MY DIRECTION ON JUNE, 6TH, 2013, AND ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND MEET THE STANDARDS FOR PROFESSIONAL LAND SURVEYORS PRACTICING IN NEW MEXICO.

Richard A. Chatroop
 RICHARD A. CHATROOP N.M.P.L.S. #11011



TOPOGRAPHIC PLAN FOR
STORM RIVER PROPERTIES, LLC
 OF
TRACT 2
 LYING WITHIN SECTION 1, T16N, R8E, N.M.P.M.
 SANTA FE COUNTY, NEW MEXICO.

RICK CHATROOP
 PROFESSIONAL LAND SURVEYOR
 NEW MEXICO REGISTRATION NO. 11011
 (505) 470-0037 110 WAGON TRAIL RD. CERRILLOS, NM. 87010

COUNTY OF SANTA FE } SS
 STATE OF NEW MEXICO }
 I hereby certify that this instrument was filed for record on the _____ day of _____ A.D. 20____ at _____ o'clock _____ m. and was duly recorded in book _____ of the records of Santa Fe County.
 Witness my Hand and Seal of Office
 Geraldine Salazar
 County Clerk, Santa Fe County, N.M.

INDEXING INFORMATION FOR THE COUNTY CLERK
 OWNER: STORM RIVER PROPERTIES, LLC UPC#1048096458480
 LOCATION: LYING WITHIN SECTION 1, T16N, R8E, NMPM, SANTA FE COUNTY, NM



PROJECT DATA:

SITE AREA:	± 11.83 ACRES
TOTAL UNITS:	
1-BDRM:	± 118 UNITS (± 49.2%)
2-BDRM:	± 110 UNITS (± 45.8%)
3-BDRM:	± 12 UNITS (± 5.0%)
TOTAL:	± 240 UNITS
DENSITY:	± 20.28 D.U. / ACRE
PARKING:	± 459 SPACES
PARKING RATIO:	± 1.91 SPACES / UNIT

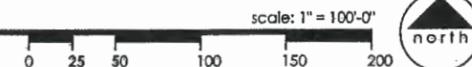
NOTE: ALL PROPOSED BUILDINGS WITHIN THIS SITE WILL CONFORM TO A 36' MAXIMUM BUILDING HEIGHT PER CITY OF SANTA FE GUIDELINES AND REQUIREMENTS

**GERHART
APARTMENT
COMMUNITY**
South Meadows Road
SANTA FE, NEW MEXICO

CONCEPT MASTER PLAN

WPI No. 1222

05.21.15



WHITNEYBELL PERRY INC



ARCHITECTURE AND PLANNING

SHEET 3-1

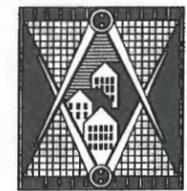


**GERHART
APARTMENTS**

SANTA FE, NEW MEXICO

**PRELIMINARY
NOT FOR
CONSTRUCTION**

WHITNEYBELL PERRY INC
575 West Chandler Boulevard, STE. 123
Chandler, Arizona 85225
(602)265-1891



ARCHITECTURE AND PLANNING

**SHEET
3-2**

COPYRIGHT WHITNEYBELL PERRY INC
21 May 2015

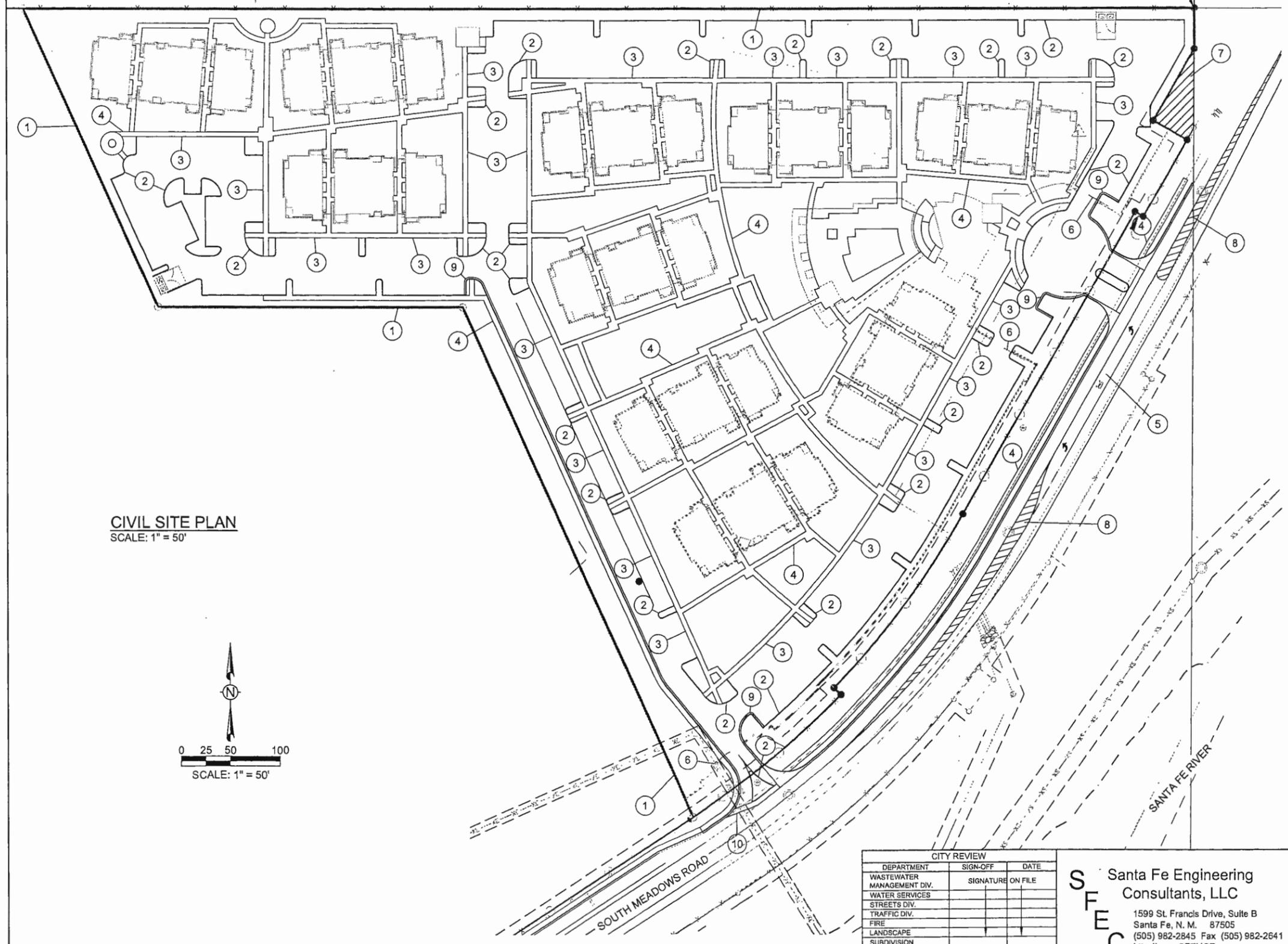
**PRELIMINARY
AERIAL SITE PLAN**

 **PRELIMINARY SITE PLAN**
1" = 100'-0" 0 50' 100' 200'

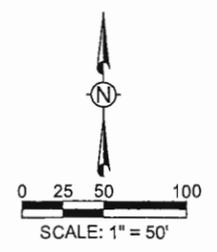
N:\Users\j222 - Santa Fe\Gerhart AP\Preliminary\1122 - Preliminary Site Plan.dwg 27/05/2015 08:27 PM 1/4

SECTION / PROPERTY CORNER
 N: 4330.5240
 E: 3665.8243

- SHEET KEYNOTES**
- ① PROPERTY LINE
 - ② 6" STAND-UP CURB
SEE SHEET 6-2
 - ③ TURN DOWN SIDEWALK
SEE SHEET 6-2
 - ④ 5' SIDEWALK
SEE SHEET 6-2
 - ⑤ NEW LEFT TURN LANE
 - ⑥ GATES
 - ⑦ CONSTRUCTION AND MAINTENANCE
EASEMENT (HATCHED AREA)
 - ⑧ PAINTED MEDIAN
 - ⑨ 2' STANDARD CURB & GUTTER
SEE SHEET 6-2
 - ⑩ 5' TYPE II VALLEY GUTTER
SEE SHEET 6-2



CIVIL SITE PLAN
 SCALE: 1" = 50'



ENGINEERS SEAL	
DATE	
REVISIONS	

CITY REVIEW		
DEPARTMENT	SIGN-OFF	DATE
WASTEWATER MANAGEMENT DIV.	SIGNATURE ON FILE	
WATER SERVICES		
STREETS DIV.		
TRAFFIC DIV.		
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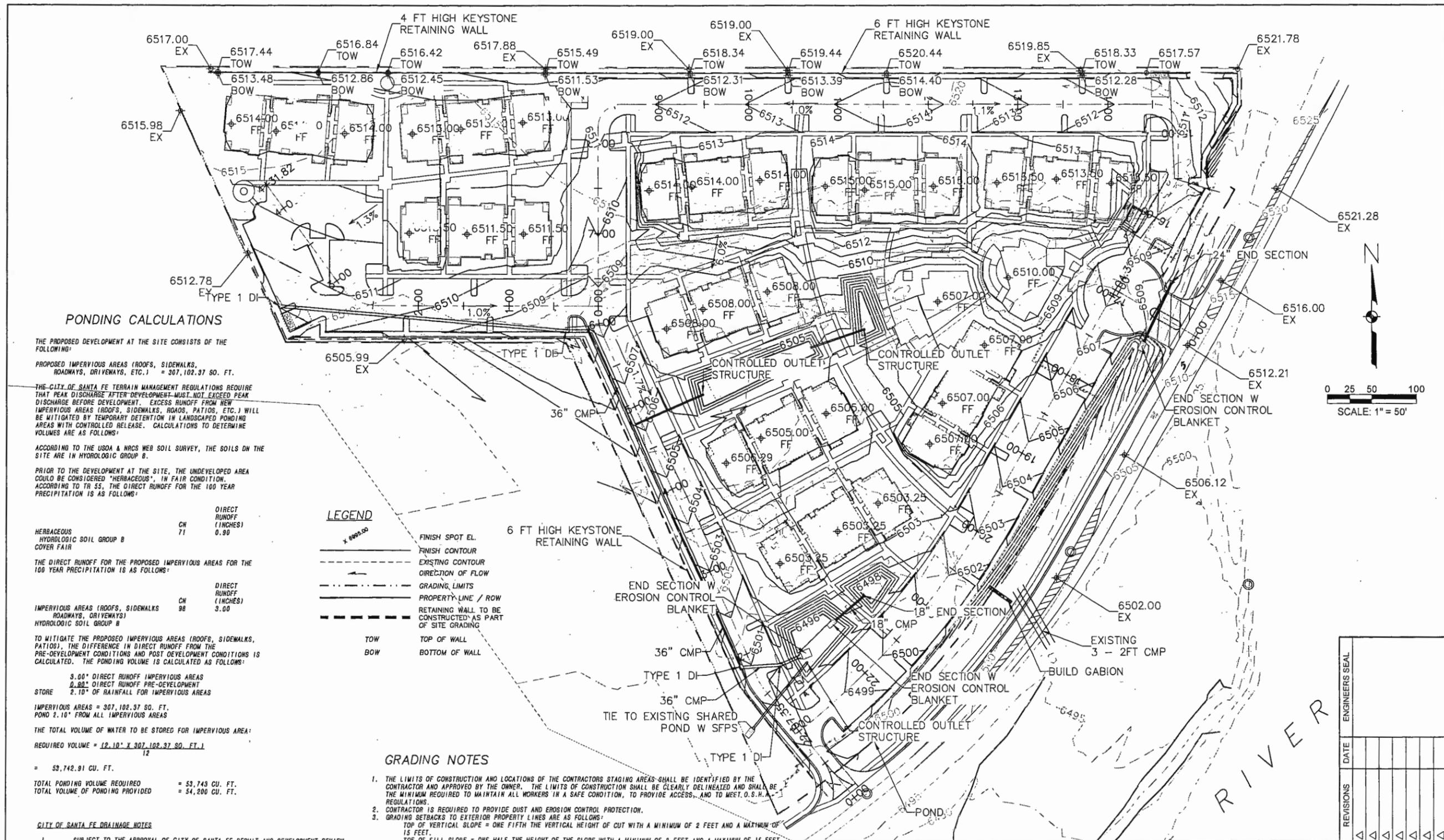
SFE C Santa Fe Engineering Consultants, LLC
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<http://www.SFENGR.com>

GERHART APARTMENTS
 GENERAL PLAN AMENDMENT
 AND REZONING SUBMITTAL

CONCEPTUAL CIVIL SITE PLAN

DATE: MAY 2015	SCALE: 1" = 50'	SHEET: 4-1
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CASE # _____



PONDING CALCULATIONS

THE PROPOSED DEVELOPMENT AT THE SITE CONSISTS OF THE FOLLOWING:

PROPOSED IMPERVIOUS AREAS (ROOFS, SIDEWALKS, ROADWAYS, DRIVEWAYS, ETC.) = 307,102.37 SQ. FT.

THE CITY OF SANTA FE TERRAIN MANAGEMENT REGULATIONS REQUIRE THAT PEAK DISCHARGE AFTER DEVELOPMENT MUST NOT EXCEED PEAK DISCHARGE BEFORE DEVELOPMENT. EXCESS RUNOFF FROM NEW IMPERVIOUS AREAS (ROOFS, SIDEWALKS, ROADS, PATIOS, ETC.) WILL BE MITIGATED BY TEMPORARY DETENTION IN LANDSCAPED PONDING AREAS WITH CONTROLLED RELEASE. CALCULATIONS TO DETERMINE VOLUMES ARE AS FOLLOWS:

ACCORDING TO THE USDA & NRCS WEB SOIL SURVEY, THE SOILS ON THE SITE ARE IN HYDROLOGIC GROUP B.

PRIOR TO THE DEVELOPMENT AT THE SITE, THE UNDEVELOPED AREA COULD BE CONSIDERED "HERBACEOUS", IN FAIR CONDITION. ACCORDING TO TR 55, THE DIRECT RUNOFF FOR THE 100 YEAR PRECIPITATION IS AS FOLLOWS:

HERBACEOUS HYDROLOGIC SOIL GROUP B COVER FAIR	CN	DIRECT RUNOFF (INCHES)
	71	0.90

THE DIRECT RUNOFF FOR THE PROPOSED IMPERVIOUS AREAS FOR THE 100 YEAR PRECIPITATION IS AS FOLLOWS:

IMPERVIOUS AREAS (ROOFS, SIDEWALKS, ROADWAYS, DRIVEWAYS) HYDROLOGIC SOIL GROUP B	CN	DIRECT RUNOFF (INCHES)
	98	3.00

TO MITIGATE THE PROPOSED IMPERVIOUS AREAS (ROOFS, SIDEWALKS, PATIOS), THE DIFFERENCE IN DIRECT RUNOFF FROM THE PRE-DEVELOPMENT CONDITIONS AND POST DEVELOPMENT CONDITIONS IS CALCULATED. THE PONDING VOLUME IS CALCULATED AS FOLLOWS:

3.00" DIRECT RUNOFF IMPERVIOUS AREAS
 0.90" DIRECT RUNOFF PRE-DEVELOPMENT
 STORE 2.10" OF RAINFALL FOR IMPERVIOUS AREAS

IMPERVIOUS AREAS = 307,102.37 SQ. FT.
 POND 2.10" FROM ALL IMPERVIOUS AREAS

THE TOTAL VOLUME OF WATER TO BE STORED FOR IMPERVIOUS AREA:
 REQUIRED VOLUME = $(2.10" \times 307,102.37 \text{ SQ. FT.}) / 12$

= 53,742.91 CU. FT.

TOTAL PONDING VOLUME REQUIRED = 53,743 CU. FT.
 TOTAL VOLUME OF PONDING PROVIDED = 54,200 CU. FT.

CITY OF SANTA FE DRAINAGE NOTES

- SUBJECT TO THE APPROVAL OF CITY OF SANTA FE PERMIT AND DEVELOPMENT REVIEW DIVISION STAFF, STORM DRAINAGE AND EROSION/SEDIMENT CONTROL IMPROVEMENTS SHALL BE EXECUTED IN CONJUNCTION WITH THE CONSTRUCTION OF EACH SEGMENT OF ROADS AND UTILITIES. THESE IMPROVEMENTS SHALL BE COMPLETED AND INSPECTED PRIOR TO THE ISSUANCE OF BUILDING PERMITS FOR INDIVIDUAL BUILDINGS.
- MAINTENANCE OF PRIVATE GRAVITY EASEMENTS AND DRAINAGE FACILITIES IS THE RESPONSIBILITY OF THE OWNER. THE CITY OF SANTA FE IS HEREBY GRANTED THE RIGHT TO ACCESS AND INSPECT THESE EASEMENTS AND DRAINAGE FACILITIES AT THE DISCRETION OF THE CITY. THE OWNER AGREES TO INDEMNIFY AND TO HOLD HARMLESS FROM ALL DAMAGE TO PERSONS OR PROPERTY RESULTING FROM THE CITY'S REASONABLE EXERCISE TO THEIR ACCESS AND INSPECTION RIGHT.

LEGEND

- FINISH SPOT EL.
- FINISH CONTOUR
- EXISTING CONTOUR
- DIRECTION OF FLOW
- GRADING LIMITS
- PROPERTY LINE / ROW
- RETAINING WALL TO BE CONSTRUCTED AS PART OF SITE GRADING
- TOW TOP OF WALL
- BOW BOTTOM OF WALL

GRADING NOTES

- THE LIMITS OF CONSTRUCTION AND LOCATIONS OF THE CONTRACTORS STAGING AREAS SHALL BE IDENTIFIED BY THE CONTRACTOR AND APPROVED BY THE OWNER. THE LIMITS OF CONSTRUCTION SHALL BE CLEARLY DELINEATED AND SHALL BE THE MINIMUM REQUIRED TO MAINTAIN ALL WORKERS IN A SAFE CONDITION, TO PROVIDE ACCESS, AND TO MEET O.S.H.A. REGULATIONS.
- CONTRACTOR IS REQUIRED TO PROVIDE DUST AND EROSION CONTROL PROTECTION.
- GRADING SETBACKS TO EXTERIOR PROPERTY LINES ARE AS FOLLOWS:
 TOP OF VERTICAL SLOPE = ONE FIFTH THE VERTICAL HEIGHT OF CUT WITH A MINIMUM OF 2 FEET AND A MAXIMUM OF 15 FEET.
 TOE OF FILL SLOPE = ONE HALF THE HEIGHT OF THE SLOPE WITH A MINIMUM OF 2 FEET AND A MAXIMUM OF 15 FEET.
- THE SURVEYOR SHALL VERIFY SETBACKS, TIE IN ELEVATIONS, AND TOPOGRAPHY WHEN STAKING PROJECT.
- UNSUITABLE MATERIAL FROM SITE GRADING AND REMOVAL OPERATIONS, SHALL BE DISPOSED OF AT AN APPROVED LANDFILL.
- THE VOLUME OF PONDING REQUIRED IS 53,743 CUBIC FEET.
- THE VOLUME OF PONDING PROVIDED IS 54,200 CUBIC FEET.
- ALL DISTURBED AREAS SHALL BE REVEGETATED AND COORDINATED WITH THE LANDSCAPING PLAN.
- ALL FILL MATERIAL SHALL MEET THE REQUIREMENTS OF THE N.M.D.O.T. OR SITE SPECIFIC GEOTECHNICAL SPECIFICATIONS. THE FILL SHALL BE COMPACTED AS PER N.M.D.O.T. SPECIFICATIONS.
- ALL EXTERIOR CONCRETE SIDEWALK ELEVATIONS AT DOOR OPENINGS SHALL BE 1/2" LOWER THAN THE FINISHED FLOOR SLAB ELEVATIONS.
- THE MAXIMUM CROSS SLOPE OF WALKING SURFACES SHALL NOT EXCEED 2%.
- INSTALL 6 FT FENCE AROUND THE SITE.
- PROPERTY DEVELOPMENT MUST COMPLY WITH SECTION 14-8.12 (RELOCATION OF GUNNISON'S PRAIRIE DOGS.)

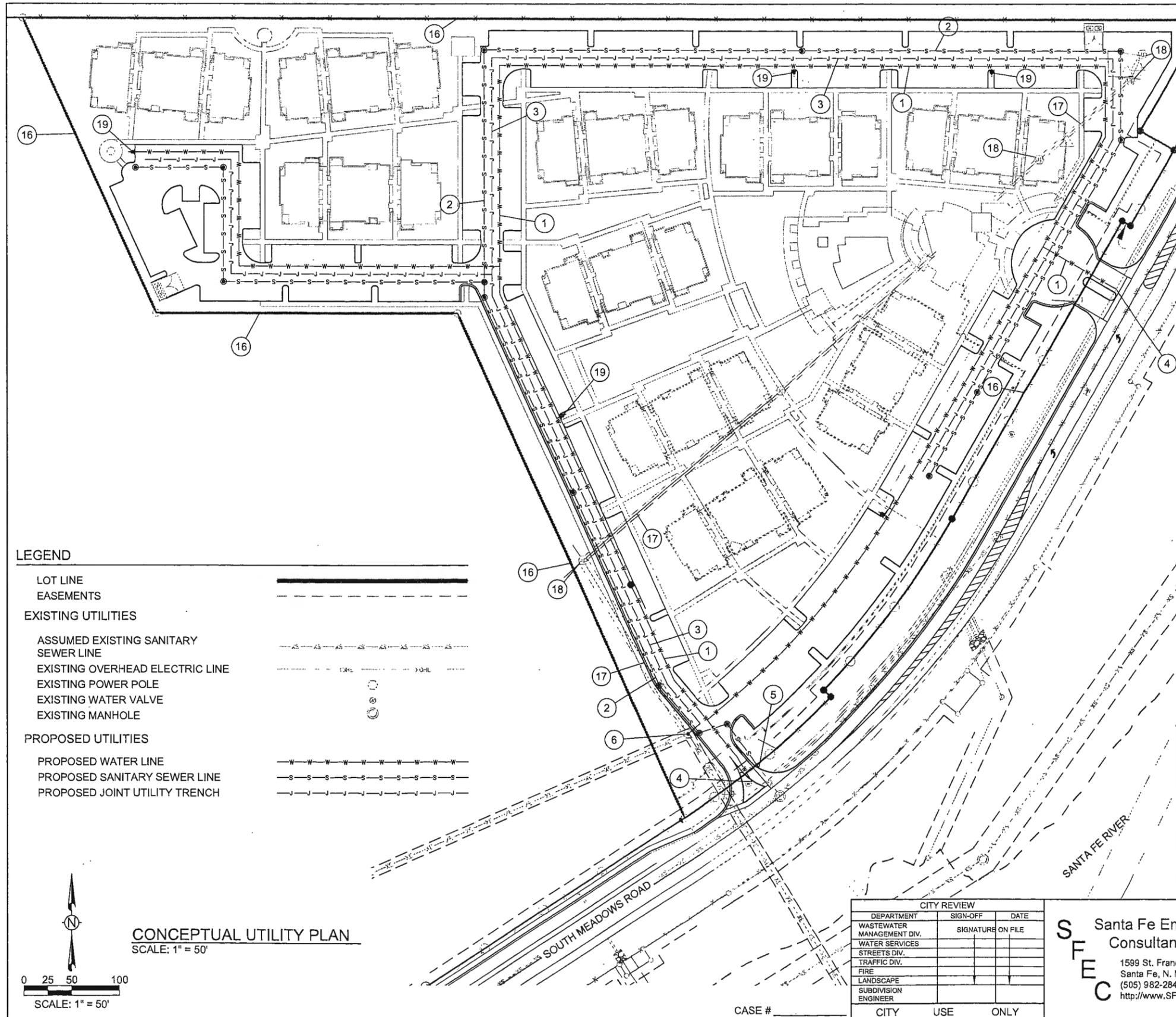
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GERHART APARTMENTS GENERAL PLAN AMENDMENT AND REZONING SUBMITTAL		
CONCEPTUAL GRADING AND DRAINAGE PLAN		
DATE	SCALE	SHEET
MAY 2015	1" = 50'	7-1

ENGINEERS SEAL
DATE
REVISIONS

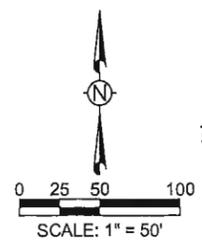


SHEET KEYNOTES

- ① PROPOSED WATER LINE
- ② PROPOSED PUBLIC 8" SANITARY SEWER LINE
- ③ PROPOSED JOINT UTILITY TRENCH
- ④ TIE PROPOSED PROPOSED WATER LINE TO EXISTING WATER LINE
- ⑤ TIE PROPOSED SANITARY SEWER LINE TO EXISTING SANITARY SEWER STUB-OUT
- ⑥ RELOCATE EXISTING POWER POLE IF NECESSARY. RUN ELECTRIC TO PROPOSED JOINT UTILITY TRENCH
- ⑦ TIE PROPOSED TELEPHONE LINE TO EXISTING
- ⑧ PROPOSED TELEPHONE LINE
- ⑨ TIE PROPOSED 6" SANITARY SEWER SERVICE TO EXISTING 8" LINE
- ⑩ PROPOSED 6" SANITARY SEWER SERVICE
- ⑪ INSTALL IPSP IN NON-PAVED AREA AFTER TIE-IN FROM GREASE TRAP
- ⑫ TIE PROPOSED 1.5" DOMESTIC WATER SERVICE TO EXISTING WATER LINE. INSTALL METER BEHIND SIDEWALK
- ⑬ PROPOSED 1.5" DOMESTIC WATER SERVICE
- ⑭ TIE PROPOSED 5/8" IRRIGATION LINE TO EXISTING WATER LINE. INSTALL METER BEHIND CURB AND GUTTER WITH HOT BOX
- ⑮ EXISTING FIRE HYDRANT
- ⑯ PROPERTY LINE
- ⑰ ABANDON EXISTING OVERHEAD ELECTRIC LINE
- ⑱ REMOVE EXISTING POWER POLE
- ⑲ PROPOSED FIRE HYDRANT

LEGEND

- LOT LINE
- EASEMENTS
- EXISTING UTILITIES
 - ASSUMED EXISTING SANITARY SEWER LINE
 - EXISTING OVERHEAD ELECTRIC LINE
 - EXISTING POWER POLE
 - EXISTING WATER VALVE
 - EXISTING MANHOLE
- PROPOSED UTILITIES
 - PROPOSED WATER LINE
 - PROPOSED SANITARY SEWER LINE
 - PROPOSED JOINT UTILITY TRENCH



CONCEPTUAL UTILITY PLAN
SCALE: 1" = 50'

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GENERAL PLAN AMENDMENT
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CONCEPTUAL UTILITY PLAN

DATE: MAY 2015	SCALE: 1" = 100'	SHEET: 8-3
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ENGINEER'S SEAL	
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