



# Land Use Department Planning Commission Staff Report

Site Location Map

Case No: 2016-89 & 2016-99  
Hearing Date: October 6, 2016  
Applicant: New Mexico Inter-Faith Housing,  
Agent for City of Santa Fe  
Request: General Plan Amendment &  
Rezone  
Location: 5 acre portion of the parcel  
northwest of 1222 Siler Road  
Case Mgr.: Noah Berke  
Zoning: I-2 (General Industrial)  
Overlay: None  
Pre-app. Mtg.: May 5, 2016  
ENN Mtg.: July 12, 2016  
Proposal:  
GPA from Public/Institutional to Community  
Commercial and Rezone from I-2 to C-2



**Case #2016-89. Arts and Creativity Center Rezoning.** New Mexico Inter-Faith Housing, agent for the City of Santa Fe, requests approval of rezoning of approximately 5.0 acres from I-2 (General Industrial) to C-2 (General Commercial). The property is a portion of the parcel northwest of 1222 Siler Road. (Noah Berke, Case Manager)

**Case #2016-99. Arts and Creativity Center General Plan Amendment.** New Mexico Inter-Faith Housing, agent for the City of Santa Fe, requests approval of a General Plan Amendment to amend the existing General Plan Future Land Use designation for approximately 5.0 acres from Public/Institutional to Community Commercial. The property is a portion of the parcel northwest of 1222 Siler Road. (Noah Berke, Case Manager)

## I. RECOMMENDATION

The Commission should recommend that the Governing body **APPROVE** of the following requests.

*Two motions will be required in this case, in the following order:*

- *Recommend that the Governing Body approve the general plan amendment request from Public/Institutional to Community Commercial. Conditions of approval are not applicable to general plan amendments.*
- *Recommend that the Governing Body approve the rezoning request from I-2 (General Industrial) to C-2 (General Commercial). No conditions of approval are recommended for the rezoning case, although various requirements that will apply at the time of development are identified in attached*

*memos from the staff Development Review Team (Exhibit A).*

The Planning Commission's recommendation will proceed to the City Council for final decision on both the general plan amendment and rezoning. If the general plan amendment and rezoning are approved, a development plan will come before the Commission as a separate future application.

## **II. EXECUTIVE SUMMARY**

The applicant requests general plan amendment and rezoning for 5.0 acre portion of a 54 acre tract of land owned by the City of Santa Fe. The proposed project site is currently zoned I-2 (General Industrial) and shown on the Future Land Use Map as Public/Institutional. The property currently consists of a series of general industrial uses by the city. In the past this property was used by the city as a sewage treatment facility.

The proposed rezoning and general plan amendment requests are required by Resolution No. 2016-30 titled "A Resolution contributing property and resources to New Mexico Interfaith Housing Community Development Corporation for Development of the Santa Fe Art's and Creativity Center Low Income Housing Tax Credit Project Pursuant to the Affordable Housing Act". That resolution directed staff to work with the project developer to bring forth rezoning and general plan amendment requests for the proposed site appropriate to support uses for an affordable multi-family complex with shared community spaces. It was the result of two prior resolutions (2014-13 and 2015-24) which directed city staff to undertake a feasibility analysis and perform an in-depth due diligence of the proposed site.

If the rezoning and general plan amendment requests are approved, the developer plans to submit a development plan application which would allow for creation of 60-70 affordable residential units and approximately 2500 square feet of non-residential uses. In essence this would become a mixed use site. Project financing would rely on Low Income Housing Tax Credits to help fund the development. Rezoning is a critical part of the process because residential uses are not permitted in the I-2 zone.

The proposed project would be the first brownfield redevelopment project to provide affordable rental housing and shared work facilities through a donation of land by the City of Santa Fe. The development plan would include affordable rental housing, shared community spaces, and offices.

## **III. BACKGROUND**

The proposed site is located within a 54 acre area of city-owned land directly north of 1222 Siler Road. The property for the proposed project site is shown as a portion of land within Tract 2 of the "Plats of Survey for City of Santa Fe, N.M. of the City Yards" dated February, 1984.

This site was used for the municipal sewage treatment plant until the plant moved to its present location. The site was then decommissioned and has most recently been used as a storage area for various city supplies and materials. The applicant has performed an in-depth analysis of the site and it has been determined that it is safe to build on with minimal remediation. As such, the applicant is applying for the Low Income Housing Tax Credits and listing this site as a brownfield redevelopment project.

The 1999 General Plan Future Land Use Map (Exhibit B-1) shows the project site as part of the “Siler Redevelopment District,” which is “intended to allow this industrial area, located in close proximity to expanding residential areas, to develop uses compatible with housing, and may be implemented through a new mixed-use zoning district regulations which would specify appropriate land use and design standards.” C-2 zoning classification allows for residential and non-residential uses, and would appear to be consistent with the General Plan.

The properties surrounding the proposed site have industrial land uses, including the City’s corporate yard operations. There are City of Santa Fe offices directly north of the site, extending to Agua Fria. The Food Depot and Kitchen Angels are located directly south of the site on city-owned land. Along Siler Road, primarily on the northeast side, there are various auto related shops, shipping facilities, performing art spaces, and warehouses. Over recent years, there have been some changes to the pattern of uses for the surrounding areas. The Meow Wolf arts collaborative redeveloped the old bowling alley on Rufina Circle to make it a concert venue, exhibition space, shared workspace for artists, offices, and a shared learning facility. On Rufina Court, an old greenhouse nursery is being redeveloped to create a cooperative grocery store. Second Street Brewing and Duel Brewing have opened facilities along Rufina Street; Java Joe’s Coffee has opened on Siler Road; and an old motel was demolished and CVS Drug Store was built at the corner of Siler and Cerrillos Roads.

Redevelopment projects and repurposing of properties in the vicinity of the proposed project site have sparked interest among developers in the areas along Rufina and Siler Roads, although the majority of properties continue to be used for light industrial purposes. The proposed rezoning and general plan amendment would continue the trend of changing uses.

Presently, there are few multi-family housing projects in the area. The Housing Needs Assessment, performed by the Office of Affordable Housing, concluded that there is a large deficiency of affordable rental housing in the city. Given the location of the proposed site, existing city infrastructure and the recent improvements and extensions of transportation systems, such as the construction of the Siler Road Bridge and the widening of Cerrillos Road and extension of the Acequia Trail, this area is now more easily accessible from all areas of the city.

#### **IV. GENERAL PLAN AMENDMENT**

The subject property’s current future land use designation is Public/Institutional as shown on the Future Land Use Map (See **Exhibit B1**). The applicant requests the Community Commercial designation to allow for C-2 (General Commercial) zoning.

The purpose and intent of general plan amendments, per Section 14-3.8, is to guide for the city’s land use decisions. The regulations, restrictions and policies of the city affecting development – including the zoning map – must be in accordance with the general plan as provided in Section 3-21-5 NMSA 1978.

The general plan can be amended, subject to meeting the approval criteria in Subsection 14-3.2(E):

<b>Criterion 1(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;</b>	<b>Criterion Met:</b> (Yes/No/conditional/N/A) <b>YES</b>
<p>The City no longer maintains specific projections for residential or other types of growth rates. The previous development patterns along Siler Road were dominated by light industrial uses. The 1999 Future Land Use Map identifies the project site as being within the "Siler Road Redevelopment District" which is intended to allow "this industrial area, located in close proximity to expanding residential areas, to develop land uses compatible with housing, and may be implemented through new mixed-use zoning district regulations which would specify appropriate land uses and design standards." (General Plan Section 3.5) Development of affordable rental housing, shared community spaces and offices (mixed-uses) is consistent with the General Plan.</p> <p>The future proposal for development of the property, as a mixed use, is consistent with the city's Affordable Housing Needs Assessment and the economic development goals of the city's Economic Development Division. (Exhibit A4 and A5)</p> <p>The applicant provided a traffic impact study which indicates access from Siler Road for commercial and residential development would be feasible. Existing trails systems and bus routes are available to service the proposed site. Connection to the City sewer and water systems is available.</p>	
<b>Criterion 1(b): Consistency with other parts of the general plan;</b>	<b>Criterion Met:</b> (Yes/No/conditional/N/A) <b>YES</b>
<p>The proposed general plan amendment is consistent with multiple sections of the 1999 General Plan Themes. The proposed amendment will allow for rezoning from I-2 to C-2. The applicant intends to obtain approval of a development plan for between 60-70 affordable housing units and offices/shared work areas, which is considered mixed use. The design of the future project will utilize conservation efforts and sustainable practices, while also redeveloping a brownfield area.</p> <p>The General Themes of sections 1.7.1 "Affordable Housing" and Section 1.7.4 "Economic Diversity" are both satisfied by the proposed amendment and the future proposed Arts and Creativity Center project.</p> <p>The future proposed project is consistent with the goals and as listed in Sections 1.7.5 "Sustainable Growth", 1.7.7 "Water", 1.7.9 "Urban Form", and 1.7.12 "Mixed Use".</p>	
<b>Criterion 1(c): the amendment does not:</b> <ol style="list-style-type: none"> <li>1. allow uses or a change that is significantly different from or inconsistent with the prevailing use and character in the area; or</li> <li>2. affect an area of less than two acres, except when adjusting boundaries between districts; or</li> <li>3. benefit one or a few landowners at the expense of the surrounding landowners or the general public</li> </ol>	<b>Criterion Met:</b> (Yes/No/conditional/N/A) <b>YES</b>

The proposed amendment would comply with this criterion, although it is not required to comply because of compliance with Criterion 1(d) below.

- 1.) The character of the area is primarily industrial with some mixed uses throughout the vicinity. The amendment, as proposed, is within the Siler Redevelopment District, which is identified in the 1999 General Plan. The use of the property for Community Commercial is not significantly different with the prevailing uses in the area. Directly west of the property are residential uses and to the south there are permitted general commercial uses.
- 2.) The proposed site is 5 acres, which is larger than 2 acres.
- 3.) The properties to the north, east, south, and west are owned by the City of Santa Fe. Since the Governing Body passed three resolutions regarding this property, it has been demonstrated that this proposed amendment is in the interest of the city, and does not negatively affect the adjacent land-owners or the general public.

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

**Criterion Met:**  
(Yes/No/conditional/N/A)  
**YES**

The Governing Body passed Resolution No. 2016-30 recognizing that the general plan amendment and rezoning are enabling a project that will promote the general welfare of the community. The amendment does conform with Subsection 14-3.2(E)(1)(c), as it is not inconsistent with the prevailing use or character of the area, is not less than 2 acres, and does not benefit one or a few landowners at the expense of surrounding landowners or the general public.

**Criterion 1(e): compliance with extraterritorial zoning ordinances and extraterritorial plans;**

**Criterion Met:**  
(Yes/No/conditional/N/A)  
**N/A**

Not Applicable.

**Criterion 1(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; and**

**Criterion Met:**  
(Yes/No/conditional/N/A)  
**YES**

By granting the proposed amendment, this will allow for rezoning from I-2 to C-2. The existing I-2 zoning does not allow both residential and commercial uses. The applicant proposes an affordable mixed use development, which satisfies the needs and goals of affordable housing and promoting economic development. The applicant further asserts that the development of the property will be environmentally sensitive, sustainable, and that the proposed project will deliver on-site social services aimed at promoting both economic development and community well-being.

**Criterion 1(g): consideration of conformity with other city policies, including land use policies, ordinances, regulations and plans.**

**Criterion Met:**  
(Yes/No/conditional/N/A)  
**YES**

The applicant's responses to the required criterion (Exhibit F1) cite compliance with city economic development, affordable housing, and redevelopment policies and plans. Staff agrees that this amendment allows for conformity and compliance with city policies regarding affordable housing, economic development, sustainability and redevelopment, as well as, land use plans, policies, and ordinances.

<p><b>Criterion 2: 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:</b></p> <p><b>(a) the growth and economic projections contained within the general plan are erroneous or have changed;</b></p> <p><b>(b) no reasonable locations have been provided for certain land uses for which there is a demonstrated need; or</b></p> <p><b>(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.</b></p>	<p><b>Criterion Met:</b> (Yes/No/conditional/N/A) <b>YES</b></p>
<p>The proposed amendment would comply with this criterion, although it is not required to comply because it does not amend a land use policy.</p> <p>a.) The applicant asserts that the Governing Body approved a Resolution No. 2016-30 requiring donation of 5 acres of city owned land to be used to address the current need for affordable rental housing and mixed use development. Therefore the Governing Body, through its passage of Resolution 2016-30, asserted that growth and economic projections have changed since the General Plan was created. Based on the current Housing Needs Assessment; there is a need for more affordable rental housing and the proposed project will satisfy that need by delivering affordable live/work facilities.</p> <p>b.) The applicant acknowledges that there are other areas within the city that provide for mixed use and high density residential development. However, this proposed location was chosen by the City Council due to its location and redevelopment potential. This site will be a donation by the city, which the applicant states is "critical prerequisite for affordable housing multi-family development under the Low Income Tax Credit Program".</p> <p>c.) According to the Housing Needs Assessment, provided by the Office of Affordable Housing, there is a large gap in the need for affordable housing and its availability. The proposed general plan amendment and rezoning requests are needed to provide a zoning that would allow for affordable housing development. The conditions of the housing market have changed in such a way that the proposed general plan amendment and rezoning is needed by the community to satisfy the demands of the affordable housing market.</p>	

## V. 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:

### Approval Criteria – Rezoning (Section 14-3.5):

<p><b>Criterion 1(a): one or more of the following conditions exist:</b></p> <p>(i) there was a mistake in the original zoning;</p> <p>(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;</p> <p>(iii) a different use category is more advantageous to the community, as articulated in the general plan or other adopted city plans;</p>	<p><b>Criterion Met:</b> (Yes/No/conditional/N/A) <b>YES</b></p>
<p>i.) Not Applicable</p> <p>ii.) In recent years there have been changes in the surrounding areas. In the past, when the area was originally zoned, it was on the edge of city of Santa Fe, and the proposed project site was a sewage treatment facility. The industrial zoning was given to this area due to its location on the limits of the city, away from residential expansion areas. Over time, this area has shifted to being more geographically central and closer to the population centers. Development in the area has shifted from industrial to more general commercial uses. The present uses in the area, such as coffee shops, drug stores, breweries, art collaboratives and residential uses have changed the neighborhood to a point that justifies the request for rezoning. Recent transportation infrastructure improvements have allowed for easier connectivity to the area.</p> <p>iii.) The request to change the zoning from I-2 to C-2, allows for both residential and non-residential uses on the proposed site. The applicant is proposing a future development of affordable rental housing, shared community facilities and office spaces. This is consistent with several General Plan Themes such as affordable housing, economic development, urban form, and mixed use. The proposed zoning category is also more advantageous to the community as it relates to affordable housing, economic development, and redevelopment of brownfield areas.</p>	
<p><b>Criterion 1(b): all the rezoning requirements of Chapter 14 have been met;</b></p>	<p><b>Criterion Met:</b> (Yes/No/conditional/N/A) <b>YES</b></p>
<p>The applicant has met the Chapter 14 procedural requirements for rezoning, including an Early Neighborhood Notification Meeting, posted and mailing notification requirements, required application submittals and a Traffic Impact Analysis. No development plan for the property is required for C-2 rezoning.</p>	
<p><b>Criterion 1(c): the rezoning is consistent with the applicable policies of the general plan, including the future land use map;</b></p>	<p><b>Criterion Met:</b> (Yes/No/conditional/N/A) <b>YES</b></p>
<p>The applicant requests a change to the Future Land Use Map to create consistency with the proposed zoning. Refer to Section IV of this staff report for additional discussion of general plan policies applicable to this application.</p>	
<p><b>Criterion 1(d): the amount of land proposed for rezoning and the proposed use for the land is consistent with city policies regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the growth of the city;</b></p>	<p><b>Criterion Met:</b> (Yes/No/conditional/N/A) <b>YES</b></p>
<p>Refer to Section IV of this staff report for discussion of growth rate projections.</p>	
<p><b>Criterion 1(e): the existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development.</b></p>	<p><b>Criterion Met:</b> (Yes/No/conditional/N/A) <b>YES</b></p>

<p>A Traffic Impact Analysis, prepared and submitted by the applicant, indicates it would be feasible to provide direct access from Siler Road for residential and commercial development on the project site. Any further traffic improvements, such as deceleration lanes, will be addressed at the time of development plan application.</p> <p>The city trails system provides service to this area, through the Acequia Trail, and there are existing bus stops along Agua Fria Street, Siler Road, and Rufina Street.</p> <p>There is an existing city sewer trunk line that runs to the site and provides available connections. Water service is available to the site via Siler Road. All other public facilities, as they exist currently, are able to accommodate impacts of the proposed development.</p>	
<p><b>Criterion 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:</b></p> <p><b>(a) allow uses or a change in character significantly different from or inconsistent with the prevailing use and character in the area;</b></p> <p><b>(b) affect an area of less than two acres, unless adjusting boundaries between districts;</b></p> <p><b>(c) or benefit one or a few landowners at the expense of the surrounding landowners or general public.</b></p>	<p><b>Criterion Met:</b> (Yes/No/conditional/N/A) <b>YES</b></p>
<p>The proposed change is consistent with applicable General Plan Themes and Polices, as stated in Section 6 of this staff report.</p>	
<p><b>Criterion 3 [14-3.5(D)(1)]: If the impacts of the proposed development or rezoning cannot be accommodated by the existing infrastructure and public facilities, the city may require the developer to participate wholly or in part in the cost of construction of off-site facilities in conformance with any applicable city ordinances, regulations or policies;</b></p>	<p><b>Criterion Met:</b> (Yes/No/conditional/N/A) <b>N/A</b></p>
<p>The proposed rezoning can be accommodated by existing infrastructure and public facilities as discussed in Criterion 1(e) above.</p>	
<p><b>Criterion 4 [14-3.5(d)(2): If the proposed rezoning creates a need for additional streets, sidewalks or curbs necessitated by and attributable to the new development, the city may require the developer to contribute a proportional fair share of the cost of the expansion in addition to impact fees that may be required pursuant to Section 14-8.14.</b></p>	<p><b>Criterion Met:</b> (Yes/No/conditional/N/A) <b>YES</b></p>
<p>The developer will be required to provide improvements at the time of development plan.</p>	

## VI. EARLY NEIGHBORHOOD NOTIFICATION

An Early Neighborhood Notification meeting was held on July 12, 2016 at Frenchy's Barn. The applicant and approximately about 40 members of the public attended. Members of the public noted concerns with traffic, noise, compatibility of surrounding properties, existing and previous uses of the site, who would be allowed to live in the proposed project, and how the city donation would work. The concerns centered primarily on development of the site and not the actual general plan amendment and rezoning requests. (See **Exhibit E2**).

**VII.ATTACHMENTS:**

**EXHIBIT A: Development Review Team Memoranda**

- 1. Traffic Engineering Division Memorandum, Sandra Kassens
- 2. Wastewater Division Memorandum, Stan Holland, P.E.
- 3. Water Engineering Division Memorandum, Dee Beingessner
- 4. Economic Development Division Memorandum, Alexandra Ladd
- 5. Office of Affordable Housing Memorandum, Alexandra Ladd
- 6. Long Range Planning Division Memorandum, Richard Macpherson
- 7. Technical Review Memorandum, RB Zaxus, P.E.

**EXHIBIT B: Maps and Photos**

- 1. Future Land Use Map
- 2. Current Zoning Map
- 3. Aerial Photo
- 4. Street View Photo
- 5. Proposed Project Site

**EXHIBIT C: City Resolutions**

- 1. Resolution No. 2014-3
- 2. Resolution No. 2015-24
- 3. Resolution No. 2016-30

**EXHIBIT D: General Plan Themes and Zoning Materials**

- 1. Applicable General Plan Themes
- 2. I-2 and C-2 Use Lists

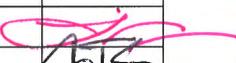
**EXHIBIT E: ENN Materials**

- 1. ENN Sign-in Sheet
- 2. ENN Notes July 12, 2016

**EXHIBIT F: Applicant Materials**

- 1. Application Submittals
- 2. Legal Lot of Record
- 3. Boundary Survey

**APPROVED BY:**

Title	Name	Initials
Land Use Department Director	Lisa Martinez	
Land Use Current Planning Division Director	Greg Smith	
Land Use Department Case Manager	Noah Berke	

# **City of Santa Fe, New Mexico**

## **Exhibit A**

### **Development Review Team**

- 1. Traffic Engineering Division Memorandum**
- 2. Wastewater Division Memorandum**
- 3. Water Engineering Division Memorandum**
- 4. Economic Development Division Memorandum**
- 5. Office of Affordable Housing Memorandum**
- 6. Long Range Planning Division Memorandum**
- 7. Technical Review Division Memorandum**

# City of Santa Fe, New Mexico

# memo

**DATE:** September 21, 2016

**TO:** Noah Berke, Planning and Land Use Department

**VIA:** John Romero, Engineering Division Director

**FROM:** Sandra Kassens, Traffic Engineering Division

**CASE:** Arts & Creativity Center Rezoning – case 2016-89  
Arts & Creativity Center GPA – case 2016-99

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**ISSUE:**

New Mexico Inter-Faith Housing, agent for the City of Santa Fe, requests approval of rezoning of approximately 5.0 acres from I-2 (General Industrial) to C-2 (General Commercial); and approval of a General Plan Amendment to amend the Future Land Use designation from Public/Institutional to Community Commercial. The property is a portion of the parcel northwest of 1222 Siler Road.

**TRAFFIC REVIEW:**

The Public Works Department has reviewed the traffic study dated September 1, 2016 that shows acceptable intersection level of service and sufficient capacity on Siler Road at the project buildout. We agree with the conclusion that the amount of traffic generated by the Arts & Creativity Center will have a minimal impact on the surrounding roadway.

**RECOMMENDED ACTION:**

Review comments are based on submittals received on August 25, 2016, and a revised Traffic Study received on Sept. 9, 2016. The Public Works Department has no comments on this application.

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

# Development Review Team

## Comment Form

Date: September 19, 2016  
Staff person: Stan Holland, Engineer  
Dept/Div: Public Utilities/Wastewater Division  
Case: Case #2016-99. Arts and Creativity Center General Plan Amendment  
Case #2016-89. Arts and Creativity Center Rezoning  
Case Mgr: Noah Berke



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**The subject property is accessible to the City public sewer system. Accessible is defined as within 200 feet of a public sewer line.**

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

Conditions of Approval :

Must be completed by:

1. The Wastewater Division has no objection to granting the General Plan Amendment nor the Rezoning request	
2. Connection of the property/structures to the City public sewer system is required	
3. The Applicants are aware that there is are existing City public trunk sewer lines going through the property and that Wastewater Division approval is required for the proposed project/Developemnt	

\*Must made prior to recording and/or permit issuance

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

1. [list any additional items]

Explanation of Conditions or Corrections (if needed):

# Development Review Team

## Comment Form

Date: 9/6/16

Staff person: Dee Beingessner

Dept/Div: Public Utilities/Water Division

Case: 2016-89 & 99 Arts and Creativity Center Rezoning and General Plan Amendment

Case Mgr: Noah Berke



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

Conditions of Approval :

Must be completed by:

1 Water is available in Siler Road for the development. Depending on the needs of the development, a water main extension may be required. If a water main extension is required, a separate water plan must be submitted to the Water Division.	
2	
3	
4	

Technical Corrections\*:

Must be completed by:

1	
2	
3	
4	

\*Must made prior to recording and/or permit issuance

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

1. [list any additional items]

Explanation of Conditions or Corrections (if needed):

# City of Santa Fe, New Mexico

## memo

**DATE:** September 16, 2016

**TO:** Noah Berke, Senior Planner  
Greg Smith, Planner Supervisor  
Lisa Martinez, Land Use Director

**FROM:** Alexandra Ladd *ALL*  
Director, Office of Affordable Housing  
Interim Director, Office of Economic Development

**RE:** Arts + Creativity Center General Plan Amendment (Case #2016-99)  
Arts + Creativity Center Rezoning (Case #2016-89)

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### **RECOMMENDATION**

Staff recommends approval of the application by the Arts + Creativity development team for General Plan amendment and rezoning. This recommendation is based on the project's potential to fulfill the City's priorities for affordable housing and economic development.

### **AFFORDABLE HOUSING**

The proposed project will provide up to 70 units of multi-family housing, designed to accommodate various work-from-home creative activities. The majority\*, if not all, of these units will be rented at affordable rents to income-certified renters as per the Low Income Housing Tax Credit (LIHTC) program which is the project's primary source of subsidy. Along with this subsidy, is a closely regulated Land Use Restriction Agreement (LURA) which requires that the site is used for affordable housing for a minimum of 40 years, which is likely to extend into perpetuity.

Importantly, the project proposes various tiers of affordability, from very low-income (below 30% of Area Median Income - AMI) up to 60% AMI which is the limit allowed by the program. The needs of these renters will also be supported by various on-site programs (from GED classes, counseling, healthcare and more) in addition to other support services to promote entrepreneurial and arts-related businesses.

**Demonstrated Need for Affordable Rental Housing.** The need in Santa Fe for affordable rental housing is well documented. According to a recent housing needs analysis update, provided by BBC Associates, 47% of Santa Fe's renters earn less than 50% of the area median income (AMI) with only 28% of units in Santa Fe rented at rates they can afford. These renters are also likely to be "cost-burdened" (paying more than 30% of their incomes for their housing costs). Put differently, there is an estimated shortage of 2,400 units with contract rents priced below \$625 per month which is affordable for a renter household earning \$25,000 or less.

\*LIHTC projects also emphasize the integration of a small number of market-rate units.

Perhaps more alarmingly is that market rents increased by 9% between January of 2015 to January of 2016, affecting the overall ability of Santa Fe's workforce to afford rental housing. Combined with vacancy rates that have hovered at 3% or less for two years, the demand for rental housing in Santa Fe is affecting all income earners but especially those with lower incomes and fewer options.

**Consistency with Adopted Policy.** The City of Santa Fe has a long history of supporting affordable housing through regulation (inclusionary zoning), policy (1999 General Plan, Consolidated Plan), real estate development (Tierra Contenta) and programming (financial support for homebuyer training/counseling, home repair, downpayment assistance, and rental assistance). As Santa Fe's primary policy document, one of the primary "themes" of the General Plan is to "Actively participate in the creation of affordable housing." Other specific policies can be found in Section 9-1-G including the following which specifically relate to the proposed Arts + Creativity Center:

- 9-1-G-1 – Endeavor to ensure that decent, safe, sanitary, and affordable housing will be available and accessible for all citizens, particularly for the poor, disabled and homeless;
- 9-1-G-1 – Expand interdependent activities and cooperate in public and private efforts to achieve affordable housing.

Clearly, the proposed change to the Future Land Use Map to accommodate this project is well-aligned with these goals.

**Lack of Affordable Development Building Sites.** Another issue that is addressed through this application is the City's lack of suitably zoned land parcels to support the development of multi-family housing. Currently, excluding planned communities, only 7% of land in Santa Fe (vacant and developed) is zoned to support multi-family housing. Santa Fe's high cost of land, combined with higher development costs, mean that developing affordable housing is directly affected by the ability to achieve higher densities. Rezoning from industrial uses to one that allows for multi-family housing directly addresses this impediment to affordable housing development.

### **ECONOMIC DEVELOPMENT**

The mission for the City of Santa Fe's Office of Economic Development is to "build a diverse economy with a multitude of employment opportunities for everyone." Given the prominence of Santa Fe's arts-based identity, the Arts + Creativity Center responds directly to the need to support creative entrepreneurs as one of the ways to grow and to keep our local economy strong. The project is modeled on an initiative pioneered by ArtSpace, a national nonprofit based in Minneapolis, MN that provides affordable live/work housing for artists located in redeveloping urban areas. Recognizing that co-housed artists had a transformative effect on neighborhoods, ArtSpace created a model to also counter the subsequent rise in housing prices brought by the revitalization of these areas.

The Arts + Creativity Center is likely to play a similar role in the Siler Road corridor, a formerly industrial area that is populated with small-scale industries that are both locally-owned and becoming increasingly more arts-oriented. Combining affordable housing with maker spaces and public resources such as gallery and retail space, performance venues and other shared office space will have a catalytic effect on the economic development of the area. Providing permanently affordable rental housing helps to counter any corresponding rise in area rental rates.

**Consistency with Adopted Policy.** The City's General Plan's theme for economic diversity is to "Develop and implement a comprehensive strategy to increase job opportunities, diversify the economy, and promote arts and small businesses." Given that the Arts + Creativity Center strives to promote the arts and to support the needs of artists by providing affordable housing hand in hand with affordable residential opportunities, the project is directly aligned with the General Plan.

The Angelou Plan, the City's economic development strategy from 2004 recognized the need to diversify the economy and build industries that were not related to government jobs and tourism. Seven focus areas were identified. Several of the target industries that were prioritized in the Plan are likely to have related businesses housed at the Arts + Creativity Center, including: "Arts and Culture," "Design," "Software Development," and "Publishing and New Media".

The Angelou Plan further clarified that the needs of these industries "should be considered in all community development activities." It also identified the need to focus on developing, retaining and attracting a younger "creative workforce" to Santa Fe. The Arts + Creativity Center directly supports this priority. More recent economic development theories also call for communities to create and support "entrepreneurial ecosystems." Affordable live/work space directly contributes to the capacity of entrepreneurs, particularly start-ups and younger members of the workforce to apply their talents locally and productively.

**Updating Siler Road's Zoning Classification.** The proposal to rezone this parcel to C-2 is directly relevant to the City's economic development priorities as it allows for a diversity of uses beyond those in the current industrial zoning classification. Furthermore, because the City's donation is contingent on securing the tax credits, if the project is not successful, the C-2 zoning enhances the value of the City's asset and creates more flexibility in future uses of the parcel.

# Development Review Team

## Comment Form

Date: September 19, 2016  
From: Risana "RB" Zaxus, City Engineer  
Dept/Div: Land Use, Technical Review Division  
Case: Case # 2016-89/99, Arts and Creativity Rezoning/GPA  
Case Mgr: Noah Berke



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

Conditions of Approval :

Must be completed by:

1 none	
2	
3	
4	

Technical Corrections\*:

Must be completed by:

1 none	
2	
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4	

\*Must made prior to recording and/or permit issuance

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

1. [list any additional items]

Explanation of Conditions or Corrections (if needed):

# City of Santa Fe, New Mexico

## memo

**DATE:** September 1, 2016  
**TO:** Noah Berke, Senior Planner, Land Use Department  
**VIA:** Reed Liming, Director, Long Range Planning Division *R.L.*  
**FROM:** Richard Macpherson, Senior Planner, Long Range Planning Division *R.M.*  
**RE:** Arts and Creativity Center / General Plan Amendment

---

### Background

The applicant is requesting a General Plan - Future Land Use map amendment from a Public/Institutional land use to a Community Commercial land use designation. The City of Santa Fe donated the five acre parcel that the proposed Arts and Creativity Center will be located on, near Siler Road. The City's 1999 General Plan designates Siler Road as a corridor redevelopment area. The land uses in proximity to this parcel presently include residential, business and commercial uses.

### Long Range Planning Staff Comments

The Long Range Planning staff generally concurs with the applicant's responses to the approval criteria for a General Plan amendment. This proposed Arts and Creativity center will provide increased affordable housing in the city and encourage a mixed-use, live/work setting, which the General Plan cites as goals for this area. The following statement is from the Land Use section of the 1999 General Plan: "Siler Redevelopment District - This district is intended to allow this industrial area, located in close proximity to expanding residential areas, to develop uses compatible with housing and may be implemented through a new mixed-use zoning district regulations which would specify appropriate land use and design standards". This project will potentially provide more business opportunities and increased economic development in the city. In summary, this requested General Plan amendment would seem to enhance the surrounding area and further important goals as stated in the City's General Plan.

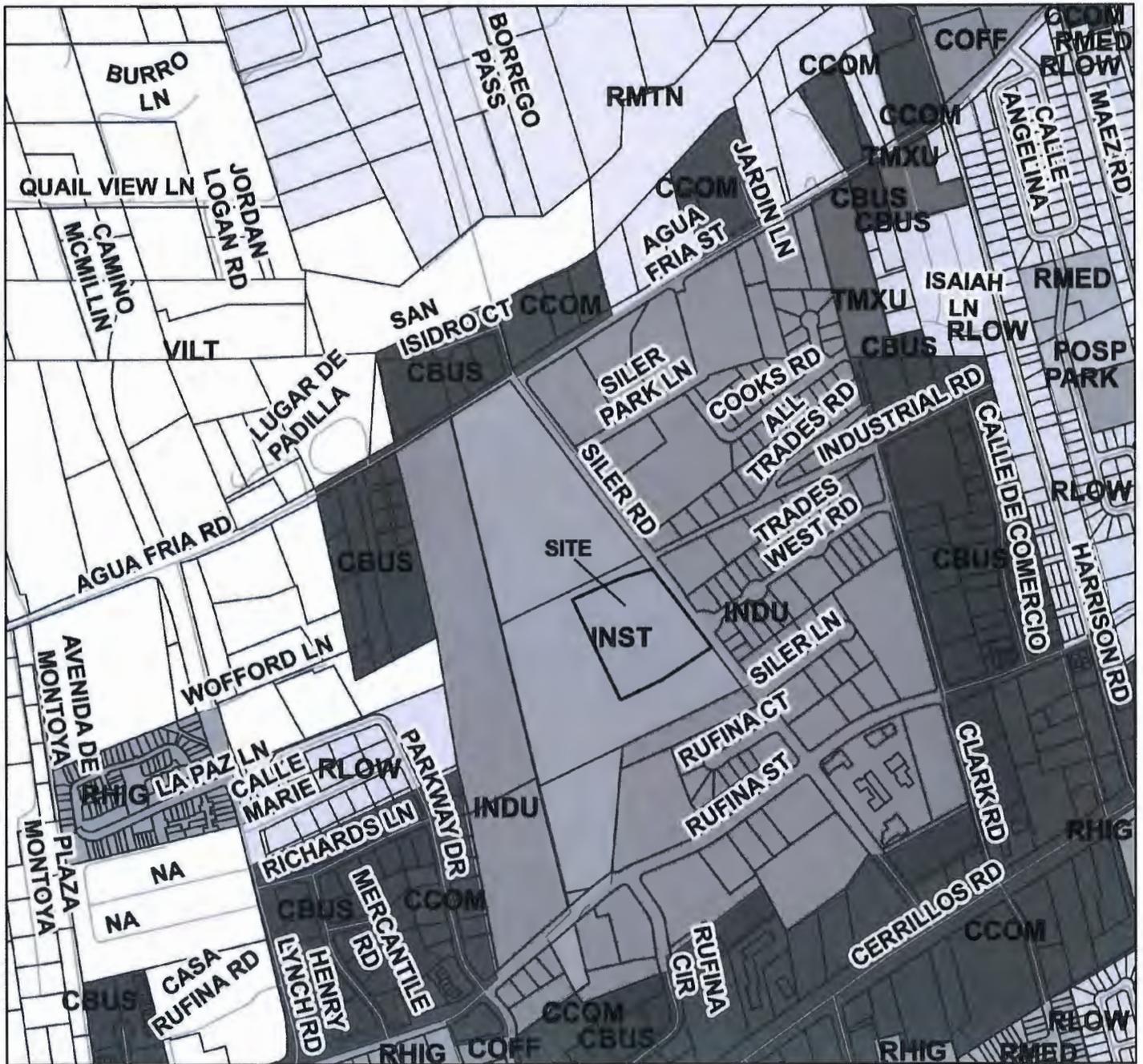
# **City of Santa Fe, New Mexico**

## **Exhibit B**

### **Maps and Photos**

- 1. Future Land Use Map**
- 2. Current Zoning Map**
- 3. Aerial Photo**
- 4. Street View Photo**
- 5. Proposed Project Site**

# Arts + Creativity Center Future Land Use Designation



## Legend

- |   |                        |   |  |
|---|------------------------|---|--|
|  | Mountain               |  | Office                                   |
|  | Low Density            |  | Industrial                               |
|  | Medium Density         |  | Public/Institutional                     |
|  | High Density           |  | Parks                                    |
|  | Community Commercial   |  | Open Space                               |
|  | Transitional Mixed Use |  | Agua Fria Traditional Historic Community |
|  | Business Park          |   |  |





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2885 TRADES WEST RD

2887 TRADES WEST RD

2889 TRADES WEST RD

2891 TRADES WEST RD

2893 TRADES WEST RD

2897 TRADES WEST RD

2899 TRADES WEST RD

2886 TRADES WEST RD A

2886 TRADES WEST RD B

2890 TRADES WEST RD

2894 TRADES WEST RD

1201 SILER RD

2892 TRADES WEST RD

2811 SILER LN 3

2811 SILER LN 4

1235 SILER RD

1233 SILER RD

1219 SILER RD

1222 SILER RD

1222 SILER RD A

1242 SILER RD 1

1242 SILER RD 3

1242 SILER RD 5

1242 SILER RD 8

1242 SILER RD 10

1241 SILER RD

1260 SILER RD

1248 SILER RD

2905 RUFINA CT

2910 RUFINA CT

2914 RUFINA CT

2911 RUFINA ST

2921 RUFINA ST

1242 SILER RD 11

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3002 AGUA FRIA ST

WDR



2898 Trades West Rd  
Arts and Creativity Center



Image capture: May 2016 © 2016 Google

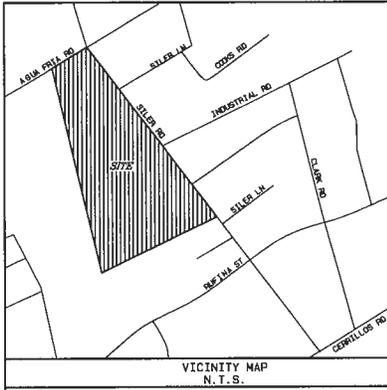
Santa Fe, New Mexico

Street View - May 2016



# LOT LINE ADJUSTMENT OF TRACT 1 & TRACT 2

LYING AND BEING SITUATED WITHIN SECTION 33, T. 17 N., R. 09 E., N.M.P.M., CITY OF SANTA FE, NEW MEXICO



**LEGEND:**

- CALCULATED BRASS CAP
- FOUND MONUMENT AS NOTED
- SET 1/2" REBAR, STAMPED N.M.P.L.S. No. 6998

**OWNER'S CONSENT**

THE UNDERSIGNED OWNER(S) DO HEREBY ATTEST THAT THE GRANT OF EASEMENTS, SPECIFICALLY THE 20' SANITARY SEWER EASEMENT, LOT LINE ADJUSTMENT AND PLATTING AS SHOWN HEREON IS MADE WITH THEIR FREE CONSENT AND IS IN ACCORDANCE WITH THEIR WISHES AND DESIRES. THESE LANDS LIE WITHIN THE PLATTING AND PLANNING JURISDICTION OF THE CITY OF SANTA FE, NEW MEXICO.

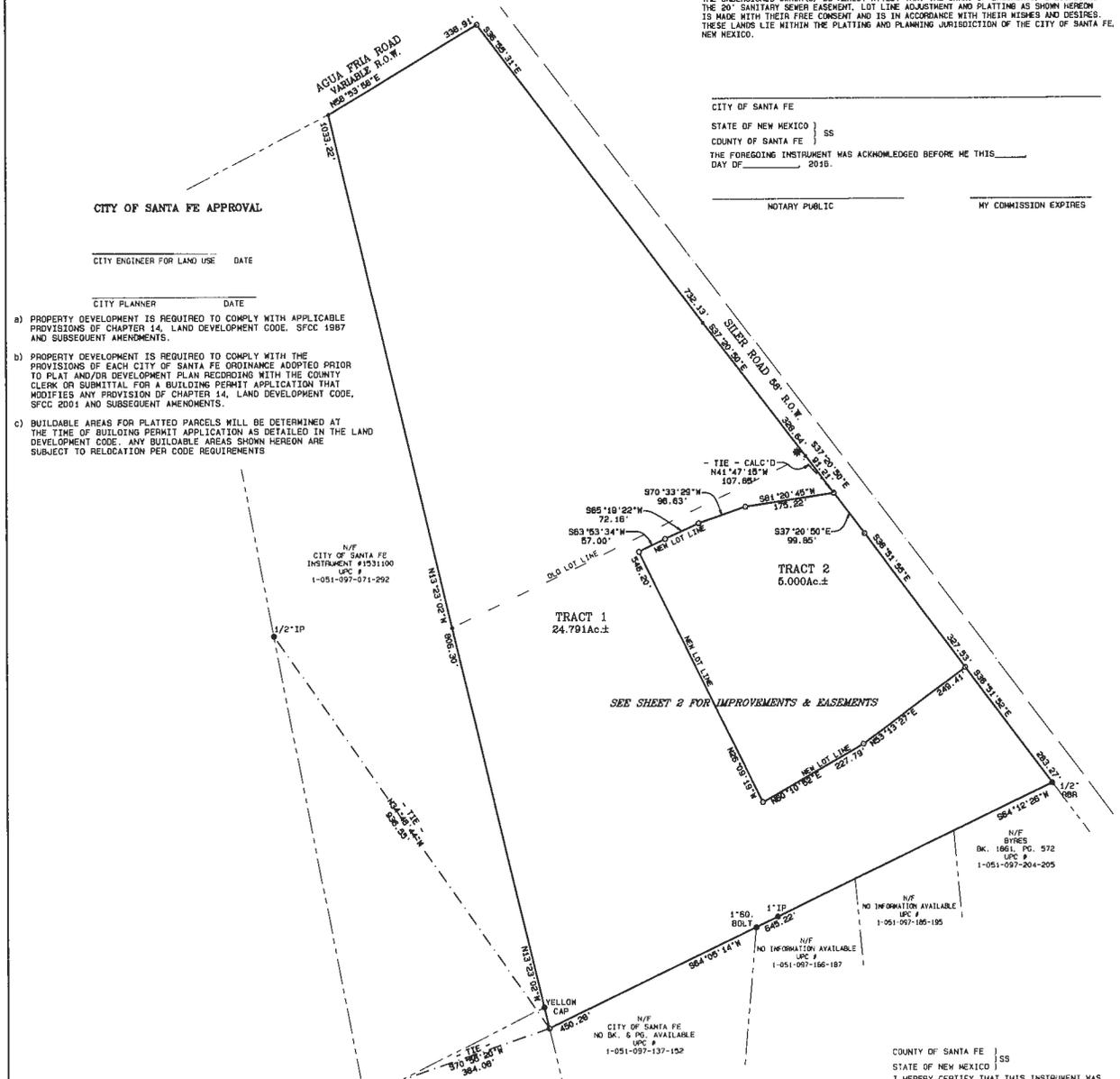
CITY OF SANTA FE  
STATE OF NEW MEXICO } SS  
COUNTY OF SANTA FE }  
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2019.  
\_\_\_\_\_  
NOTARY PUBLIC  
MY COMMISSION EXPIRES \_\_\_\_\_

**CITY OF SANTA FE APPROVAL**

CITY ENGINEER FOR LAND USE      DATE \_\_\_\_\_

CITY PLANNER      DATE \_\_\_\_\_

- a) PROPERTY DEVELOPMENT IS REQUIRED TO COMPLY WITH APPLICABLE PROVISIONS OF CHAPTER 14, LAND DEVELOPMENT CODE, SFCC 1987 AND SUBSEQUENT AMENDMENTS.
- b) 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 CHAPTER 14, LAND DEVELOPMENT CODE, SFCC 2001 AND SUBSEQUENT AMENDMENTS.
- c) BUILDABLE AREAS FOR PLATTED PARCELS WILL BE DETERMINED AT THE TIME OF BUILDING PERMIT APPLICATION AS DETAILED IN THE LAND DEVELOPMENT CODE. ANY BUILDABLE AREAS SHOWN HEREON ARE SUBJECT TO RELOCATION PER CODE REQUIREMENTS.



**NOTES:**

1. BASIS OF BEARING IS PLAT ENTITLED "PLATS OF SURVEY FOR CITY OF SANTA FE, NM OF THE CITY YARDS", PREPARED BY RICHARD E. SMITH, N.M.P.S. No. 5637, RECORDED IN BOOK 146, PAGE 5-B ON OCTOBER 16, 1984 AT THE SANTA FE COUNTY CLERK'S OFFICE.
2. REFER TO DISTRICT COURT CASE No. 17717 FOR CONDEMNATION OF LAND. FINAL JUDGMENT DATED FEBRUARY 5, 1941.
3. REFER TO PNM EASEMENT RIGHT #12398, RECORDED AS INSTRUMENT #1446615 ON AUGUST 16, 2008 AT THE SANTA FE COUNTY CLERK'S OFFICE.
4. THESE LANDS LIE WITHIN ZONE "X", AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS PER F.I.R.M. COMMUNITY PANEL No. 35049C0409E DATED DECEMBER 4, 2012.
5. REFER TO PLAT ENTITLED "BOUNDARY SURVEY PLAT FOR CITY OF SANTA FE", PREPARED BY DAVID E. COOPER, N.M.P.S. No. 9052, RECORDED IN BOOK 685, PAGE 39 ON JULY 1, 2009 AT THE SANTA FE COUNTY CLERK'S OFFICE.

**SURVEYOR'S CERTIFICATE**

I, MICHAEL K. HOODMAN, N.M.P.L.S. No. 6998 DO HEREBY CERTIFY THAT THIS BOUNDARY SURVEY PLAT AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION, THAT I AM RESPONSIBLE FOR THIS SURVEY, THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO, AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

RITCHIE K. HOODMAN

N.M.P.L.S. No. 6998



**INDEXING INFORMATION FOR COUNTY CLERK**

UPC # 1-091-097-110-310 (TRACT 1)  
1-091-097-110-320 (TRACT 2)  
OWNER: CITY OF SANTA FE  
FILED: DISTRICT COURT CASE No. 17717  
SUBDIVISION: ...  
SECTION: SECTION 33, T. 17 N., R. 09 E., N.M.P.M.

**SHEET 1 OF 2**

**SOUTHWEST MOUNTAIN SURVEYS**

1114 HICKOX ST., SANTA FE, N.M. 87501  
 (505) 982-9429      FAX (505) 988-3413  
 DATE: 02/12/18      DRAWN BY: DKG      PROJECT NO: C-2634



# **City of Santa Fe, New Mexico**

## **Exhibit C**

### **City Resolutions**

- 1. Resolution No. 2014-13**
- 2. Resolution No. 2015-24**
- 3. Resolution No. 2016-30**

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**CITY OF SANTA FE, NEW MEXICO**

**RESOLUTION NO. 2014-13**

**INTRODUCED BY:**

Councilor Rebecca Wurzbarger	Councilor Chris Rivera
Councilor Peter Ives	Mayor David Coss
Councilor Chris Calvert	Councilor Patti Bushee

**A RESOLUTION**

**DIRECTING STAFF TO WORK TO SUPPORT DEVELOPMENT OF THE SANTA FE “ARTS + CREATIVITY CENTER” AS AN ECONOMIC DEVELOPMENT PROJECT TO PROVIDE AFFORDABLE LIVE, WORK, CREATION, PERFORMANCE, SALES SPACE FOR ARTISTS AND CREATIVE BUSINESSES IN SANTA FE AND TO STRENGTHEN SANTA FE’S ECONOMY.**

**WHEREAS**, in April 2004, the City of Santa Fe adopted an economic development strategy that recommended a strong focus on the City’s creative industries; and

**WHEREAS**, to fulfill that mandate, in early 2005 the City responded by funding the formation of Creative Santa Fe, a 501(c)(3) not-for-profit organization to serve as a backbone organization to guide development of creative economic development in Santa Fe, and to leverage private resources to accomplish economic development initiatives; and

**WHEREAS**, since then, the development of a project like the “Arts + Creativity Center” has been discussed and this project fits both the City of Santa Fe’s current economic development strategy and the City of Santa Fe’s affordable housing strategy; and

1           **WHEREAS**, Santa Fe is losing its young and mid-career workers, many of whom are leaving  
2 the city due to the lack of affordable housing; and

3           **WHEREAS**, only 38% of Santa Fe's workers live in the city, which dropped from 51% in  
4 2002; and

5           **WHEREAS**, the only net new job growth in Santa Fe from 2007 - 2010 was in sole-  
6 proprietor jobs, which many are in arts, culture, design, entertainment and media; and

7           **WHEREAS**, one quarter of all jobs in Santa Fe are sole-proprietor jobs and Santa Fe has the  
8 largest percentage of self-employed workers of any metropolitan area in the state of New Mexico; and

9           **WHEREAS**, creative workers and businesses in Santa Fe have a proven record of exporting  
10 products and services and attracting tourists to the city earning 39 cents of every new dollar that flows  
11 into Santa Fe from outside the county which is the definition of economic base jobs; and

12           **WHEREAS**, the creative sector led the way in producing increased gross receipts tax  
13 revenue in the second half of 2013; and

14           **WHEREAS**, educational services; arts and entertainment; information and cultural  
15 industries; professional, scientific and technology; and accommodation and food sectors of Santa Fe's  
16 economy expanded so the city achieved the greatest economic output since the pre-recession 2007-  
17 2008 fiscal year; and

18           **WHEREAS**, Santa Fe University of Art and Design (SFUAD) will soon have 1,000 students  
19 enrolled from the Santa Fe community, United States and internationally; and

20           **WHEREAS**, Santa Fe Community College, IAIA and St. John's College along with SFUAD  
21 are graduating hundreds of creative young people each year who will build the next generation of  
22 businesses and jobs based on creativity and will sell their products locally and into global markets;  
23 and

24           **WHEREAS**, the City of Santa Fe's 2013 Housing Needs Assessment Update determined that  
25 the greatest unmet market need for affordable housing is rental units at or below \$500 per month; and

1           **WHEREAS**, the City of Santa Fe participated in an artists’ and creative individuals and  
2 businesses market survey along with Creative Santa Fe, Artspace Projects, the largest non-profit  
3 developer of affordable arts live-work spaces in the country, and other community organizations to  
4 understand and quantify the needs of the creative community for affordable spaces; and

5           **WHEREAS**, 534 individuals and 89 businesses answered the survey, of the respondents:

- 6           • 60% earn incomes at or below the area median income;
- 7           • 49% who want to relocate into affordable space earn 60% or less than the area median  
8 income;
- 9           • 30% are 30 years old or younger; and
- 10          • 80% indicated they would consider staying in Santa Fe over relocating to another  
11 community if affordable live-work space were available; and

12          **WHEREAS**, the survey results support creation of up to 85 new, affordable live-work units  
13 in Santa Fe and up to 40 studio only spaces and additional shared gallery, performance, educational,  
14 creation, and conference space; and

15          **WHEREAS**, the top three preferred locations identified by survey respondents for affordable  
16 creative spaces were the Santa Fe Railyard, Baca Street area, Downtown Santa Fe and the St.  
17 Michaels Drive area;

18          **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
19 **CITY OF SANTA FE** that:

- 20           1. Staff is directed to work with Creative Santa Fe; other community arts, culture and  
21 creative organizations and businesses; and Artspace Projects to support development of  
22 the Santa Fe “Arts + Creativity Center”;
- 23           2. Staff from of the Economic Development Division, Office of Affordable Housing, and  
24 Santa Fe Arts Commission will work together to produce a plan to move this project  
25 through several planning and implementation steps to completion;

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- 3. The City Manager shall direct additional resources to the project, based on the needs that arise as the project moves forward.
- 4. Staff shall also explore the placement of the project on city property.
- 5. Staff shall provide the Governing Body updates on the progress of the project, no less than quarterly.

**BE IT FURTHER RESOLVED** that the project phases will include site selection and site control; project design and finance modeling, preparation of a Low Income Housing Tax Credit application to the New Mexico Mortgage Finance Authority that will be supported by the City of Santa Fe, and finally construction and leasing of the facility.

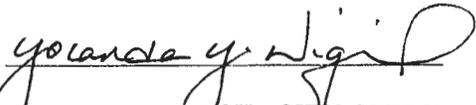
**BE IT FURTHER RESOLVED** that the project will be a public private/partnership:

- 1. Fifty thousand dollars (\$50,000) from the Economic Development Division, Office of Affordable Housing or Community Development Block Grants will be designated for the next phase of development, site selection and site control, and contracted through Creative Santa Fe; and
- 2. Local Creative Santa Fe and other non-profit organizations will raise money from the community to match the City's investment.

PASSED, APPROVED, and ADOPTED this 26th day of February, 2014.

  
 \_\_\_\_\_  
 DAVID COSS, MAYOR

ATTEST:

  
 \_\_\_\_\_  
 YOLANDA Y. VIGIL, CITY CLERK

1 APPROVED AS TO FORM:

2   
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4 KELLEY A. BRENNAN, INTERIM CITY ATTORNEY

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25 *M/Melissa/2014 Resolutions/2014-13 Creative Santa Fe Arts*

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**CITY OF SANTA FE, NEW MEXICO**

**RESOLUTION NO. 2015-24**

**INTRODUCED BY:**

Councilor Chris Rivera

Councilor Peter Ives

**A RESOLUTION**

**SUPPORTING THE NEXT PHASE OF PROJECT PLANNING FOR THE SANTA FE  
“ARTS + CREATIVITY CENTER” WHICH IS INTENDED TO PROVIDE AFFORDABLE  
LIVE, WORK, CREATION, PERFORMANCE AND RETAIL SPACE FOR ARTISTS AND  
CREATIVE BUSINESSES IN SANTA FE.**

**WHEREAS**, Resolution No. 2014-13 directed City staff to work with Creative Santa Fe;  
other community arts, culture and creative organizations and businesses; and ArtSpace Projects to  
produce a plan to move the Santa Fe “Arts + Creativity Center” through several planning and  
implementation steps to completion; and

**WHEREAS**, Resolution No. 2014-13 directed City staff to contract with Creative Santa Fe to  
conduct a sites analysis to identify building sites deemed the most compatible for achieving the goals  
of the "Arts + Creativity Center"; and

**WHEREAS**, Resolution No. 2014-13 directed City staff to also consider placing the project  
on city-owned property.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**

1 **CITY OF SANTA FE** that the City Attorney's Office, the Land Use Department, the Housing and  
2 Community Development Department, the City Manager's Office, the Office of Asset Development,  
3 the Public Works Department and other staff as needed are directed to do the following:

4 1. Review and respond to the sites analysis submitted by Creative Santa Fe, taking into  
5 consideration the factors critical to securing Low Income Housing Tax Credit (LIHTC) funds  
6 including, but not limited to: location; zoning; the potential for "brownfield" redevelopment;  
7 proximity to public transportation and other non-vehicular networks; potential for complementary  
8 uses with surrounding neighborhoods; as well as consistency with current City planning efforts,  
9 redevelopment goals for urban corridors, and future management of City-owned sites.

10 2. Develop criteria for a municipal land donation that takes into account feasibility and  
11 fiscal impact; identify a project timeline for the implementation of a development agreement that  
12 conditions the donation and satisfies the New Mexico Mortgage Finance Authority's definition of  
13 "Site Control" for the purposes of the Low Income Housing Tax Credit Program; and investigate the  
14 proper mechanism for land donation through the New Mexico Local Economic Development Act  
15 and/or the New Mexico Affordable Housing Act;

16 3. Bring forward for consideration by the Governing Body a municipal land donation  
17 proposal of a city-owned site that has potential to attract Low Income Housing Tax Credits (LIHTC)  
18 according to the LIHTC Qualified Allocation Plan.

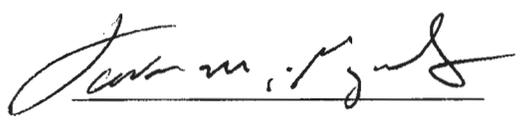
19 4. Monitor the next level of due diligence on the preferred site, as performed by  
20 Creative Santa Fe and its development partner, including but not limited to: definition of the project  
21 area; completion of necessary environmental assessments; completion of preliminary engineering  
22 assessments; and completion of a land survey and a real estate appraisal of the donated area as  
23 required in an application for Low Income Housing Tax Credit funding.

24 **BE IT FURTHER RESOLVED** that during the above process, staff is directed to consider  
25 the existing master plan for the City of Santa Fe Siler Road property and review the Siler Road

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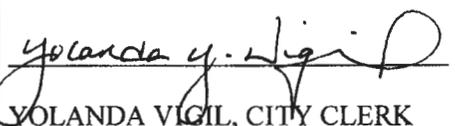
property as a potential site for the Arts + Creativity Center.

PASSED, APPROVED and ADOPTED this 11<sup>th</sup> day of March, 2015.



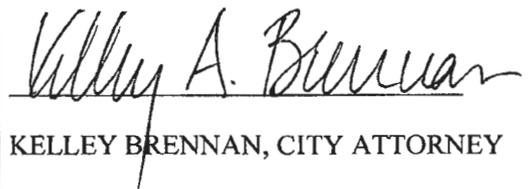
JAVIER M. GONZALES, MAYOR

ATTEST:



YOLANDA VIGIL, CITY CLERK

APPROVED AS TO FORM:



KELLEY BRENNAN, CITY ATTORNEY

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**CITY OF SANTA FE, NEW MEXICO**

**RESOLUTION 2016-30**

**INTRODUCED BY:**

Councilor Christopher M. Rivera	Councilor Ronald S. Trujillo
Mayor Javier M. Gonzales	Councilor Peter N. Ives
Councilor Carmichael A. Dominguez	Councilor Patti J. Bushee

**A RESOLUTION**

**CONTRIBUTING PROPERTY AND RESOURCES TO NEW MEXICO INTER-FAITH HOUSING COMMUNITY DEVELOPMENT CORPORATION FOR DEVELOPMENT OF THE SANTA FE ARTS+CREATIVITY CENTER LOW INCOME HOUSING TAX CREDIT PROJECT PURSUANT TO THE AFFORDABLE HOUSING ACT.**

**WHEREAS**, it is the policy of the City of Santa Fe to provide incentives and encourage proposals that support the production, acquisition and redevelopment of rental housing in mixed income developments; and

**WHEREAS**, the City’s Housing Needs Assessment (2013) identified an urgent need for rental housing serving households below fifty percent of area median income; and

**WHEREAS**, the planning and predevelopment of the Santa Fe Arts + Creativity Center Low Income Housing Tax Credit Project (the “Project”) has been supported by City Council Resolutions 2014-13 and 2015-24; and

**WHEREAS**, the city intends to donate a parcel of land as shown in the attached Exhibit A of a size that is sufficient for the Project which will serve households earning from thirty to sixty percent

1 of median income, with at least fifty affordable live/work rental units, and a portion of market rate  
2 live/work rental units not to exceed fifteen percent of the total project, dedicated outdoor amenities,  
3 green space, and shared facilities for residents; and

4 **WHEREAS**, the City's donations are contingent upon the Project receiving Low Income  
5 Housing Tax Credit (LIHTC) subsidies; and

6 **WHEREAS**, the land that the City intends to donate for the Project is located in both a  
7 majority Low- and Moderate-Income Census Tract and a Qualified Census Tract as designated by the  
8 U.S. Department of Housing and Urban Development; and

9 **WHEREAS**, the proposed land donation and the Project conform to the City of Santa Fe  
10 Five-Year Strategic Housing Plan "Affordable Housing Element" adopted in conformance to the  
11 Affordable Housing Act by Ordinance No. 2007-23 pursuant to the express statutory authority  
12 conferred upon municipalities to enact a housing code pursuant to Section 3-1 7-6A(8) NMSA 1978;  
13 to enact ordinances pursuant to its police power, Section 3-17-1 B NMSA 1978; to provide for  
14 affordable housing pursuant to subsections E and F of Art. 9, §14, of the New Mexico Constitution  
15 and the Affordable Housing Act(§§ 10 6-27-1 through 6-27-8 NMSA 1978) and in particular to  
16 provide a portion of the cost of financing and/or authorizing housing assistance grants for the purpose  
17 of affordable housing pursuant to Section 6-27-5 NMSA 1978 (2007), and pursuant to any and all  
18 such other authority as may be applicable including but not limited to the city's recognized authority  
19 to protect the general welfare of its citizens; and

20 **WHEREAS**, the City of Santa Fe is being asked to make a substantial investment in the  
21 Project, and therefore the Project should be consistent with the City of Santa Fe's long-term  
22 sustainability goals; and

23 **WHEREAS**, the City also intends to provide additional donations related to City  
24 development water budget fees, impact fees, construction permit and plan review fees, water and  
25 wastewater utility expansion charges and other valuable incentives to the Project; and

1           **WHEREAS**, the above referenced donations will be contributed to the Project without debt  
2 or interest pursuant to the terms of a land use regulatory agreement.

3           **NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
4 **CITY OF SANTA FE** that the City will provide to the Project the donations as described above in an  
5 amount equal to the appraised value of the identified five acres, plus affordable housing fee waivers,  
6 but in no amount less than ten percent (10%) of the Project's development costs as a direct grant to  
7 the Project in furtherance of a competitive LIHTC application. The City's donations shall be made in  
8 the form of a grant subject to the terms of a land use regulatory agreement requiring an affordability  
9 period of forty-five (45) years running concurrently with requirements imposed by the New Mexico  
10 Mortgage Finance Authority and specifying the requirement for consistency with the Low Income  
11 Housing Tax Credit program requirements serving targeted low income clientele. If within a period of  
12 30 months after approval of this resolution the project is unsuccessful in its application for Low  
13 Income Housing Tax Credits, the City of Santa Fe will have no further obligation to the project.

14           **BE IT FURTHER RESOLVED** that City staff is directed to work with the Project  
15 developer to bring forward to the Governing Body an application to rezone the donated parcel to an  
16 appropriate commercial zoning category to accommodate the proposed uses for the site, including  
17 multi-family residential and shared community spaces.

18           **BE IT FURTHER RESOLVED** that staff shall work to minimize the costs associated with  
19 relocating to adjacent locations any city uses currently housed on the parcel of land.

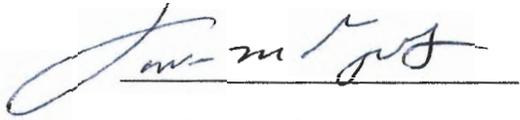
20           **BE IT FURTHER RESOLVED** that the Project shall be consistent with the City of Santa  
21 Fe's long-term sustainability goals.

22           **BE IT FURTHER RESOLVED** that the City Council of the City of Santa Fe hereby directs  
23 city staff to provide an executed copy of this resolution to Santa Fe County.

24           **PASSED, APPROVED and ADOPTED**, this 13<sup>th</sup> day of April, 2016.

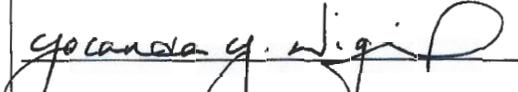
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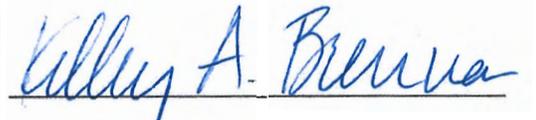


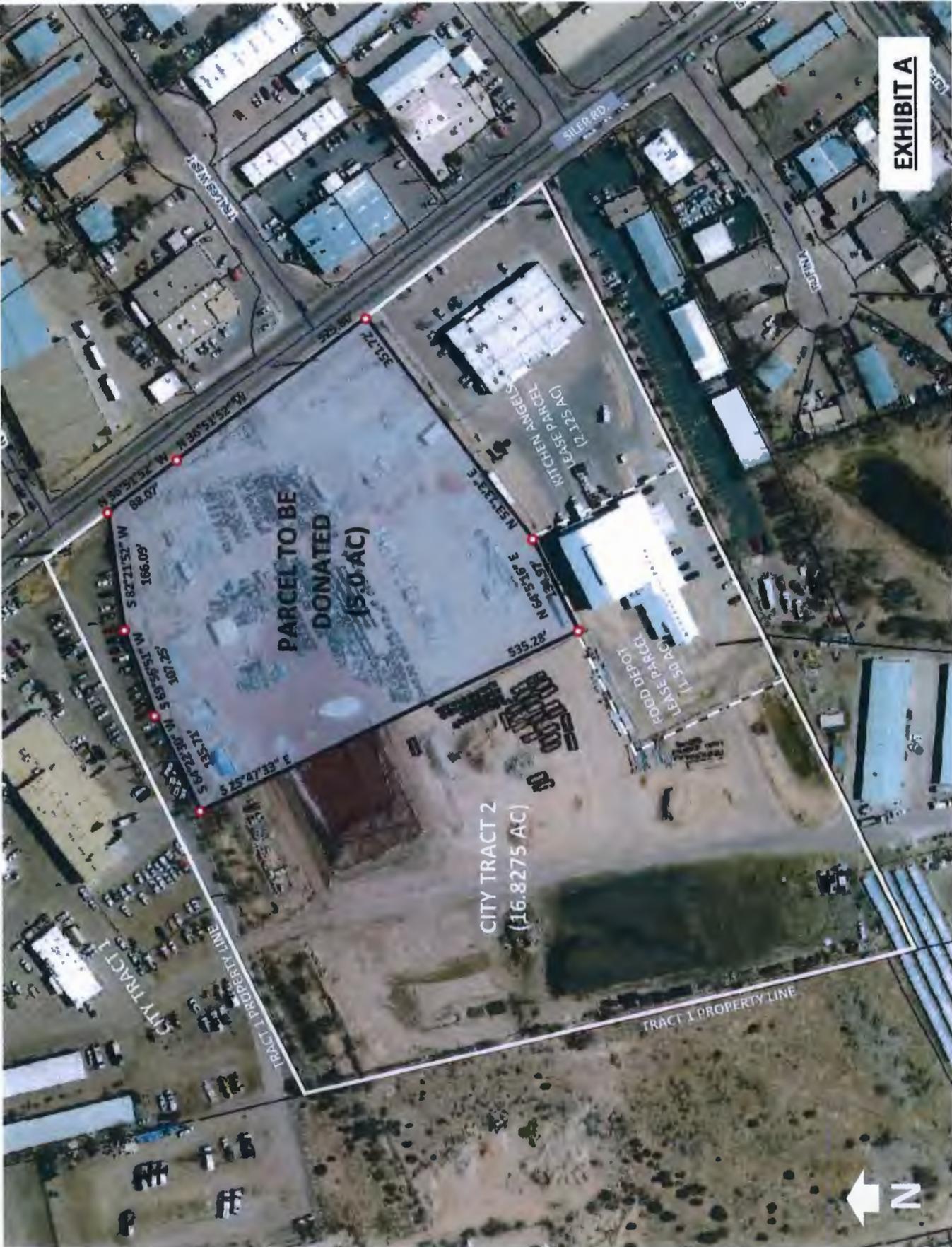
JAVIER M. GONZALES, MAYOR

ATTEST:

  
YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

  
KELLEY A. BRENNAN, CITY ATTORNEY



**EXHIBIT A**

**PARCEL TO BE  
DONATED  
(5.0 AC)**

**CITY TRACT 2  
(16.8275 AC)**

**KITCHEN ANGELS  
LEASE PARCEL  
(2.125 AC)**

**FOOD DEPOT  
LEASE PARCEL  
(1.50 AC)**



N 89°51'52" W 166.09'  
S 87°21'52" W 107.25'  
W 121°15'52" E 107.25'  
E 45°47'53" S 383.21'  
S 87°21'52" W 166.09'

N 69°51' E 134.97'  
N 87°21' E 287.28'

W 251°15'08" N 478.95'

SILVER RD

CITY TRACT 1  
TRACT 1 PROPERTY LINE

TRACT 1 PROPERTY LINE

# **City of Santa Fe, New Mexico**

## **Exhibit D**

### **General Plan Themes and Zoning Materials**

- 1. Applicable General Plan Themes**
- 2. I-2 and C-2 Permitted Uses List**

## I-2 General Industrial District

The I-2 district is intended primarily for general manufacturing and closely related uses. Also allowed in the district are commercial and other uses allowed in some commercial districts. To avoid burdensome regulations on general manufacturing but at the same time to provide adequate limitations on the development of industries incompatible with the city's general industrial characteristics, regulations for this district are intended to provide protection principally against effects harmful to other districts. These regulations do not afford the same level of protection for commercial and other allowed uses not related to general manufacturing as such uses would receive if located in districts primarily designed for them.

### Permitted Uses

1. Automobile salvage & wrecking yards, junkyards, or yards used in whole or in part for scrap or salvage operations or for processing, storage, display, or sales of any scrap, salvage or second-hand building materials, junk automobiles or second-hand automobile parts
2. Automobile service & repair establishments including filling stations & repair garages
3. Bar, cocktail lounge, nightclub, with outdoor entertainment ☼
4. Cabinet shops (custom)
5. Commercial parking lots & garages
6. Commercial recreational uses and structures; theaters, bowling alleys, pool-rooms, driving ranges, etc.
7. Electrical distribution facilities
8. Electrical substation
9. Electrical switching station
10. Electrical transmission lines
11. Exercise, spas or gym facilities
12. Fire stations
13. Furniture stores
14. Kennel
15. Laboratories; research, experimental & testing
16. Light assembly & manufacturing
17. Mini-storage units
18. Nonprofit theaters for production of live shows
19. Offices – Business and professional offices excluding medical and dental and financial services.
20. Office equipment sales and service; retail sale of office supplies
21. Outdoor storage lots & yards, except wrecking yards, junkyards, or yards used in whole or in part for scrap or salvage operations or for processing, storage, display, or sales of any scrap, salvage or second-hand building materials, junk automobiles or second-hand automobile parts
22. Police stations
23. Police substations
24. Public parks, playgrounds & playfields
25. Restaurant – full service, with or without incidental alcohol service
26. Restaurant with bar, cocktail lounge or nightclub comprising more than 25% of total serving area.
27. Restaurant – Fast service/take-out, no drive-through/drive-up
28. Restaurant – with drive-through/drive-up ☼
29. Retail establishments not listed elsewhere
30. Retail and service uses that are intended to serve the primary uses and that do not exceed 5,000 square feet
31. Sexually oriented businesses (all)
32. Sign shops
33. Storage areas – individual within a completely enclosed building
34. Transit transfer facilities
35. Tire recapping & retreading
36. Utilities – All (includes natural gas regulator station, telephone exchange, water or sewage pumping station or water storage facility)
37. Veterinary establishments, pet grooming
38. Vocational & trade schools (light industrial)
39. Wholesaling & distribution operations; 3,000 square feet or less of storage
40. Wholesaling & distribution operations; over 3,000 square feet of storage

☼ Requires a **Special Use Permit** if located within 200 feet of residentially zoned property.

### Special use Permit

The following uses may be conditionally permitted in I-2 districts subject to a Special Use Permit:

\*No Special Use Permits are required within the I-2 zoning district unless noted with ☼.

### Accessory Uses

The following accessory uses are permitted in I-2 districts:

Updated March 27, 2015

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. Children play areas & equipment
4. Garages (private)
5. Greenhouses (non-commercial)
6. Home occupations
7. Incidental & subordinate uses & structures

***Dimensional Standards***

<b>Minimum district size</b>	None; except as may be needed to satisfy other I-2 district limitations
<b>Maximum height:</b>	65; any provided that any part of the building exceeding 36 feet in height shall be set back from each yard line at least one foot for each two feet of additional building height above 36 feet
<b>Minimum setbacks:</b>	Street 15; side 10 if abutting residential district, 5 if not abutting residential district; rear 10 if not abutting a residential district, 25 if abutting residential district. Where rear yard abuts a residential neighborhood no less than 25 feet rear yard setback shall be provided or 20% of the depth of the lot, whichever is less. A 15 foot buffer is required for non-residential uses adjacent to residential uses.
<b>Max lot cover:</b>	60

## C-2 General Commercial District

The C-2 general commercial district includes areas along *streets* carrying large volumes of traffic where commercial uses are appropriate. Regulations are designed to guide future additions or changes so as to discourage extension of existing and formation of future strip *commercial development*, to preserve the carrying capacity of the *streets* and to provide for *off-street parking* and loading.

### Permitted Uses

1. Adult day care
2. Antique stores
3. Art supply stores
4. Arts & crafts schools
5. Arts & crafts studios, galleries & shops; gift shops for the sale of arts & crafts
6. Assembly & manufacturing (light)
7. Automobile service & repair including filling & repair stations
8. Automobile tire recapping & retreading
9. Banks & credit unions with drive-through ☼
10. Banks & credit unions without drive through
11. Bar, cocktail lounge, nightclub with outdoor entertainment ☼
12. Bar, cocktail lounge, nightclub, no outdoor entertainment
13. Barber shops & beauty salons
14. Bed & breakfast and inns
15. Bookshops
16. Cabinet shops (custom)
17. Clubs & lodges (private) ☼
18. Colleges & universities (non-residential)
19. Commercial parking lots & garages
20. Commercial recreational uses & structures (theaters, bowling alleys, pool-rooms, driving ranges, etc)
21. Correctional group residential care facility ☼
22. Dance studios
23. Daycare; preschool; for infants & children (small – 6 or fewer)
24. Daycare; preschool; for infants & children (large – 6 or more)
25. Department & discount stores
26. Dwelling; multiple family (see section 14-6.2(A)(7) for additional regulations)
27. Dwelling; single family (see section 14-6.2(A)(7) for additional regulations)
28. Electrical distribution facilities
29. Electrical substation
30. Electrical switching station
31. Electrical transmission lines
32. Exercise, spas, gym facilities
33. Flea markets
34. Florist shops
35. Funeral homes or mortuaries
36. Furniture stores
37. Grocery stores (neighborhood)
38. Hotels, motels, residential suite hotels
39. Human service establishments ☼
40. Kennels ☼
41. Laboratories; research experimental & testing
42. Laundromats (neighborhood)
43. Lodging facilities; conference & extended stay
44. Manufactured homes (see section 14-6.2(A)(7) for additional regulations)
45. Medical & dental offices & clinics
46. Museums
47. Neighborhood & community centers (including youth & senior centers)
48. Non-profit theaters for production of live shows
49. Nursing; extended care convalescent, recovery care facilities
50. Office equipment sales & service; retail sales of office supplies
51. Office; business & professional (no medical, dental or financial services)
52. Personal care facilities for the elderly
53. Personal service establishments (including cleaning, laundry, appliance repair & similar services)
54. Pharmacies or apothecary shops
55. Photographers studios
56. Police stations
57. Police substations (6 or fewer staff)
58. Public parks, playgrounds, playfields
59. Religious assembly (all)
60. Religious, educational & charitable institutions (no school or assembly uses) ☼
61. Rental; short term

- 62. Restaurant with bar, cocktail lounge or nightclub comprising more than 25% of total serving area ☼
- 63. Restaurant with drive-through, drive-up ☼
- 64. Restaurant; fast service, take out, no drive through or drive-up
- 65. Restaurant; full service, with or without incidental alcohol service
- 66. Retail establishments not listed elsewhere
- 67. Schools; Elementary & secondary (public & private) ☼
- 68. Sign shops
- 69. Tailoring & dressmaking shops
- 70. Time share vacation projects
- 71. Utilities (all, including natural gas regulation station, telephone exchange, water or sewage pumping station, water storage facility)
- 72. Veterinary establishments, pet grooming ☼
- 73. Vocational or trade schools (non-industrial)
- 74. Wholesale & distributing operations (under 3,000 square feet of storage)

☼ Requires a **Special Use Permit** if located within 200 feet of residentially zoned property.

**Special Use Permit**

The following uses may be conditionally permitted in C-2 districts pursuant to a Special Use Permit:

- 1. Boarding, dormitory, monastery
- 2. Cemeteries, mausoleums & columbaria
- 3. Colleges & universities (residential)
- 4. Continuing care community
- 5. Group residential care facility
- 6. Group residential care facility (limited)
- 7. Hospitals
- 8. Mini storage units
- 9. Sheltered care facilities
- 10. Storage; individual storage areas within a completely enclosed building
- 11. Transit transfer facilities

**Accessory Uses**

The following accessory uses are permitted in C-2 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

**Dimensional Standards**

**Minimum district size**           None.

14-7.5(D)(8)(c) C-2 District    Qualifying *private open space* is required for each ground-floor *dwelling unit* at a minimum of twenty-five percent of the total *gross floor area* of that unit. *Dwelling units* located above commercial units are not required to provide *private open space*.

**Maximum height:**               45

**Minimum setbacks:**

Non-residential uses:           Street 5; side 0, rear 10

Where rear yard abuts a residential neighborhood no less than 25 feet rear yard setback shall be provided or 20% of the depth of the lot, whichever is less. A 15 foot buffer is required for non-residential uses adjacent to residential uses.

**Max lot cover:**                   60

## Nonresidential and Mixed Use Open Space Standards

The minimum dimension for *nonresidential open space* shall be ten (10) feet and cover a minimum of three hundred (300) square feet, unless the area is a component of interior parking *landscape* and meets the requirements for *open space* credits for *water harvesting* described in this Subsection 14-7.5(D)(6).

The percentage of *required open space* shall be calculated on the basis of total *lot* area, and shall be no less than twenty-five percent unless the conditions described in Subsection 14-7.5(D)(6) are met; then the *required open space* may be reduced by a maximum of ten percent of the total *lot* size. More restrictive requirements for individual zoning districts shall apply.

Qualifying *private open space* is required for each ground-floor *dwelling unit* at a minimum of twenty-five percent of the total *gross floor area* of that unit. *Dwelling units* located above commercial units are not required to provide *private open space*.

## Residential Open Space

### C-2 District

Qualifying *private open space* is required for each ground-floor *dwelling unit* at a minimum of twenty-five percent of the total *gross floor area* of that unit. *Dwelling units* located above commercial units are not required to provide *private open space*.

## **1.7 GENERAL PLAN THEMES**

The policies of this document reflect 14 overall themes that track the results of the public survey. These themes are followed by discussion in *italics*. For purposes of this section the themes are equally weighted. However, the Planning Commission and the governing body have the right to prioritize these themes, either within specific cases or as a matter of general policy.

### **1.7.1 AFFORDABLE HOUSING**

Actively participate in the creation of affordable housing.

*Opportunities are provided for housing for all income segments of the population in all areas of the city, while restricting the supply of large lot housing, which belongs in rural areas outside the city and not inside it. Housing affordability will also be aided by not artificially limiting the supply of land or the rate of growth. Active efforts to increase the supply of affordable housing are outlined. Affordable housing is provided close to jobs to promote transit use.*

### **1.7.2 QUALITY OF LIFE**

Enhance the quality of life of the community and ensure the availability of community services for residents.

*The General Plan seeks to promote interests of the community-at-large over private ones. Tools are provided for the public to be meaningfully involved in ongoing planning and decision making.*

### **1.7.3 TRANSPORTATION ALTERNATIVES**

Reduce automobile dependence and dominance.

*The General Plan outlines a comprehensive strategy, including structuring of land uses to reduce automobile dependence and policies for neighborhood design which promote transit and alternative modes. The Plan delineates Transit Intensive Corridors that will have high frequency bus service, and locates sites for two intermodal (rail and bus) stations. The Plan also calls for preparation of a Transportation Demand Management Program and parking policies that make Downtown more accessible to local residents.*

### **1.7.4 ECONOMIC DIVERSITY**

Develop and implement a comprehensive strategy to increase job opportunities, diversify the economy, and promote arts and small businesses.

*The General Plan includes policies to promote economic development and the arts; a strategy is outlined in the Community Economic Development Plan, a separate document maintained by the city. Themes of the strategy include regionalism, sustainability, quality of life, equity of education, economic opportunities, and diversification. The General Plan locates sites for arts and new businesses in a variety of settings.*

### **1.7.5 SUSTAINABLE GROWTH**

Ensure that development is sustainable and that growth, conservation, redevelopment, and natural resource protection are balanced.

*There is clear consensus that growth should not diminish the quality and diversity of natural resources. Sensitive resources that require protection are mapped in the Plan, and resource-based development standards and project review procedures are established. The General Plan seeks to permit development only upon known and certain availability of water, and requires new growth to pay the costs of securing additional water rights. The Plan calls for adoption of an adequate public facilities ordinance.*

### **1.7.6 REGIONAL PERSPECTIVE**

Maintain a regional growth management perspective and work with other private and governmental entities towards that goal.

*The destinies of the city and the surrounding areas are intertwined. The General Plan encourages city and other local, state, and federal agencies to work together on policies that are mutually supportive and to maintain consistent standards in the area surrounding the city. The Plan outlines a structure for long-range planning to be anticipatory and for the phasing of growth to minimize infrastructure costs. The Plan calls for preparation and implementation of a Growth Monitoring Program with both short-term and long-term elements.*

### **1.7.7 WATER**

Undertake comprehensive efforts to conserve water and ensure adequate supplies with growth.

*Growth is likely to increase reliance on imported surface water and require active steps to increase the available water supply. The Plan provides a comprehensive strategy to promote conservation, recycling, and recharge. In addition, the Plan requires the adoption of a Comprehensive Impact Fees Program to pay the costs of capital facilities including water supply. Alternative methods of allocating the costs of securing and providing additional water to new water system customers will be examined in terms of those alternatives' projected impact on existing and new residents and businesses, impacts on affordability and other growth management objectives expressed in this plan, requirements for additional customers, and ways cost impacts could be mitigated.*

### **1.7.8 CHARACTER**

Maintain and respect Santa Fe's unique personality, sense of place, and character.

*Increasing travel and communication have diminished the remoteness that Santa Fe's high desert location once afforded. One of the country's oldest cities, the city today faces the prospect of being overwhelmed by run-of-the-mill late twentieth century development. Residents have unequivocally stated that new growth should not erode the qualities that contribute to Santa Fe's unique character and ambiance. The General Plan delineates an*

*Urban Growth Boundary and calls for stronger urban/rural edges. Land use and urban design standards, and guidelines for new and infill development are also included.*

### **1.7.9 URBAN FORM**

Promote a compact urban form and encourage sensitive/compatible infill development.

*Promotion of a compact urban form has been a major criteria in selecting new growth areas. Growth and reintensification areas have been selected to minimize distances between different parts of the city, and between job centers and residential areas. Incentives are provided to promote infill development.*

### **1.7.10 COMMUNITY-ORIENTED DOWNTOWN**

Put community activities back into Downtown.

*The loss of the Plaza area as a center of community activity and services is a major concern of many residents. While establishments such as drug, grocery, and small-scale service stores serve residents and office workers, they are unable to survive given the high rents that proliferation of tourism-oriented establishments have caused. The Plan outlines economic development components and steps to ensure that these vital activities can return to and survive in Downtown and are easily accessible to residents. Creation of a Public Market in Downtown is also identified.*

### **1.7.11 COMMUNITY-ORIENTED DEVELOPMENT**

Orient new development to the community; foster public life, vitality, and community spirit.

*Plan policies call for new development to be oriented to established neighborhoods, to urban context, to pedestrians, and to promote active street and outdoor life. Urban design standards are offered that seek to prevent neighborhoods from being isolated from each other but to maintain a continuum of urban fabric, particularly regarding public access and vehicular/pedestrian circulation. Parks, open space, and neighborhood services are located within neighborhoods.*

### **1.7.12 MIXED USE**

Provide a mix of land uses in all areas of the city.

*The General Plan provides a mix of compatible uses that fulfill everyday retail and service needs in existing and new neighborhoods. This urban structure affirms Santa Fe's traditional development pattern.*

## **3.5 USE CLASSIFICATIONS**

### **Residential**

Maximum densities are per gross acre of developable land, excluding areas subject to physical, environmental, or geological constraints and areas dedicated for riparian corridors, provided that at least one housing unit may be built on each existing legal parcel designated for residential use. Accessory units permitted by the zoning regulations and density bonuses for provision of affordable housing, if approved as part of the Zoning Ordinance will be in addition to densities otherwise permitted. Because residential densities are stipulated in gross acres, no loss of development potential will result for projects that have smaller blocks with more pedestrian, bicycle, and street connections.

The residential land use classifications are based on density, not on housing type. Thus, single-family homes can be built in an area designated for Medium Density, provided the overall density of the development falls within the stipulated density of the classification. The City Code may place limitations on the location of certain housing types, such as mobile-home parks. In order to conserve land and ensure the viability and efficiency of transit and other public services, development at densities lower than 5 units per acre is not permitted in newly annexed areas and future growth areas. The General Plan residential classifications are as follows:

### **Siler Road Redevelopment District**

The Siler Road Redevelopment District is intended to allow this industrial area, located in close proximity to expanding residential areas, to develop land uses compatible with housing, and may be implemented through new mixed-use zoning district regulations which would specify appropriate land uses and design standards.

# **City of Santa Fe, New Mexico**

## **Exhibit E**

### **ENN Materials**

- 1. ENN Sign-in Sheet**
- 2. ENN Notes July 12, 2016**

<u>NAME</u>	<u>PHONE</u>	<u>EMAIL</u>
MICHAEL SANTILLANES	907.317.9168	michaelsantillanes@gmail.com
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Sabrina Post		
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Sandra Donner	505 982 3454	sandra@thesurroundings.com
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Sean Pope	505-974-1735	sean5pope@gmail.com
Scott Geary	505 795 3420	csg_nm@yahoo.com
Matthew Chase-Daniel		Matthew@chasedaniel.com
Jess Gantos	951. 719. 7854	jess@reflectivejewelry.com
Shawn Evans	505. 989. 3493	sevansphila@gmail.com
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William Mee	473-3160	WilliamHenryMee@aol.com
MICHAEL DA SILVA	0060.8012	MICHAEL@DASILVAAPEN.COM
Bill Roth	670-2879	billroth@gmail.com
Nohemy Bojorquez		nboflures22@gmail.com
Mary E Schruben	473-7898	

**Art+Creativity Center Rezoning  
Early Neighborhood Notification Meeting Notes  
July 12, 2016**

The meeting was introduced by City Senior Planner, Noah Berke.

This was followed by a project overview presentation by Daniel Werwath, COO of New Mexico Inter-Faith Housing, a non-profit affordable housing developer and leader of the Development Team acting as Agent for the City of Santa Fe.

**Q&A**

**Attendee – I know it's industrial. Who or what are you displacing?**

Daniel Werwath (DW): current uses are 3 city departments. Storage, solid waste dumpsters, Parks landscaping materials and greenhouse, paints for streets. Landscaping team thinking how they could use materials. Outreach team – there may be materials artists could use. NMIF is committed to up to \$100,000 for relocation costs to adjacent sites.

**Who are the adjacent neighbors?**

DW: To the west: City Public Works Dept., east: Kitchen Angels & Food Depot, across the street: Auto Right Collision Repair, and Advance Auto Parts.

**Attendee- There used to be a sewer plant there?**

DW: Yes, and brownfield development is incentivized in LIHTC. We've conducted a Phase 2 environmental assessment and it's clean.

**"The ground stinks"**

DW: I haven't experienced that. We have done extensive testing, boring holes, walked the site extensively etc. It doesn't show chemical contamination. There are traces of sodium chloride likely from the scoria pile (road cinders) stored on site. There is a giant sewer manhole that is essentially exposed that might be making the smell.

**Has the EPA come in to say this is a good idea?**

DW: The EPA doesn't do that. We've gone through a Phase 2 Environmental Assessment process and will be subject to a HUD Environmental Review process associated with funding. The bottom line is that, as affordable housing advocates we will never put families on toxic land.

**Attendee: You mentioned trail connectivity?**

DW: From what I understand the county is a few properties short of making the connections for the river trail extension and may complete it within a year. The Acequia Trail currently comes to Harrison. We'd like to start an Acequia Trail on our site because Acequia Madre is the northern boundary of the property.

**Attendee: Regarding the city donation – does it mean it's a land lease?**

DW: The way this one is working, it will be donated and the land will be owned by the project investors, as is the case with all Tax Credit funding project. New Mexico Inter-Faith Housing will

be the manager and has the first right of refusal for ownership at the end of their compliance period. .

Questioner remarked that this was a preferable setup to land lease.

**Attendee: What will be the process for determining residents?**

DW: We will work with the community. Foremost, we want to be sure residents are people who actually need live/work space. We will develop a process, through community outreach over the next year, to make sure that it doesn't exclude families, and underserved groups. But also ensuring that it serves creative/folks who need live/work.

**Attendee: Once people are living there, are you going to be the managing director to be sure things are held in quality?**

DW: Absolutely. Typically you have a professional property manager who deals with day to day operations including leasing, income verifications, etc. We are looking for partners to manage the shared space. What I would like to see for tenant selection is to make it happen from within the resident community rather than from the management.

**Attendee: Curious about as you look at income, are you willing to consider things like student loan debt, which is so intense for young creatives?**

DW: We are bound by HUD rules that look at gross income. We are going to start working with people ahead of time so they know what they need to prove their income eligibility and to ensure that certain groups do not have an unfair advantage for qualification. .

**Attendee: You said that there was storage of paint, solid waste, etc. What about long term health issues and liability?**

DW: That is a little beyond the level of detail I can answer. We are following a state process that indemnifies you if you go through the soil testing, etc. It's a non-starter for us to build if there are problems that would risk the health of families.

**Attendee: Traffic. Expecting more between Henry Lynch and Siler. I'm concerned about our property on Agua Fria.**

DW: Traffic is an issue with all development and especially now because of Cerrillos Rd. construction. The "road diet" on Siler was to create more safety, addressing accidents. The refuge lane reduced impacts. We have been asked to conduct a \$4,000 traffic analysis. They look at peak hour generation – what is the impact of a project. Generally affordable housing is not a huge impact. Since this one is live/work we think it will have even less impact. Using models from the City's traffic engineer we are estimated to generate about 35 trips in the morning and 35 in the evening. In the scheme of things this will have a relatively low impact. We will also make any improvements to traffic infrastructure required by the city.

**Attendee: If you were required to add a lane on Agua Fria...**

DW: That would not be required because the project is located on Siler Rd.  
Noah Berke (NB): most likely at most a deceleration lane would be required for entry to the site. The impact of this development will be very small. You'll see right ins and right outs.

**The entrance would be on Agua Fria?**

DW: No only on Siler in the general area across from Trades West Road.

**Attendee: I am so happy about this project but I'm curious why you're limiting the density?**

DW: We're not limiting the density. The scale of the project is more limited by funding sources and the cited level of density is an early estimate.

**If you could go up to 20 units/acre why not?**

DW: We're aiming for 30% of the site to be open space. There are myriad onsite hinderances and there are big challenges in terms of cost from going to 3 stories, which might force the budget so much that it won't be feasible. The project is already more expensive than most because of live/work. In the subsidy scoring the cost is a big factor, so we are trying to keep it down. We also are not limiting the density, just assuming a density the same as similar recent projects that use the same funding sources.

**Attendee: How many sq ft will be built?**

DW: About 60,000 sq ft but we don't know exactly because the design process hasn't started.

**Attendee: I'm interested in how you feel about the high power lines?**

DW: I'm annoyed at the placement due to its location where the driveway should go, but they are pretty at dusk.

**Attendee 11:** - That line from PNM was supposed to be abandoned when they put the lines up on Rufina St. They are used for lightning arrests. It's not like a real power line.

**Attendee: I like the low density and I like the open space because in addition to housing you are creating community.**

DW: It's a big goal of ours. I was involved in W21's new building and in that case we focused on creating a really amazing facility but failed to engage the users. We want to build social capital around the project before it is ever built so the day it opens we have a diverse group of people engaged.

**Attendee: I love the idea. I am one of those low-income rock and rollers that needs a space to play. I would like to suggest you put in rehearsal rooms for bands.**

DW: Our outreach plan is experimental program prototyping, developed with artists. Rehearsal, small meeting and art show spaces and other ideas have come up. We will use the next 18 months to see what's feasible. The area has bands practicing – 2-3 on a given night in the area of the project already.

**Attendee: If this happens, are you looking to continue the cycle of finding other areas? All my friends cannot find a place to live; my sister lives in Albuquerque because she can't find a place to live.**

DW: Yes. Stage Coach and others have waiting lists of over 100 families. We need to look at bigger strategies. I hope this project can be a model. The city donation makes it more likely we'll get the tax credit subsidy because we can get 10 points for it on our application. If the City could donate to more projects, it's possible to get more. They did donate a parcel to the Housing Trust for a project that wasn't funded this year.

**Attendee: Is the 10 points land only?**

DW: No, land, cash, fee waivers etc. Yes a public bank could contribute. You receive one point for each percentage of development cost contributed by the municipality.

**Attendee: I walked that space a lot because I did a piece about bus shelters, and it's a good move to work with the brownfield. It's nice space, and its good to reclaim those spaces.**

DW: Master planning is important for the site and the neighborhood, and we need to look at it at the community level.

**Attendee- That takes me back to higher density.**

DW: This is the first time at an ENN that someone has requested that.

Noah Berke (NB) – right now just rezoning, that's more of a development plan level issue. And you're not going to get that higher density due to a few factors including the sewer line, setbacks and open space on the site.

**We want more affordable housing, so to limit it...**

NB: they're going for the most density allowed – 21/acre. It will be at the development plan stage that they figure the actual density.

**There could be creative ways to figure ADA access for 3 stories besides elevators.**

**Attendee: I think this is great. Thank you for doing this.**

**Attendee: For future meetings could you put them on Periscope or somewhere that those who can't make it can view?**

DW: Yes.

DW: I'd like to suggest you look at our website, [artsandcreativity.org](http://artsandcreativity.org). Feel free to get in touch. There's a comment form on the site.

Noah Berke: [nlberke@santafenm.gov](mailto:nlberke@santafenm.gov). You are welcome to send information. If you have any comments please send them to me, send to commissioners, and councilors.

# **City of Santa Fe, New Mexico**

## **Exhibit F**

### **Applicant Materials**

- 1. Application Submittals**
- 2. Legal Lot of Record**
- 3. Boundary Survey**



July 21<sup>st</sup>, 2016

To Whom It May Concern:

Please find the application for rezoning for the parcel donated by the city for the Santa Fe Arts+Creativity Center (A+CC). This application for rezoning is in direct response to a City-sponsored process to locate A+CC on a City donated parcel of land. The project will be a mixed-use affordable housing complex intended to provide both very affordable live/work rental housing as well as shared community resources to support entrepreneurial development in the creative sector. The process that led to this donation was supported by three City Council Resolutions that directed the initial site feasibility analysis (2014-3), the in-depth due diligence on the Siler site (2015-24), and the ultimate donation of the site to the project (2016-30).

The site donated in Resolution 2016-30 is a five-acre parcel—part of a larger complex of 54 acres of city owned land—currently zoned Industrial-2, a zoning category that precludes housing as an allowable use. The request for a rezoning to Commerical-2 “General Commercial” is to accommodate a wide range of future mixed uses on the site, while still maintaining a zoning category that would allow for the current uses happening on the site in the event the project is not realized.

New Mexico Inter-Faith Housing is acting as the authorized representative for the City who will continue to be the owner of record for the property until all project financing has been secured.

Please do not hesitate to reach out with any question or concerns regarding this application for rezoning.

Best Regards,

Daniel H Werwath  
Chief Operating Officer  
New Mexico Inter-Faith Housing



## REZONING APPLICATION NARRATIVE

The application is made in direct response to the City Council's decision to locate the Santa Fe Arts+Creativity Center on a City-donated parcel of land. The project will be a mixed-use affordable housing complex intended to provide both very affordable live/work rental housing as well as shared community resources to support entrepreneurial development in the creative sector. The process that led to this donation was directed by three City Council Resolutions that facilitated the initial site feasibility analysis (2014-3), the in-depth due diligence on the Siler site (2015-24), and the ultimate donation of the site to the project (2016-30).

It is widely recognized in the community that the Siler Road/Rufina St area is changing in character and the general plan and other city plans call for more affordable housing. The site donated in Resolution 2016-30 is a five-acre parcel—part of a larger complex of 54 acres of city-owned land—currently zoned Industrial-2, a zoning category that precludes housing as an allowable use. The request for rezoning to Commercial-2 “General Commercial” is effectively a request to decrease zoning intensity to accommodate a wide range of future mixed uses on the site, while still maintaining a zoning category that would allow for the current uses happening on the site in the event the project is not realized.

### APPROVAL CRITERIA

**(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;**

Not Applicable

**(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;**

There have been several changes to the surrounding area that have a significant enough effect to impact the overall character of the neighborhood to such an extent as to justify changing the zoning. First, this area was at the edge of the city when originally zoned, hence its original use as a sewage treatment facility. With the growth on the south side of town, and recent annexations in the area, Siler Rd is now very close to both the geographic and population center of the city, which makes heavy industrial uses increasingly inconsistent with surrounding uses.

The construction of the Siler Bridge has changed Siler Rd from a relatively low-volume connector street between Agua Fria St and Cerrillos Rd into a major connection for Alameda, and Rufina to the south side of town. This increased traffic is already driving changes to the types of businesses located on Siler Rd.

The recent conversion of several street-front commercial spaces to more consumer and community serving businesses is a good example of this. This includes recent changes on Siler Rd such as the



opening of a coffee shop, the appearance of several new food trucks, the relocation of the Wise Fool community performance space and the demolition of a motel and auto repair shop for a new major drug/convenience store. Other major neighborhood changes include the opening of the Meow Wolf community art space in the vacant bowling alley, and the opening and future placement of two breweries on Rufina St.

Since its original designation as a purely industrial area, a prevalence of non-conforming and makeshift live/work uses have also developed, the same type of housing intended for future development on the site. Several makeshift live/work units are present on Trades West, Calle De Comercio and Rufina Circle, all in close proximity to the site.

Further, a number of recent successful rezonings in the area have also sought General Commercial zoning, a sign of larger neighborhood trends. This includes the rezoning of the Club Allegria property and the Romero property on Agua Fria Street.

Taken together, these factors indicate that larger shifts in usage patterns are happening in the neighborhood that make the current industrial uses on site increasingly incongruous with adjacent uses. The current use as materials and equipment storage also represents an underutilization of a site which could be supporting housing and economic growth while also increasing tax revenues for the city.

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

This request for rezoning is consistent with the applicable policies of the 1999 General Plan, including the specific policies which address the provision of affordable housing (1.7.1), promotion of creative sector economic development and entrepreneurship (1.7.4), as well as goals around ecologically responsible development, water conservation and infill growth goals (1.7.5, 1.7.7, 1.7.9), and mixed-use development (1.7.12).

The current uses on the parcel constitute makeshift storage and other uses that have accumulated on the site over time that provide marginal community benefit and could be undertaken on other land within the city or other city-owned parcels on Siler Rd. The haphazard accumulation of uses on the site currently is also visually unsightly on the street front of a highly traveled connector street.

Because of its past use as a waste treatment facility, and the presence of salt contamination in the soil, the site could be considered a "brownfield". This project intends to environmentally remediate the site and create an attractive asset to both the immediate neighborhood and the community at large, a clear community benefit.

Rezoning will allow for the provision of housing for 70 households. The dire need for affordable rental housing has been clearly documented in the City of Santa Fe Housing Needs Assessment, which indicates a need for over 2000 units of very affordable rental just to catch up with the current demand. Recent rental housing surveys indicate that rental occupancy rates in multi-family projects exceeds 97%, indicating an extremely unhealthy supply/demand balance that will drive steadily increasing rental housing prices for years to come. The investment in affordable live/work rental in this neighborhood will help positively impact community rental housing needs while also supporting



long-term affordable work space in a neighborhood facing increasing cost pressures, ensuring that low-income entrepreneurs will always have a place in the area.

We also plan on building a shared community resource facility that will serve as a benefit to neighborhood businesses, craftspeople and artists by creating access to advanced tools and work space at little or no cost.

A zoning category that allows multi-family housing will allow us to meet a requirement for allocation of Low Income Housing Tax Credits and the donation of land makes our request more competitive. If successful in our application, we will bring in over \$8m in affordable housing subsidies that would otherwise not be available in the community.

A commercial zoning category is also clearly seen by the community as more advantageous. This is evidenced by the community intent expressed through the unanimous support of the Governing Body for the donation, which included this specific language pertaining to rezoning of the site for community benefit:

“Be It Further Resolved that City staff is directed to work with the project developer to bring forward to the Governing Body an application to rezone the donated parcel to an appropriate commercial zoning category to accommodate the proposed uses for the site including multi-family residential and shared community spaces.”

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

This rezoning request is consistent with the requirements in Chapter 14 as evidenced by the answers to the approval criteria contained in this narrative.

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

The consistency with policies in the General Plan are listed above. The larger city-owned parcel, of which the five-acre subject property is a part, is currently shown as Public/Institutional on the City Future Land Use Map. In the general project area, which we define as the neighborhood bounded by Harrison Rd to the East, Henry Lynch Rd to the west, Rufina St to the south and Agua Fria St to the North, there are several examples of both High Density Residential and Mixed Use Transitional zones indicated on the Future Land Use Map. Further, aspects of the project program, particularly the community shared resource facilities, are consistent with the current Future Land Use Map designation as Public/Institutional. One could also argue that deeply subsidized affordable rental housing supported by municipal land donation constitutes a form of public/institutional use.

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

Initial density analysis conducted as part of the land donation process with the city have demonstrated that the proposed rezoning site is ample to accommodate the planned 70 units of housing and up to 10,000 square feet of non-residential space on the site. At five acres, the site also exceeds the minimum rezoning parcel size of two acres. The proposed density of housing on the site



is currently around 14 units per acre, well below the maximum unit density allowed in the C-2 zoning category.

**(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*.**

The project location was chosen partly based on the ready availability of infrastructure sufficient to accommodate the scale of the project. The site has a major sewer trunk line and adequate water supply as well as electrical service currently onsite. Located in the center of the city, the site can easily be served by existing public safety infrastructure.

The site is located in close proximity to two major bus lines and two future trail systems. We anticipate that because of the live/work nature of the residential units that peak hour traffic impacts will be less than 100 trips per day.

Planned improvements to the site include creating public open space accessible to both City staff at adjacent City facilities, as well as for area residents and workers.

The site is served by schools with adequate capacity for additional students.

**(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;**

As stated above, the live/work use is consistent with both multi-family housing located within the larger neighborhood area, and specific live-work use on adjacent streets. The design of the project is intended to blend and compliment the industrial aesthetic of the surrounding area.

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

The site is five acres in size.

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

The development of this site will not pose any negative impact to surrounding landowners. The project has also committed to providing funding to assist the city with relocation of existing uses on site.



## GENERAL PLAN AMENDMENT NARRATIVE

The application for amendment of the General Plan from Public/Institutional to Community Commercial is made in direct response to the City Council's decision to locate the Santa Fe Arts+Creativity Center on a City-donated parcel of land. The project will be a mixed-use affordable housing complex intended to provide both very affordable live/work rental housing as well as shared community economic development resources to support entrepreneurial development and diversification in the creative sector.

### APPROVAL CRITERIA

**(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;**

This request for amendment to the General Plan Future Land Use Map is to enable the development of affordable live/work housing which is consistent with the City's identified needs for affordable rental housing, as outlined in the currently adopted affordable housing needs assessment and plan. Further, the proposed future use of affordable live/work housing and shared community economic development resources is in direct support of the City's stated economic development goals of supporting entrepreneurship and support and diversification of the creative economy as outlined in the Angelou Plan and other City policy documents.

The site is located in the center of the City, with ready access to both infrastructure and public transportation.

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

This proposed amendment is consistent with both the goals and provisions of the General Plan including affordable housing (1.7.1), promotion of creative sector economic development and entrepreneurship (1.7.4), as well as goals around ecologically responsible development, water conservation and infill growth goals (1.7.5, 1.7.7, 1.7.9), and mixed-use development (1.7.12).

**(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**

The 1999 General Plan specifically identifies Siler Road as a designated redevelopment area and cites the need for mixed commercial and residential uses to better compliment the nearby residential neighborhoods.

"Siler Redevelopment District- This district is intended to allow this industrial area, located in close proximity to expanding residential areas, to develop uses compatible with housing and may be implemented through a new mixed use zoning district regulations which would specify appropriate land uses and design standards" – 1999 General Plan, Land Use Section



The area surrounding the parcel subject to this General Plan Amendment demonstrates a wide range of mixed uses that are compatible with a Community Commercial designation in the Future Land Use <ap. Immediately surrounding the site are both commercial and residential activities. There are currently two multi-family housing developments within 1/3 of a mile of the parcel, and live-work uses are present within 500 feet of the project site.

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

The parcel in question is five acres in size.

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

This proposed amendment will only impact the immediate parcel in question. The landowner to the north, west and south is the City of Santa Fe. This proposed amendment will not negatively effect the commercial activities present on the east side of the parcel, which are located on the east side of Siler Rd. The increased presence of residences and businesses will presumably improve business activities and shared economic development resources will also be a benefit to surrounding businesses and land owners.

**(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;**

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

The site is not located within the jurisdiction of the extraterritorial zone.

**(f) contribution to a coordinated, adjusted and harmonious *development* of Santa Fe that is 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*;**

By integrating affordable housing and economic development supports on one site, this project supports harmonious development of the City. It will ensure that there is healthy and environmentally sensitive housing available for even the most low-income households and promote economic diversity within the City. This project will deliver on-site social services including programs aimed at economic self-sufficiency and general community well being.

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

The amendment is consistent with other city land use policies. The process that led to the donation of this site to the project was directed by three City Council Resolutions that facilitated the initial site feasibility analysis (2014-3), the in-depth due diligence on the Siler site (2015-24), and the ultimate donation of the site to the project (2016-30). The project directly addresses the need for very affordable rental housing found in the City's affordable housing needs assessment and plan.



## **(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;**

The parcel is currently part of a large complex of City-Owned land that is shown on the Future Land Use Map as Public/Institutional. The Governing Body, in unanimously approving the donation of five-acre subsection of this city land to an affordable housing development, has approved this subsection of City-owned property for a use other than public and institutional. Therefore the designation of Public/Institutional is no longer appropriate. Further, the current uses on the site do not conform to the specific uses outlined in the General Plan for Public/Institutional or meet the public-serving intention of a “unique public character”. Instead, the current uses most closely approximate industrial or commercial uses with no current public access to the site.

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

While there are other areas of the city with mixed use and high-density residential classification, the availability of these sites within the 4-mile “compact urban form” boundary in the General Plan is minimal. Furthermore, the sites within that area that are also city-owned and available for donation, (a critical prerequisite for affordable housing multi-family development under the Low Income Tax Credit Program) are essentially non-existent.

**(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**

The conditions effecting both the location of the site have changed. As mentioned, the General Plan specifically identifies Siler Road as a designated redevelopment area and cites the need for mixed use designation to better compliment the nearby residential uses.



# 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:

Signe I. Lindell, Mayor Pro Tem, Dist. 1  
Renee Villarreal, Dist. 1  
Peter N. Ives, Dist. 2  
Joseph M. Maestas, Dist. 2  
Carmichael A. Dominguez, Dist. 3  
Chris Rivera, Dist. 3  
Ronald S. Trujillo, Dist. 4  
Mike Harris, Dist. 4

June 20, 2016

Daniel Werwath, Chief Operating Officer  
New Mexico Inter-Faith Housing  
125 E. Palace Ave., Suite 43  
Santa Fe, NM 87501

**RE: LAND USE APPLICATIONS – Arts + Creativity Center Site**  
City-owned Property – Portion of Tract 2, 1200 Block of Siler Road

Dear Mr. Werwath:

The City of Santa Fe is the owner of the property referenced above. Pursuant to Resolution No. 2016-30 of the city's governing body, New Mexico Interfaith Housing is authorized to make any and all necessary Land Use applications related to the project anticipated by the Resolution.

Please continue to keep the Asset Development Office apprised of the status of any applications.

Please contact me at 955-6213 if you have any questions.

Sincerely,

Matthew O'Reilly, Director  
Asset Development Office

cc: Brian Snyder, City Manager

**Tract 2 Legal Description**

A certain parcel of land, being designated as Tract 2, lying and being situate within Projected Section 33 , Township 17 North, Range 9 East, City and County of Santa Fe, New Mexico and being more particularly described as follows:

Commencing at the northeast corner of the parcel hereon described, from which U.S.C. and G.S. Brass Cap "AZIMUTH" 1945 Santa Fe East Base bears, North 41°47'15" West, a distance of 107.65';

Thence from said point of beginning South 37°20'50" East, a distance of 99.85';

Thence South 36°51'55" East, a distance of 327.53';

Thence South 53°13'27" West, a distance of 249.41';

Thence South 60°10'52" West, a distance of 227.79';

Thence North 26°09'19" West, a distance of 546.20';

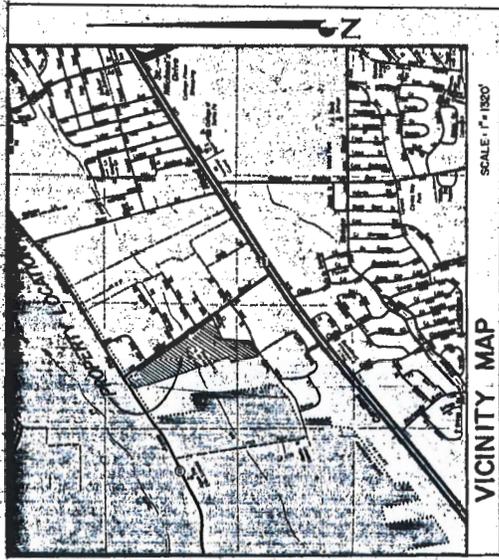
Thence North 63°53'34" East, a distance of 57.00';

Thence North 65°19'22" East, a distance of 72.16';

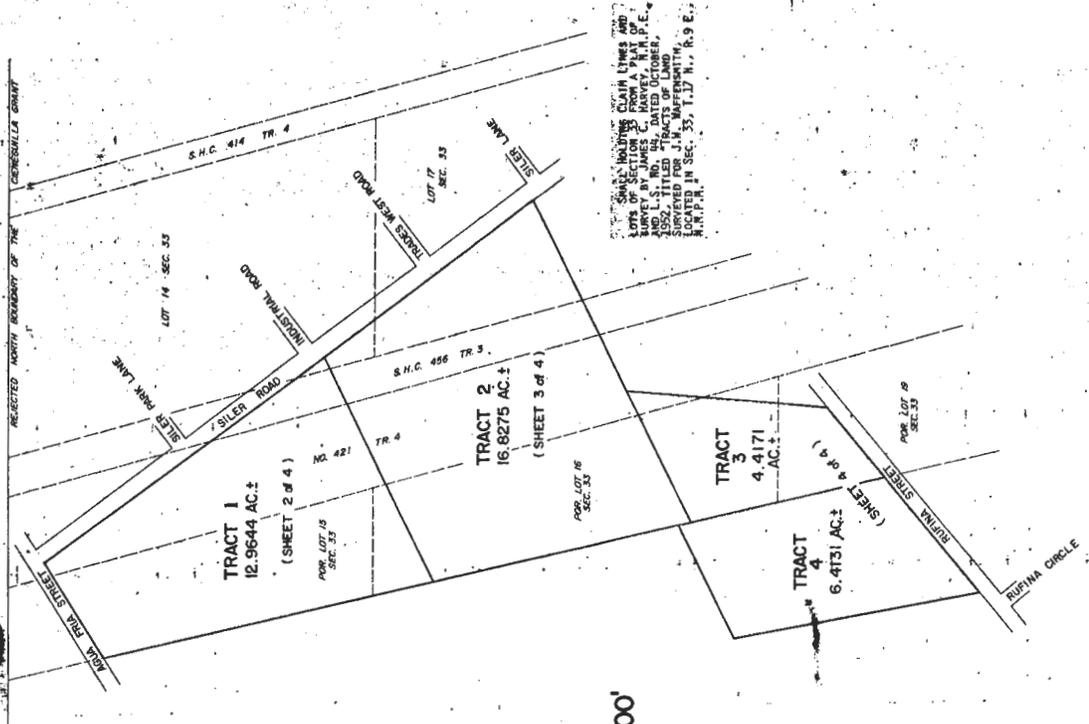
Thence North 70°33'29" East, a distance of 96.63';

Thence North 81°20'45" East, a distance of 175.22' to the Point of Beginning.

Containing 5.000 acres, more or less.



PLATS OF SURVEY FOR  
**CITY OF SANTA FE, N.M.**  
 OF THE  
**"CITY YARDS"**



INDEX MAP  
 SCALE: 1" = 200'

THESE LOTS ARE PART OF THE  
 LOTS OF SECTION 35 FROM A PLAT OF  
 SURVEY BY JAMES C. HARVEY, N.E.P.E.,  
 DATED FEBRUARY 1, 1952, TITLED "TRACTS OF LAND  
 SURVEYED FOR J.M. WAPPENBETH,  
 H.W.P.M. IN SEC. 35, T.17 N., R.3 E.,  
 S.H.C. 414."

SHEET  
 PLAT OF SURVEY FOR  
**CITY OF SANTA FE**  
**"CITY YARDS"**

SAITH WILLIAMSON & ASSOCIATES, INC.  
 300 PARK DRIVE, SUITE 3, SANTA FE, NEW MEXICO 87501  
 PHONE 981-1234

DATE: FEB. 1964

SS 3, 114  
 JAMES C. HARVEY  
 STATE OF NEW MEXICO  
 ENGINEER  
 No. 12345  
 EXPIRES 12/31/64

1. I hereby certify that the foregoing map and plat were prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer in the State of New Mexico.

*James C. Harvey*



