



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
SEPTEMBER 9, 2015  
CITY COUNCIL CHAMBERS

## AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 9/4/15 TIME 3:00pm

SERVED BY Melissa Byers

RECEIVED BY Lizbeth

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SALUTE TO THE NEW MEXICO FLAG
4. INVOCATION
5. ROLL CALL
6. APPROVAL OF AGENDA
7. APPROVAL OF CONSENT CALENDAR
8. APPROVAL OF MINUTES: Reg. City Council Meeting – August 26, 2015
9. PRESENTATIONS
  - a) August 2015 Employee of the Month – Bryan Hidalgo, Sergeant, Patrol Team C – Santa Fe Police Department. **(Postponed at August 26, 2015 City Council Meeting)**
10. CONSENT CALENDAR
  - a) Request for Approval of Bid No. 15/32/B for Agreement Between Owner and Contractor for Water Division – Douglas Street, Miller Street, Camino Escondido Water Main Replacement Project; Sub Surface Contracting, Inc. (Bill Huey)
  - b) Request for Approval of Exempt Procurement and Amendment No. 1 to Professional Services Agreement – Repairs to Corrosion West and East Digesters for Wastewater Management Division; Anderson-Brown, Inc. (Luis Orozco)
  - c) Request for Approval to Implement the Toilet Retrofit Credit Buy-Back Program for Water Division. (Andrew Erdmann)
  - d) Request for Approval of Exempt Procurement – City-Wide Advertising and Legal Publication Services; Santa Fe New Mexican. (Robert Rodarte)

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2031-2032

2032-2033

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# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
SEPTEMBER 9, 2015  
CITY COUNCIL CHAMBERS

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- e) Request for Approval of Sole Source Procurement and Professional Services Agreement – City's Adopt-the-River Program Pursuant to Resolution No. 2001-67; Santa Fe Watershed Association. (Melissa McDonald)
  - f) Solace Crisis Treatment Center. (David Chapman)
    - 1) Request for Approval of Quitclaim, Lease and Repurchase Agreement and Quitclaim Deed.
    - 2) Request for Approval of Professional Services Agreement – City to Serve as Project Manager/Fiscal Agent for Execution of New Mexico State Legislature Severance Tax Bond Agreement.
  - g) Request for Approval of Professional Services Agreement – Study and Evaluation of City's 50% Residential Impact Fee Reduction (Ordinance 2014-8); Duncan Associates, Inc. and Approval. (Reed Liming)
    - 1) Request for Approval of Budget Increase in the Amount of \$7,500.
  - h) Request for Approval of Exempt Procurement – Maintenance for Turnkey Hardware and Software Systems for Santa Fe Public Library; Innovative Interfaces, Inc. (Patricia Hodapp)
  - i) Request for Approval of Agreement – Public Safety 800Mhz Radio System Maintenance and Support Services for ITT Division; Motorola, Inc. (Renee Martinez)
  - j) Request for Approval of Exempt Procurement for Support and Maintenance Agreements – City-Wide Hardware and Software Services for ITT Division. (Renee Martinez)
    - SunGard Public Sector, Inc.
    - DENOVO Ventures, LLC
    - Selectron Technologies, Inc.
    - Spinnaker Support, LLC
  - k) Request for Approval of Sole Source Procurement and Professional Services Agreement – Full-Time Domestic Violence & Sexual Assault Coordinator; Solace Crisis Treatment Center. (Interim Police Chief Gallagher)



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
SEPTEMBER 9, 2015  
CITY COUNCIL CHAMBERS

- l) Request for Approval of Sole Source Procurement and Amendment No. 2 to Professional Services Agreement – Shelter Stray Animals Retrieved by City of Santa Fe Animal Services Officers; Santa Fe Animal Shelter, Inc. (Interim Police Chief Gallagher)
- m) Request for Approval of Internal Audit Department's Annual Report for Fiscal Year End 2015. (Liza Kerr)
- n) Request for Approval of Re-Appropriations:
  - 1) Remaining Grant Balance of Fire Protection Funds for FY 2015/2016 Budget from State of New Mexico Fire Marshal. (Jan Snyder)
  - 2) Remaining FY 2014/15 Budget for Continuing Service Contracts to FY 2015/16 for Environmental Services Division. (Manual Sanchez)
  - 3) Remaining FY 2014/15 Budget for Ongoing Service Contracts to FY 2015/16 for Housing and Community Development Department. (Kate Noble)
  - 4) Remaining FY 2014/15 Budget from Library Bond and State Aid Grant to FY 2015/16 for Library Division. (Patricia Hodapp)
- o) Request for Approval of Professional Services Agreement – Laboratory Services for the Wastewater Management Division; Albion Environmental. (Patricia Rosacker)
- p) CONSIDERATION OF RESOLUTION NO. 2015-\_\_\_\_. (Councilor Maestas and Councilor Ives)  
A Resolution Supporting Legislation Amending NMSA 1978, §72-1-9 Preservation of Municipal, County, and State University Water Supplies. (Marcos Martinez)
- q) CONSIDERATION OF RESOLUTION NO. 2015-\_\_\_\_. (Councilor Maestas and Councilor Ives)  
A Resolution Supporting Legislation Amending NMSA 1978, §72-6-4 Lessee's Application, Use before Approval. (Marcos Martinez)





# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
SEPTEMBER 9, 2015  
CITY COUNCIL CHAMBERS

- r) CONSIDERATION OF RESOLUTION NO. 2015-\_\_\_\_. (Councilor Maestas and Councilor Ives)  
A Resolution Supporting Legislation Amending the OSE's Hearing Procedures, NMSA 1978, §72-7-1 and NMSA 1978, §72-2-16. (Marcos Martinez)
- s) CONSIDERATION OF RESOLUTION NO. 2015-\_\_\_\_. (Councilor Maestas and Councilor Ives)  
A Resolution Supporting Legislation Amending NMSA 1978, §72-12-3(D) and 72-5-5(B), to Define the Standing of Protestants. (Marcos Martinez)
- t) CONSIDERATION OF RESOLUTION NO. 2015-\_\_\_\_. (Councilor Maestas and Councilor Ives)  
A Resolution Supporting Legislation Amending NMSA 1978, § 72-12-24 Supplemental Well, and §72-12-22, Replacement Wells. (Marcos Martinez)
- u) CONSIDERATION OF RESOLUTION NO. 2015-\_\_\_\_. (Councilor Lindell and Councilor Ives)  
A Resolution Directing Staff to Research Options for City Departments to Initiate Collections of Delinquent Fees and Payments for Services Rendered. (Oscar Rodriguez)
- v) CONSIDERATION OF RESOLUTION NO. 2015-\_\_\_\_. (Mayor Gonzales)  
A Resolution Extending the Time Period by Which Staff Shall Provide a Report on the 2012 Parks & Trails Bond Pursuant to Resolution No. 2015-50. (Oscar Rodriguez)
- w) CONSIDERATION OF RESOLUTION NO. 2015-\_\_\_\_. (Councilor Rivera)  
A Resolution Declaring the City of Santa Fe, New Mexico a Hybrid Entity for Purposes of HIPAA and HITECH Compliance. (Theresa Gheen)
- x) CONSIDERATION OF RESOLUTION NO. 2015-\_\_\_\_. (Mayor Gonzales, Councilor Dominguez, Councilor Rivera, Councilor Trujillo and Councilor Dimas)  
A Resolution Adopting the City of Santa Fe as a "My Brother's Keeper Community" to Better Serve the Children and Youth of Santa Fe. (Chris Sanchez)



# Agenda

REGULAR MEETING OF  
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SEPTEMBER 9, 2015  
CITY COUNCIL CHAMBERS

11. Request to Publish Notice of Public Hearing on September 30, 2015:  
BILL NO. 2015-35: An Ordinance Relating to Early Voting; Amending Subsection 9-1.7 SFCC 1987 to Authorize the Municipal Clerk to Establish Alternate Early Voting Locations and Requirements for Such Locations. (Mayor Gonzales, Councilor Dominguez, Councilor Rivera and Councilor Dimas) (Yolanda Y. Vigil)
12. Request to Publish Notice of Public Hearing on October 14, 2015:  
BILL NO. 2015-36: An Ordinance Amending Section 23-4.13 SFCC 1987 to Include the Southwest Area Node (SWAN) Regional Park in the City Sports Fields. (Councilor Dominguez) (Rob Carter)
13. **Case No. 2015-78.** Request for Approval of the Recommendation of the City Attorney Pursuant to Santa Fe City Code Section 14-3.17(D)(6) that the Governing Body Dismiss the Appeal of Margit Pearson from the July 14, 2015 Decision by the Historic Districts Review Board – 1598 Canyon Road. (Zachary Shandler)
14. **Case No. 2015-51.** Reconsideration of the Decision of the Governing Body at its July 8, 2015 Meeting Denying the Appeal in Case No. 2015-51 from the May 7, 2015 Decision of the Planning Commission Approving the Requests of the Benevolent and Protective Order of the Elks Lodge No. 460 to Divide its Property at 1615 Old Pecos Trail into Two Lots; and of MVG Development/Morningstar Senior Living's Requests for a Special Use Permit to Operate a Continuing Care Facility on One of Said Lots and for Development Plan Approval for the Construction of an Approximately 73,550 Square Foot Building on Said Lot to House Said Facility. **(Postponed to October 14, 2015 City Council Meeting at the Request of the Parties)**
15. MATTERS FROM THE CITY MANAGER
16. MATTERS FROM THE CITY ATTORNEY  
  
Executive Session  
  
In Accordance With the New Mexico Open Meetings Act, §10-15-1(H)(2) NMSA 1978, Discussion Regarding Limited Personnel Matters, Including without Limitation, the Status of Negotiations with AFSCME Local 3999, and the Santa Fe Police and Fire Unions.
17. MATTERS FROM THE CITY CLERK
18. COMMUNICATIONS FROM THE GOVERNING BODY



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
SEPTEMBER 9, 2015  
CITY COUNCIL CHAMBERS

## EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. SALUTE TO THE NEW MEXICO FLAG
- D. INVOCATION
- E. ROLL CALL
- F. PETITIONS FROM THE FLOOR
- G. APPOINTMENTS
  - Human Services Committee
  - Sustainable Santa Fe Commission

## H. PUBLIC HEARINGS:

### **PULTE LAS SOLERAS**

- 1) Consideration of Proposal from James Siebert & Associates, Agent for the Pulte Group, Requesting Alternate Compliance Approval with the Santa Fe Homes Program Affordable Housing Requirements. (Alexandra Ladd)  
**(Postponed at August 26, 2015 City Council Meeting)**
- 2) CONSIDERATION OF RESOLUTION NO. 2015-\_\_\_\_:  
**Case #2014-124, Pulte Las Soleras General Plan Amendment.** James W. Siebert & Associates, Agent for The Pulte Group, Requests Approval of a General Plan Amendment to Amend the Existing General Plan Future Land Use Map Designations for: 12.91± Acres from High Density Residential to Low Density Residential; 15.06± Acres from Mixed Use to Low Density Residential; 3.73± Acres from Medium Density Residential to Low Density Residential; and Approximately 0.0095± Acres within a Northeasterly Portion of Tract 12B, Las Soleras from Medium Density Residential to Low Density Residential. The Property is Currently Vacant and Located within the Las Soleras Master Plan. (Zach Thomas)  
**(Postponed at August 26, 2015 City Council Meeting)**



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
SEPTEMBER 9, 2015  
CITY COUNCIL CHAMBERS

- 3) **Case #2014-123. Pulte Las Soleras Master Plan Amendment.** James W. Siebert & Associates, Agent for The Pulte Group, Requests Approval of Amendments to the Las Soleras Master Plan. Amendments Include: the Realignment of Roads, Reconfiguration of Open Space and Trail, Reconfiguration and Reduction of Park Land and the Reconfiguration of Land Tracts. (Zach Thomas) **(Postponed at August 26, 2015 City Council Meeting)**
- 4) CONSIDERATION OF BILL NO. 2015-32: ADOPTION OF ORDINANCE NO. 2015-\_\_\_\_.  
**Case #2014-125. Pulte Las Soleras Rezoning.** James W. Siebert and Associates Inc., Agent for The Pulte Group, Requests Rezoning of: 12.91± Acres from R-21 (Residential - 21 Units per Acre) to R-6 (Residential - 6 Units per Acre); 15.06± Acres from MU (Mixed-Use) to R-6 (Residential - 6 Units per Acre); 3.73± Acres from R-12 (Residential - 12 Units per Acre) to R-6 (Residential - 6 Units per Acre); and Approximately 0.0095± Acres Within a Northeasterly Portion of Tract 12B, Las Soleras from R-12 (Residential - 12 Units per Acre) to R-6 (Residential - 6 Units per Acre). The Property is Currently Vacant and Located within the Las Soleras Master Plan. (Zach Thomas) **(Postponed at August 26, 2015 City Council Meeting)**
- 5) **Case # 2015-09. Pulte Las Soleras Electrical Transmission Line Relocation.** James W. Siebert & Associates, Agent for The Pulte Group, Requests Approval to Relocate an Existing 115kv Electrical Transmission Line within the Las Soleras Master Plan as the Part of the Greater Pulte Group Master Plan Amendment, General Plan Amendment, Rezone and Subdivision Request. The Proposed Relocation Will Follow the Future Beckner Road Alignment. (Zach Thomas) **(Postponed at August 26, 2015 City Council Meeting)**

## END PULTE LAS SOLERAS

- 6) CONSIDERATION OF BILL NO. 2015-33: ADOPTION OF ORDINANCE NO. 2015-\_\_\_\_. (Mayor Gonzales and Councilor Bushee) An Ordinance Amending the Distress Merchandise Sale License Provisions, Section 18-5.1 SFCC 1987 to Require Additional Information be Provided With an Application for a Business License; and to Clarify Under What Circumstances a License Will be Denied. (Lisa Martinez) **(Postponed to September 30, 2015 City Council Meeting)**

## I. ADJOURN



# Agenda

REGULAR MEETING OF  
THE GOVERNING BODY  
SEPTEMBER 9, 2015  
CITY COUNCIL CHAMBERS

**Pursuant to the Governing Body Procedural Rules, in the event any agenda items have not been addressed, the meeting should be reconvened at 7:00 p.m., the following day and shall be adjourned not later than 12:00 a.m. Agenda items, not considered prior to 11:30 p.m., shall be considered when the meeting is reconvened or tabled for a subsequent meeting.**

NOTE: New Mexico law requires the following administrative procedures be followed when conducting "quasi-judicial" hearings. In a "quasi-judicial" hearing all witnesses must be sworn in, under oath, prior to testimony and will be subject to reasonable cross-examination. Witnesses have the right to have an attorney present at the hearing.

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6521, five (5) working days prior to meeting date.

SUMMARY INDEX  
SANTA FE CITY COUNCIL MEETING  
Wednesday, September 9, 2015

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
<u>AFTERNOON SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved [amended]	1-2
APPROVAL OF CONSENT CALENDAR	Approved [amended]	2
CONSENT CALENDAR LISTING		2-5
APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – AUGUST 26, 2015	Approved	5
<u>PRESENTATIONS</u>		
AUGUST 2015 EMPLOYEE OF THE MONTH – BRYAN HIDALGO, SERGEANT, PATROL TEAM C – SANTA FE POLICE DEPARTMENT		6
<u>CONSENT CALENDAR DISCUSSION</u>		
REQUEST FOR APPROVAL TO IMPLEMENT THE TOILET RETROFIT CREDIT BUY-BACK PROGRAM FOR WATER DIVISION	Approved	6-7
REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – STUDY AND EVALUATION OF CITY'S 50% RESIDENTIAL IMPACT FEE REDUCTION (ORDINANCE 2014-8); DUNCAN ASSOCIATES, INC., AND APPROVAL *****	Approved	7-8
END OF CONSENT CALENDAR DISCUSSION *****		
REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON SEPTEMBER 30, 2015: BILL NO. 2015-35: AN ORDINANCE RELATING TO EARLY VOTING; AMENDING SUBSECTION 9-1.7 SFCC 1987, TO AUTHORIZE THE MUNICIPAL CLERK TO ESTABLISH ALTERNATE EARLY VOTING LOCATIONS AND REQUIREMENTS FOR SUCH LOCATIONS	Approved	8-10

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON OCTOBER 14, 2015: BILL NO. 2015-36: AN ORDINANCE AMENDING SECTION 23-4.13 SFCC 1987, TO INCLUDE THE SOUTHWEST AREA NODE (SWAN) REGIONAL PARK IN THE CITY SPORTS FIELDS	Approved	10
<u>CASE NO. 2015-78. REQUEST FOR APPROVAL OF THE RECOMMENDATION OF THE CITY ATTORNEY PURSUANT TO SANTA FE CITY CODE SECTION 14-3.17(D)(6) THAT THE GOVERNING BODY DISMISS THE APPEAL OF MARGIT PEARSON FROM THE JULY 14, 2015 DECISION BY THE HISTORIC DISTRICTS REVIEW BOARD – 1598 CANYON ROAD</u>	Approved Dismissing appeal	10-15
<u>CASE NO. 2015-51. RECONSIDERATION OF THE DECISION OF THE GOVERNING BODY AT ITS JULY 8, 2015 MEETING DENYING THE APPEAL IN CASE NO. 2015-51 FROM THE MAY 7, 2015 DECISION OF THE PLANNING COMMISSION APPROVING THE REQUESTS OF THE BENEVOLENT AND PROTECTIVE ORDER OF THE ELKS LODGE NO. 460 TO DIVIDE ITS PROPERTY AT 1615 OLD PECOS TRAIL INTO TWO LOTS; AND OF MVG DEVELOPMENT/ MORNINGSTAR SENIOR LIVING'S REQUESTS FOR A SPECIAL USE PERMIT TO OPERATE A CONTINUING CARE FACILITY ON ONE OF SAID LOTS AND FOR DEVELOPMENT PLAN APPROVAL FOR THE CONSTRUCTION OF AN APPROXIMATELY 73,550 SQUARE FOOT BUILDING ON SAID LOT TO HOUSE SAID FACILITY</u>	Postponed to 10/14/15	15
MATTERS FROM THE CITY MANAGER	None	15
MATTERS FROM THE CITY ATTORNEY	Information/discussion	15-16
MATTERS FROM THE CITY CLERK	None	16
COMMUNICATIONS FROM THE GOVERNING BODY	Information/discussion	16-19
MATTERS FROM THE CITY ATTORNEY		
EXECUTIVE SESSION	Approved	20
MOTION TO COME OUT OF EXECUTIVE SESSION	Approved	20

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
<u>EVENING SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	21
PETITIONS FROM THE FLOOR		21
<u>APPOINTMENTS</u>		
SUSTAINABLE SANTA FE COMMISSION	Approved	22
HUMAN SERVICES COMMITTEE	Approved	22
<u>PUBLIC HEARINGS</u>		
<u>PULTE LAS SOLERAS</u>	Inform/discussion/public hearing	23-56
CONSIDERATION OF RESOLUTION NO. 2015-84; <u>CASE #2014-124</u> . PULTE LAS SOLERAS GENERAL PLAN AMENDMENT. JAMES W. SIEBERT & ASSOCIATES, AGENT FOR THE PULTE GROUP, REQUESTS APPROVAL OF A GENERAL PLAN AMENDMENT TO AMEND THE EXISTING GENERAL PLAN FUTURE LAND USE MAP DESIGNATIONS FOR 12.91± ACRES FROM HIGH DENSITY RESIDENTIAL TO LOW DENSITY RESIDENTIAL; 16.06± ACRES FROM MIXED USE TO LOW DENSITY RESIDENTIAL; AND 3.73± ACRES FROM MEDIUM DENSITY RESIDENTIAL TO LOW DENSITY RESIDENTIAL; AND APPROXIMATELY 0.0095± ACRES WITHIN A NORTHEASTERLY PORTION OF TRACT 12B, LAS SOLERAS FROM MEDIUM DENSITY RESIDENTIAL TO LOW DENSITY RESIDENTIAL. THE PROPERTY IS CURRENTLY VACANT AND LOCATED WITHIN THE LAS SOLERAS MASTER PLAN	Approved	56-69
<u>CASE #2014-123</u> . PULTE LAS SOLERAS MASTER PLAN AMENDMENT. JAMES W. SIEBERT & ASSOCIATES, AGENT FOR THE PULTE GROUP, REQUESTS APPROVAL OF AMENDMENTS TO THE LAS SOLERAS MASTER PLAN. AMENDMENTS INCLUDE: THE REALIGNMENT OF ROADS, RECONFIGURATION OF OPEN SPACE AND TRAIL, RECONFIGURATION AND REDUCTION OF PARK LAND AND THE RECONFIGURATION OF LAND TRACTS	Approved [amended]	70



<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CONSIDERATION OF BILL NO. 2015-32: ADOPTION OF ORDINANCE NO. 2015-30. <u>CASE #2014-125.</u> PULTE LAS SOLERAS REZONING. JAMES W. SIEBERT & ASSOCIATES, AGENT FOR THE PULTE GROUP, REQUESTS REZONING OF: 12.91± ACRES FROM R-21 (RESIDENTIAL - 21 UNITS PER ACRE) TO R-6 (RESIDENTIAL - 6 UNITS PER ACRE); 15.06± ACRES FROM MU (MIXED-USE) TO R-6 (RESIDENTIAL - 6 UNITS PER ACRE; AND 3.73± ACRES FROM R-12 (RESIDENTIAL - 12 UNITS PER ACRE) TO R-6 (RESIDENTIAL - 6 UNITS PER ACRE); AND APPROXIMATELY 0.0095± ACRES WITHIN A NORTHEASTERLY PORTION OF TRACT 12B, LAS SOLERAS FROM R-12 (RESIDENTIAL - 12 UNITS PER ACRE) TO R-6 (RESIDENTIAL - 6 UNITS PER ACRE). THE PROPERTY IS CURRENTLY VACANT AND LOCATED WITHIN THE LAS SOLERAS MASTER PLAN	Approved [amended]	70
<u>CASE #2015-09.</u> PULTE LAS SOLERAS ELECTRICAL TRANSMISSION LINE RELOCATION. JAMES W. SIEBERT & ASSOCIATES, AGENT FOR THE PULTE GROUP, REQUESTS APPROVAL TO RELOCATE AN EXISTING 115 KV ELECTRICAL TRANSMISSION LINE WITHIN THE LAS SOLERAS MASTER PLAN AS THE PART OF THE GREATER PULTE GROUP MASTER PLAN AMENDMENT, GENERAL PLAN AMENDMENT, REZONE AND SUBDIVISION REQUEST. THE PROPOSED RELOCATION WILL FOLLOW THE FUTURE BECKNER ROAD ALIGNMENT	Approved	71
CONSIDERATION OF PROPOSAL FROM JAMES SIEBERT & ASSOCIATES, AGENT FOR THE PULTE GROUP, REQUESTING ALTERNATE COMPLIANCE APPROVAL WITH THE SANTA FE HOMES PROGRAM AFFORDABLE HOUSING REQUIREMENTS	Approved w/conditions	71
CONSIDERATION OF BILL NO. 2015-33: ADOPTION OF ORDINANCE NO. 2015- ____ . AN ORDINANCE AMENDING THE DISTRESS MERCHANDISE SALE LICENSE PROVISIONS, SECTION 18-5.1 SFCC 1987, TO REQUIRE ADDITIONAL INFORMATION BE PROVIDED WITH AN APPLICATION FOR A BUSINESS LICENSE; AND TO CLARIFY UNDER WHAT CIRCUMSTANCES A LICENSE WILL BE DENIED	Postponed to 09/30/15	71
ADJOURN		72

**REGULAR MEETING OF THE  
GOVERNING BODY  
Santa Fe, New Mexico  
September 9, 2015**

**AFTERNOON SESSION**

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor Javier M. Gonzales, on Wednesday, **September 9, 2015**, at approximately 5:00 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance, Salute to the New Mexico flag, and the Invocation, roll call indicated the presence of a quorum, as follows:

**Members Present**

Mayor Javier M. Gonzales  
Councilor Peter N. Ives, Mayor Pro-Tem  
Councilor Patti J. Bushee  
Councilor Bill Dimas  
Councilor Carmichael A. Dominguez  
Councilor Signe I. Lindell  
Councilor Joseph M. Maestas  
Councilor Christopher M. Rivera  
Councilor Ronald S. Trujillo

**Others Attending**

Brian K. Snyder, City Manager  
Kelley Brennan, City Attorney  
Yolanda Y. Vigil, City Clerk  
Melessia Helberg, Council Stenographer

**6. APPROVAL OF AGENDA**

Brian Snyder, City Manager, said he would like to postpone Item 10(f), noting staff has been working to coordinate with DFA and then bring it back to the Council. He said he would call to the attention of the Council that Item #14 on the Afternoon Agenda is postponed to the meeting of October 14, 2015, as published, as well as Item #H(6) on the Evening Agenda is postponed to the meeting of September 30, 2015, as published.

Councilor Bushee asked the reason Item 10(f) can't be heard this evening, noting people have been texting her and she doesn't know what to tell them.

Mr. Snyder said we need to reformat some things to meet DFA's approval, noting staff has been working with DFA since the money was appropriated, but we have never been able to meet DFA's requirements.

Councilor Bushee asked how long that will take, noting it has been in the works for about two years.

Mr. Snyder said the money was appropriated in 2013, and we've been working on it and continue to work on it, but he doesn't have a timeframe.

**MOTION:** Councilor Dominguez moved, seconded by Councilor Rivera, to approve the agenda, as amended.

**VOTE:** The motion was approved on a voice vote with Mayor Gonzales, and Councilors Bushee, Dimas, Dominguez, Ives Lindell, Maestas, Rivera and Trujillo voting in favor of the motion and none against.

## **7. APPROVAL OF CONSENT CALENDAR**

Councilor Ives asked to be added as a cosponsor on Item 10(x).

Councilor Maestas asked to be added as a cosponsor on Item 10(x), and Item #11.

**MOTION:** Councilor Rivera moved, seconded by Councilor Dominguez, to approve the following Consent Calendar, as amended.

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

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

**Against:** None.

## **10. CONSENT CALENDAR**

- a) **REQUEST FOR APPROVAL OF BID NO. 15/32/B FOR AGREEMENT BETWEEN OWNER AND CONTRACTOR FOR WATER DIVISION – DOUGLAS STREET, MILLER STREET, CAMINO ESCONDIDO WATER MAIN REPLACEMENT PROJECT; SUB SURFACE CONTRACTING, INC. (BILL HUEY)**

- b) REQUEST FOR APPROVAL OF EXEMPT PROCUREMENT AND AMENDMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENT – REPAIRS TO CORROSION WEST AND EAST DIGESTERS FOR WASTEWATER MANAGEMENT DIVISION; ANDERSON-BROWN, INC. (LUIS OROZCO)
- c) *[Removed for discussion by Councilor Lindell]*
- d) REQUEST FOR APPROVAL OF EXEMPT PROCUREMENT – CITY-WIDE ADVERTISING AND LEGAL PUBLICATION SERVICES; SANTA FE NEW MEXICAN. (ROBERT RODARTE)
- e) REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT – CITY'S ADOPT-THE-RIVER PROGRAM PURSUANT TO RESOLUTION NO. 2001-67; SANTA FE WATERSHED ASSOCIATION. (MELISSA McDONALD)
- f) SOLACE CRISIS TREATMENT CENTER. (DAVID CHAPMAN)
- 1) REQUEST FOR APPROVAL OF QUITCLAIM, LEASE AND REPURCHASE AGREEMENT AND QUITCLAIM DEED.
  - 2) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – CITY TO SERVE AS PROJECT MANAGER/FISCAL AGENT FOR EXECUTION OF NEW MEXICO STATE LEGISLATURE SEVERANCE TAX BOND AGREEMENT.
- This Item has been postponed pending DFA approval.
- g) *[Removed for discussion by Councilor Bushee]*
- h) REQUEST FOR APPROVAL OF EXEMPT PROCUREMENT – MAINTENANCE FOR TURNKEY HARDWARE AND SOFTWARE SYSTEMS FOR SANTA FE PUBLIC LIBRARY; INNOVATIVE INTERFACES, INC. (PATRICIA HODAPP)
- i) REQUEST FOR APPROVAL OF AGREEMENT – PUBLIC SAFETY 800 MHZ RADIO SYSTEM MAINTENANCE AND SUPPORT SERVICES FOR ITT DIVISION; MOTOROLA, INC. (RENEE MARTINEZ)
- j) REQUEST FOR APPROVAL OF EXEMPT PROCUREMENT FOR SUPPORT AND MAINTENANCE AGREEMENTS – CITY-WIDE HARDWARE AND SOFTWARE SERVICES FOR ITT DIVISION. (RENEE MARTINEZ)
- SUNGARD PUBLIC SECTOR, INC.
  - DENOVO VENTURES, LLC
  - SELECTRON TECHNOLOGIES, INC.
  - SPINNAKER SUPPORT, LLC.

- k) **REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND PROFESSIONAL SERVICES AGREEMENT – FULL-TIME DOMESTIC VIOLENCE & SEXUAL ASSAULT COORDINATOR; SOLACE CRISIS TREATMENT CENTER. (INTERIM POLICE CHIEF GALLAGHER)**
- l) **REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT – SHELTER STRAY ANIMALS RETRIEVED BY CITY OF SANTA FE ANIMAL SERVICES OFFICERS; SANTA FE ANIMAL SHELTER, INC. (INTERIM POLICE CHIEF GALLAGHER)**
- m) **REQUEST FOR APPROVAL OF INTERNAL AUDIT DEPARTMENT'S ANNUAL REPORT FOR FISCAL YEAR END 2015. (LIZA KERR)**
- n) **REQUEST FOR APPROVAL OF REAPPROPRIATIONS:**
  - 1) **REMAINING GRANT BALANCE OF FIRE PROTECTION FUNDS FOR FY 2015/2016 BUDGET FROM STATE OF NEW MEXICO FIRE MARSHAL. (JAN SNYDER)**
  - 2) **REMAINING FY 2014/15 BUDGET FOR CONTINUING SERVICE CONTRACTS TO FY 2015/16 FOR ENVIRONMENTAL SERVICES DIVISION. (MANUEL SANCHEZ)**
  - 3) **REMAINING FY 2014/15 BUDGET FOR ONGOING SERVICE CONTRACTS TO FY 2015/16 FOR HOUSING AND COMMUNITY DEVELOPMENT DEPARTMENT. (KATE NOBLE)**
  - 4) **REMAINING FY 2014/15 BUDGET FROM LIBRARY BOND AND STATE AID GRANT TO FY 2015/16 FOR LIBRARY DIVISION. (PATRICIA HODAPP)**
- o) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – LABORATORY SERVICES FOR THE WASTEWATER MANAGEMENT DIVISION; ALBION ENVIRONMENTAL. (PATRICIA ROSACKER)**
- p) **CONSIDERATION OF RESOLUTION NO. 2015-75 (COUNCILOR MAESTAS AND COUNCILOR IVES). A RESOLUTION SUPPORTING LEGISLATION AMENDING NMSA 1978, §71-1-9 PRESERVATION OF MUNICIPAL, COUNTY AND STATE UNIVERSITY WATER SUPPLIES. (MARCOS MARTINEZ)**
- q) **CONSIDERATION OF RESOLUTION NO. 2015-76 (COUNCILOR MAESTAS AND COUNCILOR IVES). A RESOLUTION SUPPORTING LEGISLATION AMENDING NMSA 1978, §72-6-4 LESSEE'S APPLICATION, USE BEFORE APPROVAL. (MARCOS MARTINEZ)**
- r) **CONSIDERATION OF RESOLUTION NO. 2015-77 (COUNCILOR MAESTAS AND COUNCILOR IVES). A RESOLUTION SUPPORTING LEGISLATION AMENDING THE OSE'S HEARING PROCEDURES, NMSA 1978, §72-2-16. (MARCOS MARTINEZ)**

- s) **CONSIDERATION OF RESOLUTION NO. 2015-78 (COUNCILOR MAESTAS AND COUNCILOR IVES). A RESOLUTION SUPPORTING LEGISLATION AMENDING NMSA 1978, §§72-12-3(D) AND 72-5-5-5(B), TO DEFINE THE STANDING OR PROTESTANTS. (MARCOS MARTINEZ)**
- t) **CONSIDERATION OF RESOLUTION NO. 2015- 79 (COUNCILOR MAESTAS AND COUNCILOR IVES). A RESOLUTION SUPPORTING LEGISLATION AMENDING NMSA 1978, § 72-12-24 SUPPLEMENTAL WELL, AND §72-12-22, REPLACEMENT WELLS. (MARCOS MARTINEZ)**
- u) **CONSIDERATION OF RESOLUTION NO. 2015-80 (COUNCILOR LINDELL AND COUNCILOR IVES). A RESOLUTION DIRECTING STAFF TO RESEARCH OPTIONS FOR CITY DEPARTMENTS TO INITIATE COLLECTIONS OF DELINQUENT FEES AND PAYMENTS FOR SERVICES RENDERED. (OSCAR RODRIGUEZ)**
- v) **CONSIDERATION OF RESOLUTION NO. 2015-81 (MAYOR GONZALES). A RESOLUTION EXTENDING THE TIME PERIOD BY WHICH STAFF SHALL PROVIDE A REPORT ON THE 2012 PARKS & TRAILS BOND PURSUANT TO RESOLUTION NO. 2015-50. (OSCAR RODRIGUEZ)**
- w) **CONSIDERATION OF RESOLUTION NO. 2015-82 (COUNCILOR RIVERA). A RESOLUTION DECLARING THE CITY OF SANTA FE, NEW MEXICO, A HYBRID ENTITY FOR PURPOSES OF HIPAA AND HITECH COMPLIANCE. (THERESA GHEEN)**
- x) **CONSIDERATION OF RESOLUTION NO. 2015-83 (MAYOR GONZALES, COUNCILOR DOMINGUEZ, COUNCILOR RIVERA, COUNCILOR TRUJILLO, ~~AND~~ COUNCILOR DIMAS, COUNCILOR IVES AND COUNCILOR MAESTAS). A RESOLUTION ADOPTING THE CITY OF SANTA FE AS A “MY BROTHER’S KEEPER COMMUNITY” TO BETTER SERVE THE CHILDREN AND YOUTH OF SANTA FE. (CHRIS SANCHEZ)**

**8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – AUGUST 26, 2015**

**MOTION:** Councilor Trujillo moved, seconded by Councilor Dimas, to approve the minutes of the Regular City Council meeting of August 26, 2015, as presented.

**VOTE:** The motion was approved unanimously on a voice vote with Mayor Gonzales and Councilors Bushee, Dimas, Dominguez, Ives, Lindell, Maestas, Rivera and Trujillo voting in favor of the motion and none against.

## 9. PRESENTATIONS

### a) **AUGUST 2015 EMPLOYEE OF THE MONTH – BRYAN HIDALGO, SERGEANT, PATROL TEAM C – SANTA FE POLICE DEPARTMENT.**

Mayor Gonzales and Councilor Dimas presented the Employee of the Month to Bryan Hidalgo, Sergeant, Patrol Team C. Mayor Gonzales read the letter of nomination into the record.

Mayor Gonzales presented him with a plaque and a check for \$100 from the Employee Benefits Committee. He thanked him for his outstanding service above and beyond on behalf of the City.

Councilor Dimas said people are always talking about how bad police officers are, that they don't have a heart and so on. He said this goes to show what a great Police Department and Police Officers we have that really care about our citizens. He said he said no matter where you go, you carry that caring for others with you, even after retirement. He congratulated him for this honor and for his services on behalf of the people of Santa Fe.

## CONSENT CALENDAR DISCUSSION

### 10(c) **REQUEST FOR APPROVAL TO IMPLEMENT THE TOILET RETROFIT CREDIT BUY-BACK PROGRAM FOR WATER DIVISION. (ANDREW ERDMANN)**

Councilor Lindell asked if we have a specific buy-back price, how many we are talking about and if it is a small handful of people who own these at this point in time.

*Mr. Erdmann's remarks here are inaudible because his microphone was turned off.*

Councilor Lindell asked if these retrofit certificates are turning into a commodity in and of themselves. We're paying a price to buy these back now, and asked if 10 years from now if the price will be doubled.

*Mr. Erdmann's remarks here are inaudible because his microphone was turned off*

Councilor Lindell asked the number of certificates out there and how much was one of them.

Mr. Erdmann said it is 55 afy.

Councilor Lindell said she hates to see these turned into a commodity that are sitting out there and we're buying them back, and asked if it serves us to buy them back, or just out there on the market place. She asked why we are creating that market.

*Mr. Erdmann's remarks here are inaudible because his microphone was turned off*

Councilor Lindell said they say they have a high administrative fee for dealing with these, and asked if we are taking on the administrative fee of dealing with these.

Mr. Erdmann said our primary reason for doing this is not to alleviate their administrative burden, because for us to acquire the additional water rights. He said it's a way for us to increase the pool of water available to sell to the developers with small developments, so we don't force them go out on the market to buy rights themselves. He said it has been a pool of water that has been difficult to keep well stocked, because water rights are only available when there is a willing seller. The rate we've been able to generate for those through conservation has dropped as the lower hanging fruit has been picked.

Councilor Lindell said if we're paying \$300 for them, what do we sell them for.

Mr. Erdmann said we sell them for \$16,000 afy when they come in, and buy them for \$12,000 afy.

Councilor Lindell said then we take \$100 each on them, and Mr. Erdmann said that is correct.

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

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

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

**Against:** None.

**10 (g) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – STUDY AND EVALUATION OF CITY'S 50% RESIDENTIAL IMPACT FEE REDUCTION (ORDINANCE 2014-8); DUNCAN ASSOCIATES, INC., AND APPROVAL. (REED LIMING)**

A copy of a Budget Adjustment Request (BAR), regarding this matter, is incorporated herewith to these minutes as Exhibit "1."

Councilor Bushee said this isn't a lot of money, but she assumed we would conduct this in-house, when we asked for the review, and there were no minutes from the Capital Improvements Advisory Committee [CIAC].

Reed Liming said the feeling was to use the City's Impact Fee consultant as a good way to look at our permit situation, but other cities in the State and then what our growth has been as compared to the State as a whole, and the nation. He said it is requesting Impact Fees, and we never spend Impact Fees without coming to the Council. He said even though it was a small amount, staff felt like it was money well used.



Mr. Liming said when the Ordinance was adopted in 2014 to reduce the residential impact fees to 50%, it was done quickly. And we are trying to give the Council more heads-up this terms of having a report and data to review in making your decision in February as to whether to continue the residential impact fee reduction, to discontinue it or change it some way.

Councilor Bushee said she would presume that Mr. Liming and the Land Use planners are tracking our residential permits and your Trend report of this, and she saw this as superfluous, not knowing what else would be discerned from this.

Mr. Liming said, "Again, we think not only looking at the City's permits, but also comparing that to other cities and what's happening around the nation, and using our Impact Fee consultant would be a good third party to give us an objective view of what's happening here as compared to other cities.

Councilor Bushee said when we were conducting hearings on the Ordinance a few years when things were not great, Matt O'Reilly, Land Use Director, was providing data and we didn't get much deeper than that.

**MOTION:** Councilor Ives moved, seconded by Councilor Dimas, to approve this request.

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

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

**Against:** None.

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**END OF CONSENT CALENDAR DISCUSSION**

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11. **REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON SEPTEMBER 30, 2015: BILL NO. 2015-35: AN ORDINANCE RELATING TO EARLY VOTING; AMENDING SUBSECTION 9-1.7 SFCC 1987, TO AUTHORIZE THE MUNICIPAL CLERK TO ESTABLISH ALTERNATE EARLY VOTING LOCATIONS AND REQUIREMENTS FOR SUCH LOCATIONS. (MAYOR GONZALES, COUNCILOR DOMINGUEZ, COUNCILOR RIVERA, ~~AND~~ COUNCILOR DIMAS, COUNCILOR MAESTAS, COUNCILOR IVES, COUNCILOR BUSHEE AND COUNCILOR TRUJILLO) (YOLANDA Y. VIGIL)**

Yolanda Vigil, City Clerk, said the bill will allow the establishment of an additional Early Voting location, noting currently all Early Voting is conducted in the office of the City Clerk. She said, if approved, she would proposed to do another early voting site, on the south side of town at the Genoveva Chavez Community Center.

Councilors Ives, Bushee and Trujillo asked to be added as cosponsors.

Mayor Gonzales asked if the theory is that people living in Districts 1 and 2 would come to City Hall to early vote, and those in Districts 3 and 4 would go to the southside location.

Ms. Vigil said, "This would allow anyone to go to any location. It would allow an additional site, there's additional parking, and everybody doesn't have to come downtown."

Mayor Gonzales asked if the hours will be the same as at the City Hall, or are the hours extended.

Ms. Vigil said, "What I am going to propose is that we would do Tuesday through Saturday, 9:00a.m. to 6:00 p.m.. So there is an additional day, which is Saturday which we don't offer here at the Clerk's Office and would go one hour beyond the 5:00 p.m. deadline here."

Mayor Gonzales suggested perhaps we could start later and stay open later, which might help working families and those who can't make it there by 6:00 p.m. He asked if she would consider staying open until 7:00 p.m., if you start at 10:00 a.m.

Ms. Vigil said that can be considered.

Councilor Bushee asked if this would be similar to the convenience centers.

Ms. Vigil said, "This is just early voting, and would commence 20 days before the election, so it's a total of 13 days. We have looked at the convenience centers for the regular election. I am not entirely sure we are going to do that for this election."

Councilor Bushee said she supports the Mayor's suggestion to stay open as late as possible, and is the reason she asked about the convenience centers and if she would have to different hours there as well. She asked to cosponsor the bill.

Councilor Maestas said this is the first election since redistricting and asked if she will be doing any advanced PR to inform the public of the changes to the Districts, what precincts have changed.

Ms. Vigil said the County already has sent out cards to all the people affected by the redistricting, telling them their new City Council District. She said, "I also proposed, as part of my budget to send out notification to all of these people that were affected by the redistricting. And of course, we will do press releases as well."

Mayor Gonzales asked if someone went to the Office of the Secretary of State or County Clerk voting site, would it tell them what City District they vote in, or can they do that through the City Clerk site.

Ms. Vigil said, "We do not have that set up on our site, because they are the County's records, not the City's records. I believe that if they go to the Secretary of State's website they would be able to access their District."

Mayor Gonzales said then the new information has been uploaded to the County system, and Ms. Vigil said yes.

**MOTION:** Councilor Trujillo moved, seconded by Councilor Dimas, to approve this request.

**VOTE:** The motion was approved on the following roll call vote:

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

**Against:** None

Mayor Gonzales thanked the Clerk for bringing this forward and said it's going to be great for the public.

- 12. REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON OCTOBER 14, 2015: BILL NO. 2015-36: AN ORDINANCE AMENDING SECTION 23-4.13 SFCC 1987, TO INCLUDE THE SOUTHWEST AREA NODE (SWAN) REGIONAL PARK IN THE CITY SPORTS FIELDS. (COUNCILOR DOMINGUEZ) (ROB CARTER)**

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of 09/08/15, is incorporated herewith to these minutes as Exhibit "2."

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

**VOTE:** The motion was approved on the following roll call vote:

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

**Against:** None.

- 13. CASE NO. 2015-78. REQUEST FOR APPROVAL OF THE RECOMMENDATION OF THE CITY ATTORNEY PURSUANT TO SANTA FE CITY CODE SECTION 14-3.17(D)(6) THAT THE GOVERNING BODY DISMISS THE APPEAL OF MARGIT PEARSON FROM THE JULY 14, 2015 DECISION BY THE HISTORIC DISTRICTS REVIEW BOARD – 1598 CANYON ROAD. (ZACHARY SHANDLER)**

A Memorandum prepared August 27, 2015, for the September 9, 2015 Meeting of the Governing Body, with attachments, to the Members of the Governing Body, from Zachary Shandler, Assistant City Attorney, is incorporated herewith to these minutes as Exhibit "3."

Mr. Shandler presented information from his Memorandum of August 27, 2015. Please see Exhibit "3," for specifics of this presentation.

Mr. Shandler noted there are sample motions on page 5 of his Memorandum. Please see Exhibit "3," for the text of the motions.

*The Governing Body commented and asked questions as follows:*

- Councilor Ives said on page 5, Mr. Shandler noted, "...Appellant should have, but did not, timely appeal City' staff's decision.... City staff made its administrative approval and permit error in the Spring 2015. Appellant should have filed a written appeal of City staff's action within fifteen days under Code Section 14-3.17(C)(1)(b). Appellant did not take this action in the Spring of 2015." Councilor Ives asked when this action taken.

Mr. Shandler said, "What this argument being made was that once City staff said it was okay to have the 4 foot wall, then that was conveyed downstairs to the Land Use Department that then issued a Building Permit, and the Building Permit has its own time for appeal, and that wasn't appealed. I don't know if, in the record, they have a specific date of when that Building Permit was issued, but it was sometime in the Spring of this year."

- Councilor Ives asked what was stated on the Building Permit, with precision that would have given notice to the Appellant.

Mr. Shandler said, "I don't know, and that's why I didn't bring it up as one of my top arguments today. I had it in my memo, because I think it's a conceivable argument, but I don't think that's the strongest argument I have for the exact reason you pointed out."

- Councilor Ives said, "Part of what I'm struggling with, in this case, is it seems to be somewhat an application of the old adage *It is easier to seek forgiveness than it is permission*. And, in this case, I do find it odd, too, and I'm looking at page 44 in the packet, which is the administrative approval in this instance. And it says, '*Extension to file for Construction Permit H-08-022. HDRB approval on August 12, 2008, until 7.15.14. No changes to design or conditions of approval or application shall return to HDRB except 1 change: adobe to frame.*' So it seems the determination by the HDRB was specifically that there would be no changes unless you bring it back to us. But what you're telling us is that staff decided not to follow this decision of the HDRB, but to grant an administrative waiver, in effect, of the ruling of the HDRB. Is that a fair assessment."

Mr. Shandler said, "The Land Use Department does follow that adage usually, that it's better to come into compliance than to punish. But you are correct and the Historic Board in their minutes did raise that same argument with staff, but at the end of the day the punishment they would mete out would be for the two aspects of the project that were visible from the streetscape. And they made the judgment that, while they were unhappy that this exact language was not followed, they were going to go ahead and allow it."

- Councilor Ives said, “And that’s where I have my trouble here. Because if the Applicant, in this case Mr. Park, had come in saying I want to change this split rail fence to a coyote fence and I’m going to make it under 4 feet so there shouldn’t be this tunnel effect, that would have one thing in my mind. But to put the decision before the HDRB, whether or not having already constructed it, it was whether or not to compel him to remove it, to put back the other. It just seems to have shifted some of the considerations that might have gone on at that point in time, so I do have issues with some of these administrative changes, especially when the HDRB determination is so clear on the record. Is there anything that prohibits staff from changing those decisions in this context, when the direction to staff was, presumably crystal clear, no changes to design or conditions of approval or Applicant shall return to the HDRB. Do we have anything that prevents staff from saying, oh well, I understand it says bring it back to us, but I don’t have to because I have administrative say over this particular decision.”

Mr. Shandler said, “That’s the argument I’m making tonight, that the 1999 wall guidelines is a delegation of authority from the Board to the staff, that as issues come up, then staff has that authority. I understand the point you’re making. My larger point is that I don’t think this merits a *de novo* hearing before the Council over a 4 foot coyote fence.”

Ms. Brennan said, “If I can just add, that it has been practice that if sometimes something falls within an area where staff has been delegated authority, they exercise that authority. The language you quote is standard language, of course, if you need to come back if these change. But if the change is less intensive and falls within the staff authority, then staff typically has exercised that authority.”

- Councilor Ives said, “The distinction I’m getting to is, I understand staff has that authority and presumably could have exercised it if Mr. Park had come in simply asking to put in a 4 foot coyote wall in place of the split rail, prior to any action by the Board, but this is after action by the Board and with the specific direction to no changes, unless you come back to us. So, I’m wondering does that create a distinction in the Council’s mind as it might in mine.”

Ms. Brennan said, “I understand, Councilor. I would say that was exactly the point I was speaking to when I said it has been practice and the Board has typically, if it comes back to the Board, verified the staff action.”

- Councilor Ives said, “The other thing I found concerning was on page 16, minutes from one of the meetings, about 8 lines from the top where Mr. Armijo is speaking and said, ‘...*the HDRB needs the builder to follow what is approved because it will be inspected after the fact to make sure. Lisa Martinez is here, the Board has asked her to work with the staff for some penalty for those who don’t follow the regulations. We have this issue a lot.*’ Now this is disturbing to me, because it sounds like are putting people in the common practice of seeking forgiveness rather than permission. And that’s not, to me, how a regulatory system should be administered. So do we have penalties that we have put in place at this point in time.”

Mr. Shandler said, "Mr. Armijo, Boni Armijo, was a Board member at the time. And I'm not sure how.... he was obviously upset with Mr. Parks, on how Mr. Parks had done this. My observation, it doesn't occur regularly, but it is a concern. I know the Board of Adjustment, another Board I represent, has asked me to look into this issue, because the most common penalty is a double application fee. And I think we've talked about that issue before. And so I think that subordinate committee is also interested in maybe we need to have a little more tools in the toolbox. And so, I'm looking into that issue."

- Councilor Bushee said Councilor Ives raised most of her points. She asked, "Is it super clear in our ordinances and administrative procedures when staff has the authority to do that. Because this is more layered than it has been presented here this evening. There are covenants, there previous fences that were constructed that were 10 feet high and there are lots of things that precede and predate this. But I would just say that from the City's responsibility side of things, I would hope that we were going to... in particular in H-Board cases, that we are not overreaching or over-stretching our authority in any way."

Mr. Shandler said, "Exhibit C on page 27 is the wall and fence guidelines, which was adopted in 1999, and I think it's a two page document. I think that provides the guidance for the last 16 years on how to handle these matters. Certainly the Historic Code at this point is getting so old that it's almost historic, and it's something staff is looking into to make it more expressly clear to all parties."

- Councilor Bushee said, "I just noticed in the last so many.... we haven't had so many appeals, so that's great, but quite a few of the last ones we have had dealt with administrative authority of staff and so I just want to make sure we're clear and take a look. Maybe the H-Board could spend some time taking a look at these ordinances, and set up a study session with us."
- Councilor Lindell said, "I'll just echo this a little bit. I realize there was administrative approval. But on page 37 of our packet, I just don't think it could be any clearer to anyone, in the Board action where it says, '*...all existing split rail fence remain...*' It couldn't be any clearer to me, really. So I don't expect staff when someone comes in and asks for an administrative approval to remember everything that was put into an approval by the H-Board. That would be unreasonable. But in this case, I think that it is disrespectful of the H-Board that approval stand. I would have to support this appeal. I think that is so clear in the Board action that it can't be ignored. So those are my comments. Thank you."
- Councilor Bushee said, "Just procedurally, Zach, can this be sent back to the H-Board for a *de novo* hearing, rather than here."

Ms. Brennan said, "If I'm correct, the H-Board has already consider this, and is aware of the 42 inch fence, and approved it."

- Councilor Bushee said, "That's a different Board makeup, correct."

Ms. Brennan said, "It's the same question. I would assume their decision would be consistent with the prior Board's, but you have remanded to the H-Board before."

- Councilor Bushee said, "We would presume that staff would be consistent with what previous H-Boards have ruled as well, so I agree with Councilor Lindell."

Mr. Shandler said, "Well, I would argue that I have enough appeals in cases coming your way, that I could fill your docket for the next 4 months, and I will. So remanding it back for a decision they already made, in the big picture of things, may not be the most productive use of time, because it's going to be remanded back on a decision they already scolded staff for the exact same reasons. So I don't think they're going to say well you need to change back to this split rail fence, or tear down that fence, because we really don't like... we think staff over-reached. So my argument, in all due respect is to look at maybe a broader context. I respect the points you're making, and they're very good points, but in the broader context, that's why I brought this forward for dismissal at this point."

- Councilor Bushee said, "Listen, can I just be clear about one thing, that this is not a visibility issue. I've read a lot of different things."

Mr. Shandler said, "Right. The visibility in the minutes were used in two contexts. One, whether there would be sight visibility from the Traffic Engineer. The Traffic Engineer said there's no problem with sight triangle visibility. The second use of visibility is from Canyon Road. This particular fence goes up the driveway and is not visible from Canyon Road, according to the Historic Board."

- Councilor Rivera said, "So there was some direction given to take down the fireplace as well as the parapet on the garage. Was that done?"

Mr. Shandler said, "Yes."

- Councilor Rivera said, "Okay, so both of those. Do we know what the cost of those really were to put up and then, in essence, tear down again?"

Mr. Shandler said, "I don't have those facts. My working presumption is taking down the parapet was an expensive expenditure."

- Councilor Rivera said, "Then all we're really talking about here is the 4 foot fence."

Mr. Shandler said, "In Claim number 2, yes, Councilor Rivera."

Councilor Rivera said, "I understand what my colleagues are saying, and again, have some concern that we make some people follow the rules, and others are allowed to slide through it. They brought up similar concerns I had, so just wanted to make it clear that there has been some punishment and that had already been done to quite a large expense I guess."

**MOTION:** Councilor Ives moved, seconded by Councilor Bushee, to deny the dismissal of the appeal.

**VOTE:** The motion failed to pass on the following roll call vote:

**For:** Councilor Bushee, Councilor Dominguez, Councilor Ives and Councilor Lindell.

**Against:** Mayor Gonzales, Councilor Maestas, Councilor Trujillo, Councilor Rivera, and Councilor Dimas.

**MOTION:** Councilor Dominguez moved, seconded by Councilor Maestas, that the HDRB acted in accordance with law and reliance on substantive evidence and to dismiss the appeal in Case No. 2015-78, adopting the HDRB's Findings of Fact and Conclusions of Law as our own.

**VOTE:** The motion was approved on the following roll call vote:

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

**Against:** Councilor Bushee, Councilor Ives and Councilor Lindell.

14. **CASE NO. 2015-51. RECONSIDERATION OF THE DECISION OF THE GOVERNING BODY AT ITS JULY 8, 2015 MEETING DENYING THE APPEAL IN CASE NO. 2015-51 FROM THE MAY 7, 2015 DECISION OF THE PLANNING COMMISSION APPROVING THE REQUESTS OF THE BENEVOLENT AND PROTECTIVE ORDER OF THE ELKS LODGE NO. 460 TO DIVIDE ITS PROPERTY AT 1615 OLD PECOS TRAIL INTO TWO LOTS; AND OF MVG DEVELOPMENT/ MORNINGSTAR SENIOR LIVING'S REQUESTS FOR A SPECIAL USE PERMIT TO OPERATE A CONTINUING CARE FACILITY ON ONE OF SAID LOTS AND FOR DEVELOPMENT PLAN APPROVAL FOR THE CONSTRUCTION OF AN APPROXIMATELY 73,550 SQUARE FOOT BUILDING ON SAID LOT TO HOUSE SAID FACILITY. (Postponed to October 14, 2015 City Council Meeting at the Request of the parties)**

15. **MATTERS FROM THE CITY MANAGER**

There were no matters from the City Manager

16. **MATTERS FROM THE CITY ATTORNEY.  
EXECUTIVE SESSION**

Kelley Brennan, City Attorney said before she recommends the Executive Session, she would like to report that we had our Second Annual Vehicle Forfeiture Conference on September 2, 2015, and about 120 people attended. It was very successful and they are planning on doing it again next year, and she hopes to engage some of the members of the Governing Body on the panels.



Responding to Mayor Gonzales, Mr. Snyder said the Executive Session will be 5-10 minutes, but we do have dinner.

Mayor Gonzales said he would like to finish Items #17 and #18, before going into Executive Session.

**17. MATTERS FROM THE CITY CLERK**

There were no matters from the City Clerk.

**18. COMMUNICATIONS FROM THE GOVERNING BODY**

A copy of "Bills and Resolutions scheduled for introduction by members of the Governing Body," for the Council meeting of September 9, 2015, incorporated herewith to these minutes as Exhibit "4."

**Councilor Dimas**

Councilor Dimas wished his wife, Candy, a Happy Birthday, noting she will be celebrating her birthday on Saturday, and they will be celebrating their 33<sup>rd</sup> anniversary on September 22<sup>nd</sup>. He said his youngest daughter, Jessica, is expecting a baby girl, Addison, which is due tomorrow.

**Councilor Maestas**

Councilor Maestas introduced an Ordinance amending Subsection 18-10. SFCC 1987, to rededicate a portion of the Municipal Gross Receipts Tax to recreational facilities and bike and pedestrian pathways. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "5."

**Councilor Bushee**

Councilor Bushee said there is a rumor that the City is closing facilities, including libraries.

Mr. Snyder said he doesn't know where the rumor is coming from, and he responded to the email she forwarded to him earlier today.

Councilor Bushee said there are concerns to which there has been no response, and she needs to reissue the concern to whomever.

Councilor Bushee asked if it would be possible to do a small study session on the forfeitures, and she wants to know what happened in this year's state-wide conference on this issue. She is interested in the details of what we might need to amend, or not amend.

Ms. Brennan said she sent her a proposed amendment along the grounds she suggested, and she will resend it.

Councilor Bushee asked her to resend it, and asked to have a small meeting with herself, Councilor Lindell, Ms. Brennan and those associated with administering the ordinance. She also would like to explore whether it needs to be administered by the Police Department, or City Legal. She would like to know any changes that come forth from the Conference.

### **Councilor Ives**

Councilor Ives had no communications.

### **Mayor Gonzales**

Mayor Gonzales said tomorrow, his nephew, Joshua, will graduate the Fire Academy and become a Santa Fe Firefighter. He said he is very very proud of him for making it through the Fire Academy, and he is sure "he is making my brother, Anthony, very proud."

Mayor Gonzales introduced a Resolution sponsoring the upcoming Beirut Concert, a free community event, scheduled for October 4, 2015, on the Santa Fe Plaza; authorizing the closure of San Francisco Street for the event to allow for food vehicle vendors in the Plaza area. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "6." He said he will be using his public use this year for this Concert. He asked that the Chairs of Finance, Public Works and Public Utilities through their respective committees, noting it needs to go to the Council by the end of the month.

Councilor Bushee said she would like to cosponsor the Resolution, and asked if there will be shuttles, commenting she anticipates a very large attendance.

Mayor Gonzales said there was no discussion of shuttles by the organizers, but he will check and make sure that question is answered.

### **Councilor Dominguez**

Councilor Dominguez congratulated the Kiwanis on the burning of Zozobra, as well as to the City for all their work and support in making sure our residents are safe and we can enjoy that event. He said he also attended the Burnout Tournament which was very successful.

Councilor Dominguez said Fiesta will begin on Friday morning. He asked the public to enjoy fiestas and please be safe and responsible.

Councilor Dominguez said we need to get the Capital Budget approved as soon as possible, and out the door so we can get that portion of our budget complete.

**Councilor Lindell**

Councilor Lindell had no communications.

**Councilor Trujillo**

Councilor Trujillo wished a Happy Birthday to his mother who will be celebrating her birthday on Friday.

Councilor Trujillo said we had the softball tournament. He said it was a fabulous tournament and teams from throughout the State, commenting he was there at midnight and got to throw out the first pitch. He said there were some sixty plus teams from Albuquerque, Santa Rosa. He said it is growing. He said a shout-out to Paul Rodriguez and the members of the Santa Fe Slow Pitch Association for putting on the tournament at the MRC, as well as the Parks staff.

Councilor Trujillo said he was watching TV a few weeks ago, and twice a week, the City of Albuquerque is driving around and finding people who are panhandling and hiring them to work on the weed problem. He wants to set up a meeting with the City to see how it works.

Mayor Gonzales said he met with the City Manager and Chris Sanchez this morning and we directed him to reach out and study that program.

Councilor Trujillo said it is something we definitely should look into.

Mayor Gonzales said the City of Albuquerque partnered with a charity group that put up \$50,000, to go out and find people on street corners with signs saying, "We will work for food," and offer them a job for the day to do work in a public place.

Councilor Trujillo said they offer them \$45 per day, and pay them in cash at the end of the day.

Councilor Bushee asked if that meets the Living Wage.

Mayor Gonzales said will have to meet our Living Wage, for sure.

Councilor Trujillo said there is a man that picks up trash at Cerrillos and St. Francis, and that is good too.

### **Councilor Rivera**

Councilor Rivera wished his mother a Happy Birthday on Monday September 7<sup>th</sup>. He wished his eldest daughter, Gabrielle, a Happy 20<sup>th</sup> Birthday tomorrow.

Councilor Rivera said he heard about issues with the bridges on the night of Zozobra and would like an update on what happened, and any recommended remedies.

Mayor Gonzales said he was told that the Bridge was starting to bend down as people were coming across, so the call was made to shut it down quickly, noting that was at the beginning of the evening. He would like an update on a replacement and the costs.

Councilor Rivera asked if the bridge is still shut down.

Mayor Gonzales presumes it is.

Councilor Bushee would like a debriefing on Zozobra.

Councilor Lindell said last year after Zozobra, Mr. Sandoval called a meeting of people from the neighborhood.

Councilor Bushee said she would like to hear from staff and the Kiwanis if there is anything we need to improve for next year.

Mayor Gonzales said that could be done at the Public Safety Committee.

Councilor Rivera said he has asked Rob Carter to address the weeds on the medians on Airport Road which hasn't been done, and will be a tough task now that we have waited so long. He asked the City Manager to be sure that is done.

Councilor Rivera introduced a Resolution calling a Special Election to be held in the City of Santa Fe on March 1, 2016, in conjunction with the next regular Municipal Election, for the purpose of voting on the issuance of General Obligation Bonds in an aggregate principal amount of \$12,000,000; describing the purposes to which the bond proceeds would be put; providing the forms of the bond questions; providing for Notice of the Election; prescribing other details in connection with such election and bonds; and ratifying action previously taken in connection therewith. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "7."

**16. MATTERS FROM THE CITY ATTORNEY.  
EXECUTIVE SESSION**

**IN ACCORDANCE WITH THE NEW MEXICO OPEN MEETINGS ACT §10-15-1(H)(7)NMSA 1978, DISCUSSION REGARDING PENDING LITIGATION IN WHICH THE CITY OF SANTA FE IS A PARTICIPANT, INCLUDING, WITHOUT LIMITATION, DISCUSSION AND UPDATE ON MEDIATION UNDER THE DISPUTE RESOLUTION PROVISION OF THE WATER RESOURCES AGREEMENT BETWEEN THE CITY OF SANTA FE AND SANTA FE COUNTY; *CITY OF SANTA FE V. THE LIQUID COMPANY, INC., ET AL., FIRST JUDICIAL DISTRICT COURT, NO. D-101-CV-2015-01330.* (KELLEY BRENNAN).**

**MOTION:** Councilor Rivera moved, seconded by Councilor Trujillo, that the Council go into Executive Session, in accordance with the Open Meetings Act §10-15-1(H)(7) NMSA 1978, as recommended by the City Attorney for discussion regarding pending litigation in which the City of Santa Fe is a participant, including, without limitation, discussion and update on mediation under the Dispute Resolution Provision of the Water Resources Agreement between the City of Santa Fe and Santa Fe County, *City of Santa Fe v. The Liquid Company, Inc., et al., First Judicial District Court No. D-101-CV-2015-01330.*

**VOTE:** The motion was approved on the following roll call vote:

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

**Against:** None.

Mayor Gonzales said we will return from Executive Session shortly before 7:00 p.m.

The Council went into Executive Session at 6:12 p.m.

**MOTION TO COME OUT OF EXECUTIVE SESSION**

**MOTION:** At 7:05 p.m., Councilor Rivera moved, seconded by Councilor Ives, that the City Council come out of Executive Session and stated that the only items which were discussed in executive session were those items which were on the agenda, and no action was taken.

**VOTE:** The motion was approved on a voice vote with Mayor Gonzales, and Councilors Bushee, Dimas, Dominguez, Ives Lindell, Maestas, Rivera and Trujillo voting in favor of the motion and none against.

**END OF AFTERNOON SESSION AT APPROXIMATELY 7:05 P.M.**

## **EVENING SESSION**

### **A. CALL TO ORDER AND ROLL CALL**

The Evening Session was called to order by Mayor Javier M. Gonzales, at approximately 7:05 p.m. There was the presence of a quorum as follows:

#### **Members Present**

Mayor Javier M. Gonzales  
Councilor Peter N. Ives, Mayor Pro-Tem  
Councilor Patti J. Bushee  
Councilor Bill Dimas  
Councilor Carmichael A. Dominguez  
Councilor Signe I. Lindell  
Councilor Joseph M. Maestas  
Councilor Christopher M. Rivera  
Councilor Ronald S. Trujillo

#### **Others Attending**

Brian K. Snyder, City Manager  
Kelley Brennan, City Attorney  
Yolanda Y. Vigil, City Clerk  
Melessia Helberg, Council Stenographer

### **F. PETITIONS FROM THE FLOOR**

*Mayor Gonzales gave each person two minutes to petition the Governing Body.*

**David McQuarie, 2997 Calle Cerrada**, said there is a Federal Court Order that says when you overlay roads all intersections must be brought to standard for access. He said in 2014, overlay projects were done in August and September of that year, and no plans have been stated and no upgrade has been done. The same in 2015, the roads were overlaid in August 2015, but no plans and no updates. That brings us to 2013, a set of plans was done but they were sparse and incorrect and were not accepted. And our Committee recommended that you don't spend public funds on it because it was so incomplete. He said two public libraries were brought to safety standards in spite of the City Charter of anti-donation. Busy intersections weren't done. One was on Rodeo Road to the Chavez Center and the engineer said, well, "I don't want any pedestrians to cross." He asked if this is right. He asked since when you build roads and you don't allow pedestrians. Is that against the idea of roads. He said he's getting tired of being told by that same engineer, that apparently I can't really understand. He said, "I'm not capable, therefore, my estimation is *inaudible*, and I really wonder if you shouldn't file a hate crime investigation."

**F. APPOINTMENTS**

**SUSTAINABLE SANTA FE COMMISSION.**

Mayor Gonzales made the following appointments to the Sustainable Santa Fe Commission:

Chair – Beth R. Beloff – to fill unexpired term ending 05/2018;  
Glen Schiffbauer – Reappointment – term ending 05/2016;  
Amanda Hatherly – Reappointment – term ending 05/2016;  
Christian E. Casillas – to fill unexpired term ending 05/2018;  
John J. McGowan – to fill unexpired term ending 05/2018;  
Michael D. Loftin – to fill unexpired term ending 05/2016;  
Robb Young Hirsch – to fill unexpired term ending 05/2016;  
Tejinder Ciano – to fill unexpired term ending 05/2016; and  
Kathleen S. Holian – to fill unexpired term ending 05/2018.

**MOTION:** Councilor Bushee moved, seconded by Councilor Dimas, to approve these appointments.

**VOTE:** The motion was approved unanimously on a voice vote with Mayor Gonzales and Councilors Bushee, Dimas, Dominguez, Ives, Lindell, Maestas, Rivera and Trujillo voting in favor of the motion and none voting against.

**HUMAN SERVICES COMMITTEE.**

Mayor Gonzales made the following appointments to the Human Services Committee:

Marizza Montoya-Gansel – Reappointment – term ending 03/2019;  
Brian Serna – Reappointment – term ending 03/2019;  
Kristin E. Carmichael, LISW, MBA – to fill unexpired term ending 03/2018;  
Jeremy J. Perea – to fill unexpired term ending 03/2019; and  
Anthony A. Romero – to fill unexpired term ending 03/2019.

**MOTION:** Councilor Dominguez moved, seconded by Councilor Dimas, to approve these appointments.

**VOTE:** The motion was approved unanimously on a voice vote with Mayor Gonzales and Councilors Bushee, Dimas, Dominguez, Ives, Lindell, Maestas, Rivera and Trujillo voting in favor of the motion and none voting against.

## H. PUBLIC HEARINGS

### PULTE LAS SOLERAS

*Items H(1), H(2), H(3), H(4) and H(5) were combined for purposes of presentation, public hearing and discussion, but were voted upon separately.*

**Disclosure:** Councilor Ives said, "By the way, my wife is an attorney at Cuddy McCarthy, but I don't think she's involved in this and there's certainly no benefit to either her or I, from any of this proceeding, and I did speak with the City Attorney who did not perceive any conflict, as I did not either, but wanted to make sure I had disclosed that though."

A Memorandum prepared August 17, 2015, for the August 26, 2015 City Council meeting, with attachments, to Mayor Javier M. Gonzales and Members of the City Council, from Zach Thomas, Senior Planner, Current Planning Division, regarding Case #2014-124 General Plan Amendment, Case #2014-123 Master Plan Amendment, Case #2014-125 Rezoning and Case #2015-09 Electrical Transmission Line Relocation, is incorporated herewith to these minutes as Exhibit "8."

A Memorandum dated August 10, 2015, to Mayor Javier M. Gonzales and Members of the Governing Body, from Alexandra Ladd, Housing Special Projects Manager, Housing and Community Development Department; regarding Proposal for Alternate Compliance for SFHP Pulte Homes, Las Soleras, is incorporated herewith to these minutes as Exhibit "9."

A document, *Nava Adé shows neighborhood agreement with HOA Board position*, entered for the record by the Land Use Department, is incorporated herewith to these minutes as Exhibit "10."

A copy of the slide presentation *Pulte Homes Las Soleras Santa Fe*, dated September 9, 2015, entered for the record by Jim Siebert, is incorporated herewith to these minutes as Exhibit "11."

A copy of the slide presentation *Position on the Pulte Group's Proposal to Build Two New Neighborhoods in Las Soleras*, dated September 9, 2015, entered for the record by the Nava Adé Homeowners Association Board of Directors, is incorporated herewith to these minutes as Exhibit "12."

A copy of *Historical Perspective on Las Soleras Plans & Supporting Rationale for Pulte's Plan Amendments and Rezoning Requests*, with attachments, entered for the record by Richard Lange, is incorporated herewith to these minutes as Exhibit "13."

A copy of the *Memorandum of Understanding Regarding Compliance for Pulte Development in Las Soleras*, entered into on September 2, 2015, by and among Pulte Homes, Las Soleras Oeste, Ltd., the Housing Trust, the Coalition to End Homelessness, is incorporated herewith to these minutes as Exhibit "14."



A copy of a Memorandum dated August 25, 2015, to Garret Price, Kevin Patton, Scott Forrester Skip Skarsgard and Sharron Welsh, from James W. Siebert, regarding Timeframe for Submittal of Application for Low Income Housing Tax Credit, is incorporated herewith to these minutes as Exhibit "15."

A letter dated July 22, 2015, to Alexandra Ladd, Housing Special Projects Manager, from Hank Hughes, Executive Director, New Mexico Coalition to End Homelessness, is incorporated herewith to these minutes as Exhibit "16."

An article from *The Journal North*, by T.S. Last, *In the City Different, Renting Gets Tougher*, is incorporated herewith to these minutes as Exhibit "17."

A copy of the *Relocation Report for PNM 115 KV Transmission Line*, prepared for Pulte at Las Soleras, dated January 2015, is incorporated herewith to these minutes by reference, and is on file in and copies may be obtained from the City of Santa Fe Land Use Department.

A copy of *Pulte Homes Reports and Plans Prepared for the August 26, 2015 City Council Meeting*, is incorporated herewith to these minutes by reference, and is on file in and copies may be obtained from the City of Santa Fe Land Use Department.

### **Public Hearing**

*Mayor Gonzales gave Jim Siebert 30 minutes to make his presentation to the Council.*

### **Presentation by Applicant**

**James W. Siebert, James Siebert & Associates, Agent for the Pulte Group, and Garret Price, Vice President of Land, for Pulte Homes New Mexico, 1422 Stanford NE, Albuquerque 87106 [were sworn].**

Mr. Siebert said also in the audience is Sharron Welsh, Director, Santa Fe Housing, and Hank Hughes, Executive Director, New Mexico Coalition to End Homelessness, and they are available to answer any questions you may have regarding the affordable housing proposal.

Garret Price and James W. Siebert and presented information via slide presentation. Please see Exhibit "11" for specifics of this presentation.

### **Presentation by Nava Adé**

*Mayor Gonzales gave the Nava Adé Homeowners Association  
10 minutes to make its presentation*

**Kimberly Wiley, 4263 Riverside, member of Nava Adé HOA and Richard Lang, President of Nava Adé HOA, were sworn.**

Ms. Wyman and Mr. Lang presented information from Exhibit "12," via slide presentation, in support of the proposed development. Please see Exhibit "12," for specifics of this presentation.

Mr. Lange said of 3 minutes. GET HIS REMARKS FROM THE TAPE. Red border alternative. Residential densities would be eliminated. 129 acres to commercial uses.

### **Speaking to the Issue**

*Mayor Gonzales gave each person 2 minutes to speak to these requests  
All those speaking were sworn en masse*

**Elizabeth Van Denzen, 4444 Analise Lane, Nava Adé, [previously sworn],** said she is one of the 22 people in the minority on moving the open space. She said today's *Santa Fe New Mexican* is an excellent example of the reason she is in opposition in moving the active park space away from Monte del Sol. She said the soccer teams from Monte del Sol would have to bus away from campus to practice. She said as a former school athlete, she understands the important of having facilities at her school. She said it is an important way to create community within a school, and the way the open space and active park space has been moved away from Monte del Sol, they will be landlocked. As a resident a block away from Monte del Sol she welcomes access to an active park and will benefit her family's quality of life and will increase her property values. She works at home and can hear the students all day at Monte del Sol and they need access to outdoor space, and the ability to let off steam. At one of the previous Pulte presentations she heard that they don't need access, they'll just need to walk to the new active space. That could take up to 20 minutes of valuable class time in getting to and from that location. If it was closer, it would allow them to use more quality time in the outdoor space. She opposes the gated community in the second part of the Pulte development. She does not feel it is neighborly, nor Santa Fe-like. It doesn't feel they are part of her community in shutting themselves off and gating themselves away from her and her family. She said, "I pretty much agree with the Board on everything else."

**Steve Burns-Chavez, Landscape Architect, the National Park Service [previously sworn],** said he has lived in Nava Adé since 2000 and was involved with the original Las Soleras and this project. He said there are a lot of good things about this project, and would like to suggest that perhaps the Nava Adé Board doesn't represent the community as has been expressed or characterized. He said the reason is that in the original involvement in Las Soleras there was a committee which he chaired, so there was an opportunity for the community to participate in the presentation of our response to Las Soleras in recommendations to the Board. He said, "In March 2015, the Nava Adé HOA met at a family meeting, and he suggested that committee should be reconstituted because there were many people who were involved in this project for many years, or who have moved in and have interest in what the position of the community should be. He said it was made explicitly clear that any one person one person who was able to influence and be involved with the Board and that was Richard Lange. And in that meeting Mr. Lange

said his sole condition for being involved with this project is that he wouldn't have to be involved with the committee and no other community members were allowed to be involved with the Board. There was no announcement that the Board has all of the HOA and that the Board was going to be considering this project to provide input and interest in what they were doing. It was fairly closed between the Board and one person in the community."

Mr. Burns-Chavez continued, saying when he saw the results of the survey he was surprised, noting he lives near the project. He said all of the water will be channeled behind his house in a low spot and all the homes on the south side of Nava Adé. In the survey about the park, it was expressed in some response to the survey, the Board identified that most of the residents of Nava Adé were opposed to the active park. He said somebody should read what the survey said about the active park. The position of the Board opposes the location because of traffic, noise, crime and safety concerns and supports both these proposals to add open space on the south border. So, the demonization of a park is kind of unique. He said most real estate agents will tell you if you live near a park, it adds value to your home. The idea that it's going to increase crime, traffic and is bad for the quality of life is something fairly new and novel, and for those who responded to the survey, with that kind of language, it maybe influenced their response to that.

**Ellen Buselli, 4477 Dancing Ground, [previously sworn]**, said as a homeowner in Nava Adé and also one on Dancing Ground south of Governor Miles, she has been very concerned about the Las Soleras development plans and the Pulte plan. They want to protect and maintain the beauty of life in their wonderful Nava Adé community. She supports the Nava Adé Board of Directors response, the presentation you saw and the latest Pulte Plan. It will divert traffic from Nava Adé and connect Richards to Beckner before construction begins so it isn't going through Nava Adé which would be dangerous and cause terrible traffic problems as you know. She said, "I just wanted to state for the record that as a homeowner in Nava Adé, I agree with the plan wholeheartedly and think the public plan has addressed all our needs. Also relocating the 20 acre active park on the south border would be a very bad idea for our community if it caused traffic night and day, noise, crime and would really destroy the quality of life in our community." She said she also supports the low density housing which will enhance their property values and she is pleased that their Board has been able to address these important issue and work with the Pulte team.

**Gilbert Archuleta, Case Manager, St. Elizabeth's Shelter,[previously sworn]**, said he is in support of alternative compliance for the housing program, while providing rental units for affordable housing. At the shelter his job is to help people find affordable housing here in Santa Fe, which is almost impossible.

**Becky Stamm, 4136 Soaring Eagle Lane, Nava Adé, [previously sworn]**, said she is the daughter of Alan Stamm, and she respects a builder that considers the impact its development has on the community. She said Pulte has work with the Nava Adé HOA, in solving traffic concerns in Monte del Sol, and providing parks space in the community and the sports fields. She said the 3 acres which is about 3

football fields has already been given to Monte del Sol. It is adjacent to the School and there is enough room for the school to have all its sports and recreation needs met. She said, as a former PE teacher and coach she knows this from experience. She said she hopes the City Council sees the value of this quality master plan which benefits Nava Adé, Monte del Sol and the community."

Mayor Gonzales said it is an honor to meet a member of the Stamm family that provided so many homes to Santa Feans, and thanked her for all they have done and continue to do for our community.

**Hilario Romero, 1561 La Cieneguita, Vice President of La Cieneguita/Camino Real HOA, [previously sworn]**, said, although he does have concerns, he is in support of this development mostly because of the involvement of the developers in working with the community from the get-go, as opposed to his previous experiences with developers who came and went. He supports the plan because it shows that cooperation between the neighbors and the developers and that's what we want. He said he agrees with woman who spoke earlier that we don't needed gated communities in residential areas. He is concerned about the rock cairns on the Arroyo Chamiso. He said you can see the cairns from Cerrillos Road on the Arroyo Chamiso and those cairns better go higher. He watched the water during a downpour and it was really close to the top. He supports the plan because the Housing Trust and Sharon Welsh are involved in this, and the fact that Pulte is going above and beyond required amount of affordable housing on this spot.

**Hank Hughes, Executive Director, New Mexico Coalition to End Homelessness, [previously sworn]**, said he is here to express support for the affordable housing component of the project. He said the Santa Fe Community Housing Trust has been developing some of the best housing that includes homeless people around the State. He said we borrowed the model from our friends at the Colorado coalition in Denver who had been incorporating homeless people into tax credit projects for many years before we did it here. He said the Housing Trust has taken that model and improved upon it. He said their two housing projects, Village Sage and Stagecoach in Santa Fe are nice places to live. And homeless people do appreciate nice places to live. So it's really great we're going to have a few homeless people integrated into a mixed income apartment developed, so it is a nice mixed income community.

Mayor Gonzales thanked Mr. Hughes for everything he does for our homeless community.

**Rick Martinez, 725 Mesilla Road, President of the Neighborhood Network, [previously sworn]**, said he is in full support of this project. He said this was discussed with the Board, and he has worked with the Nava Adé HOA for about 8 years, and they've done a great job in working with the developers throughout the years. They are looking after their neighborhood and looking after the development itself. He throws a lot of support behind them, and for neighborhoods like this to do this in the future. He hopes this encourages a lot more neighbors to be involved so things like this go a lot smoother in the future.

**Frank Nordstrom, Cactus Flower, Member of the Nava Adé Board of directors, [previously sworn]**, said he came to Santa Fe as a 5<sup>th</sup> grader and stayed here most of his life, after attending UNM and NMSU, and then returned here, working for Eddie Ortiz as his Assistant Superintendent, commenting he was an outstanding Superintendent. He said he first heard about Las Soleras from Eddie Ortiz. He said at that time, he had no idea he would be standing here and talking about that. It is a very special development. You are in a wonderful position as a Council to make a difference for all of Santa Fe by what you do in Las Soleras. There are not many 550 acre parcels left in this City. There are many hospitals looking for a site in New Mexico cities. You have a great opportunity. He applauds this Governing Body for its work. He said the Nava Adé Board submitted so much information to this Governing Body, and about 1/10th of it has been presented tonight. He said comments were made which aren't supported by the data we provided to you. He said there was so much that preceded the survey they did that has been questioned tonight – countless emails to all of the community. He said the community knew the Board's position from the get-go. It was no surprise. He said near the end, between the meeting with the Planning Commission and this body, we wanted to serve it. But they filled out that survey with a great deal of knowledge of what each of those question meant.

**Dr. Robert Jesson, Head Learner, Monte del School, Head Learner, located at 4157 Walking Rain Road, and home address is 464 Cactus Lane, [previously sworn]**. Dr. Jesson said he welcomed the 7<sup>th</sup> grade to Monte del Sol at the beginning of this year, by telling when they are my age, it's going to be the year 2058. He said what he has heard in the discussion so far today is that this team is incredibly short-sighted. He said, "No one is speaking about the youth or potential youth of the residents. The children from Monte del Sol will not benefit from the regional park and will have to get in the park to drive there, and if it next to Paseo del Sol they would have walk there. This is what the children with the muddy shoes would have to do, because they'll be slashing in a retention pond next to their houses. I spent a month in Oaxaca this summer and didn't get into a car for the entire month. I saw projects on water retention from roofs. I saw projects on solar heating for water on top of houses. I don't see any of that thinking in this project. In previous meetings, I heard Pulte was the largest homebuilder in the United States, so large that it reminds me of the Exxon Valdez oil tanker. It doesn't turn very quickly, it has a project that is old fashioned and reminds me of General Motors vehicles built in 1972 which are now obsolete. In 20 years, the homes that are built in this community also will be obsolete. Thank you very much."

### **The Public Hearing was closed**

Mayor Gonzales said he would like to hear from staff regarding each of the Items in their Order on the Agenda, and he will begin with Item H(1)

### **Staff presentation and discussion on Item H(1)**

Alexandra Ladd presented information from her Memorandum of August 10, 2015. Please see Exhibit "9," for specifics of this presentation.

Ms. Ladd said, "I think this proposal is very innovative, in that it looks at how it could work between the public, private and non-private sector. And that's very powerful because each partner brings their own individual strengths to the table and can really achieve quite a substantial project based on that. And I wanted to touch base briefly. She said Jim Siebert showed a picture in his presentation of what the Housing Trust's most recent projects look like. And what I realized when I was listening to the testimony during the El Rio conversation with that a lot of people were still under the perception that low income rentals or subsidized rentals is too [inaudible] and green, just horrible pits of deplorable, crowded unsafe housing where people are entrenched in poverty and can barely claw their way out."

Ms. Ladd continued, "And the projects the Housing Trust has done in the past and what this project would have the intention of being is a green built, beautiful, very well situated housing. And I think the most important part here is this sort of new kind of subsidized housing offers services along with the subsidized rents and the shelter. And what is important about this is very low income renters rarely have more than one challenge. The lack of affordable housing is not the only thing they're dealing with. They don't get paid enough in their jobs, they don't have reliable child care for their kids, they don't have access to employment opportunities, decent health care, reliable transportation. The list can go on and on. And what I think is really innovative about this new housing model because it is fairly new, is that, because services are provided on site, there is an efficiency of scale there, obviously, for the provider. But there's also an ease of access for the tenant. So if you're wanting to take a GED class to try to get paid more, and you have to figure out childcare for your kid getting across town to a class, when are you going to have time to do it with your 3 low paying jobs. That's a lot harder than walking across the courtyard into a community where your kid can play on the playground equipment, etc."

Ms. Ladd continued, "Now any technical questions you have, I will refer them to the Housing Trust. And I should also mention, Ted Fisher from Habitat from Humanity is here as well. So any questions you might have about the 6 lots being donated to Habitat, he can speak to their development process and timeline, and how that would work for them. But Habitat's model is also very unique, in that they're putting very low income homeowners, almost lower than the City's lowest income tier, into homes, because of the way that they subsidize their home sales prices."

Ms. Ladd continued, "So, with all of this said, I think that the issue facing the Governing Body tonight is to consider whether it's enough to have a proposal that relies on a potential to provide affordable housing, and I don't say this because I doubt the capacity of any of the development partners. I cannot think of a proposal that I am more in support of, in terms of feeling like it would result in high quality rental housing that's desperately needed in our community. But if the alternate proposal is to pay a fee, we can calculate that, that's easy. Looking at the donated lots is a little bit harder because we're looking at a real estate value, and a real estate value is only what someone will pay for it, not so much the estimated value, but that's got at least a little bit of an equivalent value. But when you're looking at a potential to do something, no matter how well it's thought out, or how capable the developer, it's not a sure thing until it's a sure thing."

Ms. Ladd continued, "So what I would ask you, is how do we contemplate securitizing the proposed compliance. How do we know how to ensure that the community reaps the full benefit of what it's owed under our regulations. Are we setting up a mechanism that has some sort of claw-back provision

title restriction. Are we asking the developer, the applicant, to provide some sort of financial guaranty just in case the proposed project doesn't happen. And I ask these question, not because I know the answers, but because I think that these are questions that are important to consider when you're looking at this proposed compliance, and again, I want to emphasize that I have as much confidence as anyone could possibly have that this the right development team for this job. I just want to put out there that I think it's a little bit more complicated than just apples for apples. It's a different animal here."

Mayor Gonzales said Ms. Ladd went where all of us were focused a little. He applauded Ms. Ladd for recognizing that we have to be innovative and flexible in meeting the most immediate needs of our citizens, noting we are going to try to present changes to the Governing Body over time. He said, "I know Homewise and others have existing inventory they could put into production for these for sale properties, so there is an availability of potential supply out there, but these are tough. They are tough because they're competitive at the State level to get a 9% tax credit, the same discussion we had during El Rio when the proposal was made. Because it's so competitive, what happens in the event there isn't an allocation that takes place, and I think Garret, without putting you on the spot, you are the ones that made this proposal, and asked him to address the issue. He said as good as Sharron and her groups are, there are other groups, including our own Civic Housing Authority that are going to be competing for 9% tax credits over the next 1-2 years. The question is how do we assure that those Santa Feans the most in need of housing now are able to have their housing issues addressed if we're not successful, or Sharron may not be successful in the next round."

Mayor Gonzales continued, saying this is a critical point in approving the alternative, commenting he understands the issue of a hardship for Pulte is hard to argue, but the issue of a hardship for many Santa Feans who aren't getting access to this kind of housing, he can see that point. However, if the 9% tax credit doesn't work, they don't get access to the housing, and asked Mr. Price if this is correct.

Mr. Price said, "Absolutely 100% valid concerns. We provided you some context of why we're seeking this. When we first looked at Las Soleras, by no means did we want to come in and try to do a nonconventional project as it relates to affordable housing. We probably have provided more affordable housing through our company in the last decade and a half than any other group. So we're no way trying to circumvent the process. But when we were putting pencil to paper and looking at new lots with new infrastructure costs, it became challenging for us to do what we've done in the past, particularly given some of the high infrastructure requirements related to our project, such as building Beckner and some of the open space. It's a high cost project, I had shared with CDC and I don't mind doing that publicly. We're on a lot cost close to \$90,000, but we're still providing the price points that we had shared with you earlier."

Mr. Price continued, "Rather than telling my corporation that we can't find a project that works in Santa Fe, we sat with Alexandra, who is fantastic, and Sharron and others on your staff, and said, what other mechanisms are in place that we haven't done before Centex, and that's where this alternative means of compliance came about. And I understand it is a risk."

Mayor Gonzales asked what he is prepared to do.

Mr. Price said, "I'm not sure I have any legal way. If we could provide a financial guarantee, for example, that would provide the delta between the land that we're transferring and the obligation we're committing to, \$100,000 to complete the tax package, we would have met the normal means of compliance. Because that delta is what we would have put in our *pro forma*. So I'm sure other than we have reached an MOU with Hank, Pulte and Sharron, outlining our commitments. We have relationships with MFA, and we're going to be at the table, at least Las Soleras, we hope to invest in the future in Santa Fe, Mayor, that's a 5 year project."

Mayor Gonzales said, "So let me just ask you, Year 1 the tax credit doesn't get approved, Year 2 doesn't get approved, you've got a great relationship with MFA, but still we're not getting this tax credit done. Meanwhile, the obligation you're trying to convince us to go with isn't met. So we need something more."

Mr. Siebert said, "Let me discuss a couple of things that are on your desk and underneath your packet, you had another one that says Memorandum of Understanding [Exhibit "14"]. And the point here is that we put a great deal of thought into this, and the intent is to accomplish this as quickly as possible, and think the way to put it in perspective. It's a 5-year build-out. If you were to have the regular process, you wouldn't be able to accomplish those affordable homes within a period of less than 5 years. And what this does, it outlines the process, it outlines the payments that would take place by Pulte. And there is a signed document that I gave to the City Attorney on how it would be accomplished. And, in addition to that, what we've done is put a timeline and that's behind the MOU how it would be accomplished, so the Housing Trust would be able to make the deadline for the application on January 30, 2016. And that's assuming this project gets approved tonight, so that's the caveat that goes along with that. So what we've done is we've blended both what the requirements are by Pulte to accomplish their development in conjunction with accomplishing the Low Income Housing Tax Credit Project."

Mr. Siebert continued, "So what it says is this is an obligation on the part of Pulte and the Housing Trust to meet that timeframe to accomplish an application by January 30<sup>th</sup>. I think the important thing, if you'll give Sharron Welsh the opportunity.... the concern is well none of this will ever get accomplished, but I think you have a chance to listen Sharron Welsh and by what's she's done in the past, and what the prospects are, I think it would give you a better perspective on this."

Mayor Gonzales said, "Jim, just so we can get to this point, I don't think anyone up here nor on City staff doesn't believe Sharron can't get a good application put forward. That is a given, and she's proved they deliver. What I know is that the Council has approved or is working to approve the allocation of land for a 9% tax credit deal that's called the Arts and Creative Center, so that's going to compete with this project. I know that the Civic Housing Authority has notified they are going to submit two applications for 9% tax credit allocations. How many 9% tax credit allocations does the State do a year, Sharron."

**Sharron Welsh, Director, Santa Fe Housing, was sworn**, said about 21 people applied last year, anywhere between 19 to 25 projects will be applied for within the year. She said, "I think the Council should be aware it's not a competition that is subjective among the projects. It's not like, let's put some in the south and some in the north, like last year there 9 north of I-40. So, it's a competition based on a numerical scoring system that has the national federal priorities built into that. All of the projects that



achieve the highest scores under the priority system win. For instance, last year there were at least 3 projects that were approved in Lea County, two in Hobbs, Hobbs population 30,000, and they both scored the same, so they both qualified. So Santa Fe should all of projects score, all of our projects would and the people would buy the tax credits for them because the 3 projects wouldn't feel the brunt. The Housing Authority is supporting these projects and I think we have Jonathan Palmer here, and Dave Martinez is here. Ed wanted to be here, he couldn't. We united in supporting each others projects."

Mayor Gonzales said so there would be multiple projects coming out of Santa Fe.

Ms. Welsh said, "Yes, no limit to it. They could all be from right here."

Mayor Gonzales said last year there were 19-22 applications, none approved north of I-40.

Ms. Welsh said, "Not last year, because we didn't have the needs priority that the south did, nor did we have the requisite 10% public donation to the project."

Mayor Gonzales said, "Let me ask your opinion to help us get over this. How do we assure that you actually have a project to put up that's important."

Mr. Welsh said, "We have the support of The Coalition to End Homelessness, and all the shelters in town, because we partner with them on the projects to assure that a good size portion of the project, like 15-25% of the project, at all times, has tenants occupying that are emergent for homes. So we have a very strong support team, and all of our support lends its service and capabilities to the project. That's why it works and it doesn't cost a fortune, because we just work together, instead of running in different directions, separately. So anyway, it will have a professional design team. They're paying for the design team with one designer working with both projects. Both projects are LEEDS platinum, and both times we applied for the projects, we got it first time out in Santa Fe, against all odds, but because they're good projects."

Mayor Gonzales said he hasn't gotten the answer he wanted, but he is assuming that all you can tell us right now is that you willing to offer, is there is an MOU and hopefully, we get the tax credit because we've got a good team, and if not, that's kind of the deal you're making with us.

Mr. Price said, "Mayor you are absolutely correct. I wish I had a solution that could satisfy your concerns that was a legal document or a financial guaranty. If we could do that, our claw-back provision previously suggested, we probably would have done the affordable housing through the commission and paid the fee-in-lieu. I do know that, in speaking to Alexandra and others, those projects that you had mentioned, Mayor, of the other ones we compete against, those sound like they may be in year two or year out. If approved in the near future at Council, we would transfer this property, 4½ acres, immediately, which provides Sharron the opportunity to get this application in this year. So it sounds like maybe those competing interests are not going happen if we can get this application this year."

Councilor Bushee asked if this project isn't forthcoming, can we have the fee-in-lieu as a guaranty or bond that we're not going to be left empty handed. She said we want to support this effort, it's the greatest needs. She asked how it is going to work in terms of the timeline and build-out.

Ms. Ladd said tracking it is a matter of calling Sharron and asking, noting the Housing Trust is such a long time partner with the City that we could stay on top of it. The timing would be determined by the actual allocation of the tax credits, so there is a period of time where the housing has to be built if the tax credits are granted.

Councilor Bushee asked if we could do an alternative backup in terms of the fee-in-lieu if this falls through.

Ms. Ladd said, "I would love that."

Councilor Bushee said, "That's just creative paperwork, right."

Mr. Price said, "Alexandra and I had that conversation several months ago, but when you calculate the fee-in-lieu it is \$7 million. Again, if that was an option, financially for this project specifically, we would have either paid it or agree to do a *[inaudible]* for the last 15 years, and provide the affordable housing through the 20% within the community. Maybe there's a mechanism. I don't know that financially we can get to the full current fee-in-lieu, the way it's calculated. I question the criteria and the cost per home or per lot. Again, if we paid that fee-in-lieu, the project is not financially feasible. So having that as a claw-back would be a challenge for us to guarantee that fee-in-lieu of the low income housing tax credit is not approved. But I understand, and your concerns are valid. I don't have the solution, Mayor Gonzales, you are looking for and I apologize."

Ms. Ladd said, "One thought would be, if the parcel is deeded to the City, at some point down the line, if the project hasn't happened, at that point in time we could value what the parcel is worth, and maybe there's a difference between the value of the asset and what the original fee-in-lieu would be, and maybe at that point it would be a much lower amount, but it would still be a fee."

Councilor Bushee said then they would have an opportunity to sell some of the homes and have the ability to pay the rest, and asked if that is possible within the confines of our Ordinance.

Ms. Ladd said our Ordinance is quite vague when it comes to alternate compliance, but it is very very specific on how the homes get delivered. So it is a negotiation and there's a lot of flexibility.

Councilor Bushee said everybody wants to be trusting. However, we've seen these things fall through before. She is having a hard time with the hardship concept. She understands they are aiming for a price point that's going to meet the market need, but she wants to make sure there is compliance.

Councilor Dimas said, "Two things. One, is I live in Villa Sonata, and am a neighbor to Nava Adé, and know many of you from Nava Adé from knocking on your doors, and also being involved with the Association at times. I've lived in a Pulte Home in Villa Sonata and it's a great product. I enjoy the area

which is very nice. However, I'm a little concerned about the affordable housing part of this. The reason I say that is because we have a lot of affordable homes in Villa Sonata, and a lot of young, professional people living in those homes. And I think home ownership here in Santa Fe is a real critical for our young people to be able to own a home and not have to rent an apartment. That's the one part of this I'm not in agreement with as far as affordable housing is concerned."

Councilor Dimas continued, "And I agree with Councilor Bushee, if there is something we could.... I know there's no guarantees in any of this, but I think it's important to have something to fall back on. For me, I would rather see the acreage you've giving up for the apartment complex go to the School, and allow them to have the acreage they need for the fields, and have the affordable housing in the project. And I think that just makes sense. I know it doesn't make sense to you, but it certainly makes sense to the young people that are going to school there and for the young individuals looking to have home ownership. And the homes you built in Villa Sonata, I will say the affordable homes are very nice. In fact my daughter bought one. She lives two blocks from us. She would have not otherwise been able to buy a home, and she bought it through the Housing Trust in Santa Fe, and they helped her immensely. She's a school teacher, and they don't make a whole lot of money, but she's able to own her own home as a result. And I think it's important for other young people that live here too. I don't think they want to rent apartments, quite frankly; I think they want to own their homes."

Councilor Dimas continued, "So if there's something that can be built into this... I'm all for this project. I'm excited about it. I've seen Pulte homes over the years, and seen a lot of the model homes in Albuquerque and Rio Rancho, and I'm just really impressed with what you've done with them. As I said, we love our home. It's a great house, there's a few things I want to talk to you about. I will say one thing, I hope the streets aren't as narrow as they are in our neighborhood, because you can't park a car on a lot of the streets in Villa Sonata. And hopefully you will have regular streets. I don't know how you're going to rectify the problem we have, unless you knock down a house or two and increase the area of the streets."

Councilor Dominguez said, "We're just on the affordable housing piece right now, so just a couple of questions on that. I imagine the provision on the table right now... this is for the Applicant... is contingent on whether or not we approve the Rezoning and the General Plan Amendment. So it makes no sense for us to approve this affordable housing contingency and then approve the General Plan Amendment and the Rezoning. It's kind of putting the cart before the horse, if you will. That's why I was hoping to have some of the discussion about the General Plan Amendment and Rezoning first, but we're not going there, so I won't go there."

Councilor Dominguez continued, "Two other questions. We've talked in the past about not supporting the clustering of affordable homes. How does Pulte see that."

Mr. Price said, "Again, our philosophy about clustering homes. We support the current Ordinance. We've been a huge proponent and advocate of affordable housing in the current Ordinance which provides you don't put them in the same location. The nuances of the low income housing tax and doing rentals makes it where those are basically put in one location, given the type of use and the high density type of project that is. We intentionally put it right next door so it's part of the community and right next to the trails and roads and not putting them near the VA or the commercial locations. We felt mixing single family

detached and across the street... and this is a high density project next door. For our philosophical view of that, we support it, and frankly, we're looking at other projects within Santa Fe we would meet the normal means of affordable housing.

Councilor Dominguez said, "What you're saying is outside the credit homes, you're going to go ahead and not cluster."

Mr. Price said, "Yes. Specifically Councilor, I hope I'm answering your question. So the Habitat homes, for example, if you look at that exhibit, they're sprinkled throughout the community and not put in one location. They're disbursed among the balance of the homes. We believe in that in Villa Sonata, to Councilor Dimas' point and in Colores del Sol have them throughout the community, and we're a large fan of that. It's just the nuances of doing a high density rental doesn't allow itself to be put right in the location of the single family detached, but it's right across the road within a minute walking."

Councilor Dimas asked Mr. Siebert how this works in the entire Las Soleras Master Plan. He asked is the intention to do all of the affordable housing in this phase and this application right here, or is it the intent to spread it throughout the entire Master Plan.

Mr. Siebert said, "What's happening is, there's another project called Ross's Peak, and actually they do meet the 20% requirement internally, but they also had the ability to apply for the increase in density that is permitted under the Affordable Housing Ordinance. So there is an offset there. Pulte doesn't have that benefit because they have product to provide and doesn't do increases in density. The answer is that these two projects here represent pretty much represent all of the single family housing in Las Soleras. The remainder area, and this 4 ½ acres is within that remainder area and is zoned for apartments. And we anticipate there will be another approximately 500 apartment units. So the answer would be that, the answer is between the two projects for single family, this is the proposal for affordable housing. The apartments would probably have to come in for application."

Councilor Dominguez asked how the phasing will look like in two years. He asked how we ensure that in 2-3 years we can relook at being able to somehow comply with the intent of what it is you're trying to get to.

Mr. Price said, "The phasing, I wish we had the exhibits still up. Does that exhibit demonstrate the lot plan. Maybe if you look at your package and then Jim can show it. So within the age targeted community, and within the traditional targeted family buyers, we have 2 phases of development, so in essence there are 4 phases. Two within each of the demographics. We're here trying to get approvals for starting Phase 1 of the Pulte traditional. We'll be back before you in about 1½ years, once we're able to deliver finished lots, if all goes well for the entitlement process, we would like to begin development in November, start models in June. We anticipate current absorption, between those two, 5 units a month selling. So that would be 1 ½ years we would be back to you seeking approvals for Phase 2 of both of those projects. Does that answer your question, Councilor. "

Councilor Dominguez said it does. He said he knows this is the intent and the goal, but who knows what the market is going to do. He said, "Getting it on the record I would like to say is good enough, but we know how that goes."

Councilor Dominguez continued, "I guess the comment I wanted to make, Mayor Pro-Tem, and then a question about process. There is a reason why the existing Master Plan is the way is. There are urban densities that have been debated and talked about, discussed at length, since the late 1990's, since I was on the Planning Commission. I think you remember that Jim. And we had discussions about that since way back then. What we're doing, in essence, is lowering densities and getting away from the urban theory and lowering densities and going to a more rural kind of density. A perfect example demonstrating how that discussion is relevant, are the questions Councilor Dimas was asking, and how we deal with multi-family dwellings and the changing demographics in our community. I'm a little nervous, maybe, about moving away from.... the whole reason we have an Annexation Agreement is because negotiated hard, and debated at length the urban densities and the densities articulated in the existing Master Plan. So I want to make that point very clear."

Councilor Dominguez continued, "And Mayor, the question I have regarding procedure is that really, approving the affordable housing component is contingent on whether or not we approve the...."

Mayor Gonzales said the City Manager was talking to me about modifying this, and rather than voting on each one, to go ahead and allow for discussion through each one of them, and then we'll come back and take them off for votes, that way we don't get hung up, as we are right now on just the affordable housing. He said, "Maybe the Pulte guys will be able to think something through where we work through some of the others, but I think our concerns have been brought up on that. What I hear you saying, and what the Manager suggested, is to continue to go down each of the issues to debate and then we'll just roll back in for the votes. Is that right."

Councilor Dominguez said he has questions on two outlying issues, and he has other questions on two categories dealing with parks and schools.

Mayor Gonzales asked the Governing Body if we should open it up on what is here and we can get all our questions asked and answered on all cases.

Councilor Maestas asked if that is opening it to all subjects and Mayor Gonzales said yes.

Mayor Gonzales said he had hope to go through each one, but seeing how we're getting hung up on one and there's a lot of substance to be discussed on the other issues, we probably should let all the Council go ahead and get all their questions out, and they can direct them to each of the staff members here for each of the areas, or not.

Mr. Smith said, "I believe the staff had anticipated a 10 minute presentation on the Master Plan issues, if that is the pleasure of the Council.

Mayor Gonzales said the Governing Body can ask questions and staff can address issues.

Mr. Smith said, "Staff had also considered presenting the action of the Planning Commission and their recommendations as well."

**Staff presentation [if any] and discussion on Items H(2), H(3), H(4) and H(5)**

Councilor Dominguez said in the Staff Report [Exhibit "8"] it basically talks about how the realignment of the road does not promote connectivity, which he can see in the example given by Mr. Siebert. He said, "You really have two roads going north/south, where before you had a road that kind of went from the south to the Norwest and then you had the little connector that kind of went east. So is that why you're saying this does not promote road connectivity. You have two north/south alignments instead of one that goes a little northeast/southeast."

**Zack Thomas, Senior Planner, Current Planning Division**, said, "Yes. That is correct. That's one of the two reasons. Basically in the original Master Plan, you had Walking Rain Road connected to Railrunner Road. That has been reconfigured to connect straight down to Beckner. And so, you eliminate the connection to Railrunner Road. In addition, there also was a planned road from the Nava Adé Subdivision also to Beckner. So one of those connections in this proposal is eliminated. There was also reference to the decrease in connectivity having to do with the gated community portion that would be on the west side of Walking Rain Road. And with the gated community, those are private roads and not accessible by the public. So that was the other component to that."

Councilor Dominguez said perhaps this is a traffic question. He asked if we are anticipating with this road network that there is not going to be sufficient traffic flow.

Mr. Thomas said John Romero, Traffic Engineer, reviewed the traffic analysis for this project.

Councilor Dominguez asked, "Given the proposed road alignments, is that going to ensure adequate traffic flow throughout the development."

**John Romero, Director, Traffic Engineering Division**, said, "I believe so. I think it did remove the connection from Walking Rain to Railrunner, but then it introduced the connection from Walking Rain to Becker. And my sense is, it's more of a grid system, which I think will operate more efficiently, or has the potential to operate more efficiently than what was previously proposed."

Councilor Dominguez said he is hearing conflicting statements from staff, "but I'll just leave it at that."

Councilor Dominguez said, "So, Kelley, this is a question for you. I guess this is in regards to the Annexation Agreement. We've kind of considered how this change in this Plan complies with the, it could

even be a complicated Annexation Agreement we have with the County and everyone else that is a party to that. So in other words, are we in compliance with the Annexation Agreement if we change the zoning and amend the Master Plan."

Ms. Brennan said, "I think we contemplate change with annexation agreements, and as long as it's approved by this body, I think it's permissible. If it required an amendment to the Annexation Agreement, we would..."

Councilor Dominguez asked, "Have you tested this against the existing Agreement."

Ms. Brennan said, "No, I have not."

Councilor Dominguez asked, "Is there a need to."

Ms. Brennan said, "I would certainly look at it, yes, but I think that typically, we don't go back in time, that you have the authority to amend these plans and to rezone, and that it would not be a conflict."

Councilor Dominguez said, "So the Annexation Agreement then would change with whatever action we take tonight, if there is any, if we approve the change."

Ms. Brennan said, "If we needed to, we would go back and so that, but I think typically, changes contemplated to master plans by Ordinance can be amended, areas can be rezoned, and I don't think it's a conflict."

Councilor Dominguez said, "There were a lot of water agreements in the Annexation Agreement that were specific to this development. And I just want to know, from staff's perspective, whether or not those agreements are still in place. Are we going to have to come back and debate the Annexation Agreement again. What is that we're really doing. Because don't forget, and this goes back to the statement I made before, the entire reason we have an Annexation Agreement is because of this development and their need to amend their General Plan before. I just want to make sure we're all talking the same stuff here."

Ms. Brennan said, "I understand."

Councilor Dominguez said it makes him uncomfortable to think we would have to redo the Annexation Agreement. Councilor Dominguez asked if there is someone from the schools here.

**Nancy Nieto, Cuddy & McCarthy, representing Santa Fe Public Schools, was sworn.**

Councilor Dominguez said there is a requirement that an applicant come before the Governing with regard to Schools because we have been accused in the past of approving plans without considering the impact on Schools. He said there is a letter from the Santa Fe Public Schools regarding this project. He asked if this will be a K-8, or what the District is proposing.

Ms. Nieto said at this point, the particular type of school hasn't been determined by the Board of Education. However, the Planning Commission imposed a condition of approval that the applicant make a commitment to provide at least 10 acres of buildable land and that commitment is collateralized by another lot within the Master Plan area.

Commissioner Dominguez said, "Then you is saying, based on the demographics and everything that is on the table, you will need another school."

Ms. Nieto said yes.

Councilor Dominguez said he would agree, noting other schools west of the project already are over and above capacity. He said there are different formulas throughout the country, and a formula provided by the State that allows you to indicate how many students a development is going to have. He asked if that analysis has been done.

Ms. Nieto said no. She said at the Planning Commission meeting there was testimony from the Property Manager for the School District that they needed a minimum of 10 buildable acres to meet the School needs.

Councilor Dominguez said, "For the record, and to make it clear for everyone, the charter school is not the anticipated school that would take in additional students."

Ms. Nieto said no, "That charter school is a State charter school and not intended to serve the anticipated need for the public schools."

Councilor Dominguez said, "For the Applicant, Skip you want to come up."

Mayor Gonzales asked if this relates to the broader Las Soleras.

Councilor Dominguez said yes.

Mayor Gonzales said, "So I think Skip can probably do it."

**Gordon "Skip" Skarsgard, Las Soleras Development, 808 El Alhambra Circle NW, Albuquerque, was sworn.**

Councilor Dominguez asked, "Just for the record where is the school site in the proposed Master plan."

Mr. Skarsgard said, "There is not a proposed school site, because we have discussed with the Schools 3 separate sites and each one of them failed to pass the test that the School Board applied to it, so now, we're saying that we will assist the Public Schools in arranging a site either within Las Soleras, close by neighbors or somewhere across the freeway until they get an acceptable 10 acre site that we can assist in providing for them."



Councilor Dominguez said then right now the students who will be living in this development don't have a school to attend.

Mr. Skarsgard said there are existing schools.

Councilor Dominguez said there are existing, over-crowded schools.

Mr. Skarsgard said, "Okay. But as soon as we can locate an acceptable parcel, we will acquire it for the schools."

Councilor Dominguez asked, "What if one of those parcels was one of the commercial parcels."

Mr. Skarsgard we offered one, and it was declined. They didn't want the school located in an industrial area, nor close to the freeway because of noise, pollution and whatever else.

Councilor Dominguez asked if there are sites within the Pulte part of the project that would be sufficient for a school – the entire project and not just Pulte.

Mr. Skarsgard said Pulte's 104 acres they are acquiring is committed to housing and it contains the on-site parks, trails, streets and houses.

Councilor Dominguez asked if there is a sufficient school site on the Pulte part of the project.

Mr. Skarsgard said no, not if you want 10 acres, noting the 104 acres is committed to housing.

Councilor Dominguez said, "But you could commit some of it to the Public Schools if you wanted to, if the numbers work out. I'm not going to get into a debate about what's profitable for the organization or the company. I just want to know, if you wanted to, you could allocate some of that land to the Public Schools."

Mr. Siebert said, "Let me answer that, Mayor. Councilor Dominguez, in fact there is an approximately 22 acre site that was zoned R-6, and so is R-6 an institutional. That's one of the sites that was provided to the Public Schools. That's within the current boundary of Pulte. And after they evaluated it, there was 35 feet of *[inaudible]* across the property, and it just wasn't practical for them to develop it. In fact, we did offer one of those sites there, and it was not suitable for the Schools. Our dilemma is we can offer sites, but the School Board has to be willing to accept those sites."

Councilor Dominguez said he understands, but his concern is that in the entire 540 acres of the Master Plan, we can't find an adequate site for the school, reiterating we have overcrowding in the schools throughout the rest of the District.

Councilor Dominguez asked if age 55 is the age targeted area. *[no audible response to the question]*

Councilor Dominguez said he knows from the research he's done that there is a trend in multi-generational housing, and asked how many students will be living in the age targeted area. He said the "vibe" is that there will be no school age students, but the reality is that there will be school age children there because of the trend throughout the country.

Mr. Price said, "It's been our experience where we've done multi-generational master plans that when we do age targeted, that 10-15% of the homes we're selling, oftentimes may have a family in there. Typically it tends to be an older child, it is an emerging empty-nester, so high school age. We have historical data from across the country that supports that. Again, the homes are designed with minimal bedroom count, and we are not putting in the tot lots and those things that would attract a family buyer."

Councilor Dominguez said the age targeted and traditional portions of the development will generate students.

Mr. Price said yes, particularly traditional. In Villa Sonata, for example there are 40% empty nesters and 60% families without a real strategy, whereas is a more formal strategy.

Councilor Dominguez said he will move forward to his questions about parks. He thanked Mr. Price for all of the information. He reviewed the previous minutes from the first time they requested an amendment to try to refresh his memory about the theory and intent was at the time.

Councilor Dominguez asked if there is a topological map of the terrain for the proposed park space.

Mr. Siebert said they had that it for the Planning Commission, but doesn't believe it is in the Council packet.

Councilor Dominguez said in the past there has been open space which was really arroyos and challenging terrain and it's been called park space, but obviously it isn't usable for a park because of the challenging terrain. He wanted to look at the terrain in the proposed area for the park. He said the discussion back then, was that we would have active park space, not just areas colored green and areas for people to walk or participate in more passive park activity. He asked Mr. Siebert to talk about the proposed park space.

Mr. Siebert said, "What I can say is that the original park, 21.5 acres is the flattest land in Las Soleras and the reason it was picked for the original park, besides it's centrality." He said there is 15 feet of *[inaudible]* going from the east to the west, from Railrunner Road to the boundary of Las Soleras. It is very *[inaudible]* for play fields."

Councilor Dominguez said originally you were going to provide 10 acres of park space.

Mr. Siebert said, "No, the Master Plan itself devised the 21.5 acres."

Councilor Dominguez said he is speaking of the discussion prior to that to get to that acreage. How did we get to the existing number of acres for park space.

Mr. Siebert said, "The 21.5 acres is part of the original master Plan. What is proposed now, is an additional 7 acres adjacent to that 21.5 acres."

Councilor Dominguez asked how many acres currently are approved.

Mr. Siebert said 21.5 for a regional park.

Councilor Dominguez asked, "What was that changed from when you amended your Master Plan the first or second time around."

Mr. Siebert said he is confused about the amendment, and what they were looking at is what the Council approved in 2008, and it was actually included in 2009. He said, "Really, there are no amendments, although there is a discussion about the plan presented in 2003, and then it went to the County instead of the City, if you recall that. And maybe that's what you're talking about. What the Council approved is in fact the 21.5 acres that you approved."

Councilor Dominguez said that was after some Council negotiation to get the space we felt we needed at the time for the development.

Mr. Siebert said his recollection of the hearing was that they came in with a 21.5 acre park. He said at the very end of the hearing, Councilor Ortiz said we need another 20 acres of active park land. And they said that would be determined by the Planning Commission at a later time. In fact, it went back to the Planning Commission, the Planning Commission said you can spread the 20 acres across Las Soleras in small parcels.

Councilor Dominguez said that's not what the Governing Body said.

Mr. Siebert said, "What the condition was, Mr. [Councilor] Ortiz proposed, was that we would have to go back to the Planning Commission and send it all of it back to the City Council."

Councilor Dominguez said right now we have this goal to make sure we have 5 acres of active park space per 1,000 people.

Mr. Siebert said, "To be precise, what the Code says is that for the regional park, you have .024 acres per dwelling unit. And as I point out on the slides, with 1,000 dwelling units, you would have 24 acres of park required under the City Code."

Councilor Dominguez asked how much of the park space is usable – how much is active and how much is passive.

Mr. Siebert said, "Of the 21.5 acres, what we have done, we've looked at, if you would take regulation soccer fields, and we just did this as an exercise, you could lay about 4 regional soccer fields on that 21.5 acre parcel."

Councilor Dominguez asked if part of the direction is that you consult with the Public Schools on the park space as well.

Mr. Siebert said yes, noting it included City staff and the Santa Fe Public Schools.

Councilor Dominguez asked if they have responded to him about the Park space itself.

Mr. Siebert said, "I think that's where the confusion come in. One part of that, and if you go back to the minutes, you can see the confusion that took place, because this is a condition that was already applied. It was our understanding on this 10 acres of park and 10 acres to be allocated to the Schools, and I think the Public Schools take that same position."

Councilor Dominguez asked if we are complying with that.

Mr. Siebert said what has been complied with is that we're adding 7 acres, okay, if you take it 10 and 10, we're falling short by 3 acres. If you take a look at what we're providing in the way of additional open space, it's 6 acres. In the open space, every bit of the open space that is provided is a trail system. Does that make it active on the part of the staff, and they said it doesn't. It's got to be something like a play field or recreational playground equipment. He said, "It seems to me that if you take those two, then you've exceeded the 10 acres, and if you take the commitment for the school, then you've met the 20 acre requirement."

Councilor Dominguez quoted from the minutes from 2009, "*Councilor Ortiz said the reason Tracts 10 and 15 were chosen for you to make a decision was because of the proximity to the school.*" So I think the intent to make sure there was enough space for the School District to be able to hold their activities without impeding the public's use of park space as well. And I don't know if that's clearly articulated either in your proposal or with what the District is providing us. At least I don't see it in your proposal. For me, it's not clearly articulated like that in the proposal. I think if you read the minutes from 2009, the intent is not as clear as it could be, but it's pretty clear. And that we have active space for folks to be able to use in the development. And I don't see that very clearly in the application. I'll go ahead and yield the floor, Mayor, I don't really have any other questions, and we'll see how things go. But I want to thank you for your work. I want to thank the public for their time as well. It's been a long time. Hopefully we can get this project finalized once and for all."

Councilor Maestas, "Zach, if you don't mind taking this question. I used to be a transportation planner in a previous career. And the jobs/housing balance, I think really resonates when I look kind of a large Master Plan like this. So is the jobs/housing an aspirational planning goal, or did we actually take a certain area of the development and calculate anticipated jobs with the right demographic that could hold those jobs. Did we do that calculation."

Mr. Thomas said, "I think there's two parts to that question. Let me address the first part. One, generally speaking, yes, the jobs/housing balance was an essential component or concept for the whole Las Soleras Master Plan. It was adopted as part of an Annexation Agreement and centered around a concept of living and working and shopping, and having a variety of those uses within a central location, especially centralized around, at the time, what was the time the planned Rail Runner station. That's been put on hold indefinitely for the time being by the State as far as staff is aware. The first part of the question, yes, it was definitely was a central component. The second part is whether or not hard numbers were crunched. What I would defer to Reed in Long Range Planning is who would have been involved in that, if that were the case."

Councilor Maestas said, "There is no need to crunch numbers, but I think intuitively if we lower the density that's going to throw our jobs/housing goal balance off. And if we designate a certain portion of the development for an older demographic, will that really disrupt the goal of having jobs/housing balance."

Mr. Thomas said, "That was a thought of staff. So, the original mix of densities in the Master Plan today, mixed with the commercial components and institutional components such as the hospital and the commercial along the I-25 frontage, that is definitely in the thought of staff in looking at and analyzing this project, that this has the potential to skew or adjust that jobs/housing balance in a less favorable favor, because of higher density, affordable housing and especially the age targeted which many of those might not even be of working age, or semi-retired, or part time residents. Hard numbers, we just don't necessarily possess that information at this time."

Councilor Maestas said, "Then we can safely say if we don't have the folks for the jobs, we're essentially going to create these little commuter sheds going through Pulte homes, instead of aspirationally trying to have those folks that live there hold the jobs in the Pulte Development."

Mr. Thomas said that is a potential, yes.

Councilor Maestas said this is a rare opportunity we have, noting we see Santa Fe as the center of government but we don't really have the housing, so we have some pretty heavy commuter sheds in the surrounding region. When you have a Master Plan development like this it's a great opportunity, it's a planner dream, to have jobs/housing balance, and factor in minimizing commuting, improving quality of life. We still have a golden opportunity to achieve a lot of these aspirational planning goals versus the past history where we try and spot zone. There are issues of that potential development not being in character with the area, but we don't have that here. We have a master planned community that has been debated, discussed, that have these goals of having mixed use, a jobs/housing balance, a logic roadway network. He said there are a lot of people from Nava Adé are here and you did countless hours of work because of the changes to the Master Plan, and you want to preserve the quality of life of your neighborhood, just as any other neighborhood.

Councilor Maestas continued saying, as a transportation planner and having a rare opportunity to implement a Master Planned Community with the goals we spoke about, this is a golden opportunity. He sees the proposed amendments as almost decimating those master planning goals in this development. He said, with all due respect, this particular request before us has essentially become kind of a *de facto*

phase of Nava Adé, instead of the first major phase of Las Soleras. He can understand the pressure happening. He thinks there are other issues that play into this. He said Santa Fe has half the density of Albuquerque, and we don't have near that land base. He said we all say we want higher density, but it's very difficult when you're working in a developed area, but this isn't necessarily a fully developed area. He thinks we're missing an opportunity.

Councilor Maestas continued saying, with regard to the affordable housing alternative, he can see the net benefit. Part of our affordable housing goals are to put people in single family homes. He thinks there are things which we are accomplishing in terms of single home ownership. He said he has issues with this, saying he isn't sure if it is worth the net benefit of assisting 16 more families.

Councilor Maestas continued, saying in looking at the location of the low income housing tax credit site, he doesn't see it as integrated, but as segregated and isolated, with the regional park to the north, to the west a trail, to the east a road, adjacent to a proposed gated communities. He can't imagine the quality of life in that low income tax credit site would be as high as owning a home in the development proper. He sees the net benefit, but thinks we're compromising on other benefits from 60 families that could own a single-family home in that development. He said he has issues with nearly all of it, commenting that he does support the relocation of the transmission line. He will listen to the debate, but thinks we're missing a golden opportunity with this Master Plan development.

Ms. Brennan said, "I have reviewed the Annexation Agreement and there is no conflict with the actions proposed for tonight and the Agreement."

Councilor Ives said we started by talking about affordable housing. He said, with regard to alternate means of compliance, at 26-1.33 it says, "*The City may approve an alternate means of compliance for the following, provided that any approval must be based on a finding that the purposes of this Chapter would be better served by implementation of the proposed alternatives in determining whether the purposes of this Chapter would be better served under the proposed alternative. The City shall consider the factors listed below.*" He said it does say at B(1) that SFHP projects of 11 units or more, provided that the projects meets the definition of extreme hardship. He said in looking at the definition of extreme hardship it's pretty strident, or extreme one might say. It says, "*A condition occurring as a direct consequence of the SFHP Ordinance which, a) deprives the property owner of all economically viable use of the subject property taken as a whole; b) would require the property owner to lose money on the development take as a whole and the property owner cannot demonstrate to the Governing Body's satisfaction that said loss would be an unavoidable consequence of SFHP requirements for construction of SFHP units, or c) the property owner can demonstrate to the Council's satisfaction that complying with the requirements of this chapter would constitute taking property in violation of the Constitution.*"

Councilor Ives continued, saying there are a number of portions in our packet where it said there had been some demonstration of the extreme hardship in this instance, justifying looking at the alternative means of compliance, commenting he can't find that in the packet. He asked if anybody can tell him what the extreme hardship was here, and which one of those categories was satisfied and why.

Ms. Ladd said the Ordinance is pretty silent on how to determine an extreme hardship. So they went back and forth talking about what that could look like. She wanted to see a number, that you lose money on the project as a whole, or whatever. She said in Pulte's proposal letter there is a paragraph or two that discusses the reasons it is an extreme hardship. She is going to turn this to them to describe that more in detail.

Mr. Siebert said, "The hardship comes from two factors. When you figure affordable housing, there is always an assumption that there is a subsidy which takes place, which there is. The market rate housing has to subsidize the affordable housing, so that's a cost. In this case, it's not only the cost for the subsidizing the actual affordable home, but in the case of Pulte, it's the lost of revenue that takes place from providing that on that particular lot without having the ability to offset that by increase in density. So if you take the loss of revenue, and subsidy goes on the affordable housing, the project just isn't financially feasible. So the hardship there is that under these circumstances, you just simply don't have a project."

Councilor Ives said he doesn't see that demonstrated in any materials in the packet, and merely a vague assertion in the Staff Memo that an argument has been made, but it doesn't rise to the level of an extreme hardship. He said this, to him, requires a real clear demonstration, because it says, *'deprives the property owner of all economically viable use of the subject property taken as a whole'*. That is a huge hurdle for his mind to overcome. He said we've had testimony that if we were able to do the low income housing tax credit it would be a wonderful thing. But, we don't have any guarantee of that, and we have seen no such projects approved north of Albuquerque or I-40 last year, no guarantees can be offered. He said he is really struggling to find any means of saying he thinks that has been met in order to consider the alternate compliance mechanism at this point in time.

Mr. Siebert said, "The hardship provision was addressed, and addressed as part of the CDC packet. It basically is, as I stated, that Pulte has two components – the subsidy and the loss of revenue – which makes the project not viable."

Councilor Ives reiterated he doesn't see that in anything in the packet in terms of a clear demonstration of that. He said, "I'm not sure I can necessarily go with the alternate compliance model on that basis because it does not seem to be supported in our packets. I'm not sure if the City Attorney has anything. She's occupied otherwise. Has your office reviewed anything to suggest that there is an extreme hardship in this instance."

Ms. Brennan said, "No Councilor, we have not."

Councilor Ives said he shares some of the points of view expressed by Councilor Dimas and Councilor Maestas with regard to the location of the affordable units, noting Councilor Maestas said they appear to be segregated from everything else, and the site doesn't include those units, they're off to the west, across the road and sort of away from the gated.

Councilor Ives asked Ms. Brennan if there is anything in the Code about rules or regulations related to the approval of gated communities, or if that is considered on a case-by-case basis.

Ms. Brennan said, "I don't believe there is a specific prohibition. I believe the General Plan express a preference that there not be gated communities, but we have allowed gated communities under certain circumstances. And someone from Land Use may be able to speak more specifically to that."

Mr. Smith said Ms. Brennan has accurately stated the Land Use Staff's understanding of that. There is a policy in the General Plan that strongly discourages gated communities, but there is not an actual Code prohibition in Chapter 14, and there have been a small number of gated communities that have been approved under Chapter 14.

Councilor Ives said he expects that is a reflection of our desire to have the General Plan promote community, rather than segregated areas of town. He asked if someone from Pulte can tell him how this promotes community rather than segregates a section of the City into its own small community.

Mr. Price said, "Pulte has an institutional history and knowledge around the country of acceptance and preference for gated communities. I mentioned earlier in my testimony, we did an exhaustive survey of more than 4,000 respondents of people that lived in New Mexico or others interested in moving to New Mexico. They said the top 2 reasons which we know, I was born and raised here, climate and culture. That's the reason why they want to stay here and move here. The things they're most concerned about is security and safety. We've seen throughout the State, and not specific to one location, some of the crime rates that made the news. And so they are responding to that demand."

Mr. Price continued, "And in fact, in Albuquerque, we just launched a true Del Webb community that is gated and also adjacent to family buyers, next to an APS School site. They integrate. They use the parks and the trails. They are outside of the gates and all of the common areas which you will see in our proposal here too. We have plenty of trail network on the edges of that and around it. It's not too large of site where those folks, and in fact, we have an HOA that promotes the blending of those folks in community events and such. We've done this around the country and there is a very successful project in Albuquerque, which is now the fastest selling community in New Mexico, which has the exact same model and it's community rich. I think if you ask the people that people that live there, they'll tell you it's not segregated."

Mr. Price continued, "In my early testimony, I also mentioned that only 10% of that demographic is what we're serving at Las Soleras. So we're not saying we're the only solution, we are a choice for that 10% of buyers that would choose to live in a gated community. There's 90% as not being met elsewhere possibly, so we're just one element and one choice."

Councilor Ives said, "I understand you are responding to your understanding of the market. Our Code promotes, in fact it takes a sort of leery eye towards those types of developments. And certainly, from my perspective, not without good reasons."

Councilor Ives said he has a few questions on park space, and in the materials that were distributed, there was reference to Monte del Sol School and there is a sheet talking about commitments to Monte del Sol School. It says, *'Reduction in lots adjacent to the school from 10 lots to 1 lot,'* and I was just trying to figure out what adjacent meant in that context. There is one that shares a line and then there's a



bunch across the street, and then there's one of those green spaces you talk about, so that's a reference only to the fact that one particular lot shares a boundary line with the School."

Mr. Siebert said they have a slide that would indicate 3 things from Monte del Sol, and that would be the reduction in lots from the previous design to the current design, the location of the place where the practice field will be donated by Pulte, and then the actual location where the fill would be added to the Monte del Sol site making it more developable.

Councilor Ives asked if the proposed playing field is the small piece of land immediately to the east of the school.

Mr. Siebert said that is correct.

Councilor Ives noted it is shown on one of the drainage maps as a "future detention pond." He asked, "Walk me through how a detention pond is a great playing field for Monte del Sol School."

Mr. Siebert, "In this particular case though, it's a large pond, so it's a very shallow pond. And in this case, it will be graded to be a completely flat surface, it will be approximately, and correct me if I'm wrong Fred, it will be approximately a foot deep. Fred Arfman is the Civil Engineer on the project. And what Pulte would agree to do, is they would level the site and prepare it for a flat playing field. It would serve as a pond, and would collect water, something that is used quite often in Albuquerque for parks and recreation because it is so flagged."

Councilor Ives asked where the drainage coming into the detention pond comes from.

Mr. Siebert said it is coming from the Beckner Road area, is carried through and into the pond until it is carried through in streets.

Councilor Ives asked if the practice field is adjacent to the future gym.

Mr. Siebert said that is correct, at least on the plans he's seen from Monte del Sol, there is a gym on what would be the adjoining property.

Councilor Ives said it seems a good deal of the open space you are proposing to add is along the relocation of the electric transmission line.

Mr. Siebert said that is correct and it is also for the location and the trail and the series of ponds they placed to reduce the flooding.

Councilor Ives said the plan in that regard is well up to the BLM or the Forest Service motto of, "Land of many uses."

Mr. Siebert said it is.

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**Disclosure:** Councilor Ives said, "By the way, my wife is an attorney at Cuddy McCarthy, but I don't think she's involved in this and there's certainly to either her or I, from any of this proceeding, and I did speak with the City Attorney who did not perceive any conflict, as I did not either, but wanted to make sure I had disclosed that though."

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Councilor Ives said he has a question of Dr. Robert Jesson, Head Learner, Monte del Sol School [previously sworn].

Councilor Ives asked Dr. Jesson, as Head Learner if has he reviewed the sheet explaining the commitments to Monte del Sol, and what is his impression of the commitments. He understands Dr. Jesson's criticisms of the development he is making, but "now, I'm asking specifically, in connection with its impact on the school.

Dr. Jesson said, "Monte del Sol has a full range of teams, boys/girls soccer, JV soccer, so currently we are using the MRC which lately has gotten a lot of requests recently as practice fields and also fields for competing. If we had the retention pond/practice field, that would be adequate for PE classes occasionally, but it wouldn't suffice for any of the sport teams to practice adequately after school of have any event. It's not large enough for a legal size soccer field or another sports field. Whereas, according to the original Master Plan, you had the 20 acre park with the active field. That would be athletic Nirvana for Monte del Sol, and I think also for the residents of the Las Soleras community who have yet to move into those homes. In a sense, we're looking at Nava Adé's desires, and we're just assuming that people who move into those homes wouldn't need those, but I get off topic a little bit. Does that answer the question."

Councilor Ives said, "Yes. I did see one map that suggested there was a 5 acre park space to the immediate West."

Dr. Jesson said that was in a previous plan prior to the change in the Master Plan that suggested a 20 acre active park adjacent to the School, that was the previous idea of the playing field or the active park, noting there have been several maps and plans throughout this period.

Councilor Ives asked Pulte if the location of a five 5 acre park next to the school as a park nestled within the homes there is reachable or unattainable in terms of its business model.

Mr. Siebert said previously, Dr. Jesson talked about that site. He said currently the high voltage line cuts through that diagonally, and the drainage we talked about with the 145 csf was also located on that particular tract, and it would be very difficult to develop that tract for play fields, bottom line.

Councilor Trujillo said he has some issues, one of which is a gated community. He said the only gated community in Santa Fe he knows of is at Quail Run. He said that's not what he sees for the south side of Santa Fe. He said he remembers all the things we discussed when this was before the Council previously. He remembers Councilor Ortiz bringing up the park at the eleventh hour. He said when we

had this discussion it was all about new jobs in Santa Fe and affordable housing for the workers, and that is all this was going to be, "and it was a good spiel, it was, because that's what we wanted here in this community, especially on that piece of land. As Councilor Maestas said, we're missing an opportunity to do these things."

Councilor Trujillo continued, "Another thing that really irks me, and I've gotten a lot of calls from a lot of parents of children attending Monte del Sol, and hoping if they move in there that they do want a park. Being the representative from District 4, we're very fortunate we have so many parks in my district, but unfortunately, the south you get, those parks aren't there, as Councilor Dominguez and Councilor Rivera can attest to. And I believe having the 20 acre park as was just stated would enhance the quality of life for the people living there and also for the school."

Councilor Trujillo continued, "It's kind of funny, when somebody said the way a question was framed, well of course, we're not going to say crime, violence and drugs, well what are you going to think. Yes, all this stuff happens in parks. It happens all over Santa Fe, not just the parks. The thing about is we Police Officers, they go there, they protect, they check this out. I was hoping Matt O'Reilly, is he still here. At the time, you were the Chair of the Planning Commission."

Mr. O'Reilly said yes.

Councilor Trujillo said, "And you were the Land Use Director with the current plan. Is that right. I want to ask you two questions. Is the Pulte Plan consistent with the spirit that was approved in the master plan."

Mr. O'Reilly said, "No."

Councilor Trujillo asked, "Does the proposed plan help with the effort to bring new jobs."

Mr. O'Reilly said, "That I don't know, and I didn't mean to be so flippant with my first answer, but the change in zoning that is being proposed is quite a bit different than what was approved in 2008, so that's why I say it doesn't comply with that. We have another large master plan community in Santa Fe that is actually very successful. It's called Tierra Contenta. And in Tierra Contenta, there are a number of subdivisions and there have been lots of small changes to that master plan over the years from time to time. For example, sometimes what was planned on one tract in Tierra Contenta was swapped and done in another site, but at least within Tierra Contenta there has always been a consistent level throughout the whole development of a certain amount of affordable housing as an example which was always maintained. The reason was because a non-profit corporation was running Tierra Contenta and making sure their main goal was to carry out that master plan."

Mr. O'Reilly continued, "I think if the Council wants to go down the road of lowering density in this project it can do so, but I would concur with a lot of what Councilor Maestas said. There are very few places in the City where we have actually master planned for this kind of higher density. And many of you have been around and watching this process for many years and you know how hard fought some of that was and the reason the reason the 2008 master plan was approved unanimously by both the Council and

by the Planning Commission. We've seen the fate of some of our higher density projects in the recent past. I'm not sure where we build high density housing if we don't build it here, quite frankly. That's not to say that some of the points that were made tonight by the neighbors particular, there aren't opportunities to potentially blend this project a little bit better with Nava Adé. I would point out that one of the largest tracts as currently master planned in Las Soleras is already an R-6 tract which is on the northern edge of Las Soleras and the southern edge of Nava Adé. That's why I say I don't think it really complies with the intent of the previous approval."

Councilor Trujillo thanked Mr. O'Reilly for his response.

Councilor Trujillo said, "Clarify this for me. What I saw in the slides, right now as the Master Plan states, 2,087 dwelling units would be built. Right, as the Master Plan stands now."

Mr. Siebert said, "That's correct if you were to take the underlying zoning and take it to the maximum possible, there would be 2,087 dwelling units."

Councilor Trujillo said they are now proposing 1,000 dwelling units.

Mr. Siebert said yes.

Councilor Trujillo said, "Well that means 1,087 possible families won't get a house in this subdivision now. Can I say that."

Mr. Siebert said, "Yes. There's this consideration, but Pulte is only one project in Las Soleras, and in fact Ross's Peak is developing *[inaudible]* units for you. So there is a provision for a lot higher density housing, so the remaining land is zoned R-21, which means 21 units per acres. So there still is opportunity left to provide for higher density housing."

Councilor Trujillo said, "Everyone talks about the streetscape, how thin they are. As I recall, during the discussion back then, were there provisions for wider streets. I think we had that discussion, but I didn't look at the minutes, but I remember Councilor Ortiz was talking about that, instead of having 8 foot streets, having 12 or 24 feet... I don't know... like in Bellamah. We did have that discussion, do you remember any of that discussion."

John Romero said, "I somewhat remember it. Right now, my understanding is that City Code allows for either a road without parking, a road with parking on one side, or a road with parking on both sides. And the off site parking requirements are a function of house, something I'm not too familiar with. For this particular project, we did recommend that they meet Code requirement and that would be two 10-foot lanes if they were going to have parking."

Councilor Trujillo said will these streets look like Tierra Contenta. Will they be wider.

Mr. Romero said, "Yes and no. They'll be wider than Tierra Contenta, but there will be instances where there will be parking only on one side similar to Tierra Contenta, and not on the other."

Councilor Trujillo said, "I don't want to drag this out, but when we had this discussion many years ago, it was a subdivision where you have locals, like Tierra Contenta on the other Cerrillos Road, and that's what I envision, and still envision that. I still think it happen, whether you want to, or not. I hope you want to, because there are demographics of 55 and other, but there are also demographics of young people just starting in life, wanting to live in this community. Unfortunately, what's happening, is where's the better deal – Albuquerque. I want to keep our local people here in Santa Fe, and if it means higher density.... I live in Dale Bellamah and that's a heckuva high density. It's a wonderful community. I see Las Soleras as Bellamah like. People living there, prospering. The way this is coming before us, I'm sorry, I can't support it. Thank you Mayor."

Councilor Lindell said she previously sold affordable housing. She said, "I will tell you that I never thought of at the time, Centex as the Exxon Valdez. I thought of them as the Queen Mary. They provided an astounding amount of affordable housing to this community. And they were generous about it, they were cooperative about it. And when the market went in the wrong direction, it wasn't pleasant for them, but they were forthright about it, and they supported affordable housing in this community. They sat with the houses in the affordable program with a given price, but the market was selling houses for less than that, and they sat with them for a long time, and they kept their work with it, and they did right by us. So, to think of them as the Exxon Valdez is some improper thinking, because I've had a lot of experience in selling their clients to affordable homes."

Councilor Lindell continued, "With that, however, I am concerned about the affordable agreement we're looking to enter into here. We have years and years of experience with Sharron Welsh, all of it positive and all of it good. But this, it's a little risky with looking toward tax credits. And I'm hoping you would have maybe a Plan B for us or something else we could consider. I don't know if you can speak to that tonight, or if that's something you would speak to in the future."

Mr. Price said, "Thank you for your kind comments. We were brainstorming about the challenge the Mayor gave us: what could we do try to minimize the risk. And absent any significant financial guaranties, which I don't think we can commit to that, would be the opportunity for us to somehow come back before you, or hold up or delay issuance of building permits for Phase 2 of our project, so we can reassess the commitment we've made to have Sharron be the most successful that she can be, and us to help facilitate this project and see how things are going. It's that kind of commitment. If we all believe, and I surely agree, Sharron's a fantastic resource, that if we get all hands on deck, including Pulte, and we'll be there, not just signing an agreement and leaving."

Mr. Price continued, "But signing an agreement and watching it come to fruition, helping that, and putting all the cards on the table, saying we believe it so much that we'll come back before you for Phase 2 to reassess our success, or lack thereof. I'm optimistic it will be successful. In fact, although we provided conventional ways of meeting the affordable housing, I do believe this is going to be a really neat litmus test to what can be done. It's not the only solution, but it's a new solution to the new needs that were outlined in the 2013 housing development. So Councilor Lindell and Mayor Gonzales, I don't know if that's

the solution you're looking for, but it's something that I think gives it some teeth and a commitment that we're not going to just do Phase 1 and walk away. We want this to be successful. This would be our new flagship."

Councilor Lindell said, regarding gated communities, gated communities aren't her preference and don't work for her, but she doesn't think it is for her to be critical of people with that preference. Different people like different homes, noting some people live in teepees. She doesn't want to turn away a potential development in Santa Fe over something like a gate as a reason for not approving this. She said it's amazing the number of people and the diversity of the background of the people who came forward and supported this. She said that speaks well to how much time has been spent on this and the work that has gone into it.

Councilor Lindell she thinks in the Planning Commission minutes, there was an indication of 3 acres of property being offered to the schools.

Mr. Siebert said that is correct. He said the reference was that previously, Las Soleras had gifted 3 acres of land to Monte del Sol, and it's that little "bump out" that goes into the property. In the future that's where they plan to put their gym.

Councilor Lindell asked if it was accepted.

Mr. Siebert said yes, it was gifted in 2006.

Councilor Lindell said then that was a previous gifting and Mr. Siebert said yes.

Councilor Rivera thanked everyone for staying through meeting, listening to us and having the patience to go through the questioning process and listening to the answers. He thanked everyone for really coming together. He said the last projects we've heard, the neighbors are against the builders and it makes for a much longer night than we've had tonight. He thanked Pulte for implementing some of the things the neighbors wanted into its plan, and commends them for that.

Councilor Rivera, "Like my colleagues, again, I think they asked most of the major questions, but I don't particularly like the low income piece, how it plays, how it's segregated, but I think I understand why it's there, and I'm not sure who gave us this *In the City Different Renting Gets Tougher* article, whether Pulte, staff or someone else. I realize there are different needs for different types of people and we have to make housing affordable for everybody, whether we think they want to live in a house or in a manufactured home or an apartment, I think we have to make sure we offer different avenues to meet those needs."

Councilor Rivera continued, "With regard to the park, I think a commitment was made to Monte del Sol and would like to see that honored. I think if I knew that the Santa Public Schools had property near the proposed location of a park I might feel better with it. But without knowing where that school is going to be, I feel we should honor the promise that was made to Monte del Sol."

Councilor Rivera continued, "And lastly, similar to what some of my colleagues said, is really the opposition to a gated community. There's one currently at the end of Governor Miles, just east of Yucca, and as you drive down that street, the whole neighborhood looks very inviting. And that specific neighborhood which is less than 20 homes, looks uninviting. It doesn't look like they want anything to do with the community. So I would really like to see that removed from the plans as well. With that Mayor, those are my comments. I think all the major questions have been answered, so thank you."

Councilor Dimas said we haven't heard from Presbyterian Hospital, and understands there is someone in attendance representing them.

Mayor Gonzales said they do have property there, but there is no one from Presbyterian.

Councilor Dimas asked if anybody can tell him what Presbyterian's plans are for the acreage.

**Josh Skarsgard, 3500 Camel Farm Lane, Attorney, Las Soleras Development, was sworn.**

Mr. Skarsgard said he is a developer/land use attorney, and a former City of Albuquerque Hearing Officer. He said Presbyterian closed on the 40 acre Lot 8, which is owned in fee by Presbyterian Hospital, which is completing its remodel and expansion of its Rust Medical Center in Rio Rancho. He said they were told that after that was completed and they retired some debt they would turn their attention to Santa Fe, so there is no firm date, but in 3-5 years there will be more investment from them in this project.

Mr. Skarsgard said, "Briefly, I wanted to, Councilor Trujillo and Councilor Maestas, I want to address some of your concerns. He said the 550 acre Las Soleras project has 5 residential components, and Pulte is one of the 5. Ross's Peak is 6.5 units per acre. We're working on a GenCap apartment project from Texas which is 22 density and it's 4 acres. We working on a Spectrum Senior Housing Project, assisted living, it's 20 dwelling units per acre. So this Pulte project is getting a lot of attention tonight, but I just want to make this very clear to this Council. This is a very important vote, I think, for this Council, because Pulte has done extensive research on the data of your market, the City of Santa Fe. 75% of the housing in the City of Santa Fe is either age 55 plus, or it's move up families. I'm 37 and have 4 kids. None of your workforce in Santa Fe has housing opportunities here."

Mr. Skarsgard continued, "Pulte has identified that 51% of your workforce used to live in Santa Fe, and it's down to 38%. You're losing your young families, they're living in Rio Rancho and Bernalillo. Pulte has responded to the market. This Pulte project is one of 5 inside this Master Plan. It is responding to the market, so if say no to this project right now.... we didn't come back with a 2000 Master Plan... this goes away, it stays vacant. Pulte is one of the few national builders that is building in Santa Fe. I was here when you adopted it, Councilor Bushee was here when the Master Plan was adopted in 2008 that contemplated 2,000 units."

Mr. Skarsgard continued, "Councilors, the great recession happened since 2008. Pulte is responding to your needs for housing. You're only going to solve 10% of your housing needs, but they've responded to it. The 2,000 units was pre-recession. 1,000 is responding to your market, and if you guys don't take this opportunity it doesn't go, we come back in 2 months with a 2,000 unit master plan, we come back with, I don't know. We've been trying to market this property for 7 years. Pulte has stayed in Santa

Fe, and navigate your affordable housing and water rights, and parks, and they've committed to your community. I just want to make that clear, there are 4 other residential in this that are addressing these needs. Thank you."

Councilor Dimas said, then Presbyterian, to Mr. Skarsgard's understanding is committed to come here anyway even if this project doesn't go through, or does he have any understanding of that.

Mr. Skarsgard said they own the property so they eventually will make the investment, commenting that Presbyterian was delighted that Pulte was going to make a 104 acre investment, because they need nurses and doctors. He said they work with Mr. Price, the State and Pulte and we're all in this together. If Pulte gets rejected by this Council tonight it will be bad for Presbyterian's plan in his opinion, and will hurt the State GDS's motive to move out here, noting everything is tied together.

Councilor Dimas reiterated he lives in a Pulte home, and he supports the project. He thanked the people from Nava Adé for the time they invested in this project, and for asking the difficult questions that need to be asked, although he isn't thrilled about the gated community and doesn't think it is an answer to crime.

Councilor Bushee said she doesn't hear anything tonight from her colleagues that underestimates the magnitude of this decision and she heard great things about the developer and the process. She said you've heard that we want less risk on the affordability and to look at densities in a way that would fit the neighbors and meet the goals of the Master Plan we approved originally. She said we also want the Schools issue to be addressed.

Mayor Gonzales said, "Before we go to a motion. I'm a little worried potentially as to how this might go. I think it's worth reiterating that 39% of our working population lives here. We have passed more Resolutions as a City Council than he thinks we've issued building permits to date. And that says how much building has slowed in our community. Over the past month, front page, top article, Santa Fe ranks last in construction in the country. What we've seen tonight, we've been almost dying to see a neighborhood association walk hand in hand with a developer, and agree on something. And I understand Councilor Maestas's point that it almost looks like an extension of Nava Adé, but it almost should because it's right against Nava Adé. I think the reality to the market today than when it was approved, is that when it was approved it was an exciting plan. I think it can get there, but the reality is that as a community, we've grown older. The average age of our citizens has gone up, our wages have gone down. I don't think we need a commission for us to know that are hundreds of millions of dollars earned in our community that are spent in Rio Rancho and Albuquerque."

Mayor Gonzales continued, "And tonight, I don't know.... when you have the approval of the Planning Commission, the Community Development Block Committee on the alternative housing, the support of the neighborhood associate, the fact that we are struggling to get our economy moving, how we could actually say no to a project that has all those boxes checked."



Mayor Gonzales said, "My hope is that we support this project. I think if there is a motion to approve it, we should accept Pulte's offer to withhold issuing permits in the second phase until the affordable housing component could be addressed, if it hasn't been by the point. And let's get these homes built and get people in them, because those are price points that people who live in this community can actually move into, so with that, I hope we can see this come to fruition and move on. So is there a motion."

*The following cases are listed in the order they were voted upon:*

- 2) **CONSIDERATION OF RESOLUTION NO. 2015-84; CASE #2014-124. PULTE LAS SOLERAS GENERAL PLAN AMENDMENT. JAMES W. SIEBERT & ASSOCIATES, AGENT FOR THE PULTE GROUP, REQUESTS APPROVAL OF A GENERAL PLAN AMENDMENT TO AMEND THE EXISTING GENERAL PLAN FUTURE LAND USE MAP DESIGNATIONS FOR 12.91± ACRES FROM HIGH DENSITY RESIDENTIAL TO LOW DENSITY RESIDENTIAL; 16.06± ACRES FROM MIXED USE TO LOW DENSITY RESIDENTIAL; AND 3.73± ACRES FROM MEDIUM DENSITY RESIDENTIAL TO LOW DENSITY RESIDENTIAL; AND APPROXIMATELY 0.0095± ACRES WITHIN A NORTHEASTERLY PORTION OF TRACT 12B, LAS SOLERAS FROM MEDIUM DENSITY RESIDENTIAL TO LOW DENSITY RESIDENTIAL. THE PROPERTY IS CURRENTLY VACANT AND LOCATED WITHIN THE LAS SOLERAS MASTER PLAN. (ZACH THOMAS) (Postponed at August 26, 2015 City Council Meeting)**

**MOTION:** Councilor Lindell moved, seconded by Councilor Dimas, to adopt Resolution No. 2015-84, approving Case #2014-124, Pulte Las Soleras General Plan Amendment, with all conditions of approval as recommended by staff.

**CLARIFICATION OF ANY CONDITIONS OF APPROVAL BY MAKER:** Responding to Councilor Lindell, Mr. Thomas said there are conditions in the staff packet attached to the Rezone Ordinance, so those conditions apply to the Rezone and the Master Plan Amendment, but not to the General Plan Amendment. So the General Plan Amendment would not have conditions.

Mayor Gonzales asked what the Motion includes, would that just be the General Plan Amendment.

Councilor Lindell said it's just the General Plan Amendment and then there will be separate motions on the other.

**DISCUSSION:** Councilor Dominguez said, "This, in my opinion, is not intended to be a reflection of Pulte and it's not intended to debate the commitment of Las Soleras in general. Part of the job we have is to ask those tough questions. And one of the questions I asked still has not been answered, and that is how much park space is going to be usable. Now Jim, to your credit you said there is going to be enough space all together to put 4 parks. But it's a good thing I'm a cartographer and I understand how to read contours. Because what I'm looking at does not look like there is enough space there for active play, soccer, whatever the case may be. Yes, it's the open space, and you can use some of it for active park

space, but it's not, in my opinion based on what I see and everything else, qualified as active park space. And again, I haven't been given a straight answer about that. I'm just been given the run-around if you will."

Councilor Dominguez continued, "And the second thing is that this is definitely going to have an impact on our public schools. We have been accused in the past of poor planning. You are approving all of these developments for the sake of affordable economic development and doing all this stuff, and affordable housing is being hung over our heads and being asked to approve it, without considering the impact it has on our children and their ability to learn and to make our world better. The reality is that the southside schools are over capacity. I appreciate the commitment to help the Public Schools try to find a space for them, but without having that answer right now, it's hard for me to support this, because we have no idea where those kids are going to go school. Monte del Sol is not a public school, it's a public charter school and that distinction needs to be made. I appreciate everything you've done for Monte del Sol and I am sure they do as well, but the reality is that they are not a public school. The only authority the School District has over Monte del Sol is their budget. I don't think using Monte del Sol is a way to say we're complying with the Public Schools and the need for educational institutions is making the case. I'm not asking for a response."

Councilor Dominguez continued, "And so, again, those two things. I haven't been given honest answers I don't believe, in my opinion, and I'm really concerned about the impact it's going to have on the Public Schools, so I'm not going to be able to support the motion. Thank you."

Mayor Gonzales asked, "On that point couldn't there be a condition... the issue of the Public Schools, you're right, they've got to basically say yes, we want to go in there and that wouldn't have to happen. But couldn't there be, as part of the General Plan Amendment, the ability to keep a Public Schools option alive in this. It would be for the schools to say we're ready to build."

Councilor Dominguez said, "I'm not opposed to that, but that's not what I heard."

Mr. Smith said, "The Land Use staff would advise the Council that a condition of that type would be more properly applied to the Rezoning and Master Plan Amendments than to the General Plan Amendment."

Mayor Gonzales so, "To Councilor Dominguez's point, and not being able to get that clear answer, do the schools want to build on Las Soleras."

Mr. Smith said, "The Land Use Staff is not in a position to represent clearly whether it is in the School District...."

Mayor Gonzales said, "In the rezoning, or later, the condition was then that there would be a space available when the Schools call on it."

Mr. Smith said, "The Planning Commission and staff are aware the applicants were engaged in extensive discussions about how best to achieve that. But I'm not sure the Planning Commission knew that the School District said absolutely we will build a school if the site is available. They had discussed the

possibility and the condition recommended by the Commission anticipates the possibility that the School District would prefer sites in that neighborhood to any particular site that the applicant might offer."

Mayor Gonzales said, "Somewhere along the line, if we get to it, there can be a condition that's placed on one of these points that would require Las Soleras to make a site available to the schools. Correct."

Mr. Smith said, "I believe it is within the...."

Mr. Shandler said, "It is my understanding that as of today, the School District and the developers are meeting and they have not disclosed to staff what their discussions are. So it's very hard for us to come up with a condition right now since we don't even know what the proposal between the two of them."

Mayor Gonzales said, "Can there be a condition in Las Soleras that there is a site that's made available. It doesn't have to be marked now, but that they would make a site available that would be brought back to the City for approval."

Mr. Shandler said, "Sure there can be a condition, yes. We just don't..."

Mayor Gonzales said, "We just know what it is right now, because the Schools haven't said they want it."

Councilor Maestas said, "I just want to say, in general, that almost all of my comments are entirely consistent with the Staff Report. I think the major disconnect was the Staff Report and the Planning Commission actions taken. So I'm not coming out of left field, because I very much agree with the Staff Report in this regard. And I just don't think that.... undeveloped land in the City of Santa Fe is so hard to come by, and by lowering the density, I don't feel it's a wise use of this undeveloped land. And I think it makes our infrastructure a lot more expensive since it's servicing fewer people. But I don't want to see this effort go down. And so what I would like to propose is that we postpone action on this and allow all the stakeholders to gather, with direction, because there's a lot of moving parts. There's insufficient space in consideration for a school. I can't compromise on the densities, but I'm willing to maybe consider a transitional density from Nava Adé going into the Pulte development. I would be open to that. But I'm not sure that we can really address all these moving parts here on the fly."

Councilor Maestas continued, "Perhaps, maybe we should give appropriate staff, developers and stakeholders some time, with our direction to maybe come up with a compromise. I do want to see this go forward, but again, the Councilman in me and City representative in a way, and District representative, is like.... our economy is recovering and development and construction is picking up and I think that we ought not to just take whatever is offered to us. I think we ought not to just take what is offered to us. I think we ought to scrutinize what's being offered, but compromise, still understanding that this is a slow recovery. I would be willing to support a motion to postpone and give stakeholders and staff time to come up with a solution that addresses some of our primary issues."

**MOTION:** Councilor Maestas moved, seconded by Councilor Bushee, to postpone this Case, for a period of time not to exceed 60 days.

**DISCUSSION ON THE MOTION TO AMEND:** Mayor Gonzales asked what we are trying to get in 60 days that they haven't achieved with the neighborhoods in a year. He said, "I think if it's an issue of staff having to work through trying to work some transitional zone to a higher density, we still have control of the rest of the Development Plan outside of Pulte. What we have in front of us an agreed-upon plan between the neighborhood and Pulte. So I'm guess what I'm wondering is, can't we still address the issues you've talked about by sending direction to staff to sit with Las Soleras developers to be able to address some of the rest of the issues going on in the community. If the intention is over the next 60 days to get Pulte to reconfigure what's already been presented through all the Planning Commission, I don't think we're going to achieve that objective."

Councilor Maestas said, "We have the currently approved Master Plan, that is in place, that is approved. I think maybe going where we are right now to try to meet a lot of the Master Plan requirements can be one of the goals for this. And the issue regarding the School is a significant issue. And I think if it's going to prevent Councilor Dominguez from approving, I think it needs to be another consideration that may not be addressed subsequently."

Councilor Bushee said, "If I could answer to the second I made. I don't want to see this derailed. I don't think we're half off, but there are concerns. I have heard the gated community is a concern. I would like to see that discussed and opened up. I would like to see the risks on the affordable housing piece nailed down. I would like to the School and the land and the park issue hammered out. This means all the stakeholders here, and I believe that the densities, in looking at the original Master Plan, along with what we've been presented this evening, there's somewhere in the middle that could maybe, perhaps work things out a little better. Maybe this is a whole kind of El Rio scenario where we're trying to stuff a hugely dense project in a very small space that had been rural up to date. This is our future. This is where we're going to grow mostly in this part of town. We had a master plan that we approved, and I understand a lot has been compromised and worked out and I don't think we're not that far off."

Councilor Bushee continued, "I too don't want to see this project go away. I don't want to see anybody but Pulte develop this plan and I want to see Las Soleras succeed and see new jobs come in. But I think there's always room for compromise and trying to work out the details that we're having trouble with this evening. And I just think there's an opportunity for use to do that."

Councilor Dominguez said, "Honestly, don't want to not support this. I want to support this, but there are some questions that need to be answered that no one can answer for me tonight, or they don't want to answer for me tonight. I'm hoping that some of this stuff can get squared away. The School District. I want to be comfortable in knowing that whatever kids are going to live in, not only Pulte, but all the other developments that Mr. Skarsgard talked about are going to have a place to go and we're not going to burden the existing schools, that's one of them."

Councilor Dominguez continued, "The park space. I want to know better that it's not just going to be land that isn't wanted that is going to be dedicated as park space. It's going to be quality space for residents. And I'm sure the developers want that too. They want their residents to live a high quality of life and they're going to make it as high quality as possible, but not compromising of other things. I want to see the affordable housing issue hammered down, it's great we're going to hopefully move in that direction. But

we shouldn't make decisions with some of these issues kind of hanging over our heads without clear understanding and good answers, and I'm not hearing anybody give me some of those answers."

Mayor Gonzales said, "The staff couldn't answer the question regarding the schools. What is the status between Las Soleras and the Santa Fe Public Schools regarding a site, and do you have anything as part of the packet that says what that status is."

Mr. Price said, "This Applicant is 100% committed to providing a 10 acre school site. We've offered 3 sites inside of Las Soleras that had various problems. We're either going to solve it on site, or we're going to buy or exchange for property off site that meets their needs. Councilor Dominguez, we're to introduce a floor amendment condition of approval that this project has to provide 10 acres."

**Nancy Nieto, Public Schools was sworn.** Ms. Nieto said, "Yes, you are right, there's an existing, outstanding condition of approval and part of your Findings of Fact, is that they will be obligated to provide a donation to the Schools of approximately 10 usable acres for a future school site, and the value is going to be secured by collateralization of another lot. I know originally in the Annexation Master Plan, there was a site identified for schools, institutional. However there was a condition then added as part of the proceedings that the Schools would work with the developer to identify more active park land. So that was lost as a potential school site. And the developer has offered several sites within Las Soleras that did not meet the requirements of the Board of Education. We are working with them. We met today to work on the documentation to support this condition to have the documents in place, the pledge and a lien of some sort on the property, but at this point in time we do not have a site identified."

Councilor Dominguez said, "That's the problem. If I knew better. There's no doubt that there's a commitment. You all want to do the right thing. I get that, I understand that, there's no doubt about that, but I don't know what those impacts are going to be. Is it going to be an extension.... when you say off site, another location, right, is that what you said was part of the offer Mr. Skarsgard."

Mr. Skarsgard said, "We can do this together. Again, we have a mortgage collateralizing this commitment. It's a current annexation. Kelley could probably back this up. The Annexation conditions of approval adopted in 2009, have a requirement that we deed 10 acres. We've offered 3 for varying reasons that didn't work. So we've recorded a mortgage, collateralizing the value and we're working, we're shopping. We want nothing more than to provide a 10 acre site."

Councilor Dominguez said, "You're shopping, but are you shopping in this project."

Mr. Skarsgard said, "No. South Santa Fe, I'm sorry."

Councilor Dominguez said so that's part of my concern is when you say that, what does that mean.

Mr. Skarsgard said there is a neighboring parcel on Beaty and we're in discussions with them about a 10 acre site. There's a site across.....

Councilor Dominguez asked, "Are you are going to commit another project to this."

Mr. Skarsgard said, "Councilor Dominguez, with all respect, we've offered 3 10-acre sites inside Las Soleras."

Councilor Dominguez said, "I understand that. I respect that. I appreciate that, right. But that's not a concern of those children who are going to be a part of this community. So are you going to commit another project to this, the Beaty project."

Mr. Skarsgard said, "We are 100% committed to finding the 10 acre site. We've offered 3 10-acre sites, we've got a mortgage collateralizing cash to them, and we're shopping. It's like an Easter egg hunt. Anything in south Santa Fe we're offering them to solve the 10 acres."

Councilor Dominguez said, "When you find the good one, let me know where it is."

Mr. Skarsgard said, "Okay. Councilor Dominguez, I want to be clear. We are providing a 10-acre school site."

Councilor Dominguez said, "Mayor, with all due respect, I understand that. I get that you want to do the right thing, but without some of those details and some of that information I don't know if I'm comfortable with that, just that vague statement. This community has been burned too many times, and I want to make sure we're not going to get burned again. I want to trust you, I want to believe you. That's why I'm saying that maybe we need a little bit more time."

Mayor Gonzales asked Councilor Dominguez are you proposing we wait until the school says they have found a site, or, when you say we're used to being burned, what he heard was the issue of Las Soleras committing to, whether on site or at a location that the School District would prefer, that they would have to pay to make sure that site was available. He asked what is the direction Councilor Dominguez looking to give to be able to bring more clarity to how we can assure there is a proper parcel available that meets the needs of the school, more so than what we've heard tonight.

Councilor Dominguez said, "A map that shows me where those potential locations could be."

Mayor Gonzales said just potential locations, not actual committed locations.

Councilor Dominguez said there are sites in Tierra Contenta, and actually an institutional zoned ready to go site that could provide the infrastructure for and build the infrastructure and really help Tierra Contenta and provide space for kids. He said he isn't suggesting we do that, "I'm not about to barter tonight." He said he would like that sort of indication.

Mayor Gonzales said if the schools aren't prepared to tell us that for some period of time, do we just put them on hold until the schools give you location.

Councilor Dominguez said, "I definitely would. In fact if the legislation that I first wrote that made this happen, indicated that if the School District didn't reply, then we move forward without them. And we can't be held accountable for poor planning on their part. But I'm not hearing a clear connection between the School District and the applicant, other than, we're going to work together. I don't know what that means. Working together could be just clear communication, or sitting down and looking for sites, site opportunities."

Mayor Gonzales asked Ms. Nieto if the Superintendent intend to identify a location that Las Soleras will be able to provide to address the needs of the children in this area.

Ms. Nieto said, "Yes, but it takes quite a bit of time. Once a site is identified, it has to be investigated by the Schools, determined to be suitable, and then taken to the Board of Education for approval."

Mayor Gonzales asked how long it will take until the Superintendent determines what site he would like for a new school.

Ms. Nieto said, "The process we've laid out so far, is that it is going to be a pledged agreement, where there is a written commitment on the part of the subdivider here to provide property of at least 10 buildable acres that is acceptable to the school. That commitment is collateralized by a deed of trust or mortgage lien on another piece of property. If it's not fulfilled by a certain point in time, then the School gets the benefit of that collateral to go out and purchase property that is suitable."

Mayor Gonzales asked if that commitment, the agreement in place right now.

Ms. Nieto said is they just started today to negotiate it, we had our first meeting.

Mayor Gonzales said, "I'm confused. From what you're saying and what the developer said, because I thought the developer said they pledged that to you. Am I wrong."

Ms. Nieto said it is a condition of approval, but we don't have the signed documents yet.

Mayor Gonzales asked, "It's a condition of which approval."

Ms. Nieto said of the Planning Commission.

Mr. Thomas asked the Governing Body to go to page 37 of the packet, there is a condition of approval that says, *"A donation to the Santa Fe Public Schools of approximately 10 usable acres for a future school site. The value of the donation will be secured by the collateralized value of another lot within the Master Plan."* Mr. Thomas said the language that is being referred to.

Mayor Gonzales asked, "On that condition itself assures and addresses the issue that Councilor Dominguez has brought up regarding protecting and assuring that there is a future school site. If that condition were adopted tonight, what are the protections to both the Schools and the City that the condition is met."

Mr. Shandler said, "That is a condition that the Planning Commission did pass. Maybe the parties had substantial progress today, but as of yesterday what wasn't represented to me, that they had made progress on this. And so, is this a permissible condition, yes it is. Have staff repeatedly asked for additional information from the applicant for a multi-month process, yes we have and asked some of the same questions you've asked. So we're trying to evaluate conditions or new ideas being brought here, and that's why we're struggling a little bit with your answers."

Mayor Gonzales said, "So basically, even if that condition was approved, you don't feel there is a way to hold them accountable for it."

Mr. Shandler said, "I think that is a permissible condition, but I think it could be subject to some critique that the School may be an Easter egg hunt."

Mayor Gonzales said, "Okay. And on to the issue of the affordable housing requirement, just because I want to make sure we check out these issues, would you agree to an amendment, whether it's tonight, or at some point that withhold the second phase from being issued for more housing, if there hasn't been a tax credit award, that there would be a requirement to come back to the Council and propose, or revisit the affordable housing requirement."

Mr. Price said yes.

Mayor Gonzales said then we have the affordable housing issue nailed down, we think we have the school but we just don't have a signed agreement, but there is a condition. He asked what other issues on the parks they wanted to have addressed so we can make sure we're clear.

Councilor Bushee said, "To clarify, I think the main motion now is for 30 days, not to exceed 30 days, so everybody can make a concerted effort."

**FRIENDLY AMENDMENT:** Councilor Bushee said she would like to amend the motion to postpone this item for 30 days. **THE AMENDMENT WAS FRIENDLY TO THE MAKER, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

**CONTINUATION OF DISCUSSION ON MOTION, AS AMENDED:** Mayor Gonzales asked Councilor Maestas for the clear direction of what he wants back in 30 days.

Mr. Maestas said, "The motion was to have the developer get with all the stakeholders."

Mayor Gonzales asked who are the stakeholders, just so we know.

Councilor Maestas said it would be affordable housing, the Santa Fe Public Schools, the neighborhood association for Nava Adé, and he thinks these are the main stakeholders.



Mayor Gonzales asked, "Just so I'm clear on that, Councilor Maestas, and I'm sorry because I know a month from now we're going to be dealing with MorningStar and other issues, so I'm trying to make sure we're keeping this clear. Nava Adé, just so the direction is given, what do you want them to work out with Nava Adé that's different from what Nava Adé has agreed to, so there is direction on that."

Councilor Maestas said, "Well, I'd like them to consider, for example, one of my issues, residential densities. I'd like much high densities, much closer to the Master Plan. But, I want to ensure that it address the threat of a lot of traffic from a higher density development. I'm not sure that the agreement to connect Beckner to Richards was agreed to early on in that discussion. My inclination is that there was just a concern over a higher density development creating traffic without the proposed road system alleviating the traffic. So I would like to have higher densities, but maybe we can work out some kind of a transitional plan for residential densities consistent with Nava Adé, but yet, transition into incorporating the densities as specified in the Master Plan. And my overall direction is to revisit the jobs/housing calculation with the goal to achieve jobs/housing balance in this development as stated earlier. I want to see the impact on that jobs/housing balance with this proposal, to bring about greater balance of jobs/housing through higher density."

Mayor Gonzales said, "So the question would be to ask the neighborhood association whether they will agree to more density, and then Pulte to determine whether there's a market for the type of density that you're proposing."

Councilor Maestas said the issue of traffic was a primary fear and motivation for wanting lower density. On affordable housing, there was a lot of discussion about the hardship test that triggered the alternate deal to this. He thinks we need to look at that and the hardship situation and see if there is any other alternative to identifying a parcel and segregating and isolating the way it's proposed today. He said, "I think we're designing disparities into this development." He said, "Let's avoid segregated affordable housing sites."

Councilor Maestas continued, saying he said he agrees with Councilor Lindell about gates, although he can't say to remove the gates, noting the General Plan discourages gated communities. He doesn't like the lack of integration of affordable housing in this proposal. It disregards the discussion and process involved in developing a Master Plan and all conditions under the Master Plan. He wants to try to maintain some of the parameters in the Master Plan.

Mayor Gonzales said you can only maintain what the market is willing to provide. There is the reality of what will actually sell in the market place. He said he agrees with Councilor Maestas on the issue of segregation of affordable housing. However, there is a reality to how the developments are packaged for the 9% tax credits. There is no ability to inter-disburse apartments or even homes under this type of program. He wants us to be clear that if we give direction it is something that is achievable. It is unrealistic to go back and ask the neighborhood to negotiate a higher density, when they've spent a year negotiating the density they feel is suitable.

Mayor Gonzales continued, "I think it's unrealistic to go back and ask the housing advocates who advocated tonight to revision the inclusionary rather than segregation because the 9% tax credits require a single lot and one package to go forward. So if that's the direction, we're not to get back what you're asking for."

Councilor Maestas said he would add that the applicant claims developers aren't interested in higher density developments, and staff couldn't find anything to substantiate that. He doesn't want to force something the market can't sustain. But we do have a master plan calling for higher density mixed use land uses. For the applicant to say the market isn't interested, he can't accept. As part of the direction he would like to see objective evidence there is no market for higher density developments. He said, "I'm hung up on that as well."

Mayor Gonzales said, "That's not what the staff does. The staff isn't going to weigh-in on whether a market can absorb a certain product type or not. That's a totally separate type of study we would have to do."

Councilor Maestas said he listened to staff who said they have nothing substantiate that, and to the best of their knowledge, the market can sustain all types of densities in terms of development. It's a big deal to him, but he has no evidence either way of what the market can sustain.

Mayor Gonzales said if we go on the issue of postponing, the direction we're providing is we're going to come back and it's going to be very difficult to meet.

Councilor Ives said he is in a similar position that we want to find a way to support this, but we still have a few questions hanging out there. He said this is the reason delaying 30 day with direction makes sense, because we don't want to send the message to Pulte that we don't want to happen. He said the 4 issues he talked about were the gated community and to understand better the business reason; the park location and the usability and he wants to see a map showing where the park space is, where the affordable housing is. He said to some degree we're shifting the location, and he needs to understand better how you are proposing that the practice field works, because you are retaining it as draining facility and what commitments you will make to Monte Sol to keep it as a good practice field even if there are flood events. He said it's adding to each of these things.

Councilor Ives continued, saying he appreciates that the proposed affordable housing abuts the regional park and park space, which is constructive, but he doesn't know about how the affordable tax credits play in here. He said, "There's just enough questions that I don't feel comfortable in saying let's go forward exactly as you proposed it. I think I could get there in getting more information. And I don't want to hold up any significant whatsoever." He said he wants to make sure he is comfortable with this decision, because you do that once and that's it, so we have to get it right. He said, "My hope is we can take 30 days and focus on a few of those questions and see this back for a decision. We will talked at Council about segregating the presentations from the decision process, because it had to process. Tonight, we got a few more bits of paper I hadn't seen before, which makes it tough to render a decision as I sit here."

Ms. Ladd said, "I might just point out that a 30 day delay in getting the tax credit application is going to kill it, is what I fear."

Mayor Gonzales said, "This application will not go in. We're ready for a vote. I'm speechless, because I think we're going to end up postponing this which will create a huge risk in moving this project forward."

Councilor Bushee asked the reason the tax credit application can't go forward.

Ms. Welsh said, "In order to maximize the scoring for the tax credit project, everything has to be in place before we apply, including that the City has the capacity to promise a 10% donation, which is afforded by their donation to the City. If that's not in place, then it will not meet the threshold requirements. And the reason we can't just work around the clock and do it faster is because the configuration of the parcel that they would donate to you requires a lot adjustment, because following the recommendation of the Community Development Commission, it would enlarge it by ½ acre which adds 15 or so units to the project which is good. But the allotted time to take hearings before the Planning Commission to allow that to occur could not be in place before the tax credit application is due the one time of the year at the end of January. And because you wouldn't be able to approve the lot you are receiving in a timely fashion."

Councilor Bushee said this doesn't have to go back to the Planning Commission.

Ms. Welsh said, "The lot line adjustment to create the 4.5 acre parcel would, and Jim Siebert can tell you what the schedule is on hearing the lot line adjustment. I just wanted you know, all these issues are very technical intertwined as you saw well exhibited. So I don't want to be an alarmist here, that is the truth. You couldn't apply for another year."

Councilor Bushee said this is astounding to her, noting Mr. Skarsgard emphasized the magnitude of this decision, and we all feel that up here, and there's lots of layers to this. Nobody wants to delay it as I said before, but we certainly want to hammer out the details."

Mayor Gonzales said, "I will say on that, Councilor Bushee, that they were ready to come to Council 6 weeks ago, but we held off because Councilor Trujillo was out. We've held them up so we could have a full Council here to participate in this."

Councilor Bushee reiterated her emphasis this evening on the motion is she didn't feel it was going to pass up here, and that certainly would delay the application anyway. She still feels, in deference to her colleagues, particularly those representing that part of town, if they're uncomfortable with some of the details not being worked out to this date, then we're not ready, and "that's how I feel." She thinks details, other than the density, can be worked out easily. She would hate to see the project delayed. We could spend another two hours to see if we can work things out, but she can't imagine that staff, who's tried all these months to get those details for us, don't have them for us tonight. She doesn't know why we can't try it for one more month and get some of these things worked out.

Mayor Gonzales said, "Because we're going to lose the opportunity to get a tax credit application in."

Josh Skarsgard, "Could I propose a 10 meeting recess for the applicant to meet with staff to iron out those issues. I see park issues, the affordable application and schools. Those are the 3 issues we're contemplating taking a 30 day wait on. If you give us 10 minutes and a recess to meet with staff, I think we can craft some conditions of approval that give you confidence that this application is solid – and the gate issue."

**Break – 11:20 to 11:40 p.m.**

Mayor Gonzales asked, "Let's see if there were any resolution you guys agreed to, and what you agreed to, what you didn't, so we can move to the votes. I don't want this to go past midnight."

Mayor Gonzales said, "Let's start with the first issue which is affordable, did you agree to a condition."

Josh Skarsgard said, "Yes. The applicant is going to present their revised proposal."

Mr. Skarsgard said, "We identified four issues and I want to read conditions of approval for your consideration if you are going to entertain a motion. As we understand the four issues of concern were Parks, Affordable Housing, Schools and the gate. So I would like to read in our staff and applicant consensus, I want to say consensus, if I'm wrong just tell me." Mr. Price read the conditions into the record as follows:

1. Parks. The Applicant shall bring back to staff a park land within the next 30 days that demonstrates 80% of the park to be usable. There were concerns it was in a flood plain and would not be usable. 80% is 27.6 acres x 80% is 21 acres. The Applicant shall bring back to staff for review and approval a 21 acre park plan.
2. Affordable Housing – Mr. Price said, "It is the original motion that you had suggested that we will hold up building permits for Phase 2 of Pulte Las Soleras until we need those at the affordable housing. Our progress and/or lack thereof, so I'm not sure how to word that in a motion, but it was the original one read into the record." Mayor Gonzales said, "I think it's, if a tax allocation has not been granted prior to Phase 2, that you will come in and present an updated plan for affordable housing following our Ordinance, present a plan with the staff."
3. Schools – We would like to read exactly how the Schools' condition of approval was read at the Planning Commission, laid it out very well with one additional item as suggested by Ms. Brennan that, "The Applicant shall, within 30 days, issue a letter of intent signed by the Applicant, landowner and the Public School District that lay out the sites that have been provided, and additional sites for consideration. A letter of intent or an intent or a MOU within both parties." So both the condition of approval that your Planning Commission unanimously adopted and this new letter of intent, your Council deserves a commitment from the landowner and the School District in the next 30 days. You heard from the School District the long process, Department of Education and will at least show a commitment from the Applicant to the School District within 30 days on an MOU or a letter of intent."

4. Gates – As Pulte, as the Applicant, has laid out to me, if the gates are a predicate to an approval tonight, it will be on the table to be considered as part of the design. Mayor Gonzales said that means if we absolutely do not want the gates that they will reconfigure their property to not include the gates.

Mr. Shandler asked, "For verification. Throughout the night we've talked about two parks. What the condition is, is it's focusing on that one park. And there's not going to be a park by Monte del Sol. It's just that one park. Those were the conditions that they've offered.

Mayor Gonzales said there is an existing 3 acre parcel that has been granted to Monte del Sol, and asked if that is correct.

Mr. Shandler said that is correct.

Councilor Ives said we're still about preserving the drainage facility which will act as an athletic field for Monte del Sol, and that will be maintained, kept clean and available.

Mr. Price said, "One thing we contemplate internally is that we would quitclaim deed that property and have a maintenance easement for the HOA of our homeowners obligated to maintain that, since our drainage would be going into that area."

Ms. Brennan said, "I just want to make clear that these are conditions that the Applicant proposes for approval."

Councilor Bushee asked Ms. Nieto if she is comfortable with the condition. She commented that removal of the Gates would need to be a Friendly Amendment to the motion for her to support this.

Mayor Gonzales said the motion we're going to come back to is the Motion to Postpone. So if it goes back then.

Ms. Nieto said the Schools are comfortable in coming up with a letter of intent that lays out how we are going to get the commitments to get the land donation and how it would be secured.

Councilor Bushee asked Ms. Ladd if she is good with the condition on affordable housing.

Ms. Ladd nodded yes.

Councilor Maestas said he realizes the parameters did not include a density discussion. He is willing to compromise and approve the proposed densities here, but he is very concerned about the deterioration of the balance of jobs/housing.

Councilor Maestas would like to add a condition of approval that there will be no further diminishment of the densities beyond this approval. He asked Ms. Brennan if it would be binding.

Ms. Brennan said, "Basically, even if it were a condition, it could be changed by a future Council, and any changes in density on any other tracts would have to come before you for approval, presumably anyway, reductions in density similar to these."

Councilor Maestas said, "In the context of this discussion, even though it can be overturned, I just think that this is going to set a trend. It's going to be a trend of downsizing densities throughout. And then the Master Plan principles will be lost forever and we would not have any chance of achieving any balance of jobs and housing. Councilor Trujillo, you kind of share this concern."

Councilor Trujillo said, "Well, that's my concern. We're setting precedence now. You had Nava Adé that came in and wanted this new subdivision to *[inaudible]*. Now, we allow this to happen, who says the next development that comes in says, wait a minute we want to look like Pulte. That's my concern and always been. We work so hard to get this density and we want people to live here in Santa Fe, but we're saying no, no, to heck with the housing, we don't need any more housing, we're just going to go with this. But you're telling me that there's going to be higher density housing in the next phase. We change the Master Plan now, we can change the Master Plan the next time. If you've got enough votes on the Council, you can do that. So that's what I see. I see a trend happening that's going to happen for this entire development. We change it now, we've lost what we had worked so hard a few years back to do. As I see it, it's already lost."

Councilor Bushee said she is willing to withdraw her Motion to Postpone, if the gate is thrown into the Motion to Approve, the removal of the gate.

Mayor Gonzales said then you are willing to withdraw the second to postpone, then the motion goes back for approval on the General Plan Amendment. He said, "Her motion was just for the General Plan Amendment and so I don't know where the gate would be addressed."

Councilor Bushee said, "Okay, I'll make a motion, okay."

#### **WITHDRAWAL OF THE SECOND TO THE MOTION TO POSTPONE.**

**CLARIFICATION OF THE MOTION:** Mayor Gonzales said the motion is to approve Case #2014-124, the Pulte Las Soleras General Plan Amendment.

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

**For:** Councilor Bushee, Councilor Dimas, Councilor Ives, Councilor Lindell, Councilor Rivera and Mayor Gonzales.

**Against:** Councilor Maestas, Councilor Dominguez and Councilor Trujillo.

**Explaining his vote:** Councilor Maestas said, "No. The densities just don't work."

- 3) **CASE #2014-123. PULTE LAS SOLERAS MASTER PLAN AMENDMENT. JAMES W. SIEBERT & ASSOCIATES, AGENT FOR THE PULTE GROUP, REQUESTS APPROVAL OF AMENDMENTS TO THE LAS SOLERAS MASTER PLAN. AMENDMENTS INCLUDE: THE REALIGNMENT OF ROADS, RECONFIGURATION OF OPEN SPACE AND TRAIL, RECONFIGURATION AND REDUCTION OF PARK LAND AND THE RECONFIGURATION OF LAND TRACTS. (ZACH THOMAS) (Postponed at August 26, 2015 City Council Meeting)**

**MOTION:** Councilor Bushee moved, seconded by Councilor Lindell, to approve Case #2014-123, Pulte Las Soleras Master Plan Amendment, with all conditions of approval as recommended by staff, and the conditions that were made this evening, including removal of the gated community.

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

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

**Against:** Councilor Maestas and Councilor Trujillo.

- 4) **CONSIDERATION OF BILL NO. 2015-32: ADOPTION OF ORDINANCE NO. 2015-30. CASE #2014-125. PULTE LAS SOLERAS REZONING. JAMES W. SIEBERT & ASSOCIATES, AGENT FOR THE PULTE GROUP, REQUESTS REZONING OF: 12.91± ACRES FROM R-21 (RESIDENTIAL - 21 UNITS PER ACRE) TO R-6 (RESIDENTIAL - 6 UNITS PER ACRE); 15.06± ACRES FROM MU (MIXED-USE) TO R-6 (RESIDENTIAL - 6 UNITS PER ACRE); AND 3.73± ACRES FROM R-12 (RESIDENTIAL - 12 UNITS PER ACRE) TO R-6 (RESIDENTIAL - 6 UNITS PER ACRE); AND APPROXIMATELY 0.0095± ACRES WITHIN A NORTHEASTERLY PORTION OF TRACT 12B, LAS SOLERAS FROM R-12 (RESIDENTIAL - 12 UNITS PER ACRE) TO R-6 (RESIDENTIAL - 6 UNITS PER ACRE). THE PROPERTY IS CURRENTLY VACANT AND LOCATED WITHIN THE LAS SOLERAS MASTER PLAN. (ZACH THOMAS) (Postponed at August 26, 2015 City Council Meeting)**

**MOTION:** Councilor Bushee moved, seconded by Councilor Dimas, to adopt Ordinance No. 2015-30, approving Case #2014-125, Pulte Las Soleras Rezoning, with all conditions of approval as recommended by staff and any conditions that are applicable from this evening.

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

**For:** Councilor Bushee, Councilor Dimas, Councilor Ives, Councilor Lindell, Councilor Rivera and Mayor Gonzales.

**Against:** Councilor Maestas, Councilor Dominguez and Councilor Trujillo.

- 5) **CASE #2015-09. PULTE LAS SOLERAS ELECTRICAL TRANSMISSION LINE RELOCATION. JAMES W. SIEBERT & ASSOCIATES, AGENT FOR THE PULTE GROUP, REQUESTS APPROVAL TO RELOCATE AN EXISTING 115 KV ELECTRICAL TRANSMISSION LINE WITHIN THE LAS SOLERAS MASTER PLAN AS THE PART OF THE GREATER PULTE GROUP MASTER PLAN AMENDMENT, GENERAL PLAN AMENDMENT, REZONE AND SUBDIVISION REQUEST. THE PROPOSED RELOCATION WILL FOLLOW THE FUTURE BECKNER ROAD ALIGNMENT. (ZACH THOMAS) (Postponed at August 26, 2015 City Council Meeting)**

**MOTION:** Councilor Bushee moved, seconded by Councilor Lindell, to approve Case #2015-09, Pulte Las Soleras Electrical Transmission Line Relocation as recommended by staff.

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

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

**Against:** None.

- 1) **CONSIDERATION OF PROPOSAL FROM JAMES SIEBERT & ASSOCIATES, AGENT FOR THE PULTE GROUP, REQUESTING ALTERNATE COMPLIANCE APPROVAL WITH THE SANTA FE HOMES PROGRAM AFFORDABLE HOUSING REQUIREMENTS. (ALEXANDRA LADD) (Postponed at August 26, 2015 City Council Meeting)**

**MOTION:** Councilor Bushee moved, seconded by Councilor Ives, to approve the proposal from the Pulte Group for alternate compliance with the Santa Fe Homes Program affordable housing requirements, with all conditions of approval as recommended by staff, with the condition entered into the record that unless there is a 9% tax credit allocation has been awarded prior to Phase 2, that Pulte will be required to come back with an updated commitment to meeting the Affordable Housing Ordinance.

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

**Against:** None.

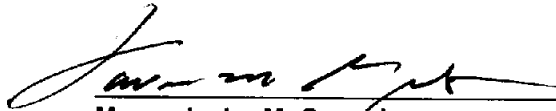
- 6) **CONSIDERATION OF BILL NO. 2015-33: ADOPTION OF ORDINANCE NO. 2015-\_\_\_\_ (MAYOR GONZALES AND COUNCILOR BUSHEE). AN ORDINANCE AMENDING THE DISTRESS MERCHANDISE SALE LICENSE PROVISIONS, SECTION 18-5.1 SFCC 1987, TO REQUIRE ADDITIONAL INFORMATION BE PROVIDED WITH AN APPLICATION FOR A BUSINESS LICENSE; AND TO CLARIFY UNDER WHAT CIRCUMSTANCES A LICENSE WILL BE DENIED (LISA MARTINEZ) (Postponed to September 30, 2015 City Council Meeting)**



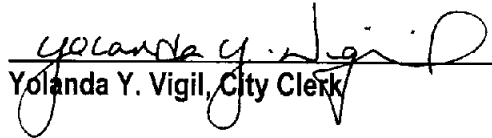
**I. ADJOURN**

The was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 11:55 p.m.

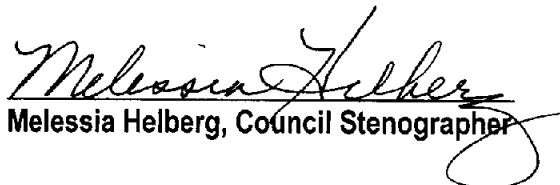
**Approved by:**

  
\_\_\_\_\_  
Mayor Javier M. Gonzales

**ATTESTED TO:**

  
\_\_\_\_\_  
Yolanda Y. Vigil, City Clerk

**Respectfully submitted:**

  
\_\_\_\_\_  
Melessia Helberg, Council Stenographer

# City of Santa Fe, New Mexico

## BUDGET ADJUSTMENT REQUEST (BAR)

# \_\_\_\_\_

DEPARTMENT / DIVISION / SECTION / UNIT NAME				DATE	
Housing & Community Development/Long Range Planning				08/17/2015	
ITEM DESCRIPTION	BU / LINE ITEM	(Finance Dept. Use Only)		INCREASE	DECREASE
		SUBLEDGER / SUBSIDIARY	DR / (CR)		
Transfer Out	22784.700100	1001 C		7,500	
Transfer In	11001.600100	2720 C		( 7,500 )	
Other Consulting	12084.510340			7,500	
<b>JUSTIFICATION:</b> (use additional page if needed) --Attach supporting documentation/memo				<b>TOTAL</b>	\$ 7,500 22,500

Transfer funds from 2720 Roads to Long Range Planning to cover the cost of additional Impact Fee studies.

Jessica Sandoval Prepared By <i>[Signature]</i> Division Director <i>[Signature]</i> Date: 08/17/2015	<b>CITY COUNCIL APPROVAL</b> City Council Approval Required <input type="checkbox"/> City Council Approval Date <input type="text"/> Agenda Item #: <input type="text"/>	<i>[Signature]</i> 8/24/15 Budget Officer <i>[Signature]</i> 8-26-2015 Finance Director City Manager
Date: 8-19-15 Date: 8-20-15	Date:	Date:

Exhibit "1"

**ACTION SHEET  
ITEM FROM THE  
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING  
OF  
TUESDAY, SEPTEMBER 8, 2015**

**ITEM 15**

REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING A SECTION OF 23-4.13 SFCC 1987 TO INCLUDE SOUTHWEST AREA NODE (SWAN) REGIONAL PARK IN THE CITY SPORTS FIELDS **(COUNCILOR DOMINGUEZ) (ROBERT CARTER)**

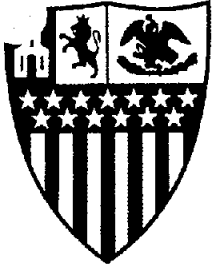
**PUBLIC WORKS COMMITTEE ACTION:** Approved on consent

**FUNDING SOURCE:**

**SPECIAL CONDITIONS / AMENDMENTS / STAFF FOLLOW UP:**

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON TRUJILLO			
COUNCILOR BUSHEE	X		
COUNCILOR DIMAS	X		
COUNCILOR DOMINGUEZ	X		
COUNCILOR IVES	X		

*Exhibit "2"*



# City of Santa Fe, New Mexico

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

www.santafenm.gov

*Javier M. Gonzales, Mayor*

## Councilors:

Peter N. Ives, Mayor Pro Tem, Dist. 2

Patti J. Bushee, Dist. 1

Signe I. Lindell, Dist. 1

Joseph M. Maestas, Dist. 2

Carmichael A. Dominguez, Dist. 3

Christopher M. Rivera, Dist. 3

Ronald S. Trujillo, Dist. 4

Bill Dimas, Dist. 4

## Memorandum

To: Members of the Governing Body

From: Zachary Shandler  
Assistant City Attorney *ZS*

Via: Kelley Brennan *KAB*  
City Attorney

Re: Case # 2015-78. Request for Approval of the Recommendation of the City Attorney Pursuant to Santa Fe City Code Section 14-3.17(D)(6) that the Governing Body Dismiss the Appeal of Margit Pearson from the July 14, 2015 Decision by the Historic Districts Review Board. 1598 Canyon Road.

Date: August 27, 2015 for the September 9, 2015 Meeting of the Governing Body

## The Appeal

On July 29, 2015, Ms. Margit Pearson (Appellant) filed a Verified Appeal Petition (Petition) appealing the July 14, 2015 Decision (the Decision) by the Historic Districts Review Board (HDRB) to authorize Mr. Jay Parks to construct improvements on his property (Project) at 1598 Canyon Road. (Verified Petition with attachments is provided as **Exhibit A**).

*Exhibit "3"*

### The Property

Mr. Parks' property is located at 1598 Canyon Road. Appellant lives at 1590 Canyon Road, which is behind Mr. Parks' property. Appellant accesses her property via a twenty foot wide driveway easement across Mr. Parks' property. The driveway, for many years, has had an approximate 6 foot high coyote fence on one side and an approximate 3 foot high wood split rail fence on the other side.

### History of the Case

1598 Canyon Road was a vacant one acre lot located in the Downtown and Eastside Historic District. On August 12, 2008, the Historic Districts Review Board (HDRB) reviewed Mr. Parks' request for the construction of an approximately 2,695 square foot single family home with a garage and a series of other improvements. He also requested to replace the existing split rail fence with a 5'6" high coyote fence. One Board Member stated that having two tall coyote fences on both sides of the driveway would create a "tunnel" effect while driving up the driveway. HDRB approved Mr. Parks' construction request with several building conditions, but denied the request for the new coyote fence and stated the existing split rail fence should remain in place.

On June 27, 2014, Mr. Parks requested administrative approval of a time extension to start building, which was granted by City staff, on the condition that once he started to build, he would make no changes to the design/conditions of approval or the application would have return to HDRB.

On January 9, 2015, Mr. Parks requested administrative approval to construct a four foot high coyote fence in the place of the existing split rail fence. The HDRB's "Wall and Fence Guidelines" provide that requests for walls and fences in excess of four feet must be approved by the HDRB. Since this new request was not in excess of four feet, on February 6, 2015, City staff granted administrative approval to construct the four foot high coyote fence. Sometime in the spring of 2015, Mr. Parks removed the split rail fence and installed the coyote fence on the side of the driveway.

About this same time, Mr. Parks started constructing the Project, but did not follow all of the HDRB building conditions. On May 26, 2015, the Applicant came to HDRB to request retroactive approval of his changes. Appellant and Appellant's architect representative were present and made public comment about Mr. Parks' disregard for the HDRB's prior instructions, his violation of private party covenants and the staff's decision to administratively approve the coyote fence. The case was postponed pending receipt of additional information on a variety of issues. On June 9, 2015, the HDRB resumed its review of Mr. Parks' request. (Minutes of both meetings are attached as **Exhibit B**) Appellant's architect representative was present and again made public comment.

During the deliberations, the HDRB focused on two items that constituted a departure from the original plans and were publicly visible from Canyon Road—the already constructed garage

parapet and the already constructed fireplace. The HDRB ordered Mr. Parks to remove the fireplace and scale back the already constructed garage. The HDRB adopted findings stating that: "All the proposed changes were built prior to Board approval, contrary to the Board's prior stated condition that there shall be no changes to the design without approval" but "[c]hanges other than ... [increasing the height of the] garage parapet and [new] outdoor fireplace, are either not publicly visible or are minimal." (Findings of Fact attached as part of **Exhibit A**). One Board Member did criticize staff for approving the coyote fence despite the 2008 condition regarding the split rail fence, but HDRB did not order the reinstatement of the split rail fence.

On July 29, 2015, Appellant filed a Petition. On or about August 10, 2015, the City of Santa Fe Inspections Division placed a red-tag on the construction pending resolution of this appeal.

### Basis of Appeal

Appellant states its belief that HDRB should not have given Mr. Parks retroactive approval on his construction project despite his disregard for the HDRB's 2008 conditions and city staff did not have legal authority under Chapter 14 to administratively authorize the removal of the split rail fence.

### Discussion

Code §14-3.17(A)(2) provides that an appeal can only be filed if:

- (1) the final action appealed from does not comply with Code Chapter 14 or §§3-21-1 through 3-21-14 NMSA<sup>1</sup> (the Statute);
- (2) Code Chapter 14 has not been applied properly; or
- (3) the decision appealed from is not supported by substantial evidence.

Pursuant to Code §14-3.17(D)(6)(a) the City Attorney's Office (CAO) has reviewed the Petition and for the reasons set forth below concurs with the determination of Land Use Department that it does not conform to the requirements of Code §14-3.17 in that it does not state a valid basis for appeal under any of the foregoing provisions.

Claim 1. The HDRB's actions were arbitrary and capricious and not in accordance with Chapter 14 because HDRB gave Mr. Parks retroactive approval on his construction project despite his disregard for the HDRB's 2008 conditions.

As a general rule, Code § 14-3.11(B)(2) states: "Amendments to Applications: Any change from the approved site plans or floor plans shall first be approved by the land use director and shall be submitted in writing and approved prior to commencement of any construction related to the proposed amendment." The Land Use Department, however, generally practices the doctrine of

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<sup>1</sup> Section 3-21-8 B. NMSA 1978 provides in pertinent part: "Any aggrieved person...affected by a decision of an administrative...commission or committee in the enforcement of Sections 3-21-1 through 3-21-14 NMSA 1978 or ordinance, resolution, rule or regulation adopted pursuant to these sections may appeal to the zoning authority. ..."

“Educate/Seek Compliance” rather than the doctrine of “Punish/Tear Down” when a party is caught out of compliance with building code submittal requirements. As stated above, HDRB was disturbed enough with Mr. Parks’ actions that it did order the tear-down of already-constructed structures. The HDRB ordered Mr. Parks to remove the fireplace and scale back the already-constructed garage.

The legal definition of an “arbitrary and capricious” action is a “willful and unreasonable action, without consideration and in disregard of facts or circumstances.” *McDaniel v. New Mexico Bd. of Medical Examiners*, 86 N.M. 447, 449, 525 P.2d 374, 376 (1974). While Appellant may have wished HDRB went further in punishing Mr. Parks, Appellant’s opinion does not mean the HDRB’s actions were done “without consideration” or in violation of Chapter 14 requirements. The HDRB, instead, according to the record, collected and considered many facts in this case; it held two separate meetings and received oral and written comment in the matter.

Claim 1 does not fall within any of the three bases for appeal cited above and should be dismissed.

Claim 2. City staff did not have legal authority under Chapter 14 to administratively authorize the coyote fence.

In 1999, the HDRB adopted its “Wall and Fence Guidelines Santa Fe Historic Districts.” The document states: “These guidelines are consistent with the purpose and intent, and standards in the Historic Districts Ordinance [in Chapter 14].” The document states: “Walls and fences in excess of 4 feet in height and having street frontage or visibility shall be brought to the HDRB for review and approval prior to submission for building permit review.” It further reads that coyote fences are permissible: “Open fences (e.g. wire and post, picket) or fenestrated fences (e.g. coyote) may be constructed...unless otherwise regulated by the underlying zoning.” (Guidelines attached as **Exhibit C**.)

In 2015, Mr. Parks proposed to replace the split rail fence with a four foot coyote fence. Since the fence was not in excess of four feet, this new proposal did not have to go to the HDRB under the “Wall and Fence Guidelines Santa Fe Historic Districts.” Under the Wall and Fence Guidelines, the HDRB had generally delegated its Chapter 14 authority to staff to grant approval of proposals of low fences. Staff acted consistently with this authority when it made this administrative decision.<sup>2</sup>

Second, even assuming that City staff misinterpreted its authority under the Wall and Fence Guidelines, the HDRB under Code Section 14-2.6(C)(2) has the authority to “hear appeals” of land use staff actions “interpreting” the historic district code. As stated above, the Appellant and

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<sup>2</sup> In addition, City staff’s actions were consistent with the intent of the Board’s 2008 motion. In 2008, Mr. Parks proposed an almost six foot high coyote fence. The Board stated that was too high and would create a “tunnel” effect. The new four foot high fence, however, does not create that effect. (Current Photograph attached as **Exhibit D**).

Appellant's architect representative raised the issue of staff's interpretation at the May 26 and June 9, 2015 HDRB meetings. Staff's actions were front and center in the debate. These meetings were essentially appeal hearings regarding staff's actions. Specifically, at the May meeting, the Appellant argued that staff did not have the authority to act as it had.<sup>3</sup> At the June meeting, the Appellant's architect representative argued: "[C]hanging a split rail to a coyote fence is not minor." The HDRB scolded staff but did not overturn staff's actions.

Finally, Appellant should have, but did not, timely appeal City staff's decision. Since City staff made its administrative approval and permit error in the Spring 2015, Appellant should have filed a written appeal of City staff's action within fifteen days under Code Section 14-3.17(C)(1)(b). Appellant did not take this action in the spring of 2015.

Claim 2 does not fall within any of the three bases for appeal cited above and should be dismissed.

### Conclusion

Appellant has not effectively alleged that the Decision does not comply with applicable Code or the Statute; that the Code has been improperly applied; or is not supported by substantial evidence. As a result, the Appellant has failed to state a valid basis for appeal under Code §14-3.17(A)(2).

Option #1: The CAO recommends that the Governing Body vote to dismiss Appellant's appeal.

*[MOTION: I move that the HDRB acted in accordance with law and reliance on substantive evidence and to dismiss the appeal in Case No. 2015-78, adopting the HDRB's Findings of Fact and Conclusions of Law as our own.]*

Option #2: If the Governing Board does not wish to dismiss the Appeal, the Governing Body will have to set this matter for a de novo hearing (with testimony, exhibits and witnesses) at an upcoming Governing Body meeting.

*[MOTION: I move to deny the City Attorney Office's request to dismiss this case and instead move to set this matter for a de novo hearing at the next available regularly scheduled Council meeting.]*

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<sup>3</sup> Appellant also argued the "coyote fence destroys the visibility." The City Traffic Engineer staff, however, submitted an email to the HDRB stating: "the location of the coyote fence meets the AASHTO requirements for sight distance and there are not any other sight visibility concerns at this time."



Case#2015-78



LUD Use Only  
Time Filed: 4:11 PM  
Fee paid: \$100.00  
Receipt attached: ☒

(date stamp)  
RECEIVED  
JUL 29 2015  
Land Use Dept.

**VERIFIED APPEAL  
PETITION**

Two originals of this form must be filed. The Land Use Department Director or his/her designee will enter the date and time of receipt and initial both originals. See Section 14-3-17(D) SFCC 2001 for the procedure.

**Appellant Information**

Name: Pearson Margit  
Last First M.I.  
Address: 1590 Canyon Rd  
Street Address Suite/Unit #  
Santa Fe NM 87501  
City State ZIP Code  
Phone: ( ) E-mail Address:   
Additional Appellant Names:

Correspondence Directed to: ☒ Appellant ☒ Agent ☒ Both

**Agent Authorization (If applicable)**

I/We: Margit Pearson  
authorize Sommer Karnes & Associates (Karl H. Sommer) to act as my/our agent to execute this application.

Signed: \_\_\_\_\_ Date: July 29, 2015  
Signed: Margit Pearson Date: \_\_\_\_\_

**Subject of Appeal**

Project Name: 1598 Canyon Road  
Applicant or Owner Name: Jay Parks  
Location of Subject Site: 1598 Canyon Road  
Case Number: 15-0727 Permit Number (if applicable): \_\_\_\_\_

**Final Action Appealed:**

☒ Issuance of Building Permit ☒ Other Final Determination of LUD Director

Final Action of Board or  
Commission (specify): ☒ Planning Commission ☒ Board of Adjustment ☒ BCD-DRC ☒ HDRB

Basis of Standing (see Section 14-3.17(B) SFCC 2001):

Basis for  
Appeal: ☒ The facts were incorrectly determined ☒ Ordinances/laws were violated and/or misrepresented

Description of the final action appealed from, and date on which final action was taken:  
See Exhibit A attached hereto.

☒ Check here if you have attached a copy of the final action that is being appealed.



**Description of Harm**

Describe the harm that would result to you from the action appealed from (attach additional pages if necessary):

See Exhibit A attached hereto

**Explain the Basis for Appeal**

Please detail the basis for Appeal here (be specific):

See Exhibit A attached hereto

**Signature and Verification**

I hereby certify that the documents submitted for review and consideration by the City of Santa Fe have been prepared to meet the minimum standards outlined in the Land Development Code, Chapter 14 SFCC 2001. Failure to meet these standards may result in the rejection or postponement of my application. I also certify that I have met with the City's Current Planning staff to verify that the attached proposal is in compliance with the City's zoning requirements.

Appellant Signature:

Marolt Pearson

Date:

7/29/15

Agent Signature:

Karl N. Sommer

Date:

7/29/15

State of New Mexico )

) ss.

County of Santa Fe )

I/We MAROLT PEARSON, being first  
duly sworn, depose and say: I/We have read the foregoing appeal petition and know the contents thereof and  
that the same are true to my/our own knowledge.

Petitioner/s:

Marolt Pearson  
Signature

Signature

Print Name

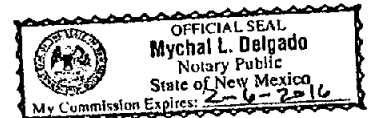
Print Name

Subscribed and sworn to before me this 29<sup>th</sup> day of July, 2015.

NOTARY PUBLIC

My commission expires:

2-6-2016



## Exhibit A to Verified Appeal

### **Description of the final action appealed from, and the date on which the final was taken:**

Appellant takes this appeal from the final action taken and reflected in the attached Findings of Fact and Conclusions of Law in Case No. H-08-022 dated and adopted by the Historic Districts Review Board on July 14, 2015. A copy of the Findings and Conclusions of Law are attached hereto.

### **Description of Harm:**

Appellant is the property owner to adjacent to the property that is the subject of the Applicants proposal before the Board. The Board's *ex post facto* to allow staff to have waived conditions previously imposed by the Board in the case and to allow the Applicant to build in the manner he proposes adversely impacts Appellant's property and her use and enjoyment of her property.

### **Basis for Appeal:**

The Board previously imposed conditions upon the Applicant. The conditions benefitted the public in general and Appellant in particular. The Appellant without Board approval violated the conditions of approval, built in violations of the conditions, improperly received a Staff approval or waiver of the conditions, and then sought to have the Board approve his and Staffs actions. The Board's actions were arbitrary, capricious and not in accordance with the applicable standards of the Code.

ITEM # 15-0727

City of Santa Fe  
Historic Districts Review Board  
Findings of Fact and Conclusions of Law

Case #H-08-022

Address-1598 Canyon Road

Owner/Applicant's Name-Jay Parks

Agent's Name- Liaison Planning Services

THIS MATTER came before the Historic Districts Review Board ("Board" or "HDRB") for hearing on June 9, 2015 upon the application ("Application") of **Liaison Planning Services**, as agent for **Jay Parks**, owner ("Applicant").

1598 Canyon Road is an approximately 1 acre vacant lot located in the Downtown and Eastside Historic District. On August 12, 2008, the HDRB approved construction of an approximately 2,695 square foot single family home with 257 square feet of portals and a 741 square foot attached garage, for a total roofed area of 3,793 square feet. Conditions of approval included that the stucco be cementitious, that the skylights be low profile and not publicly visible, that the existing split rail fence remain, that the vehicular gate be redesigned to be more transparent, that as many trees as possible be retained, and that the courtyard walls shall not exceed 6 feet.

On June 27, 2014, the applicant requested an administrative extension of this approval, which was granted by staff on the condition that there shall be no changes to the design or conditions of approval (aside from changing construction material from adobe to frame). On February 6, 2015, the applicant was granted administrative approval to construct a 4' high coyote fence in the place of an existing split rail fence. On May 26, 2015, the HDRB heard the Applicant's request to amend the previous approval, and the case was postponed, pending additional information regarding the driveway visibility compliance as a result of changes to the fencing and potentially to the driveway location.

The Applicant returns with the proposal to change the design of the residence with the following items:

- 1) Expand the breakfast/dining room 2 feet to the east;
- 2) Delete the step in the southwest portion of the great room elevation;
- 3) Reduce the number of windows in the gallery/entry from 5 to 4;
- 4) Remove the windows in both showers, facing the north courtyard, for increased privacy;
- 5) Increase the garage parapet height by 2 feet, for a total garage height of 12'6";
- 6) Add an outdoor fireplace to the east portal;
- 7) Change a window on the south elevation of the master bedroom to a pair of true divided lite French doors;
- 8) Change the design of the doors on the south elevation from 6 lite with panels to 8 lite French doors;
- 9) Reduce the area of the north courtyard;

- 10) Add roof-mounted HVAC systems to be screened by parapets; and
- 11) Slightly alter the location of the vehicular entrance to bring it approximately 40' closer to the Canyon Road street frontage than originally approved.

The Applicant has continued to work with neighbors to resolve concerns and has received approval from the City of Santa Fe Traffic Engineering Division regarding driveway visibility.

After conducting public hearings and having heard from the Applicant and all interested persons, the Board hereby FINDS, as follows:

#### FINDINGS OF FACT

1. The Board heard testimony from staff, Applicant, and other people interested in the Application.
2. Zoning staff determined that the Application meets underlying zoning standards.
3. Staff recommends approval of this application, which complies with Section 14-5.2(D)(9) Height, Pitch, Scale and Massing, and (E) Downtown and Eastside Historic District.
4. The property is located in the Downtown and Eastside Historic District and the project is subject to requirements of the following sections of the Santa Fe Land Development Code:
  - a. Section 14-5.2(D)(9), General Design Standards
  - b. Section 14-5.2(E), Downtown and Eastside Historic District
5. Under Sections 14-2.6(C), 14-2.7(C)(2), 14-5.2(A)(1), 14-5.2(C)(2)(a-d & f) and 14-5.2(C)(3)(b), the Board has authority to review, approve, with or without conditions, or deny, all or some of the Applicant's proposed design to assure overall compliance with applicable design standards.
6. Under Section 14-5.2(C)(3)(b), the Board has the authority to approve an application for alteration or new construction on the condition that changes relating to exterior appearance recommended by the Board be made in the proposed work, and no permit is to issue until new exhibits, satisfactory to the Board, have been submitted.
7. All the proposed changes were built prior to Board approval, contrary to the Board's prior stated condition that there shall be no changes to the design without approval. Changes other than 5 and 6, the garage parapet and outdoor fireplace, are either not publicly visible or are minimal.
8. The garage parapet is the most prominently visible portion of the building and raising its height two feet significantly changes the appearance and massing of the building.
9. The fireplace is publicly visible and is oddly sited in the middle of the front of the portal rather than in a corner or on a wall as is traditional and looks inappropriate.
10. The information contained in the Application, and provided in testimony and evidence, establishes that all applicable requirements have been met except for the garage parapet and fireplace.

#### CONCLUSIONS OF LAW

Under the circumstances and given the evidence and testimony submitted during the hearing, the Board acted upon the Application as follows:

1. The Board has the authority to review and approve the Application.
2. The Board approved all items in the Application, except items 5 and 6, as recommended by Staff with the following conditions:
  - A. The HVAC unit shall not be higher than 18 inches;
  - B. The gate shall be designed as a see-through gate and the design shall be submitted to staff for review and approval;
  - C. There shall be no publicly visible rooftop appurtenances;
3. The following items are denied:
  - A. The request to an increase in the garage height;
  - B. The request for the fireplace.

IT IS SO ORDERED ON THIS 14<sup>th</sup> DAY OF JULY 2015, THE HISTORIC DISTRICTS REVIEW BOARD OF THE CITY OF SANTA FE.

Cecilia Rios  
Cecilia Rios  
Chairperson

7.14.15  
Date:

FILED:  
Volanda Y. Vigil  
Volanda Y. Vigil  
City Clerk

7/16/15  
Date:

APPROVED AS TO FORM  
Zachary Shandler  
Zachary Shandler  
Assistant City Attorney

7-14-15  
Date:

City of Santa Fe  
200 Lincoln Ave.  
Santa Fe, NM 87504  
505-955-4333

Misc GL

1x 100.00 100.00  
GL Number: 11001.431470...

Payer Name: SOMMER KARNES

SubTotal: 100.00  
Total: 100.00

Check 100.00  
Number : 6454

07/29/2015 16:11 LorraineL  
#0245180 /3/1  
\*\*\*\*\* DUPLICATE #002 \*\*\*\*\*

07/29/2015 16:11 LorraineL  
Thank You ~

Mr. Katz seconded the motion and it passed by majority (3-1) voice vote with Mr. Armijo dissenting.

6. Case #H-08-022. 1598 Canyon Road. Downtown & Eastside Historic District. (This is #6) Liaison Planning Services, agent for Jay Parks, owner, proposes to amend a previous approval to construct an approximately 2,695 square foot residence on a vacant lot to the maximum allowable height of 15'6". (Lisa Roach).

Ms. Roach gave the staff report as follows:

**BACKGROUND & SUMMARY:**

1598 Canyon Road is an approximately 1 acre vacant lot located in the Downtown and Eastside Historic District. On August 12, 2008, the HDRB approved construction of an approximately 2,695 square foot single family home with 257 square feet of portals and a 741 square foot attached garage, for a total roofed area of 3,793 square feet. Conditions of approval included that the stucco be cementitious, that the skylights be low profile and not publicly visible, that the existing split rail fence remain, that the vehicular gate be redesigned to be more transparent, that as many trees as possible be retained, and that the courtyard walls shall not exceed 6 feet.

On June 27, 2014, the applicant requested an administrative extension of this approval, which was granted by staff on the condition that there shall be no changes to the design or conditions of approval (aside from changing construction material from adobe to frame).

Now, the applicant proposes to change the design of the residence with the following items:

- 1) Expand the breakfast/dining room 2 feet to the east;
- 2) Delete the step in the southwest portion of the great room elevation;
- 3) Reduce the number of windows in the gallery/entry from 5 to 4;
- 4) Remove the windows in both showers, facing the north courtyard, for increased privacy;
- 5) Increase the garage parapet height by 2 feet, for a total garage height of 12'6";
- 6) Add an outdoor fireplace to the east portal;
- 7) Change a window on the south elevation of the master bedroom to a pair of true divided lite French doors;





- 8) Change the design of the doors on the south elevation from 6 lite with panels to 8 lite French doors;
- 9) Reduce the area of the north courtyard; and
- 10) Add roof-mounted HVAC systems to be screened by parapets.

**STAFF RECOMMENDATION:**

Staff recommends approval of this application, which complies with Section 14-5.2 (D)(9) Height, Pitch, Scale and Massing, and (E) Downtown and Eastside Historic District.

Ms. Roach added that although there was conflicting information on the plan, the split rail fence is called out on the plan but appears to be modified to a 4' coyote fence and that didn't get caught in the first review and needs more clarification from the applicant as well as the visibility of the rooftop mechanical equipment.

She noted that staff received an email from a neighbor with some concerns.

**Questions to Staff**

Vice Chair Rios asked if any of these items have already been done.

Ms. Roach said much of the work has been started and these changes were caught by the historic inspector so she agreed with Vice Chair Rios.

Vice Chair Rios asked about public visibility.

Ms. Roach said the elevation seen in the photograph does have some visibility but the other elevations are minimal to none.

Ms. Mather asked about the split rail fence because she didn't remember seeing it. She wondered if the other conditions had been met from the previous approval such as using cementitious stucco and the gate design.

Ms. Roach believed the other conditions had been met. She noted that she stepped into this case late so the Board could ask the applicant for confirmation. She wasn't sure about the trees condition.

Vice Chair Rios asked if Ms. Roach read the email.

Ms. Roach said the sender, Margaret Pearson voiced concerns primarily that the mechanical units are currently visible; that the proposed fence might have been removed for coyote fence and the driveway

visibility is compromised as a result.

#### Applicant's Presentation

Present and sworn were. Dolores Vigil, P. O. Box 1845, Santa Fe, and Mr. Bennie Casado, 3 Oak Place, Cedar Crest, New Mexico.

Ms. Vigil said regarding the fence that they got administrative approval from David Rasch back in February to change it to coyote fence with irregular tops. That is in the file and a permit was submitted to the City. It is 4 feet and has been built.

#### Questions to Applicant

Vice Chair Rios asked if the rooftop mechanical equipment was visible.

Ms. Vigil said she submitted a drawing showing that the unit is built into the roof and not set on top. It is lower than the parapet.

Ms. Roach said page 13 in the packet shows it.

Mr. Casado explained that the units are built into the roof and sprayed over. It is not a typical A/C system. Nothing will be seen.

Mr. Armijo asked how it is accessed.

Mr. Casado said it is from the inside; the whole grill comes out. It stands 10.5" tall so it looks like a skylight and the condenser is on the ground in a non-visible location.

Mr. Armijo asked if this property is in the escarpment.

Ms. Vigil said it was not.

Mr. Armijo asked about the concern expressed by the neighbor about the trees.

Ms. Vigil said the site plan shows a buffer. This neighbor once owned the property and it has a no build area with trees and they won't touch those trees.

Mr. Armijo asked them why they made these changes without going to staff. Other than the fireplace, the changes could have been taken to staff but they didn't. It has not been permitted.

Mr. Casado said the original plans had the fireplace on the south elevation and was just moved around

to the east elevation for better drainage accessibility.

Mr. Armijo pointed out that it was shown in the center of that façade in the original plans.

Mr. Casado said the original plan showed it on the corner.

Ms. Vigil had the original drawings and was prepared to show them to the Board.

Mr. Armijo said the HDRB needs the builder to follow what is approved because it will be inspected after the fact to make sure. Lisa Martínez is here the Board has asked her to work with the staff for some penalty for those who don't follow the regulations. We have this issue a lot.

Mr. Casado explained that the expansion of the breakfast nook was drawn by the architect when designed for the HERS rating. So that caused the step in the elevation and wasn't caught. It was approved by the Building Department but not the Historic Department.

The window in the gallery was actually the same dimensions as on the original design but the manufacturer didn't make a section window and it is just a mullion missing but is the same size opening. The windows in the shower were removed because they were located at the front door and a design that didn't give any privacy. They are not visible from the front elevation because of the wall and gate there.

They put the one back on the right side of the gate for the Master Bedroom. There is no elevation showing those windows.

The architect made a mistake on the parapet height. He forgot to figure in the joist of the garage. There wasn't enough to put the beam across there.

Mr. Armijo said all of those things could have been approved by staff and was why he brought it up.

Ms. Mather asked about the email. It talks about the visibility triangle at the drive entrance. She asked if something changed from the original submittal. She couldn't tell if that changed. She wondered if it was some sort of agreement. The Board didn't look carefully at the stone wall on the site visit and don't have any drawings.

Ms. Roach said she had the original site plan and the proposed site plan. The original is on page 21 and the new is on page 22. It didn't appear to her that the configuration is changed; just the construction which apparently was administratively approved by Mr. Rasch. It appears to be the same as approved originally. She didn't know how the engineers evaluate those triangles so it might be worth checking into it and work with the applicant to approve it administratively.

Mr. Katz pointed out that it was no longer a split rail which drivers could see through.

Vice Chair Rios asked Ms. Roach to check into it. Ms. Roach agreed.

Ms. Vigil said the original approved site plan does vary from this one. It is more of a straight line onto Canyon Road and now it gives more visibility along Canyon Road. They actually put a curve into the design so driving out gives better visibility on Canyon Road.

Ms. Roach said she would check with Traffic on it.

Mr. Katz asked, if the Board denied the increase in the height of the garage, what would be the result if the parapet was lowered.

Mr. Casado said it would cost over \$20,000 because they would have to tear off the roof.

#### Public Comment

Present and sworn was Ms. Margaret Pearson, 1559 Canyon Road, the one who wrote the letter, who said she formerly owned this property. She sold it in 2001 and then it was sold in 2007. She said her home was terraced and is up one story from the property and she looks onto the roof and all these windows. It isn't on the plan but it is all landscaped that she put into the survey including apple and pear orchards. But people came in and tore them all out. Also the trees in the no-build area were all taken out.

She said she arrived in town and half of the split rail fence was removed and replaced with coyote. A lot of the changes had already been done. So her concern was in looking out onto the roof. The coyote fence destroys the visibility.

Ms. Pearson fainted while she was speaking at 7:05.

The Board recessed to care for her and she regained consciousness at 7:11.

Ms. Pearson continued with her testimony after reviving and spoke while seated. She remembered that from the street everything was open and her family has been there about 400 years and built the orchards. She sold it because she had to and included gates and put all the trees on a survey so it would be clear on the plat what needed to be preserved for the orchard of over 100 years. In August, all of it was removed. Many of the trees needed to be in the building area but in the no-build area she had 30' high elm trees to shield anything being built. No one supervised that.

She went out with Mr. Parks and asked him if he had read the covenants. The prior owner, Mr. Chase, his property had a stone wall with coyote fence on top with no approvals anywhere. He just continued it and he is the one who blocked the visibility. And then put up a 10' high coyote fence going up Canyon Road. All the neighbors were furious but that was already done. So when Mr. Parks bought it, the stone wall and coyote was there. In 2008 at the HDRB, she wrote letters and explained why she put all the covenants on the property.

When she looked at the material today, she pulled out the 2008 material and all of it has already been

done and now they are asking permission for what has been done already.

She planted a row of trees on her side but she can look onto the roof and that is what she referred to in her letter. There is a little bit of Territorial on top and she didn't want to look out on HVAC and a yellow roof. Mr. Chase did that and ended up with leaks all over his roof.

Her biggest concern is the visibility. If they keep the 8' coyote it does block visibility. The road curves just past the property and people come around the curve and one of them hit the back of a bicycle coming out of there. That should be a concern for the person who is living there.

Vice Chair Rios said staff will check on that.

Present and sworn was Mr. Justin Green, 611 Quintana Place, who said he is an old friend of Margaret and an architect in town. The fact is that these 2008 approvals said "no changes" so it is a can of worms and everything should be addressed. The split-rail is a concern for visibility from Canyon Road. The visibility triangle will be a safety issue. The landscape wasn't properly dealt with. The raised profile of the garage should have been addressed long ago. The HVAC is also a change and where the units are going to be located. If it will be on the side it is fine.

There are minor things like muntin changes of the divided lights which he thought was okay but not the larger garage. These are setting precedents.

Mr. Katz was confused about the split rail fence and asked if it covered the front.

Ms. Pearson said it was put in 2002 without any approval. Mr. Chase came in and put in the stone wall and coyote and put a curve into the driveway out to the edge and put shrubs around. That was what created the major stir in the neighborhood. There was a gigantic tree there and the kids played in it. That was why she put in all the covenants. The really bad visibility issue is what Mr. Chase did and the coyote on top is falling over now. That should have come before the Board. He had no building permit. It is not the fault of Jay Parks.

Ms. Beninato (previously sworn) agreed with the speakers and with Mr. Armijo that it is unfortunate people come for forgiveness rather than permission. The garage is massive and out of proportion to the rest of the building.

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

Vice Chair Rios agreed there are a lot of issues here.

Mr. Katz wanted to postpone it until David Rasch returned.

#### Action of the Board.

Mr. Katz moved in Case #H-08-022 at 1598 Canyon Road, to postpone the application until Mr. Rasch returns. Mr. Armijo seconded the motion and it passed by unanimous voice vote.

7. Case #H-15-044. 330 Garcia Downtown & Eastside Historic District. Liaison Planning, agent for Jay Parks, owner, proposes to construct a 2,71 sq. ft. residential structure to a height of 16' and a second 2,767 sq. ft. residential structure to a height of 15' 8" where the maximum allowable height is 18' 4" and to add vehicle and pedestrian gates to the existing yardwall. (Lisa Roach).

Ms. Roach apologized that the computer was no longer working so there were no visuals to show but all the materials that would have been shown are in the packet.

Ms. Roach gave the staff report as follows:

**BACKGROUND & SUMMARY:**

330 Garcia Street is a 14,073 square foot vacant lot located in the Downtown and Eastside Historic District. A 5'6" to 6' high yard wall exists at the north and east lot lines, and a 4' high yard exists on the west lot line.

The applicant proposes to construct two single family residences on the property, as follows:

- 1) Unit #1 is placed on the eastern (front) half of the lot and consists of a 2,771 square foot residence designed in the Territorial Revival style to a maximum height of 16 feet. The design features El Rey "Buckskin" stucco, red brick coping, white painted wood trim and portal structure, and white true divided lite windows and French doors.
- 2) Unit #2 is placed on the western (rear) half of the lot and consists of a 2,767 square foot residence designed in a blend of Pueblo Revival and Territorial style elements to a maximum height of 15'8". The design features El Rey "Buckskin" stucco, rounded massing, white painted wood trim and portal structure, and white true divided lite windows and French doors.
- 3) A 16' wide vehicular gate is proposed to be installed in the existing front (east) yard wall to a height of 5'6", and a 4' high pedestrian gate and lower section of wall is proposed for the northernmost portion of this perimeter wall. Gate designs have been provided and are consistent with Santa Fe Style.
- 4) The rear wall is proposed to be raised to a height of 6' and stuccoed to match the existing perimeter walls (color not specified).
- 5) A new 6' high yard wall is proposed for the south lot line and between the two residences, stuccoed in El Rey "Buckskin". Pedestrian gate designs are provided for each unit at the interior yard wall

## G. ACTION ITEMS

1. **Case #08-022. 1598 Canyon Road.** Downtown & Eastside Historic District. Liaison Planning Services, agent for Jay Parks, owner, proposes to amend a previous approval to construct an approximately 2,695 square foot residence on a vacant lot to the maximum allowable height of 15'6". (Lisa Roach).

Ms. Roach gave the staff report as follows:

### **BACKGROUND & SUMMARY:**

1598 Canyon Road is an approximately 1 acre vacant lot located in the Downtown and Eastside Historic District. On August 12, 2008, the HDRB approved construction of an approximately 2,695 square foot single family home with 257 square feet of portals and a 741 square foot attached garage, for a total roofed area of 3,793 square feet. Conditions of approval included that the stucco be cementitious, that the skylights be low profile and not publicly visible, that the existing split rail fence remain, that the vehicular gate be redesigned to be more transparent, that as many trees as possible be retained, and that the courtyard walls shall not exceed 6 feet. This project is underway.

On June 27, 2014, the applicant requested an administrative extension of this approval, which was granted by staff on the condition that there shall be no changes to the design or conditions of approval (aside from changing construction material from adobe to frame). On February 6, 2015, the applicant was granted administrative approval to construct a 4' high coyote fence in the place of an existing split rail fence. On May 26, 2014, the HDRB heard the applicant's request to amend the previous approval, and the case was postponed, pending additional information regarding the driveway visibility compliance as a result of changes to the fencing and potentially to the driveway location.

Now, the applicant returns with the proposal to change the design of the residence with the following items:

- 1) Expand the breakfast/dining room 2 feet to the east;
- 2) Delete the step in the southwest portion of the great room elevation;
- 3) Reduce the number of windows in the gallery/entry from 5 to 4;
- 4) Remove the windows in both showers, facing the north courtyard, for increased privacy;
- 5) Increase the garage parapet height by 2 feet, for a total garage height of 12'6";
- 6) Add an outdoor fireplace to the east portal;
- 7) Change a window on the south elevation of the master bedroom to a pair of true divided lite French doors;
- 8) Change the design of the doors on the south elevation from 6 lite with panels to 8 lite French doors;
- 9) Reduce the area of the north courtyard;
- 10) Add roof-mounted HVAC systems to be screened by parapets; and
- 11) Slightly alter the location of the vehicular entrance to bring it approximately 40' closer to the

Canyon Road street frontage than originally approved.

The applicant has continued to work with neighbors to resolve concerns and has received approval from the City of Santa Fe Traffic Engineering Division regarding driveway visibility.

**STAFF RECOMMENDATION:**

Staff recommends approval of this application, which complies with Section 14-5.2 (D)(9) Height, Pitch, Scale and Massing, and (E) Downtown and Eastside Historic District.

**Questions to Staff**

Chair Rios asked if all 11 of these items been completed already.

Ms. Roach agreed that a lot were completed and were identified during the interim inspection and caused this to come back before the Board. The extension of the approval granted by Mr. Rasch specified that there would be no changes to the design or else it would come back to the Board.

Chair Rios noted that in 2008, the Board's motion specified to the applicant that he had to keep the split rail fence and then Staff gave administrative approval to make it a latilla fence.

Ms. Roach agreed. The Land Use Director has authority to make minor amendments to approvals and conditions made by land use boards. That is in Code Section 14-2.11 - general powers of the Land Use Director, to make minor modifications to land use approvals. The fence does comply with the code and the covenants on the property so Staff felt it was okay to make that minor modification.

Chair Rios asked if the Staff realized that the Board had made that condition.

Ms. Roach said she didn't at the time. However, it was within Staff's authority as delegated by the Land Use Director to make minor modifications as long as they comply with the Code.

Chair Rios asked Ms. Roach to describe public visibility from the neighbor to the south, where it is situated and in terms of its grade and also if anything in the proposal would block visibility.

Ms. Roach said there is a no-build, no-cut zone specified in the covenants on the property that provides a vegetative barrier between the two properties and that zone is on the 1598 lot. There is visibility looking down on the new structure from the neighboring property to the west.

Chair Rios asked if the visibility was minimal or great.

Ms. Roach described it as medium visibility.



Mr. Boniface pointed out that the last time he reviewed this, he noticed there are two addresses. In 2008, the property is listed as 1590. Several other places list it as 1590. He asked what is going on.

Ms. Roach said there was a lot split and address change that happened.

#### Applicant's Presentation

Present and sworn was Ms. Dolores Vigil, P. O. Box 1835, who had nothing to add to the staff report.

#### Questions to the Applicant

Mr. Katz said regarding this fence, it was mentioned that the applicant came in and got administrative approval to change it from split rail to coyote.

Ms. Vigil agreed.

Mr. Katz asked if that work had been done already.

Ms. Vigil said it had not. It was done at the end of April.

Mr. Boniface noted on page 24 of the application is a hand drawn section of the roof showing the HVAC unit. He asked what is going on there.

Ms. Vigil said the contractor will lower in the unit and cover it with foam and all maintenance done from inside the house. It will be lower than the parapet.

Mr. Boniface said the reason he asked is that on page 25 it says the cooling unit is 24" and yet it says the box is only 18".

Ms. Vigil said there are two different units and they are lower than the parapet and covered with foam.

Mr. Boniface asked how something that is 24" can be put into an 18" box.

Ms. Vigil showed it on the overhead. She said Mr. Parks verified that it is 18".

Mr. Boniface said the packet shows the units are 27" and 24" tall.

Ms. Vigil said she was told by Mr. Parks that it will be 18". It is the same as the one on Garcia Street from the last meeting.

Mr. Boniface said the specs indicate the units are taller than that so he requested that the motion have a condition that the boxes be no higher than 18".

Chair Rios asked if there was any lighting outdoors on this project.

Ms. Vigil agreed. It was proposed in 2008 to this Board and Mr. Parks would be happy to change that approved design to what the Board wants for the neighbors. She passed around a rendering of the lighting design.

Chair Rios asked about the vehicle entrance.

Ms. Vigil said it is shown on the site plan. The opening across from the garage will be closed off once construction is complete and the entrance as shown on the site plan is exactly what is built and Gary Moquino did an inspection last week. The entrance is built but not the gate.

Chair Rios asked if the stucco is cementitious.

Ms. Vigil agreed.

#### Public Comment

Present and sworn was Mr. Justin Green, who said he is a close friend of Margaret Pearson and had helped with the lot split many years ago. He was very familiar with the property and went out to inspect and discussed solutions with Ms. Vigil.

He mentioned a point of order. The fact that there were no changes allowed by the Board and changes were made so it sort of voided the board's approval decision and it should be re-noticed. He was in favor of administrative decisions being made on minor things. But in this case, it triggered voiding the 2008 permit. That was his point of order.

The other issue is that the change was made on a specific order (motion) of the Board. Even though seven years passed since then, if it had been a minor change, it would have been okay. But changing a split rail to a coyote fence is not minor.

He also said he didn't see where the ground units would be located or on the roof either. They need to be screened properly. The gate is now much more visible with it being much closer. He hoped the Board would make sure the gate design is much more open.

For lighting, he said the specific locations need to be made clear.

His main point was that the applicants should be required to go back and apply for a new permit and the approval the Board made earlier should be suspended until properly noticed.

Chair Rios asked if the application was properly posted and advertise

Ms. Roach said it was.

Chair Rios thought the Board was revisiting the application this evening.

Mr. Green asked if it is an amendment or a whole new application for review of all details of the house.

Chair Rios said there were eleven details presented to be considered.

Mr. Green said those were not a review of all details of the house but amendments. Those eleven did not include review of the coyote fence or other things that could be revisited now. The height of the garage or the fence or the house design are now wide open. The Board can require it be reviewed and approved from the beginning. It is not an amendment.

Mr. Katz asked if this is an extension that was conditioned on no changes. He understood that was what the applicant was doing. And what the applicant is saying is that the Board should revisit the extension and make some amendment to it. So he asked if that is allowed or if there are to be no changes.

Mr. Shandler said he was hearing a different question and asked him to state it again.

Mr. Katz said he understood Mr. Green to be saying that the extension was granted on condition of no changes being made - not the original approval but the extension. If the original approval had been alive and well, the applicant could come in and tell the Board they had gotten approval in 2008 and would now like to make some changes. But this is different. They came in and got an administrative extension and that was granted, conditioned on there being no changes to what was approved. Now, he asked if that extension condition could be changed years later.

Mr. Shandler asked he meant changed by Board, or the applicant, or the Staff.

Mr. Katz said changed by Staff who granted the extension or by the Board.

Mr. Shandler asked for a moment to confer with Staff and then said he thought what Mr. Green is asking is if there should be a new public notice as if it is a new application to remodel the house. On page 14, an extension was granted by Staff and the issue is if it should be considered as such since there are changes to be considered.

Mr. Katz said the construction permit was extended conditional on no changes and any changes "shall return to the HDRB" so there was anticipation that if they wanted changes, they would need to return to the HDRB.

Chair Rios agreed and added that the applicant went ahead and made changes without coming to the board for the height of the garage, windows, doors, etc.

Ms. Roach said they are all itemized on the report.

Mr. Green asked about the condensers.

Ms. Roach said their locations are shown on page 23.

Mr. Rasch showed them to Mr. Green.

Chair Rios asked how many units would be on the roof.

Ms. Vigil said there are two on the roof and the condensers are located on the ground on the east and the west sides and they would be happy to screen them. The units on the roof will be covered with foam. There will be a bump but it will not be above the parapet.

Chair Rios asked Ms. Vigil to describe the gate.

Ms. Vigil asked if it was shown on the site plan.

Ms. Roach said the design is on page 32 but that was rejected by the Board in 2008 and the applicant was directed to redesign it.

Chair Rios clarified that the Board wants it to be an open, see-through design. The Board will need to decide if the design should come to Staff or be brought to the Board.

Present and sworn was Ms. Stephanie Beninato, P. O. Box 1601, Santa Fe, who asked if the permit was approved in 2008 and extended to 2012, how they got the extra extensions. Their permit has expired and they need to go through the whole approval process again.

Ms. Roach said it was not the permit that was extended but the approval of the Board was extended.

Mr. Rasch clarified that all land use board approvals are good for three years. They never got the permit in 2008. The Staff practices not wasting the Board's time so all extensions without changes are approved by Staff because it doesn't make sense to have to go back to the Board without any changes to consider.

Chair Rios said that is exactly where the problem comes in because the applicant went ahead without coming to the Board or to the City for approval and built the project not according to the approval in 2008.

Mr. Powell suggested it should be reviewed in total and come back to the Board. It could have been done that way before they built what was not reviewed.

Ms. Roach asked how it would look different. The entire set of plans are provided for the Board except for the gate design and it is common to have staff approve gate designs.

Mr. Katz said this is a very distressing case and he was tempted to say go back to the beginning. He intended to make a motion without approving the garage height increase or the fireplace. He was also distressed with the facing. He appreciated the code citation that the Land Use Director can make minor adjustments but the specific conditions of the fence is not a minor adjustment.

#### Action of the Board

Mr. Katz moved in Case #08-022 at 1598 Canyon Road to approve items 1, 2, 3, 4, 8, 9, 11 and with the conditions that

1. That the HVAC unit be no higher than 18";
2. That the gate be designed as a see-through design and taken to staff for review and approval;
3. That there be no public visibility of any rooftop appurtenance;
4. That the increase in garage height is denied;
5. That the fireplace is denied.

Mr. Boniface seconded the motion and it passed by unanimous voice vote.

2. Case #H-15-006, 211 Delgado Street, and Case #H-15-040, 209 Delgado Street. Downtown & Eastside Historic District. David Smith, agent for Ivo and Sally Nelson, owners, proposes to remodel a contributing residential property by constructing 6' high fences and yardwalls with a pedestrian gate. (David Rasch).

Mr. Rasch gave the staff report as follows:

#### **BACKGROUND & SUMMARY:**

209 Delgado Street is a single-family residential structure that was constructed in a vernacular manner before 1928. It features a cross-gabled roof and a lower shed roof addition on the east side. The building is listed as non-contributing to the Downtown & Eastside Historic District.

211 Delgado Street is a single-family residential structure with attached casita that was constructed in the Spanish-Pueblo Revival style before 1957. The primary structure features a bilaterally symmetrical floorplan with an inset entry portal on the south façade and historic 8-lite wood casement windows with exposed wooden headers. The primary structure is listed as contributing to the Downtown & Eastside Historic District and the south façade is designated as primary. The casita is listed as non-contributing to the Downtown & Eastside Historic District.

# WALL AND FENCE GUIDELINES SANTA FE HISTORIC DISTRICTS

[ADOPTED 24 AUGUST 1999]

**Purpose and intent:** These guidelines are offered to promote continuity and harmony of design elements that comprise streetscape in the Santa Fe Historic Districts, including, but not limited to walls, fences, open space and landscaping and their connectivity to the primary structures(s) on the property and the physical character of the street or public façade of the property. These guidelines are consistent with the purpose and intent, and standards in the Historic Districts Ordinance [Section 14-70 SFCC 1987].

## SCALE:

Walls should not extend for more than 50 feet in a single, horizontal plane without a plane change of at least one foot.

Wall heights should modulate a minimum of 8 inches, or one block course, at least every 25'.

Walls should include openings such as gates, windows and niches at appropriate intervals.

\* Walls and fences in excess of 4 feet in height and having street frontage or visibility shall be brought to the HDRB for review and approval prior to submission for building permit review. Where there is a conflict between this guideline and the allowable height as calculated under Section 14-70.20 SFCC 1987, the latter shall prevail. [This supersedes the HDRB's 8/13/96 policy requiring the same for walls or fences in excess of 3 feet in height. It encourages the construction of lower privacy walls that still allow the structure on the site to make a contribution to the streetscape, and provide for a view shed into the property. This is recommended in response to the proliferation of inappropriately high yard walls that have been and are being constructed throughout the city's historic districts, causing an impact on the historic and visual character of the historic districts.]

Wall heights should be carefully regulated by the HDRB standards as calculable for the particular streetscapes [Section 14-70.20 SFCC 1987]; and should be restricted so as not to increase the allowable height for the streetscape by more than 20%.

Solid fences should be stepped back and modulated the same as walls.

Fences with fenestration, such as coyote fences, may continue in an unrestricted horizontal distance at the same height and in the same horizontal plane.

## SETBACK:

Unfenestrated walls and fences (e.g. cedar stake, ponderosa slat) should setback from the front property line an average of 1 foot for every 10 feet of horizontal length of the wall. This could be accomplished in a single plane or with step backs as outlined above.

Open fences (e.g. wire and post, picket) or fenestrated fences (e.g. coyote) may be constructed without setback at the front property line, unless otherwise regulated by the underlying zoning.

PLAINTIFF'S  
EXHIBIT

C 27

Walls with openings comprising 20% of the surface area of a single plane may be constructed at the property line, unless restricted by the underlying zoning.

Side or rear walls or fences may be constructed at the property line as per that allowed by the underlying zoning.

Walls or fences within existing compounds should be restricted to privacy barriers to enclose courtyards, parking and private areas; and should be connected to and not extend more than 25 feet from the main structure. However, walls or fences should not be connected to significant structures. Desired connections may be made to significant structures by way of other means [e.g. Landscaping]. These treatments will help maintain traditional compound common elements, such as open space and the ability to communicate with neighbors, and therefore assist in the preservation of the character of existing compounds.

#### **MATERIAL, TEXTURE AND COLOR:**

Walls should be predominantly of the same material, texture and color as the main structure(s) to be located on the property, or may be of material indigenous or traditional for the area such as river rock, limestone, flagstone or slate.

Fences should be of the material, texture and color of fences typical of the existing streetscape or design vernacular if applicable to a particular H-District or streetscape.

#### **GATES:**

Vehicular gates should be permitted only at entrances to private driveways or compounds and set back in accordance with the underlying zoning.

Vehicular gating of subdivisions or other large-scale developments is strongly discouraged, and may be prohibited [See City of Santa Fe 1999 General Plan].

Gates should be designed to complement the wall or fence treatment containing them with respect to scale, height, material, texture and color. Fenestrated gates should be encouraged as opposed to solid gates.

#### **LANDSCAPING (Suggested Options)**

Walls and fences in excess of 50' in length should install landscaping along the exterior façade within the suggested setback or step back.

Landscaping on top of or over a wall is encouraged to provide for additional screening if desired from the interior of the property.

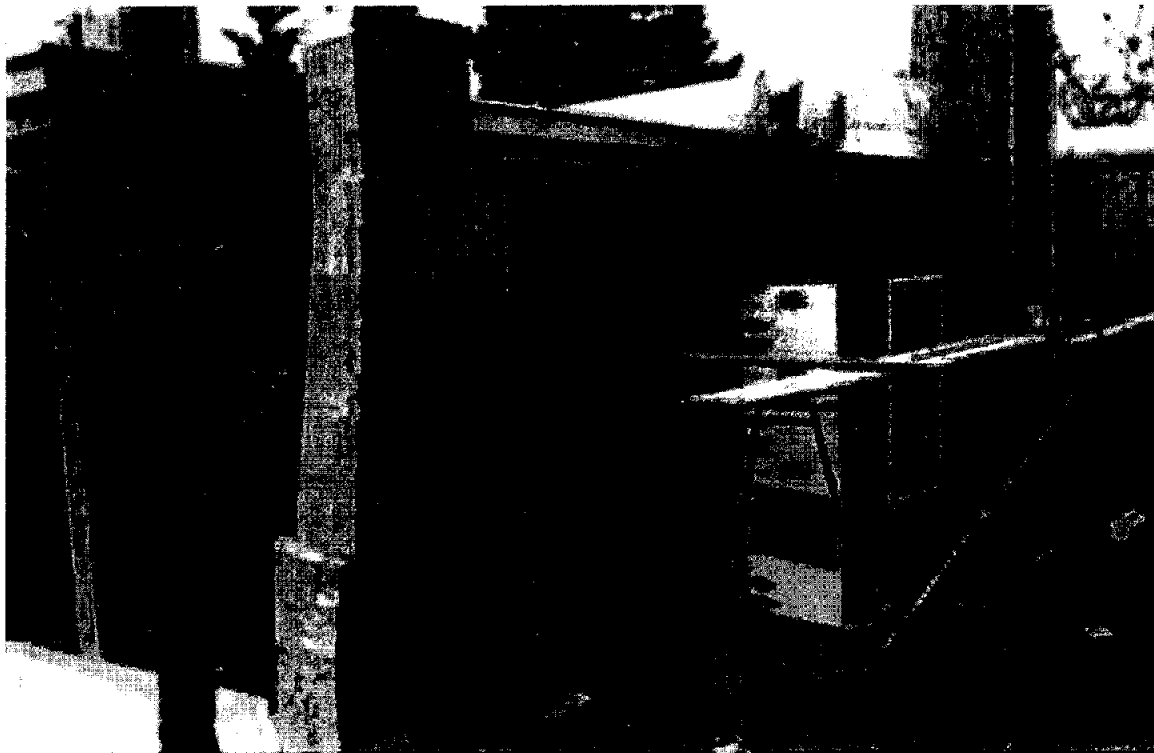
Terracing of walls is encouraged and should be landscaped.

The use of native, drought resistant plant material is encouraged in all wall, fence or terrace landscaping.

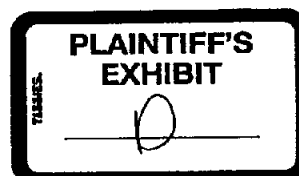
1598 Canyon Rd.



COVOTE FENCE



EAST ELEVATION





Administrative

Record

Project description: Liaison Planning Services, agent for Jay Parks, owner, proposes to amend a previous approval to construct an approximately 2,695 square foot residence on a vacant lot to the maximum allowable height of 15'6".

Case number: H-08-022

Project Type: HDRB

**PROJECT LOCATION (S):** 1598 Canyon Road

**PROJECT NAMES:**

OW – Jay Parks

Santa Fe, NM 87501

1598 Canyon Road

505-991-1574

AP – Liaison Planning

Santa Fe, NM 87504

P.O. Box 1835

505-920-6839

**PROJECT DATA:**

HISTORIC DISTRICT

Downtown & Eastside

HISTORIC BUILDING STATUS

NA

PUBLICLY VISIBLE FACADE-EAST

Yes

PUBLICLY VISIBLE FACADE-NORTH

Yes

PUBLICLY VISIBLE FACADE-SOUTH

Partial

PUBLICLY VISIBLE FACADE-WEST

No

HISTORIC DISTRICT INVENTORY NUMBER

NA

YEAR OF CONSTRUCTION

NA

PROJECT TYPE (NEW, ADD, ETC.)

New

USE, EXISTING

Residential

USE, PROPOSE

Residential

HISTORIC BUILDING NAME

NA

# City of Santa Fe, New Mexico

## memo

DATE: June 9, 2015  
TO: Historic Districts Review Board Members  
David Rasch, Supervising Planner in Historic Preservation *DR*  
FROM: Lisa Roach, Senior Planner in Historic Preservation *LR*

CASE # H-08-022

ADDRESS: 1598 Canyon Road

Historic Status: N/A

Historic District: Downtown & Eastside

### REFERENCE ATTACHMENTS (Sequentially):

#### CITY SUBMITTALS

- ☒ Case Synopsis
- ☐ District Standards & Yard wall & fence standards.
- ☐ Historic Inventory Form
- ☒ Zoning Review Sheet
- ☒ Other: 1) Building height calculation  
2) HDRB action letters  
3) 2008 Site Plan  
4) 08-12-2008 Minutes  
5) Administrative approvals  
6) Traffic Engineering approval

#### APPLICANT SUBMITTALS

- ☒ Proposal Letter
- ☐ Vicinity Map
- ☒ Site Plan/Floor Plan
- ☒ Elevations
- ☒ Photographs
- ☒ Other: HVAC specifications

### STAFF RECOMMENDATION:

Staff recommends approval of this application, which complies with Section 14-5.2 (D)(9) Height, Pitch, Scale and Massing, and (E) Downtown and Eastside Historic District.

## **BACKGROUND & SUMMARY:**

1598 Canyon Road is an approximately 1 acre vacant lot located in the Downtown and Eastside Historic District. On August 12, 2008, the HDRB approved construction of an approximately 2,695 square foot single family home with 257 square feet of portals and a 741 square foot attached garage, for a total roofed area of 3,793 square feet. Conditions of approval included that the stucco be cementitious, that the skylights be low profile and not publicly visible, that the existing split rail fence remain, that the vehicular gate be redesigned to be more transparent, that as many trees as possible be retained, and that the courtyard walls shall not exceed 6 feet.

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Now, the applicant returns with the proposal to change the design of the residence with the following items:

- 1) Expand the breakfast/dining room 2 feet to the east;
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- 8) Change the design of the doors on the south elevation from 6 lite with panels to 8 lite French doors;
- 9) Reduce the area of the north courtyard;
- 10) Add roof-mounted HVAC systems to be screened by parapets; and
- 11) Slightly alter the location of the vehicular entrance to bring it approximately 40' closer to the Canyon Road street frontage than originally approved.

The applicant has continued to work with neighbors to resolve concerns and has received approval from the City of Santa Fe Traffic Engineering Division regarding driveway visibility.



# Preliminary Zoning Review Worksheet

City of Santa Fe Land Use Department

<b>To Be Completed By Applicant:</b>		<b>Site Address:</b>	
Date Submitted: <u>5/29/15</u>		<u>1598 CANYON RD.</u>	
Property Owner of Record: <u>JAY PARKS</u>		Proposed Construction Description:	
Applicant/Agent Name: <u>LIAISON PLANNING</u>		<u>REVISIONS TO APPROVED PLAN SET</u>	
Contact Person Phone Number: <u>857.920.6839</u>		<b>TOTAL ROOF AREA:</b>	
Zoning District: <u>R-1</u>		Lot Coverage: <u>      </u> % <u>3,997</u> <del>sq</del>	
Overlay: <input type="checkbox"/> Escarpment		<input type="checkbox"/> Open Space Required: <u>      </u>	
<input type="checkbox"/> Flood Zone*		<b>Setbacks:</b>	
<input type="checkbox"/> Other: <u>      </u>		Proposed Front: <u>      </u> Minimum: <u>      </u>	
Submittals Reviewed with PZR:		2 <sup>nd</sup> Front? <u>      </u>	
<input checked="" type="checkbox"/> Legal Lot of Record <input type="checkbox"/> Development Plan <input type="checkbox"/> Building Plans		Proposed Rear: <u>      </u> Minimum: <u>      </u>	
<input checked="" type="checkbox"/> Existing Site Plan <input checked="" type="checkbox"/> Proposed Site Plan <input checked="" type="checkbox"/> Elevations		Proposed Sides: L <u>      </u> R <u>      </u> Minimum: <u>      </u>	
Supplemental Zoning Submittals Required for Building Permit:		Height: Proposed <u>      </u>	
<input type="checkbox"/> Zero Lot Line Affidavit		Maximum Height: <u>      </u> or	
Access and Visibility: <input type="checkbox"/> Arterial or Collector		<input type="checkbox"/> Regulated by Historic Districts Ordinance	
<input type="checkbox"/> Visibility Triangle Required		<input type="checkbox"/> Regulated by Escarpment District	
Use of Structure: <input type="checkbox"/> Residential		<b>Parking Spaces:</b>	
<input type="checkbox"/> Commercial Type of Use: <u>      </u>		Proposed <u>      </u> Accessible <u>      </u>	
Terrain: <input type="checkbox"/> 30% slopes		Minimum: <u>      </u>	
* Requires an additional review conducted by Technical Review Division.		<b>Bicycle Parking**:</b>	
** Requires an additional review conducted by the Traffic Engineering Division.		Proposed: <u>      </u> Minimum: <u>      </u>	
		** Commercial Requirement	

THIS REVIEW DOES NOT GRANT ZONING APPROVAL FOR BUILDING PERMIT. FINAL ZONING REVIEW WILL BE PERFORMED AT THE TIME OF BUILDING PERMIT APPLICATION.

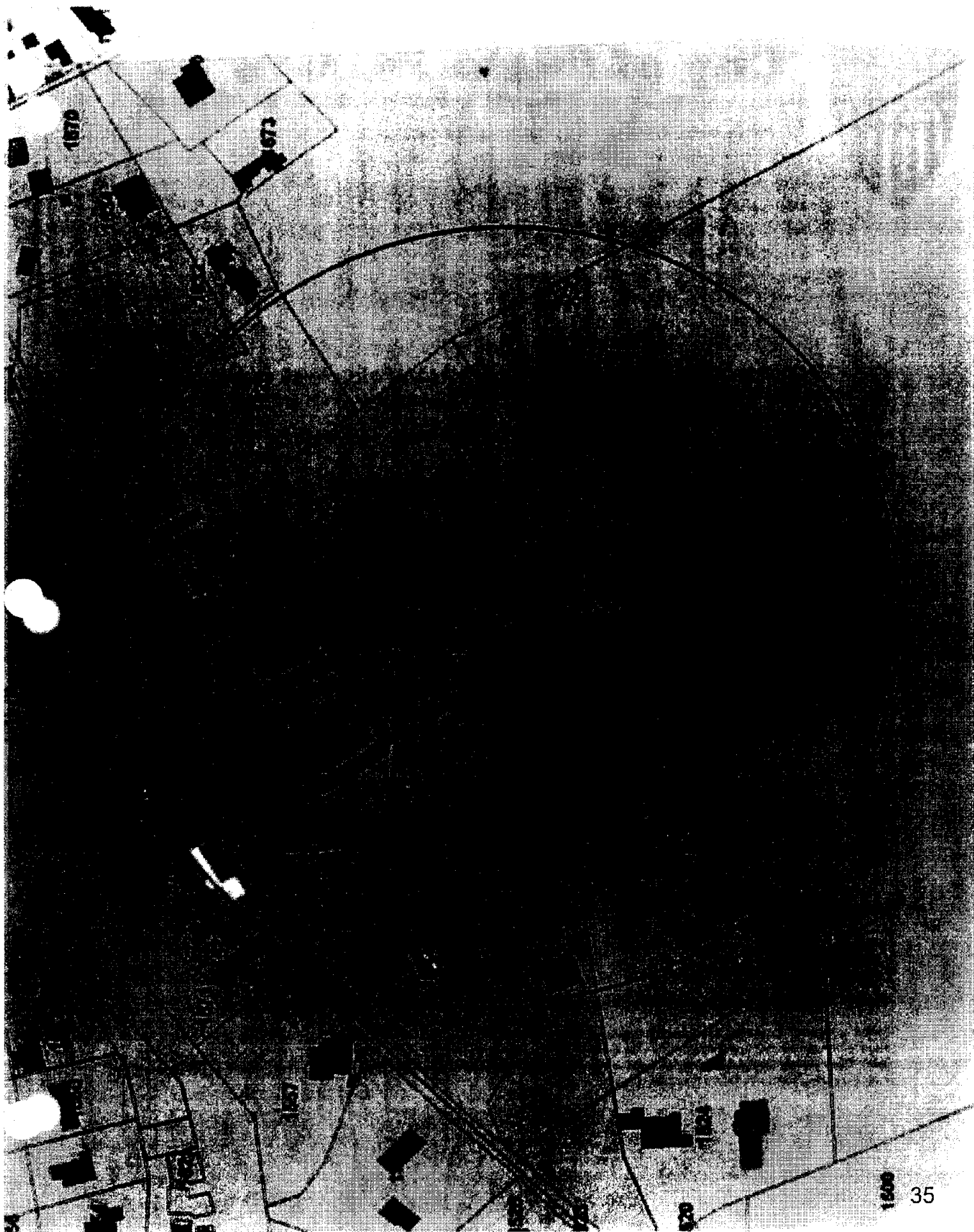
DOLORES J. VIGIL LIAISON PLANNING ☐ OWNER ☒ APPLICANT ☐ AGENT  
PRINT NAME

hereby certifies that the information provided for preliminary zoning review is accurate and will not be modified without consulting Land Use Department staff prior to submittal for Historic Districts Review Board review.

SIGNATURE

DATE

<b>To Be Completed By City Staff:</b>	
<b>Additional Agency Review if Applicable:</b>	
<input type="checkbox"/> Escarpment Approval by <u>      </u>	Date: <u>   /   /   </u>
<input type="checkbox"/> Flood Plain Approval by <u>      </u>	Date: <u>   /   /   </u>
<input type="checkbox"/> Traffic Engineering Approval by <u>      </u>	Date: <u>   /   /   </u>
Notes: <u>      </u>	
<b>Zoning Approval:</b>	
<input checked="" type="checkbox"/> Preliminary Approval <input type="checkbox"/> with conditions <input type="checkbox"/> Rejected	
Comments/Conditions: <u>      </u>	
REVIEWER: <u>Zach Thomas</u>	DATE: <u>4/30/15</u>





# City of Santa Fe, New Mexico

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

www.santafenm.org

*Javier M. Gonzales, Mayor*

## Councilors:

Peter N. Ives, Mayor Pro Tem, Dist. 2  
Patti J. Bushee, Dist. 1  
Signe I. Lindell, Dist. 1  
Joseph M. Maestas, Dist. 2  
Carmichael A. Dominguez, Dist. 3  
Christopher M. Rivera, Dist. 3  
Ronald S. Trujillo, Dist. 4  
Bill Dimas, Dist. 4

Project description: Liaison Planning Services, agent for Jay Parks, owner, proposes to amend a previous approval to construct an approximately 2,695 square foot residence on a vacant lot to the maximum allowable height of 15'6".

Case number: H-08-022

Project Type: HDRB

**PROJECT LOCATION (S): 1598 Canyon Road**

## PROJECT NAMES:

OW – Jay Parks  
Santa Fe, NM 87501

1598 Canyon Road  
505-991-1574

AP – Liaison Planning  
Santa Fe, NM 87504

P.O. Box 1835  
505-920-6839

## BOARD ACTION

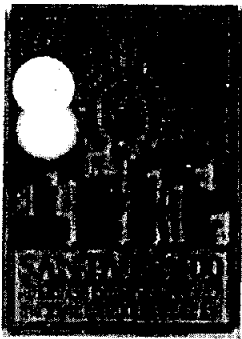
This is to certify that the Historic Districts Review Board (HDRB) acted on your request at their hearing on May 26, 2015. The decision of the Board was to postpone action on the case to June 9, 2015, pending verification that the fence change from split rail to coyote did not affect driveway visibility. For further information please call 955-6605.

Sincerely,

Lisa Roach

Senior Planner, Historic Preservation Division

**NOTE:** Applicant can use this action letter to apply for construction permit, but the permit shall not be released until the end of the appeal period which starts on the date of filing of the Findings and Conclusions in the City Clerk's office (SFCC 14-3.17(D)). Your permit will be denied if any changes on plans that were not approved by the HDRB or if conditions of approval are not met. Please attach copies of this letter to all sets when submitting for construction permits.



# City of Santa Fe, New Mexico

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

David Coss, *Mayor*

**Councilors:**

Rebecca Wurzbarger, Mayor Pro Tem, Dist. 2

Patti J. Bushee, Dist. 1

Chris Calvert, Dist. 1

Rosemary Romero, Dist. 2

Miguel M. Chavez, Dist. 3

Carmichael A. Dominguez, Dist. 3

Matthew E. Ortiz, Dist. 4

Ronald S. Trujillo, Dist. 4

**Project description:** Construct an approximately 3,793 sq. ft. single family residence and attached garage to the maximum allowable height of 15'6", to construct yardwalls to a height of 5' to 7'5" high where the maximum allowable height is 6', and to construct a 4' high mechanical vehicular gate.

**Project number:** 08-10100022

**Case number:** H-08-022

**Project type:** HDRB

**PROJECT LOCATION (S):** 1590 Canyon

## **PROJECT NAMES:**

OW - Parks Custom Builders  
Albuquerque, NM 87133

6800 Oakland Ave NE Suite B  
505-991-1574

AP - Liaison Planning Services  
Santa Fe, NM 87501

206 McKenzie St. G-1  
505-424-0693

## **BOARD ACTION**

This is to certify that the Historic Design Review Board (HDRB) at their meeting on, August 12, 2008, acted on the above referenced case. The decision of the board was to approve the application with the condition that stucco be El Rey cementitious, that skylights be low profile and are not publicly visible, that all existing split rail fence remain, that the vehicular gate be redesigned to be wood and more transparent and the redesign come back to the Board for approval, that the applicant tries to save as many trees as possible, and that the courtyard walls not exceed 6' high. See Findings of Facts and Conclusions of Law for final legal clearance.

For further information please call 955-6605.

Sincerely,

Marissa C. Barrett

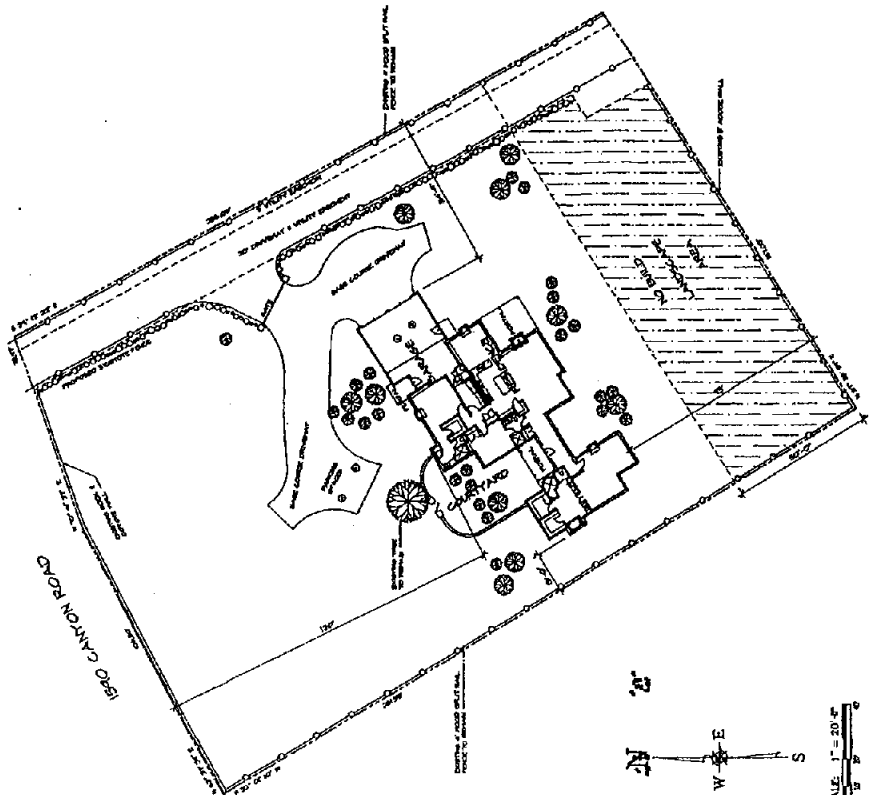
Senior Planner Historic Preservation Division

**NOTE:** Applicant can not apply for building permit until after the 7-day appeal period is completed beginning on the date of filing of the Findings and Conclusions in the City Clerks office (SFCC 14-3.17(D)). HDRB expire one (1) year after the date of their decision. Renewals of such decisions are available for one (1) additional year upon request. Your permit will be denied if any changes on plans that were not approved by the HDRB or if conditions of approval are not met. Please attach copies of this letter to all sets when submitting for building permit. Building Permit will not be approved through Historic Preservation until the Findings and Conclusions and appeal period is complete.



[illegible]

### VICINITY MAP



SCALE: 1" = 20'-5"

**SITE PLAN**

**PLATE 3.05.08**

## TABLE of CONTENTS

SHEET	DESCRIPTION OF PAGE
1	SITE PLAN
2	FLOOR PLAN
3	EXTERIOR ELEVATIONS

PROJECT DATA:

ZONE DISTRICT: R-1  
DOWNTOWN EASTSIDE HISTORIC DISTRICT

**SQUARE FOOTAGES:**

TOTAL LOT SIZE ----- 43,500.00 sq.ft.

THE UNIVERSITY OF CHICAGO

OPEN SPACE PROVIDED ----- 34,161.00 sq.ft.

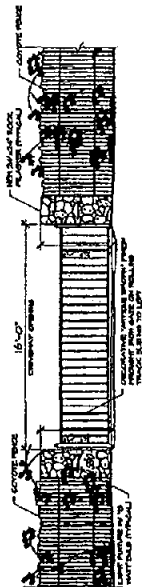
EXISTING STRUCTURES \_\_\_\_\_ 0000.00 sq.ft.

**PARKING SPACES REQUIRED**

PARKING SPACES PROVIDED -

FENCE & GATE AT DRIVEWAY

SCALE: 1/4" = 1'-0"



A HOME CUSTOM DESIGNED FOR:  
**PARKS CONSTRUCTION, INC.**

1540 CANYON ROAD, SANTA FE, NEW MEXICO

Chair Woods suggested they could suggest a different bench design that would please both parties.

Mr. Lilienthal said he could research it and come back to the Board.

**2. New Mexico Capital Parking Garage.** Informational Study Session for the proposal by the State

of New Mexico General Service Department, Property Control Division to construct a four-story 207,723 square foot parking garage to a maximum height of 35' 10" where the maximum allowable height is 17' 8" located at 420 Galisteo Street between Don Gaspar Avenue, Galisteo Street, Paseo de Peralta, West Manhattan Avenue, and South Capitol Street in the City of Santa Fe Downtown & Eastside Historic District. Architectural details will be discussed. (David Rasch)

This item was postponed under Approval of Agenda.

**I. OLD BUSINESS**

There was no Old Business to consider.

**J. NEW BUSINESS**

1. **Case #H 08-022.** 1590 Canyon Road. Downtown & eastside Historic District. Liaison Planning Services, Inc., agent for Parks Custom Builders, proposes to construct an approximately 3,793 square foot single family residence and attached garage to the maximum allowable height of 15' 6", to construct yardwalls to a height of 5' to 7' 5" high where the maximum allowable height is 6' and to construct 5' high mechanical vehicular gate. (Marissa Barrett)

Ms. Barrett presented the staff report for this case as follows:

**Background and Summary:**

"The approximately 1 acre vacant lot located in the Downtown and Eastside Historic District is proposed for construction of an approximately 2,695 square foot single family residence with 357 square feet of portals and an approximately 741 square foot attached garage, for a total roofed footprint of 3,793 square feet.

"The Territorial Revival style building will be to the maximum allowable height of 15' 6". The building will include true divided light doors and windows with wood surrounds painted off-white, carriage style garage doors painted off-white, and wood canales lined with galvanized metal. The portals will have square wood posts with decorative trim and a wood fascia with patinated copper flashing and dentil board.

All wood will be painted white.

"Seven skylights are indicated on the floor plan. The building will be stuccoed with an El Rey in a "Dark Adobe" color. Light fixtures will be down lights with a 75 watt bulb.

"Also proposed is the construction of a courtyard wall to a height ranging from 5' to 7' 8" on the northwest elevation. The wall will include a wood pedestrian gate and stuccoed entry surround to a height of 8'6". The maximum allowable height for courtyard walls is 6'. The entry way is considered an accent, and may be allowed to go higher than 6'.

"Lastly proposed is a 4' high mechanical vehicular gate and 5'-5'6" high coyote fence. The antique brown wrought iron sliding gate is setback approximately 80' from Canyon road, and 10' to 20' from the Driveway Utility Easement. The gate will attach to 24" by 24" rock pilasters. The coyote fence will run along the east property line along the existing driveway and is below the maximum allowable height of 6'. The coyote fence will have irregular latilla tops. A new base course driveway will also be constructed.

"This case was on the March 25, 2008 HDRB agenda, but was postponed by the owner. Ownership of the property has changed, and the same plans proposed in March are now coming before the Board for approval.

"Attached to this application is information from the adjacent neighbor regarding the sale history of this lot, and a covenant created at the time the lot was originally sold.

#### **Staff Recommendations:**

"Staff recommends approval of this application on the condition that the yard walls do not exceed the maximum allowable height of 6', and that the skylights are not publicly visible. Otherwise, this application complies with Section 14-5.2 (D) General Design Standards for all H-Districts, and Section 14-5.2 (E) Downtown and Eastside Historic District Design Standards."

Ms. Barrett noted that there were four handouts that were relevant to the case.

Chair Woods informed those present that the covenant was private, and added that Ms. Brennan had informed her that the City had no jurisdiction over private covenants, which needed to be followed up with the persons who had agreed on the covenants. She asked that it not be brought up. She added that a statement had been made by the owner that Chair Woods herself had made an offer to purchase the property. She said this was not true, and said she had never been interested in purchasing the property. She explained that she had once been asked to look at the property, as a contractor, for a former client. She said she had no knowledge as to whether or not that person had purchased the property at any time, or even if they had made an offer.

Ms. Rios asked if it was visible from Canyon Road.

Ms. Barrett said it was slightly visible from Canyon Road, and slightly visible from the driveway easement. She said the vehicular gate should not be publicly visible. She noted that the lot was set higher, and said there was a stone retaining wall, with a six foot high coyote fence on top of it.

Ms. Rios asked about the existing fence.

Ms. Barrett noted it was an irregular latilla coyote fence, and interior to that, there was a split rail fence.

Chair Woods asked if the project met the ordinance.

Ms. Barrett said it did. She noted there was one portion of the wall that, in the drawings, looked as though it was too tall, but said the applicant had assured her it would not exceed the maximum allowable height of 6'.

Present and sworn were Ms. Dolores Vigil, of 206 McKenzie, Ste G-1, and Mr. Jay Parks.

Ms. Vigil confirmed that they would meet the wall height limits.

Mr. Barrow asked Ms. Barrett if the split rail fence had precedence on Canyon Road.

Ms. Barrett explained that the split rail fence was not on the street, but along the drive. She said there were lots of walls and fences on the Road.

Mr. Barrow asked if it was appropriate.

Ms. Barrett agreed it was.

Ms. Rios said she believed the split rail added to the character of the property, and the area in general.

Mr. Barrow agreed. He spoke to the gate as well, saying it appeared to have vertical steel posts like a prison cell. He said he did appreciate that it was open, however. He asked if the applicant had any further impression about it. He asked what their motivation had been for that style of gate.

Mr. Parks said their thought had been to make it rather invisible, or nondescript. He said it would be a rusted or brown color.

Mr. Barrow asked how far apart the verticals were.

Mr. Parks said they were six inches apart.

Mr. Barrow asked if they could be flexible with that space.

Mr. Parks said they could, and explained that it would be custom built.

Mr. Barrow said he would encourage them to space the verticals further apart.

Chair Woods noted there was already a coyote fence on the left side, and said the Board liked the split rail. She said having a coyote fence there would create a tunnel.

Mr. Parks said he understood.

Chair Woods asked if they were going to keep the trees.

Mr. Parks said the Spruce had to stay, and said the ones in back would not be touched.

Chair Woods asked if any members of the public wished to speak regarding this case. She asked them again to please not mention the private covenants.

Present and sworn was Mr. Forest Rutherford, who was speaking on behalf of Margaret Pierson, the owner of the lot behind the one in question. He said his understanding was that the driveway wall would still be six feet. He said that at one point, they had been informed that the entire estate would be surrounded by a rock wall.

Chair Woods said that was between Ms. Pierson and the owner, and was not something the Board would require.

Mr. Rutherford asked if it had been established that the driveway wall would not exceed the maximum allowable height.

Chair Woods said the Board had not voted yet, so it was not final.

Mr. Rutherford said it would be disturbing if the back wall was at a height of 7'6". He said the owner had planted trees along the lot line, in the design of leaving it as a natural design along that part of Canyon Road. He added that anything that would lessen the tunnel effect would be good, because of drainage concerns. He said he also appreciated the Board's concern about the gate.

Mr. Robert T. Coughlin, of 1571 Canyon Road, was sworn in. He thanked the Board for their sensitivity to the rural nature of Canyon Road. He said the split rail fence did add to the texture of their neighborhood. He noted that all the other electric gates in the neighborhood were wood, not metal. He said he appreciated that the applicants were sensitive to the six foot limit.

No other members of the public wished to speak regarding the case.

Mr. Parks said the easement was a private road easement. He said they turned off of it onto their home. He said they had not been allowed access to Canyon Road. He said he had tried to design something that was sensitive to the area. He said he thought the rock wall in front was charming, and said it would not be touched. He said they were trying to keep the openness. He said they could come up with a separate design for a wood gate to match the design of the house.

Chair Woods said it would be good if they could redesign the gate, and not have the walls higher than six feet.

Ms. Barrett said no coyote fence had been proposed above six feet, and said there was nothing along the road.

Mr. Featheringill asked if the el Rey stucco was cementitious.

Mr. Parks said they could use cementitious stucco if that was the wish of the Board.

Mr. Featheringill noted that El Rey did make an elastomeric stucco.

Mr. Parks said they did not intend to use the elastomeric type stucco.

**Ms. Rios moved to approve Case# H-08-022 with the following conditions:**

1. That the stucco be El Rey, and cementitious,
2. That the skylights be not visible,
3. That the split rail fence remain on all existing elevations,
4. That there be no changes to the existing rock wall in the front,
5. That the vehicular gate be redesigned as a wooden gate, and brought back to the Board for approval.

Ms. Shapiro seconded the motion.

Ms. Shapiro asked for the additional conditions that the applicants save as many trees as possible, and that the wall at the courtyard not be above six feet.

Ms. Rios agreed to the additional conditions.

Mr. Barrow asked that the motion include the condition that gate be as transparent as possible.

Ms. Rios agreed to that additional condition as well.

The motion passed by unanimous voice vote. Ms. Walker was not present for the vote.



City of Santa Fe  
LAND USE DEPARTMENT | HISTORIC PRESERVATION DIVISION  
**ADMINISTRATIVE APPROVAL**



**THIS IS NOT A CONSTRUCTION PERMIT**

**DO NOT BEGIN WORK WITHOUT A PERMIT. SUBMIT THIS FORM WITH YOUR CONSTRUCTION PERMIT APPLICATION AND RETAIN A COPY AT THE JOB SITE.**

To: BUILDING PERMIT DIVISION

Date: 7.3.14

From: David Rasch, Planner Supervisor:

DR  
STAFF INITIALS

Project Address: 1590 Canyon Rd.

Be advised that per §14-5.2 SFCC 1987 the work described below at the above-referenced address does NOT require Historic Districts Review Board approval and is hereby staff-approved as described below. Please allow the applicant to submit for a construction permit(s) for this work if required.

**Description of Proposed Work:**

Extension to file for Construction permit

~~H-08-022~~ HDRB approval on Aug. 12, 2008

until 7.15.14

no changes to design or conditions of approval  
or application shall return to HDRB  
except 1 change: add to frame

**PERMIT ROUTING** (Including Secondary Permits)

- ☒ NO PERMIT REQUIRED \_\_\_\_\_
- ☒ DO NOT ROUTE TO HIST. PRES. DIV. \_\_\_\_\_
- ☒ ROUTE TO HISTORIC PRES. DIVISION DR

**REQUIRED HISTORIC INSPECTIONS**

- ☒ INTERIM HIST. INSPECTION DR
- ☒ FINAL HIST. INSPECTION DR

# LIAISON Planning Services Inc.

P.O. Box 1835 Santa Fe, NM 87504 liaisonplanning@gmail.com

---

June 26, 2014

David Rasch, Planner Supervisor  
City of Santa Fe Historic Preservation Division  
P.O. Box 909  
Santa Fe, NM 87504-0909

## LETTER OF INTENT

Re. 1590 Canyon Rd  
Santa Fe, NM

Dear Mr. Rasch,

Please consider this letter as a formal request to review and administratively extend the Board approval (August 12, 2008), for the above referenced address. The height, colors, elevations and architectural style will not change. All conditions for approval will be adhered to. I have attached a copy of approved plan and letter for your review.

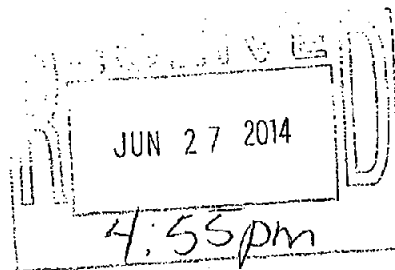
The proposed design is in keeping with the historic styles within the Downtown/ Eastside District. Your consideration for approval is greatly appreciated.

Sincerely,

  
Dolores I. Vigil

### Attachments.

Letter of Approval  
Floor Plan  
Elevations







# City of Santa Fe

LAND USE DEPARTMENT | HISTORIC PRESERVATION DIVISION

## ADMINISTRATIVE APPROVAL



Full Scale

### **THIS IS NOT A CONSTRUCTION PERMIT**

**DO NOT BEGIN WORK WITHOUT A PERMIT. SUBMIT THIS FORM WITH YOUR CONSTRUCTION PERMIT APPLICATION AND RETAIN A COPY AT THE JOB SITE.**

Date: 2.6.15

To: BUILDING PERMIT DIVISION

From: David Rasch, Land Use Planner Supervisor:

DR  
STAFF INITIALS

Lisa Roach, Land Use Planner Senior:

STAFF INITIALS

Date Submitted:

1.9.15

Contact Name:

Dolores Vigil

Phone Number:

920-6839

Project Address: 1598 Canyon Rd.

Be advised that per §14-5.2 SFCC 1987 the work described below at the above-referenced address does NOT require Historic Districts Review Board approval and is hereby staff-approved as described below. Please allow the applicant to submit for a construction permit(s) for this work if required.

### Description of Proposed Work:

4' high coyote fence with irregular tops,  
as submitted

along east and south sides

#### PERMIT ROUTING (Including Secondary Permits)

☒ DO NOT ROUTE TO HIST. PRES. DIV. DR

☐ ROUTE TO HISTORIC PRES. DIVISION

#### REQUIRED HISTORIC INSPECTIONS

☐ INTERIM HIST. INSPECTION

☒ FINAL HIST. INSPECTION DR

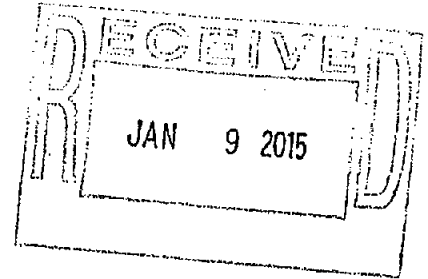
# LIAISON Planning Services Inc.

P.O. Box 1835 Santa Fe, NM 87504 liaisonplanning@gmail.com

---

January 8, 2015

David Rasch, Planner Supervisor  
City of Santa Fe Historic Preservation Division  
P.O. Box 909  
Santa Fe, NM 87504-0909



## LETTER OF REQUEST

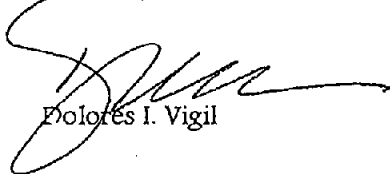
Re. 1598 Canyon Rd  
Santa Fe, NM

Dear Mr. Rasch,

Please consider this letter as a formal request to review and administratively approve a 4' coyote fence for the above referenced address. The top of the fence will be uneven and will surround the property as indicated on the enclosed site plan.

The proposed design is in keeping with the historic styles within the Downtown/ Eastside District. Your consideration for approval is greatly appreciated.

Sincerely,

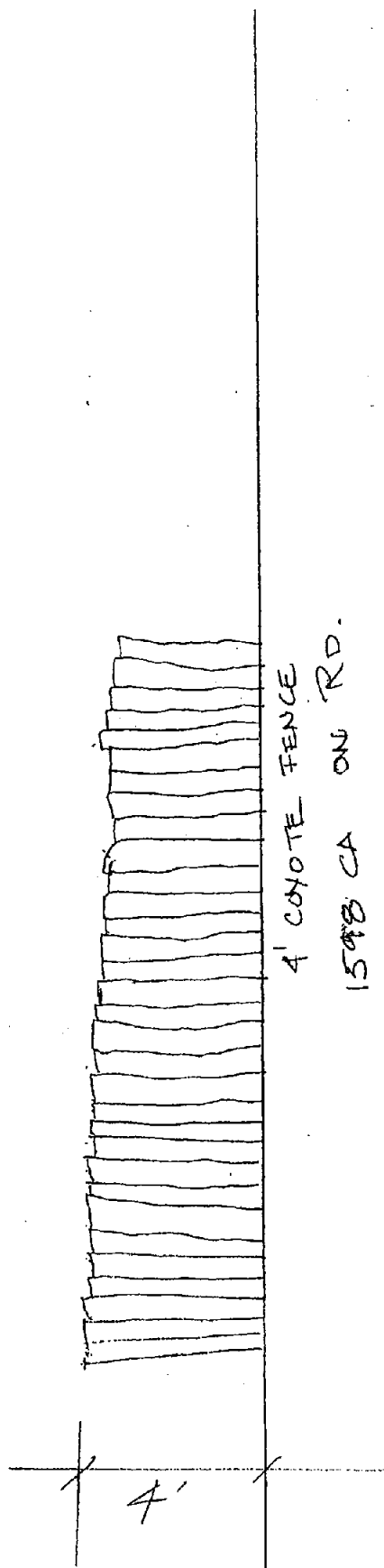


Dolores I. Vigil

Attachment,

Site Plan

---



**ROACH, LISA G.**

---

**From:** LUCERO, LADD L.  
**Sent:** Tuesday, June 02, 2015 4:15 PM  
**To:** ROACH, LISA G.  
**Cc:** liasonplanning@gmail.com  
**Subject:** sight distance  
**Attachments:** sight plan 1598 Canyon Rd..pdf

Lisa,

I have reviewed the site plan as well as doing a site visit for the property at 1598 Canyon Rd. for Mrs. Dolores Vigil. The *location of coyote fence* meets the AASHTO requirements for sight distance and there are not any other sight visibility concerns at this time. If you have any questions please call or e-mail me. Thank You.

Ladd Lucero  
Traffic Engineering Division  
Public Works Department  
City of Santa Fe  
Phone: 505-955-6637

APR 29 2015

# LIAISON Planning Services Inc.

P.O. Box 1835 Santa Fe, NM 87504 (505) 920-6839 [liaisonplanning@gmail.com](mailto:liaisonplanning@gmail.com)

---

April 29, 2015

David Rasch, Supervising Planner  
City of Santa Fe  
Historic Preservation  
P.O. Box 909  
Santa Fe, NM 87504-0909

## LETTER OF INTENT

Re: 1598 Canyon Road  
Santa Fe, NM

Dear Mr. Rasch,

Please consider this application as a formal request to approve changes made to the above referenced address. I am providing you with photos and updated plans of the residence as it is today. A few changes have been made by Jay Parks and his crew and are as follows:

The dining area/ kitchen is two feet larger (east elevation) than on the approved plans (as recommended by the marketing team);  
the jog in the great room is removed (as recommended by the marketing team);  
the windows in the front entry are now 4 not 5 (due to manufacturing);  
the windows in the snail shower has been removed and in the guest shower (privacy issue);  
the garage parapet is 2' taller (building issue with depths of joists and slope);  
an outdoor fireplace has been added under the portal;  
the master suite window on the south elevation are now true divided light french doors (as recommended by marketing team);  
the outdoor court yard has been reduced.

This request is to clarify what was previously approved by the Board regarding primary elevations for this property. Your time and consideration is greatly appreciated.

Sincerely,



Dolores I. Vigil

Attachments: Application  
Site Plans  
Elevations  
Floor Plans  
Vicinity Map  
Photographs

MAY - 8 2015

# LIAISON Planning Services Inc.

P.O. Box 1835 Santa Fe, NM 87504 liaisonplanning@gmail.com

---

May 6, 2015

David Rasch, Planner Supervisor  
City of Santa Fe Historic Preservation Division  
P.O. Box 909  
Santa Fe, NM 87504-0909

## LETTER OF REQUEST

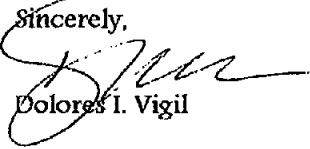
Re: 1598 Canyon Rd  
Santa Fe, NM

Dear Mr. Rasch,

Please consider this letter as a formal request to review and administratively approve HVAC systems that will be placed on the roof located at the above referenced address. The units are all inclusive and require no additional duct work. They will be placed below the parapet as shown on the enclosed sketch. I am also providing you with a roof plan and specifications for the units.

The proposed design is in keeping with the historic styles within the Downtown/ Eastside District. Your consideration for approval is greatly appreciated.

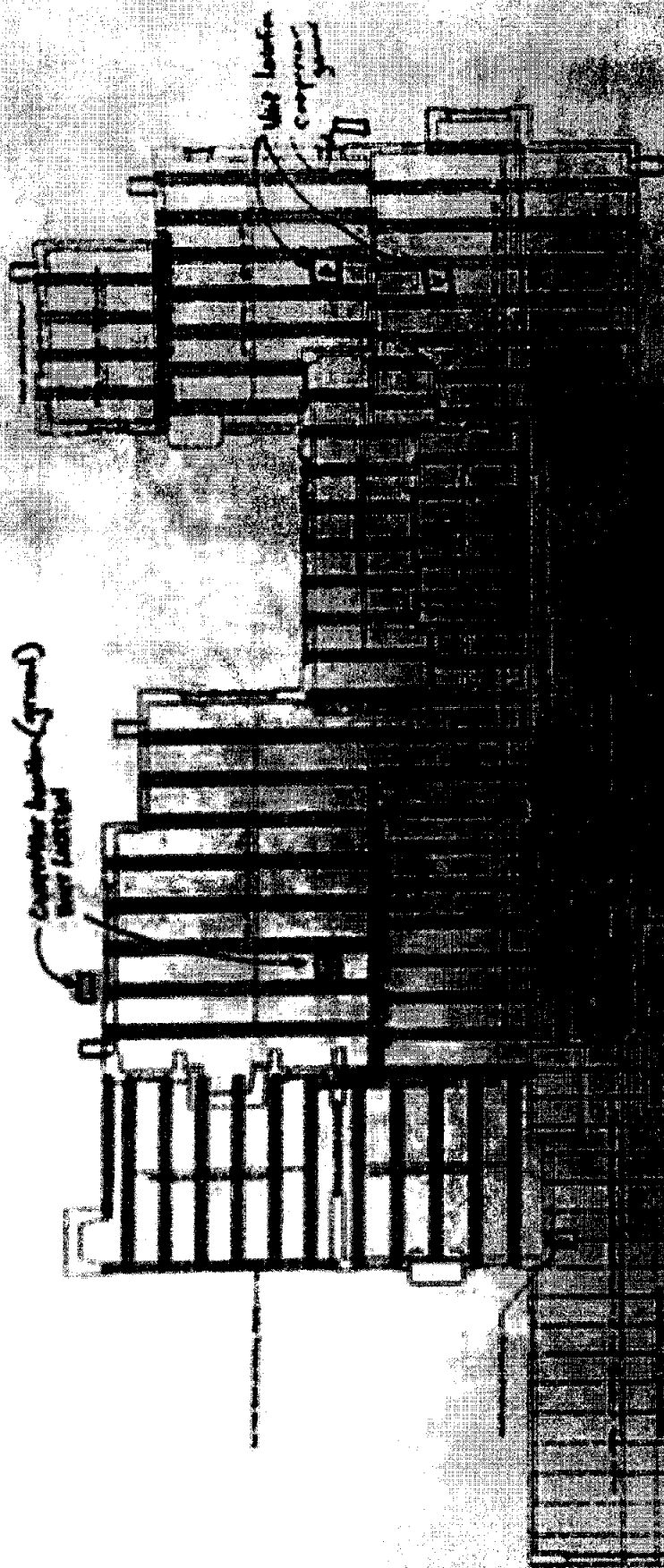
Sincerely,



Dolores I. Vigil

Attachment: Roof Plan  
Specifications  
Sketch

---





28x32 BOX  
PER UNIT W/ METAL  
CAP

SUGGEST

12"

# System 18RLFCC Submittal

AOU18RLFC, AUU18RLF

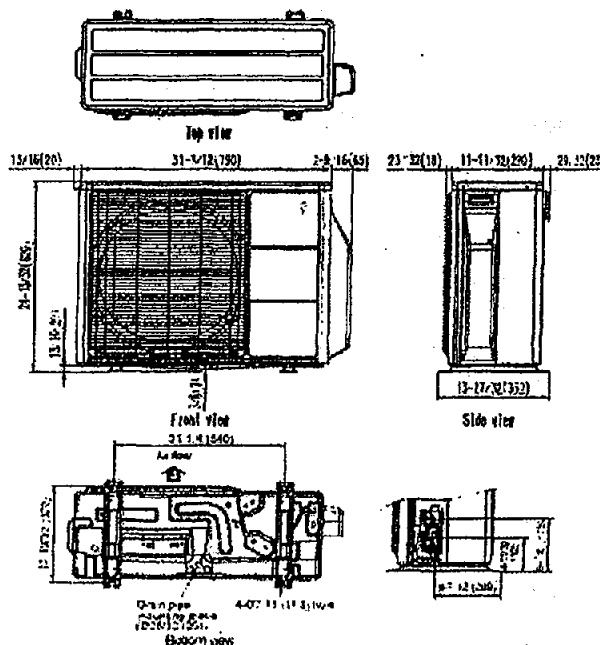
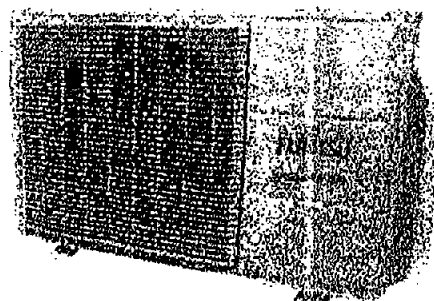
Compact Cassette



FUJITSU

Job Name: \_\_\_\_\_ Approval: \_\_\_\_\_ Date: \_\_\_\_\_  
 Location: \_\_\_\_\_ Construction: \_\_\_\_\_  
 Engineer: \_\_\_\_\_ Unit #: \_\_\_\_\_  
 Submitted to: \_\_\_\_\_ Drawing #: \_\_\_\_\_  
 Submitted by: \_\_\_\_\_ Reference: \_\_\_\_\_

Outdoor Unit Power	208-230/VAC-1Ph-60Hz
Available Voltage Range	187-253VAC
Fuse Size, Max.	20A
MOA	17.5A
Compressor	Inverter Driven Variable Speed DC Rotary
No. used	1
Output	1000W
Lubricant Oil	POE (R888)
Fan type	Propeller
Motor Output	115W
Airflow Rate	Cooling/Heating (High) 1457 / 1407CFM
Refrigerant	410A
Outdoor Unit	2lbs 14oz
Control	Electronic Expansion Valve
O.D. Discharge (in)	1/4"(Flare)
O.D. Suction (in)	1/2"(Flare)
Dimensions	H x W x D
Unrated	(in) 24-1/2 x 31-3/32 x 11-11/32
	(mm) (620 x 790 x 290)
Crated	(in) 28-1/16 x 37-7/32 x 16-9/16
	(mm) (713 x 945 x 395)
Weight	Outdoor
Net	86lbs (39kg)
Gross Shipping	93lbs (42kg)
Cooling	
Rated Capacity	18,000BTU/h
Min-Max Capacity	3,100~20,100BTU/h
Rated Power Input	1.61kw
Max. Power Input	2.15kw
SEER	20.1
EER	11.2
Outdoor Sound Rating	64dB
Heating	
Rated Capacity	21,600BTU/h
Min-Max Capacity	3,100~25,600BTU/h
Rated Power Input	1.76kw
Max. Power Input	2.60kw
HSPF	11.5
EER	12.3
Outdoor Sound Rating	55dB
Piping Lengths	
Max. Piping Length (Total)	66ft
Max. Pipe Height Difference	49ft
Connection method	(Flared)
Operating Range	
Cooling	14°F~115°F DB
Heating	-6°F~75°F DB

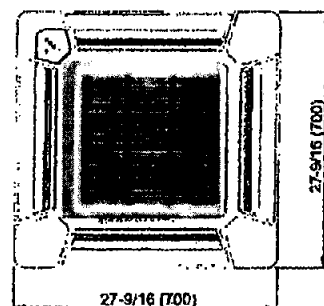


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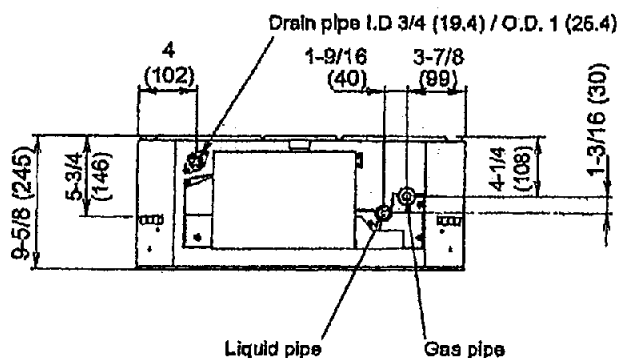
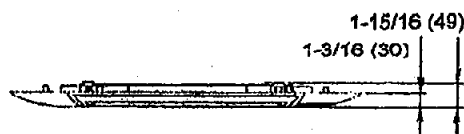
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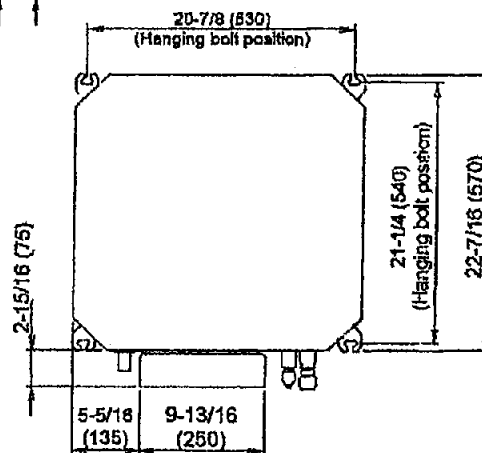
<b>Power</b>	V/Hz/P	230/60/1	<b>Cooling Capacity</b>	(BTU/h)	18,000
<b>Fan type</b>		Turbo	<b>Moisture Removal</b>	(l/h)	4.6 (2.2)
<b>No. Motors</b>	(W)	42-1	<b>Heating Capacity</b>	(BTU/h)	21,600
<b>CFM</b>	(Hi, Me, Lo, Qu)	441/359/306/241	<b>Temperature Setting Range</b>		
<b>Sound Pressure Level</b>	db (Hi, Me, Lo, Qu)	42/37/33/29	<b>Cooling</b>	*F(*C)	64~80 (18~32)
<b>E.L.A.</b>	(A)	32	<b>Heating</b>	*F(*C)	60~88 (16~31)
<b>Refrigerant</b>		410A	<b>Drain Pipe Size</b>	OD in (mm)	Ø1 (25.4)
<b>O.D. Discharge</b>	in (mm)	1/4" (6.35)		ID in (mm)	Ø3/4 (19.4)
<b>O.D. Suction</b>	in (mm)	1/2" (12.7)	<b>Condensate Pump Lift*</b>	in (mm)	28 (700)
<b>Dimensions</b>		H x W x D	<b>Remote Control Type</b>	Wireless (Optional)	
<b>Unit Unrated</b>	(in)	8-21/32 x 22-14/32 x 22-14/32	<b>Electrical Connection**</b>	AWG	14/3 with ground
	(mm)	(245x570x570)	*Pump is capable of providing 28" of lift at no more than 6" away from the unit. Lift is measured from the suction of the pump which is located at the bottom of the unit and not the outlet of the condensate. **Power and communication are fed from the outdoor unit.		
<b>Unit Crated</b>	(in)	10-7/16 x 28-3/4 x 24-19/32			
	(mm)	(285x730x626)			
<b>Panel Unrated</b>	(in)	1-15/16 x 27-9/16 x 27-9/16			
	(mm)	(49x700x700)			
<b>Panel Crated</b>	(in)	4-23/32 x 30-1/8 x 29-23/32			
	(mm)	(120x765x755)			
<b>Weight</b>					
<b>Unit Net</b>	lbs. (kg)	33 (15)			
<b>Unit Gross Shipping</b>	lbs. (kg)	40 (18)			
<b>Panel Net</b>	lbs. (kg)	5.7 (2.6)			
<b>Panel Gross Shipping</b>	lbs. (kg)	10 (4.5)			



Grille  
(sold separately)



Unit



**Note:**

Specifications are based on the following conditions.

Power source of specifications : 230V

Cooling: Indoor temperature of 80°F(26.67°C)DB / 87°F(31.11°C)WB, and outdoor temperature of 95°F(35°C)DB/75°F(23.89°C)WB.

Heating: Indoor temperature of 70°F(21.11°C)DB / 60°F(15.56°C)WB, and outdoor temperature of 47°F(8.33°C)DB/43°F(5.56°C)WB.

Standard Static Pressure: 0.10in.WG (2.5Pa)

Pipe length : 16.4ft. (5m) [Outdoor unit - Branch box], 8.8ft. (3m) [Branch box - Indoor unit]

Height difference : 0 ft.(0m) [Outdoor unit - Indoor unit]

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# Hybrid Flex Submittal

AOU18RLXFZ

Hybrid Flex Inverter System Heat Pump

Job Name: \_\_\_\_\_

Location: \_\_\_\_\_

Engineer: \_\_\_\_\_

Submitted to: \_\_\_\_\_

Submitted by: \_\_\_\_\_

Reference: \_\_\_\_\_



Approval: \_\_\_\_\_

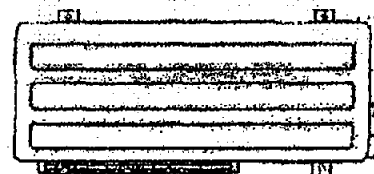
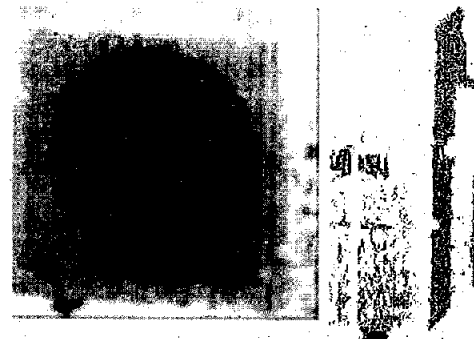
Date: \_\_\_\_\_

Construction: \_\_\_\_\_

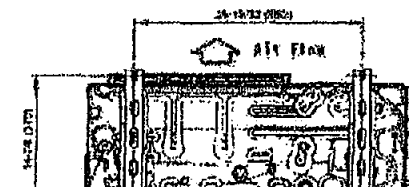
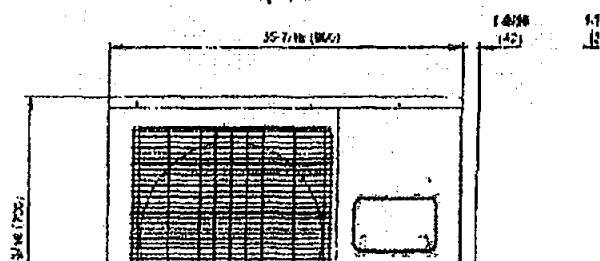
Unit #: \_\_\_\_\_

Drawing #: \_\_\_\_\_

		General Data (at 230V)	
Power		208-230VAC-1ph-60Hz	
Min. Circuit Ampacity		8.2A	
Fuse Size, Max.		25A	
MCA		10A	
Compressor	Inverter driven variable speed DC Twin Rotary		
No. used		1	
Output		1,100W	
Lubricant Oil		POE	
Fan type		Propeller	
Motor Type		E.C.M.	
Motor Output		100W	
CFM	Cooling/Heating (High)	1,795 / 1,619	
Refrigerant		410A	
Outdoor unit charge		4lbs 14oz.(2,200g)	
Control		Electronic Expansion Valve	
O.D. Discharge	(in)	1/4"x2(Flare)	
O.D. Suction	(in)	3/8"x2(Flare)	
Dimensions		H x W x D	
Unrated	(in)	27-9/16 x 35-7/16 x 13	
	(mm)	(700 x 900 x 330)	
Crated	(in)	38-3/16 x 41-11/32 x 17-17/32	
	(mm)	(970 x 1,050 x 445)	
Weight		Outdoor	
Net		119lbs(54kg)	
Gross Shipping		134lbs (61kg)	
Cooling Capacity		18,000(6,100~21,000)BTU/h	
Rated Power Input		1.46kW	
Max. Power Input		2.10kW	
Outdoor Sound Rating		49dB	
Heating Capacity		22,000 (6,800-24,400)BTU/h	
Rated Power Input		1.84kW	
Max. Power Input		2.09kW	
Outdoor Sound Rating		49dB	
Piping Lengths			
Pre-charge length		98ft	
Max. Piping Length (Total)		164ft	
Max. length (each)		82ft	
Min. length (total)		49ft	
Min. length (each)		16ft	
Max. Pipe Height Difference		49ft	
Between condenser and each indoor unit		33ft	
Between indoor units		(Flared)	
Connection method			
Operating Range		14°F~115°F DB	
Cooling		6°F~75°F DB	
Heating			



Top view



	Non-Ducted	Ducted & Non-Ducted	Ducted
SEER	18	17.0	18.0
HSPF	9.3	9.15	9.0
EER	12.5	12.3	12.1

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\*Note: Specifications are based on the following conditions.  
Power source of specifications : 230V

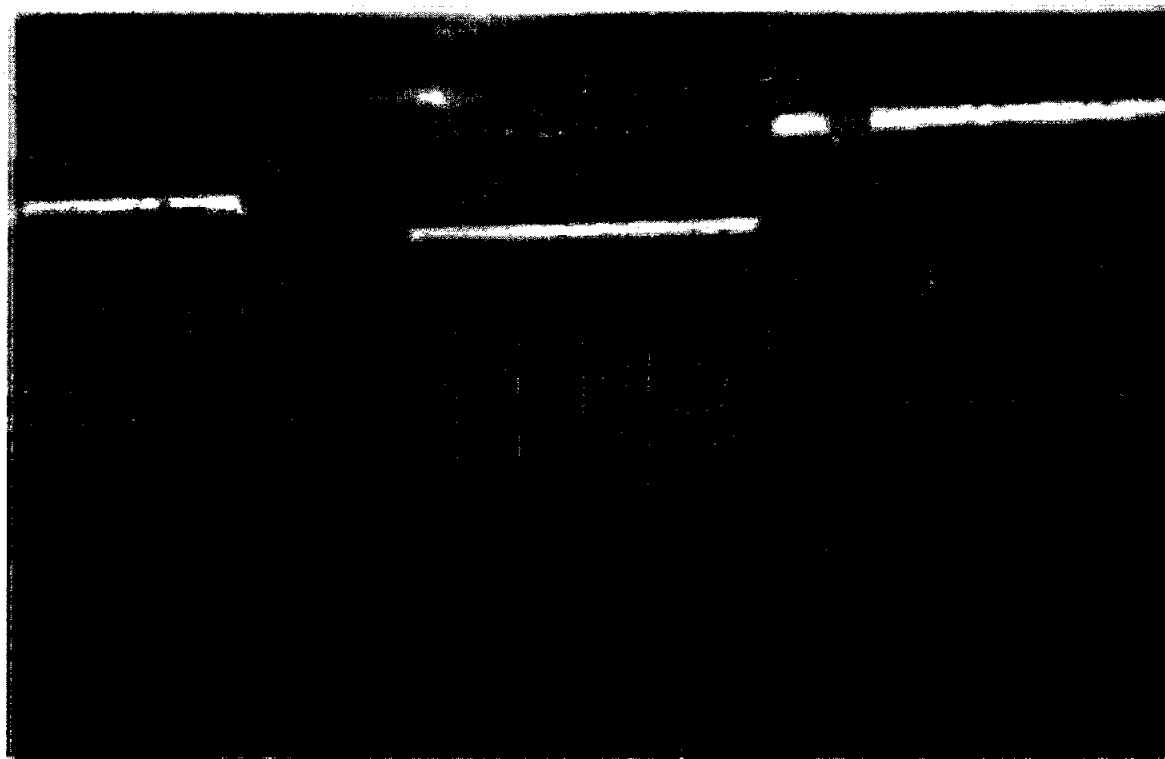
Cooling: Indoor temperature of 80°F(26.67°C)DB / 67°F(19.44°C)WB, and outdoor temperature of 95°F(35°C)DB/75°F(23.89°C)WB.  
Heating: Indoor temperature of 70°F(21.11°C)DB / 80°F(26.67°C)WB, and outdoor temperature of 47°F(8.33°C)DB/43°F(6.11°C)WB.  
Pipe length : 24ft. 7in.(7.6m), Height difference : 0 ft.(0m) [Outdoor unit - Indoor unit]



78 1598 CANYON RD.

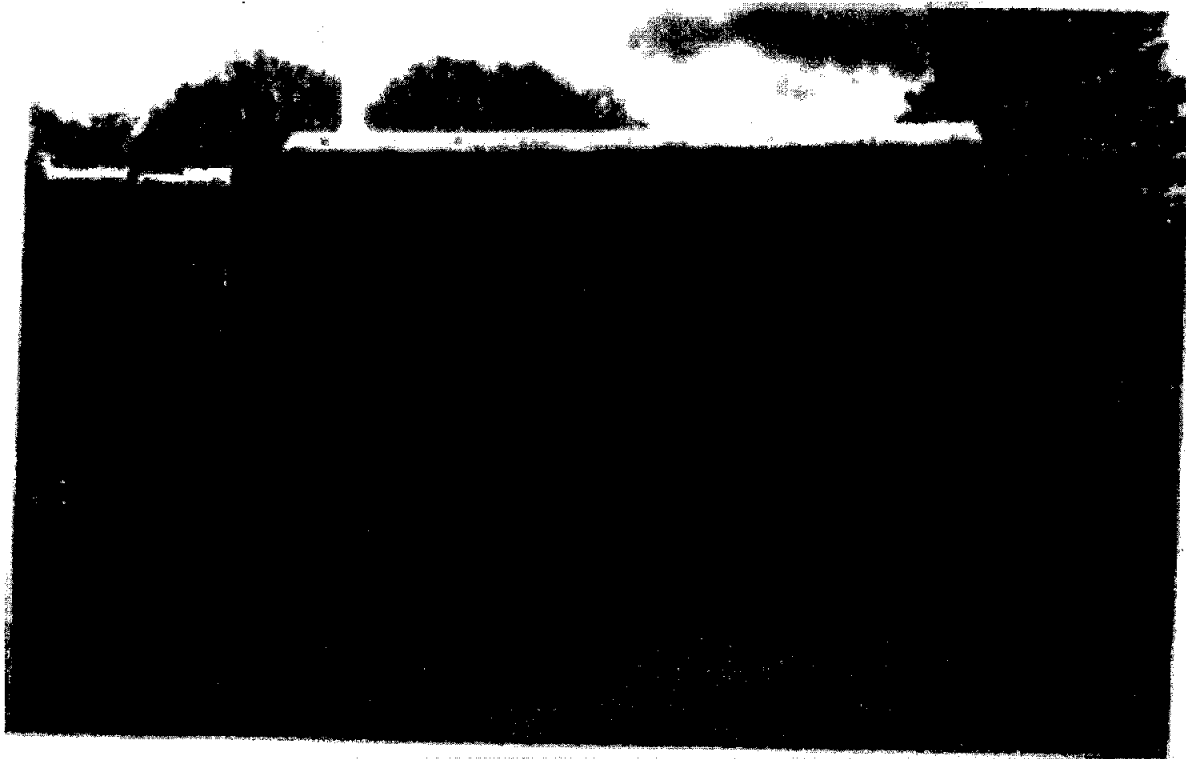


FIREPLACE LOCATION



SOUTH ELEVATION

1598 CANYON RD.



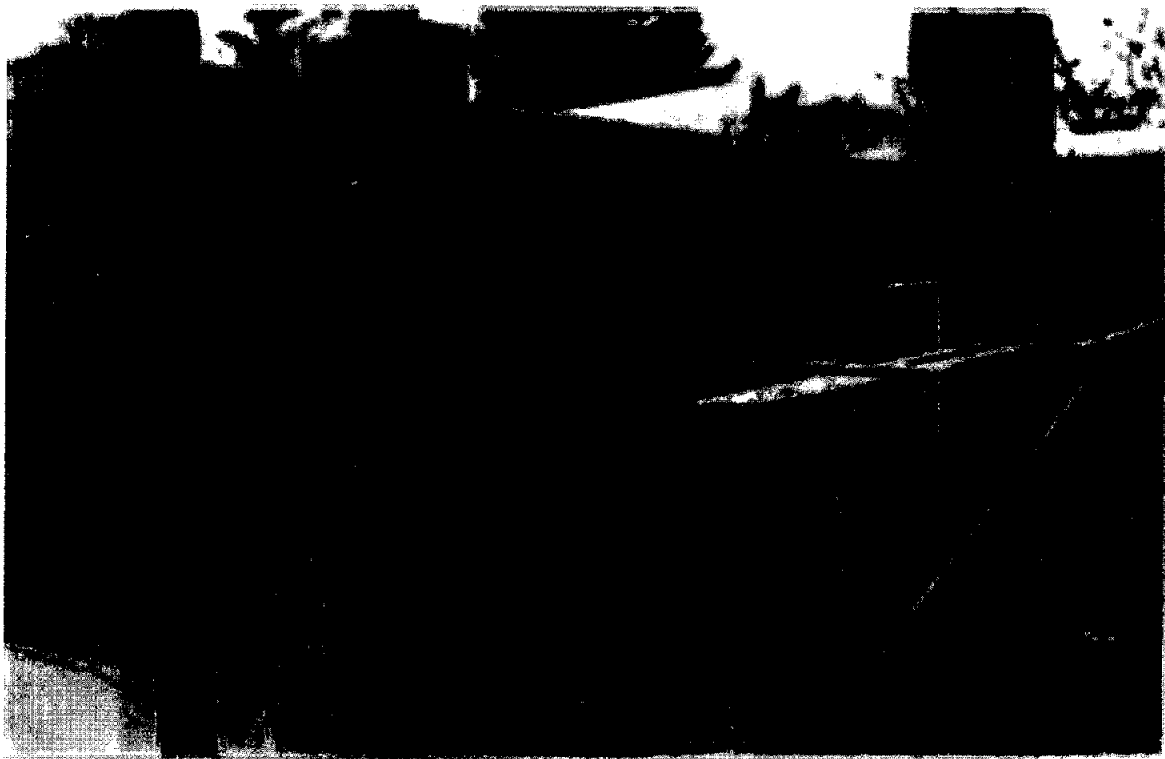
GARAGE

1598 Canyon Rd.

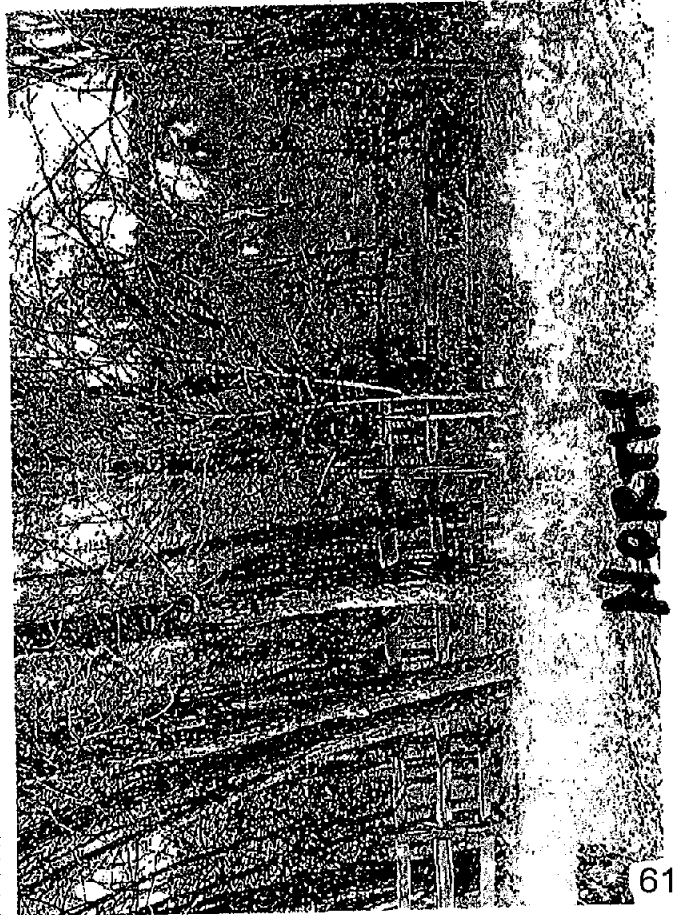
(C)



COYOTE FENCE



EAST ELEVATION



**NORTH**

**FROM ADJACENT PROPERTY**



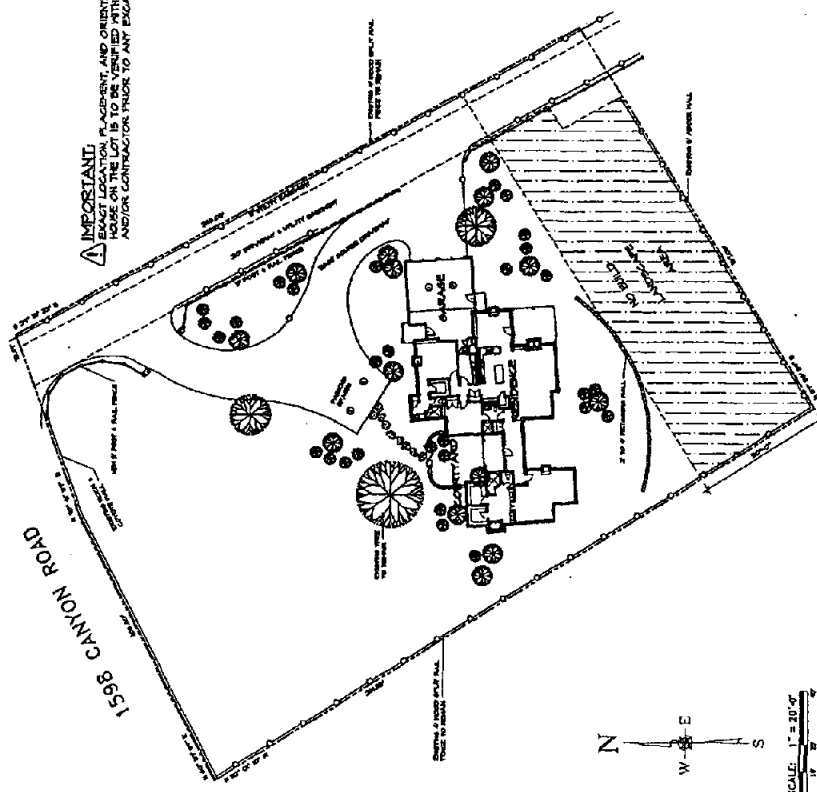
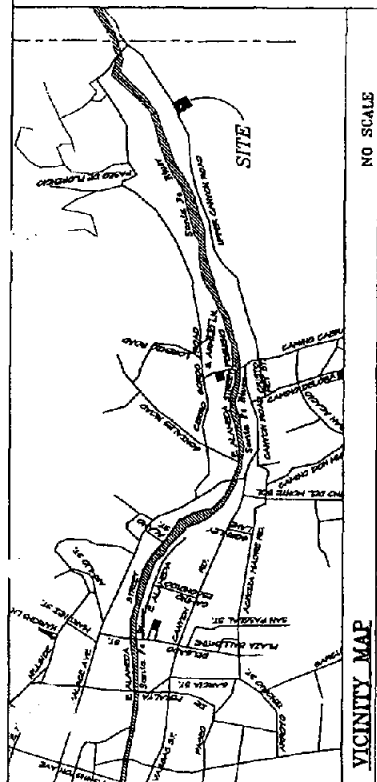
**FRAM CANYON RD**



**FROM EASEMENT**



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A HOME CUSTOM DESIGNED FOR:  
**PARKS CONSTRUCTION MANAGEMENT**  
 1598 CANYON ROAD, SANTA FE, NEW MEXICO

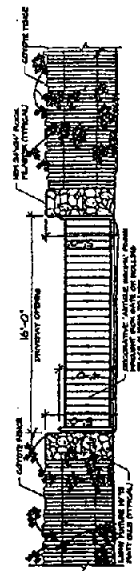
**PROJECT DATA:**

ZONE DISTRICT: R-1  
 DOWNTOWN EASTSIDE HISTORIC DISTRICT

**SQUARE FOOTAGES:**

TOTAL LOT SIZE: 43,560.00 sq. ft.  
 PROPOSED LOT COVERAGE (roofed area): 3,793.00 sq. ft.  
 OPEN SPACE PROVIDED: 39,767.00 sq. ft.  
 EXISTING STRUCTURES: 0.00 sq. ft.

**PARKING SPACES REQUIRED: 2**  
**PARKING SPACES PROVIDED: 4**



**TABLE of CONTENTS**

SHEET	DESCRIPTION OF PAGE
1	ORIGINAL SITE PLAN
1a	NEW SITE PLAN
2	ORIGINAL FLOOR PLAN
2a	NEW FLOOR PLAN
3	NORTH & EAST ELEVATIONS
4	SOUTH & WEST ELEVATIONS

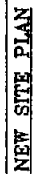
DATE: 4.27.2016  
 1598 CANYON ROAD, SANTA FE, NEW MEXICO

12231 ACADEMY ROAD N.E., #301-321  
 ALBUQUERQUE, NEW MEXICO 87111  
 (505) 991-1574  
 © 2015 Parks Construction Management, LLC

SITE PLAN, FRONT FENCE/GATE ELEVATION  
**PARKS CONSTRUCTION**

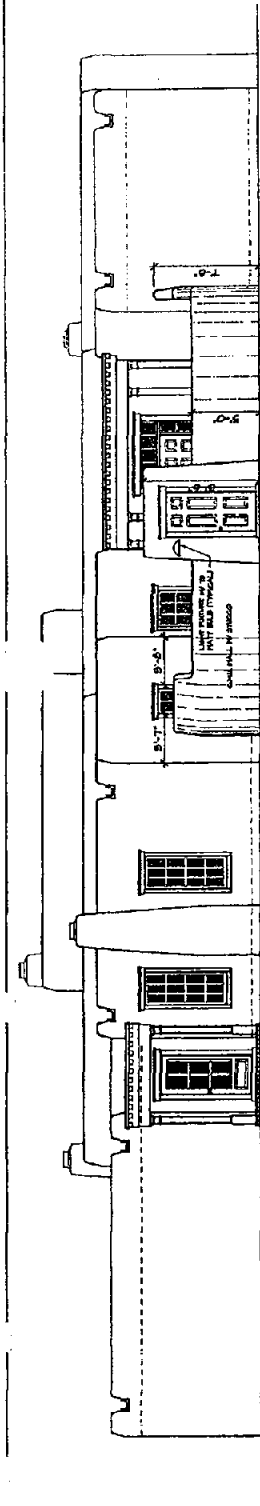
210 EAST LANTANA DRIVE, SUITE 100  
 ALBUQUERQUE, NEW MEXICO 87102  
 (505) 263-1234  
 PARKS CONSTRUCTION MANAGEMENT, LLC  
 1598 CANYON ROAD, SANTA FE, NEW MEXICO 87505  
 (505) 991-1574

4.30.13

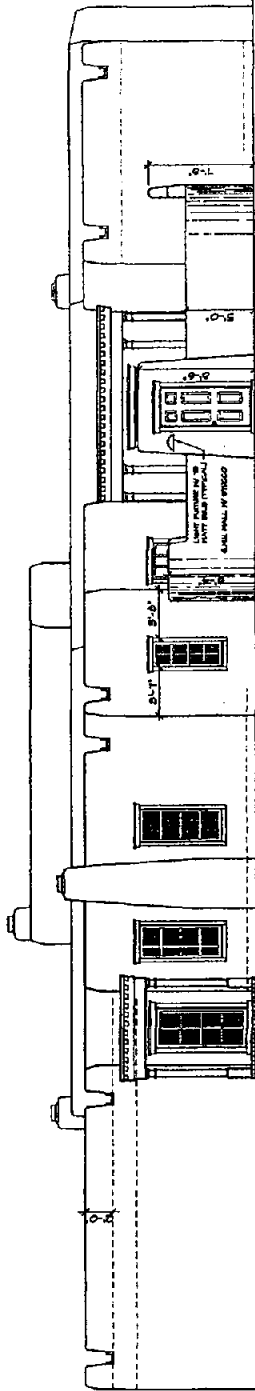




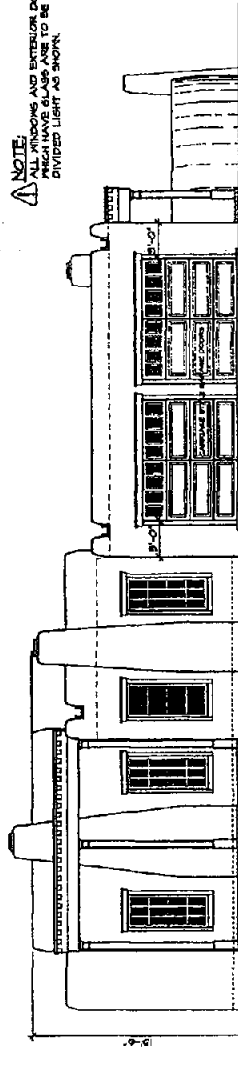




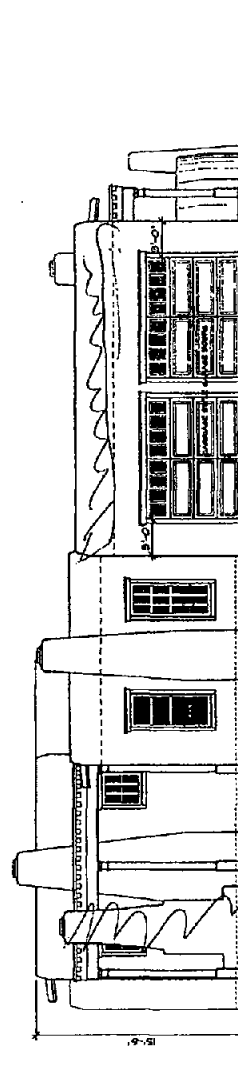
**ORIGINALLY PROPOSED: NORTH ELEVATION (FRONT)**



NEW AS BUILT: NORTH ELEVATION (FRONT)

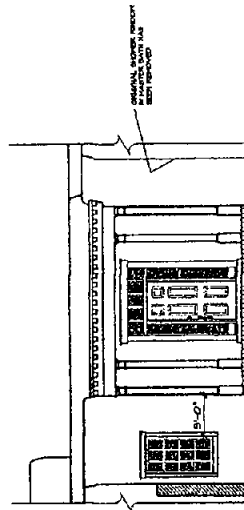


ORIGINALLY PROPOSED: EAST ELEVATION (LEFT SIDE)



NEW AS BUILT: EAST ELEVATION (LEFT SIDE)

**⚠ NOTE:**  
ALL WINDOWS AND EXTERIOR DOORS  
MAY HAVE GLASS ARE TO BE TRUE  
DIVIDED LIGHT AS SHOWN.



ENTRY PORTAL ELEVATION (inside courtyard on north elevation)

**BUILDING FINISHES:**  
STUCCO - ELKRY SAND CONVENTIONAL "DARK ADORNS"  
WINDOWS - CLAD, COLOR "OFF WHITE"  
DOORS - TRIM - PAINTED "OFF WHITE"  
DOORS - STANDARD - PAINTED BRIGHT COLOR  
PORTALS I TRIM - PAINTED COLOR "OFF WHITE"  
ALL OTHER EXPOSED METAL - PLASTIC OR TRIM SHALL BE  
PAINTED TO MATCH STUCCO  
ALL WINDOWS AND FRENCH DOORS SHALL HAVE TRUE  
ENLOWED LIGHTS

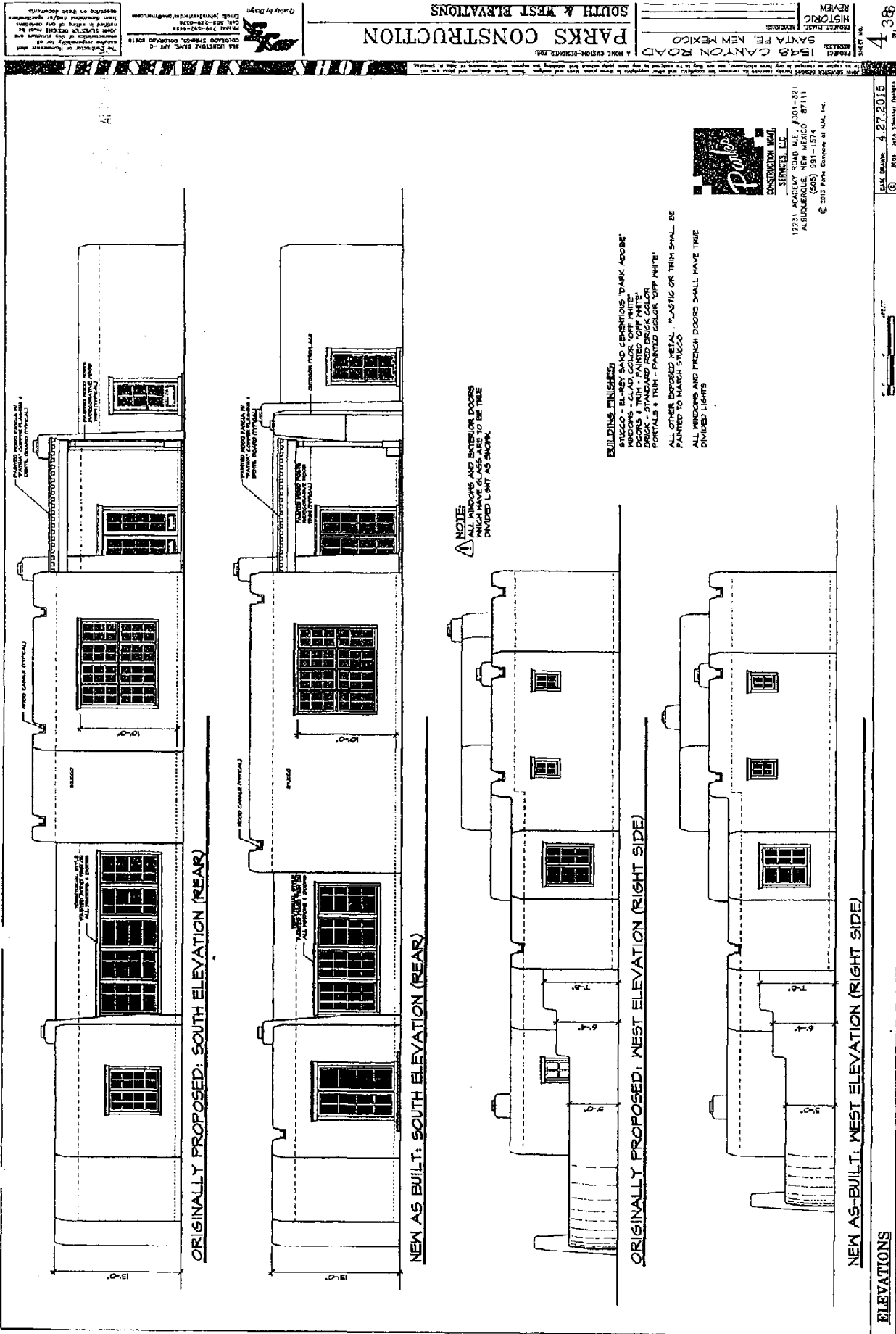


**SERVICES, LLC**  
12231 ACADEMY ROAD N.E., #301-321  
ALBUQUERQUE, NEW MEXICO 87111  
(505) 991-1574

### ELEVATIONS

100

DATE RECEIVED	4.27.2019
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City of Santa Fe  
LAND USE DEPARTMENT | HISTORIC PRESERVATION DIVISION  
**ADMINISTRATIVE APPROVAL**



***THIS IS NOT A CONSTRUCTION PERMIT***

***DO NOT BEGIN WORK WITHOUT A PERMIT. SUBMIT THIS FORM WITH YOUR CONSTRUCTION PERMIT APPLICATION AND RETAIN A COPY AT THE JOB SITE.***

Date: June 25, 2015

To: BUILDING PERMIT DIVISION

From: David Rasch, Land Use Planner Supervisor:

DR  
STAFF INITIALS

Lisa Roach, Land Use Planner Senior:

LR  
STAFF INITIALS

Date Submitted:

June 24, 2015

Contact Name:

Dolores Vigil

Phone Number:

Project Address: 1598 Canyon Rd

*Be advised that per §14-5.2 SFCC 1987 the work described below at the above-referenced address does **NOT** require Historic Districts Review Board approval and is hereby staff-approved as described below. Please allow the applicant to submit for a construction permit(s) for this work if required.*

**Description of Proposed Work:**

Proceed with permit amendment and secondary mechanical permit, as approved by the HDRB on June 9, 2015 (Case H-08-022), prior to the completion of the appeal process, with the condition that the owner assumes all risks incurred should an appeal be filed and granted to alter the HDRB action. See attached notarized affidavit to this effect.

**PERMIT ROUTING and REQUIRED HISTORIC INSPECTIONS**

☒ Yes ☐ No

ROUTE TO HISTORIC DIVISION LR

☒ Yes ☐ No

INTERIM HISTORIC INSPECTION LR

☒ Yes ☐ No

FINAL HISTORIC INSPECTION LR





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

**Project description:** Construct an approximately 3,793 sq. ft. single family residence and attached garage to the maximum allowable height of 15'6", to construct yardwalls to a height of 5' to 7'5" high where the maximum allowable height is 6', and to construct a 4' high mechanical vehicular gate.

**Project number:** 08-10100022

**Case number:** H-08-022

**Project type:** HDRB

**PROJECT LOCATION (S):** 1590 Canyon

### **PROJECT NAMES:**

OW – Indian Rock Ranches Inc.  
B  
Albuquerque, NM 87133

6800 Oakland Ave NE Suite  
505-991-1574

AP – Liaison Planning Services  
Santa Fe, NM 87501

206 McKenzie St. G-1  
505-424-0693

### **PROJECT DATA:**

HISTORIC DISTRICT	Downtown & Eastside
HISTORIC BUILDING STATUS	Non-Contributing
PUBLICLY VISIBLE FACADE-EAST	Yes
PUBLICLY VISIBLE FACADE-NORTH	Yes
PUBLICLY VISIBLE FACADE-SOUTH	No
PUBLICLY VISIBLE FACADE-WEST	Yes
HISTORIC DISTRICT SURVEY NUMBER	H-1213
YEAR OF CONSTRUCTION	Postwar
PROJECT TYPE (NEW, ADD, ETC.)	New
USE, EXISTING	Vacant Lot
USE, PROPOSE	Residential
HISTORIC BUILDING NAME	NA

# City of Santa Fe, New Mexico

## memo

**DATE:** August 12, 2008  
**TO:** Historic Design Review Board Members  
**VIA:** David Rasch, Supervising Planner Historic Preservation Division *DR*  
**FROM:** Marissa C Barrett, Historic Preservation Planner Senior *MCB*

---

**CASE #** H-08-22

**ADDRESS:** 1590 Canyon Road  
**Historic Status:** N/A  
**Historic District:** Downtown and Eastside

### REFERENCE ATTACHMENTS (Sequentially):

#### CITY SUBMITTALS

- ☒ Case Synopsis
- ☐ District Standards & Yard wall & fence standards.
- ☒ Historic Survey Form
- ☒ Zoning Review Sheet
- ☒ Other: Building Height Calculation

#### APPLICANT SUBMITTALS

- ☒ Proposed Letter
- ☒ Vicinity Map
- ☒ Site Plan/Floor Plan
- ☒ Elevations
- ☒ Photographs
- ☒ Other: Letter from Neighbor

### STAFF RECOMMENDATIONS:

Staff recommends approval of this application on the condition that the yard walls do not exceed the maximum allowable height of 6' and that the skylights are not publicly visible. Otherwise this application complies with Section 14-5.2 (D) General Design Standards for All H-Districts and Section 14-5.2 (E) Downtown and Eastside Historic District Design Standards.

## **BACKGROUND AND SUMMARY:**

The approximately 1 acre vacant lot located in the Downtown and Eastside Historic District is proposed for construction of an approximately 2,695 square foot single family residence with 357 square feet of portals and an approximately 741 square foot attached garage for a total roofed footprint of 3, 793 square feet.

The Territorial Revival style building will be to the maximum allowable height of 15' 6". The building will include true divided light doors and windows with wood surrounds painted off-white, carriage style garage doors painted off-white, and wood canales lined with galvanized metal. The portals will have square wood posts with decorative trim and a wood fascia with patinated copper flashing and dentil board. All wood will be painted white.

Seven skylights are indicated on the floor plan. The building will be stuccoed with an El Rey in a "Dark Adobe" color. Light fixtures will be down lights with a 75 watt bulb.

Also proposed is the construction of a courtyard wall to a height ranging from 5' to 7' 8" on the northwest elevation. The wall will include a wood pedestrian gate and stuccoed entry surround to a height of 8' 6". The maximum allowable height for courtyard walls is 6'. The entry way is considered an accent and may be allowed to go higher then 6'.

Lastly proposed is a 4' high mechanical vehicular gate and 5'- 5' 6" high coyote fence. The antique brown wrought iron sliding gate is setback approximately 80' from Canyon Road and 10' to 20' from the Driveway Utility Easement. The gate will attach to 24" by 24" rock pilasters. The coyote fence will run along the east property line along the existing driveway and is below the maximum allowable height of 6'. The coyote fence will have irregular latilla tops. A new base course driveway will also be constructed.

This case was on the March 25, 2008 HDRB agenda but was postponed by the owner. Ownership of the property has changed and the same plans proposed in March are now coming before the Board for approval.

Attached to this application is information from the adjacent neighbor regarding the sale history of this lot and a covenant created at the time the lot was originally sold.

# LIAISON Planning Services Inc.

---

January 29, 2008

City of Santa Fe  
Historic Design Review Board  
P.O. Box 909  
Santa Fe, NM 87504-0909

Re: 1590 Canyon Rd.  
Santa Fe, NM

## PROPOSAL LETTER

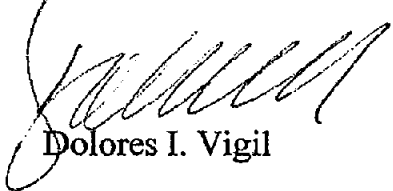
This letter is provided as part of the Historic Review Board submittal requirements for the above referenced property. This application is a request to construct a 3,793 sq. ft. single family home on a vacant lot approximately 1 acre. The property is located on the south side of Canyon Road east of Camino Cabra, within the Downtown and Eastside Historic District.

The proposed home is approximately 2,645 square feet (heated area), 741 sq. ft. (garage) and 357 sq. ft. (portals). The entire project will be designed in a Territorial architectural style with true divided light windows and true divided light French doors painted "Off White" throughout. The stucco will be El Rey Dark Adobe color. All doors, trim, portals and posts will be painted off white. Portals will be constructed of wood with patina copper flashing and dentil board.

The applicant is proposing a garden wall on the north side of the home 5' tall with a gated entrance. The wall will be constructed of adobe with El Rey Dark Adobe to match the home.

In conclusion, we have reviewed the code and met with required staff members (HDR and Development Review) to ensure that the proposed project meets all the requirements for building within the R-1 zone and the Downtown and Eastside Historic District. Your consideration is greatly appreciated. If you have any questions regarding this application please do not hesitate contacting my office @ (505) 424-0693.

Sincerely,

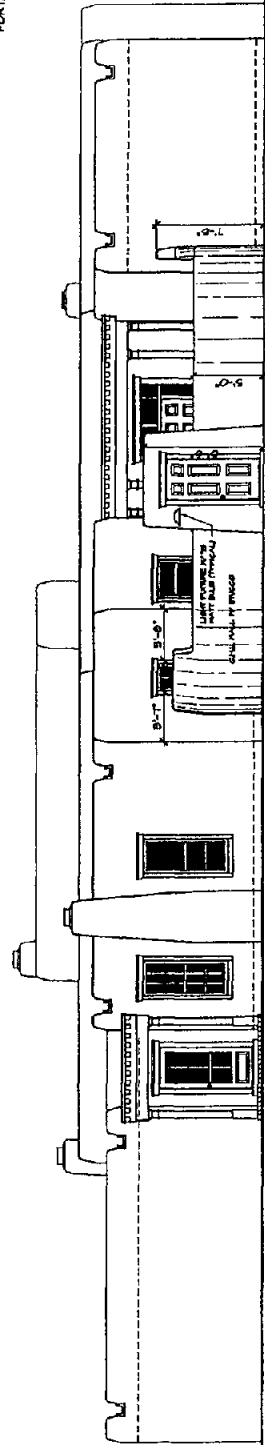
A handwritten signature in dark ink, appearing to read 'Dolores I. Vigil', with a large, stylized initial 'D'.

Dolores I. Vigil

Attachments:      Application Form  
                         Preliminary Zoning Review Worksheet  
                         Height Calculation  
                         Vicinity Map  
                         Site Plans  
                         Floor Plans  
                         Elevations  
                         Photographs











# Agenda

CITY CLERK'S OFFICE

DATE 7/8/15 TIME 9:07am

SERVED BY McClary

RECEIVED BY Alicia Hartung

## HISTORIC DISTRICTS REVIEW BOARD FIELD TRIP

TUESDAY, July 14, 2015 at 12:00 NOON

HISTORIC PRESERVATION DIVISION, 2<sup>ND</sup> FLOOR CITY HALL

## HISTORIC DISTRICTS REVIEW BOARD HEARING

TUESDAY, July 14, 2015 at 5:30 P.M.

CITY COUNCIL CHAMBERS

\*\*\*AMENDED AGENDA\*\*\*

- A. CALL TO ORDER
- B. ROLL CALL
- C. APPROVAL OF AGENDA
- D. APPROVAL OF MINUTES: June 23, 2015
- E. FINDINGS OF FACT & CONCLUSIONS OF LAW

Case #H-15-023. 463 and 465 Camino de las Animas.

Case #H-15-055B. 1272 Canyon Road.

Case #H-15-056B. 461 Camino de Las Animas.

Case #H-15-058. 1247 Cerro Gordo Road.

Case #H-15-059B. 1342 Canyon Road.

Case #H-15-061. 626 Don Gaspar Avenue.

Case #H-15-055A. 1272 Canyon Road.

Case #H-15-056A. 461 Camino de Las Animas.

Case #H-15-057. 475 Arroyo Tenorio.

Case #H-15-059A. 1342 Canyon Road.

Case #H-15-060B. 2 Camino Pequeño.

Case #H-08-022. 1598 Canyon Road.

- F. BUSINESS FROM THE FLOOR
- G. ACTION ITEMS

1. Case #H-15-056B. 461 Camino de Las Animas. Downtown & Eastside Historic District. Mark Naktin, agent for Newt White, owner, proposes to add a fireplace to a primary façade, to place a metal awning over a door on a primary façade, and to replace a window with a door on a primary facade of a contributing residential structure. Exceptions are requested to place an addition on a primary façade (Section 14-5.2(D)(2)(c)) and to alter opening dimensions on a primary façade (Section 14-5.2(D)(5)(a)). (Lisa Roach).
2. Case #H-15-062. 616 East Alameda Street Unit F. Downtown & Eastside Historic District. Lorn Tryk, agent for Paul Helfrich, owner, proposes to construct a 1,912 sq. ft. residence to the maximum allowable height of 14' 2", and to construct a yardwall to 4'6" high where the maximum allowable height is 6' high. (David Rasch).
3. Case #H-15-064A. 237½ Casados Street. Westside-Guadalupe Historic District. Will McDonald, agent for Mark Holland, owner, requests a historic status review of a non-statused residential structure. (David Rasch).
4. Case #H-15-065A. 1477 Canyon Road. Downtown & Eastside Historic District. Antoine Khoury, agent for Joanna Hurley, owner, requests a historic status review of a contributing residential structure. (David Rasch).
5. Case #H-15-065B. 1477 Canyon Road. Downtown & Eastside Historic District. Antoine Khoury, agent for Joanna Hurley, owner, proposes to construct a 967 sq. ft. addition to a height of 13'3" where the maximum allowable height is 15'1", install roof-mounted solar panels, alter windows and doors, and perform other remodeling. (David Rasch).
6. Case #H-15-066. 575 West San Francisco Street. Downtown & Eastside Historic District. Gary Mazziotti, agent/owner, proposes to remove chainlink fencing and replace it with a coyote fence with uneven latillas to the maximum allowable height of 58" at a contributing residential property. (Lisa Roach).

A copy of the Findings of Fact and Conclusions of law for this case are attached to these minutes as Exhibit D.]

**Case #H-15-059B. 1342 Canyon Road.**

A copy of the Findings of Fact and Conclusions of law for this case are attached to these minutes as Exhibit E.]

**Case #H-15-061. 626 Don Gaspar Avenue.**

A copy of the Findings of Fact and Conclusions of law for this case are attached to these minutes as Exhibit F.]

**Case #H-15-055A. 1272 Canyon Road.**

A copy of the Findings of Fact and Conclusions of law for this case are attached to these minutes as Exhibit G.]

**Case #H-15-056A. 461 Camino de Las Animas.**

A copy of the Findings of Fact and Conclusions of law for this case are attached to these minutes as Exhibit H.]

**Case #H-15-057. 475 Arroyo Tenorio.**

A copy of the Findings of Fact and Conclusions of law for this case are attached to these minutes as Exhibit I.]

**Case #H-15-059A. 1342 Canyon Road.**

A copy of the Findings of Fact and Conclusions of law for this case are attached to these minutes as Exhibit J.]

**Case #H-15-060B. 2 Camino Pequeño.**

A copy of the Findings of Fact and Conclusions of law for this case are attached to these minutes as Exhibit K.]

**Case #H-08-022. 1598 Canyon Road.**

A copy of the Findings of Fact and Conclusions of law for this case are attached to these minutes as Exhibit L.]

**Member Boniface moved to approve the Findings of Fact and Conclusions of Law for these twelve cases as presented. Member Roybal seconded the motion and it passed by unanimous voice vote.**



**CITY COUNCIL MEETING OF**

**September 9, 2015**

**BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION**

**BY MEMBERS OF THE GOVERNING BODY**

<b>Mayor Javier Gonzales</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
	A RESOLUTION SPONSORING THE UPCOMING BEIRUT CONCERT, A FREE COMMUNITY EVENT, SCHEDULED FOR OCTOBER 4, 2015 ON THE SANTA FE PLAZA; AUTHORIZING THE CLOSURE OF SAN FRANCISCO STREET FOR THE EVENT TO ALLOW FOR FOOD VEHICLE VENDORS IN THE PLAZA AREA.	Finance Committee - 9/15/15 Public Safety Committee - 9/22/15 Public Works Committee - 9/28/15 City Council - 9/30/15
<b>Councilor Patti Bushee</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
<b>Councilor Bill Dimas</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
<b>Councilor Carmichael Dominguez</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
<b>Councilor Peter Ives</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
<b>Councilor Signe Lindell</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>

<b>Councilor Joseph Maestas</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
	AN ORDINANCE AMENDING SUBSECTION 18-10 SFCC 1987 TO REDEDICATE A PORTION OF THE MUNICIPAL GROSS RECEIPTS TAX TO RECREATIONAL FACILITIES, AND BIKE AND PEDESTRIAN PATHWAYS.	City Business and Quality of Life – 10/14/15 Parks and Recreation Advisory Committee – 10/20/15 Bicycle and Trails Advisory Committee – 10/21/15 Public Works Committee – 10/26/15 City Council (request to publish) – 10/28/15 Finance Committee – 11/2/15 City Council (public hearing) – 12/9/15
<b>Councilor Chris Rivera</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>
	A RESOLUTION CALLING A SPECIAL ELECTION TO BE HELD IN THE CITY OF SANTA FE ON MARCH 1, 2016 IN CONJUNCTION WITH THE NEXT REGULAR MUNICIPAL ELECTION FOR THE PURPOSE OF VOTING ON THE ISSUANCE OF GENERAL OBLIGATION BONDS IN AN AGGREGATE PRINCIPAL AMOUNT OF \$12,000,000; DESCRIBING THE PURPOSES TO WHICH THE BOND PROCEEDS WOULD BE PUT; PROVIDING THE FORMS OF THE BOND QUESTIONS; PROVIDING FOR NOTICE OF THE ELECTION; PRESCRIBING OTHER DETAILS IN CONNECTION WITH SUCH ELECTION AND BONDS; AND RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION THEREWITH.	Parks and Recreation Advisory Commission – 9/15/15 Public Works Committee – 9/28/15 Finance Committee – 10/5/15 City Council – 10/14/15
<b>Councilor Ron Trujillo</b>		
<b>Co-Sponsors</b>	<b>Title</b>	<b>Tentative Committee Schedule</b>

Introduced legislation will be posted on the City Attorney's website, under legislative services. If you would like to review the legislation prior to that time or you would like to be a co-sponsor, please contact Jesse Guillen, (505) 955-6518, [jbguillen@santafenm.gov](mailto:jbguillen@santafenm.gov) or Rebecca Seligman at (505) 955-6501, [rxseligman@santafenm.gov](mailto:rxseligman@santafenm.gov).

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

2 **BILL NO. 2015-\_\_**

3 **INTRODUCED BY:**

4  
5 Councilor Joseph M. Maestas

6  
7  
8  
9  
10 **AN ORDINANCE**

11 **AMENDING SUBSECTION 18-10 SFCC 1987 TO REDEDICATE A PORTION OF THE**  
12 **MUNICIPAL GROSS RECEIPTS TAX TO RECREATIONAL FACILITIES, AND BIKE**  
13 **AND PEDESTRIAN PATHWAYS.**

14  
15 **BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:**

16 **Section 1. Section 18-10 SFCC 1987 (being Ord. #1987-19, as amended) is**  
17 **amended to read:**

18 **18-10 MUNICIPAL GROSS RECEIPTS TAX.**

19 **18-10.1 Imposition of Tax.**

20 There is imposed on any person engaging in business in this municipality, for the  
21 privilege of engaging in business in this municipality, an excise tax equal to one and one-quarter  
22 percent (1.25%) of the gross receipts reported or required to be reported by the person pursuant to  
23 the New Mexico Gross Receipts and Compensating Tax Act as it now exists or as it may be  
24 amended. The tax imposed under this section is pursuant to the Municipal Local Option Gross

1 Receipts Taxes Act as it now exists or as it may be amended and shall be known as the  
2 "municipal gross receipts tax."

3 **18-10.2 General Provisions.**

4 This section hereby adopts by reference all definitions, exemptions and deductions  
5 contained in the Gross Receipts and Compensating Tax Act as it now exists or as it may be  
6 amended.

7 **18-10.3 Specific Exemptions.**

8 No municipal gross receipts tax shall be imposed on the gross receipts arising from:

9 A. Direct broadcast satellite services;

10 B. Transporting persons or property for hire by railroad, motor vehicle, air  
11 transportation or any other means from one point within the municipality to another point outside  
12 the municipality; or

13 C. A business located outside the boundaries of a municipality on land owned by the  
14 municipality for which a state gross receipts tax distribution is made pursuant to subsection C of  
15 Section 7-1-6.4 NMSA 1978.

16 **18-10.4 Dedication.**

17 Revenue from the one and one-quarter percent (1.25%) municipal gross receipts tax will  
18 be used for the purpose(s) listed below:

19 A. Revenue from the first two (2) one-quarter percent (1/4%) increments of the  
20 municipal gross receipts tax is dedicated for the following purposes:

21 (1) Annual debt service for municipal gross receipts tax revenue bonds or  
22 other bonds for municipal projects issued for the construction, reconstruction,  
23 improvements and replacement of city facilities, parks, streets, sidewalks, utilities, and  
24 other public works projects including the related equipment and furnishings for the  
25 facilities.

1 (2) If there are proceeds remaining they may be used for:

2 (a) Construction, reconstruction, improvements, replacement,  
3 facility structural maintenance and repair, including related equipment and  
4 furnishings for the facilities.

5 (b) Operating expenditures necessitated by the expansion of services  
6 and facilities to the public.

7 (c) Personnel, operating, contractual, accounting, administration,  
8 equipment, vehicles and other costs related to the city's capital improvements  
9 program and operations of public works department.

10 (d) Computer hardware and software.

11 B. Revenue from the third and fourth one-quarter percent (1/4%) increments of the  
12 municipal gross receipts tax is dedicated to general fund.

13 C. Revenue from the fifth one-quarter percent (1/4%) increment of the municipal  
14 gross receipts tax is dedicated to the public bus system and quality of life purposes in the  
15 following manner:

16 (1) Finance the acquisition, operation, maintenance and any other expenses  
17 necessary for or incidental to the provision of a public bus system. In the event that the  
18 public bus system is ever discontinued, the funds allocated pursuant to this paragraph  
19 shall be used for general municipal operations and the discontinuance of the public bus  
20 system shall not affect the allocations set out in paragraph (2) below. The governing body  
21 shall not discontinue the public bus system until the notice and hearing requirements of  
22 subsections 2-2.3A, 2-2.3B, 2-2.4A, 2-2.4D, 2-2.6 SFCC 1987 have been met.

23 (2) After satisfying the distribution provided for in paragraph C (1),  
24 [provision of a public bus system,] the remaining proceeds of the gross receipts tax shall  
25 be allocated [as set forth in subparagraphs (2)(a) and (2)(b) below.

1                   (a) ~~Up to two thirds (2/3) of the proceeds remaining following the~~  
2                   ~~distributions provided for in paragraph C(2) of the gross receipts tax shall be~~  
3                   ~~used for general municipal operations.~~

4                   (b) ~~Up to one third (1/3) of the proceeds remaining following the~~  
5                   ~~distributions provided for in paragraph C(1) of the gross receipts tax shall be~~  
6                   ~~used]~~exclusively for the following quality of life purposes: ~~[recreation]~~  
7                   recreational facilities, bike and pedestrian pathways, [open-space] libraries, and  
8                   parks.

9                   **18-10.5           Effective Date.**

10                  A.       The effective date of the first two (2) one-quarter percent (1/4%) increments of  
11                  the municipal gross receipts tax shall be January 1, 1982.

12                  B.       The effective date of the third one-quarter percent (1/4%) increments of the  
13                  municipal gross receipts tax shall be July 1, 1983.

14                  C.       The effective date of the fourth one-quarter percent (1/4%) increments of the  
15                  municipal gross receipts tax shall be July 1, 1988.

16                  D.       The effective date of the fifth one-quarter percent (1/4%) increments of the  
17                  municipal gross receipts tax shall be ~~[January 1, 1992]~~ July 1, 2016.

18                  APPROVED AS TO FORM:

19  
20                  \_\_\_\_\_  
21                  KELLEY A. BRENNAN, CITY ATTORNEY  
22  
23  
24



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

2 **RESOLUTION NO. 2015-\_\_\_\_\_**

3 **INTRODUCED BY:**

4  
5 Mayor Javier M. Gonzales

6 Councilor Patti J. Bushee  
7

8  
9  
10 **A RESOLUTION**

11 **SPONSORING THE UPCOMING BEIRUT CONCERT, A FREE COMMUNITY EVENT,**  
12 **SCHEDULED FOR OCTOBER 4, 2015 ON THE SANTA FE PLAZA; AUTHORIZING THE**  
13 **CLOSURE OF SAN FRANCISCO STREET FOR THE EVENT TO ALLOW FOR FOOD**  
14 **VEHICLE VENDORS IN THE PLAZA AREA.**  
15

16 **WHEREAS,** it is the desire of the Governing Body to sponsor and encourage our local  
17 citizens to engage in public events on our city Plaza; and

18 **WHEREAS,** Beirut, an internationally recognized American band, is scheduled to perform a  
19 free concert on the Santa Fe Plaza on October 4, 2015 as part of their U. S. tour kicking off the  
20 release of their latest album, *No, No, No*; and

21 **WHEREAS,** Beirut was originally the solo musical project of Santa Fean, Zach Condon,  
22 who was influenced by the diverse local music offerings he experienced as a youth and consequently  
23 desires to give back to his hometown; and

24 **WHEREAS,** the event will not only showcase Beirut's talent, it will act as an example of the  
25 virtues of artistic and cultural offerings, Santa Fe has for the youth and young adults of our city; and

*Exhibit "6"*

1       **WHEREAS**, to further enhance this one-time event, it is the desire of the Governing Body,  
2 in accordance with Ordinance 2015-15, regarding provisions of Section 23-5.2, to close San  
3 Francisco Street in the Plaza area to allow for food vehicle vendors required to comply with Section  
4 23-5.2(L).

5       **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
6 **CITY OF SANTA FE** the desire to sponsor the Beirut concert on October 4, 2015.

7       **BE IT FURTHER RESOLVED** that the Governing Body authorizes the closing of San  
8 Francisco Street in the Plaza area to allow for food vehicle vendors during the event.

9       PASSED, APPROVED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2015

10  
11 \_\_\_\_\_  
12 JAVIER M. GONZALES, MAYOR

13 ATTEST:

14  
15 \_\_\_\_\_  
16 YOLANDA Y. VIGIL, CITY CLERK

17 APPROVED AS TO FORM:

18  
19 \_\_\_\_\_  
20 KELLEY A. BRENNAN, CITY ATTORNEY

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

2 **RESOLUTION NO. 2015-\_\_**

3 **INTRODUCED BY:**

4  
5 Councilor Christopher M. Rivera  
6  
7  
8  
9

10 **A RESOLUTION**

11 **CALLING A SPECIAL ELECTION TO BE HELD IN THE CITY OF SANTA FE ON**  
12 **MARCH 1, 2016 IN CONJUNCTION WITH THE NEXT REGULAR MUNICIPAL**  
13 **ELECTION FOR THE PURPOSE OF VOTING ON THE ISSUANCE OF GENERAL**  
14 **OBLIGATION BONDS IN AN AGGREGATE PRINCIPAL AMOUNT OF \$12,000,000;**  
15 **DESCRIBING THE PURPOSES TO WHICH THE BOND PROCEEDS WOULD BE**  
16 **PUT; PROVIDING THE FORMS OF THE BOND QUESTIONS; PROVIDING FOR**  
17 **NOTICE OF THE ELECTION; PRESCRIBING OTHER DETAILS IN CONNECTION**  
18 **WITH SUCH ELECTION AND BONDS; AND RATIFYING ACTION PREVIOUSLY**  
19 **TAKEN IN CONNECTION THEREWITH.**  
20

21 **WHEREAS,** the City Council (the "Council") of the City of Santa Fe (the "City") in the  
22 County of Santa Fe and State of New Mexico, hereby determines that it is necessary and in the  
23 best interests of the City and its inhabitants to issue general obligation bonds in the principal  
24 amounts and for the purposes provided herein; and

25 **WHEREAS,** subject to the limitations and in accordance with Article IX, Section 12 of

1 the New Mexico Constitution and Sections 6-15-1 through 6-15-28 and 5-15-2 NMSA 1978, the  
2 City may issue of general obligation bonds for the purposes allowed in Section 3-30-5 NMSA  
3 1978 and the purposes allowed by the Home Rule Charter of the City; and

4 **WHEREAS**, in accordance with the provisions of Section 6-15-1 NMSA 1978, the  
5 Governing Body acting by and through the City Finance Director and Treasurer will forward in  
6 writing to the Local Government Division of the Department of Finance and Administration a  
7 notice of the bond election as described herein; and

8 **WHEREAS**, in accordance with the provisions of Section 3-30-6 NMSA 1978, before  
9 general obligation bonds are issued, the Governing Body of the City shall submit to a vote of the  
10 registered qualified electors of the City and the nonresident municipal electors the question of  
11 issuing the bonds; and

12 **WHEREAS**, the election may be held at the same time as the regular municipal election  
13 or at any special election held pursuant to Article IX, Section 12 of the constitution of New  
14 Mexico; and

15 **WHEREAS**, the Governing Body is hereby calling a special election to be held in  
16 conjunction with the regular municipal election on March 1, 2016 for the purpose of submitting a  
17 question of incurring indebtedness to the qualified electorate of the City pursuant to applicable  
18 laws of the State of New Mexico, and pursuant to Article IX, Section 12 of the New Mexico  
19 Constitution; and

20 **WHEREAS**, the Governing Body hereby determines and declares that the project (the  
21 "Project") for which the questions of issuing the City's general obligation bonds (the "Bond  
22 Election Question") as set forth herein, is for a public purposes in accordance with Section 3-30-5  
23 NMSA 1978 and Article IX, Section 12 of the New Mexico Constitution and that no bond  
24 election has been held on the Bond Election Question during the year immediately preceding the  
25 date established for the election.

1           **NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL, THE**  
2 **GOVERNING BODY OF THE CITY OF SANTA FE:**

3           **Section 1.     Calling of Special Election.**     All action, not inconsistent with the  
4 provisions of this Resolution, heretofore taken by the Council and the officers of the City,  
5 directed toward the Bond Election Question and the Project described or referred to in the Bond  
6 Election Question, including, without limiting the generality of the foregoing, the calling and  
7 holding of a special election, to be held in conjunction with the regular municipal election on  
8 March 1, 2016, to authorize the issuance of the general obligation bonds (the "Bonds") to finance  
9 the Project, is hereby ratified, approved and confirmed.

10           **Section 2.     Date of Special Election.**     A special election (the "Election") shall  
11 be held in the City of Santa Fe on March 1, 2016 in conjunction with the regular municipal  
12 election scheduled for that date.

13           **Section 3.     Question.**     At the Election, the following question shall be submitted to  
14 the qualified electors of the City:

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17  
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19                           **[THIS SECTION INTENTIONALLY LEFT BLANK]**  
20  
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**BOND QUESTION**

**General Obligation Recreational Facilities Improvement Bonds**

Shall the City of Santa Fe issue up to \$12,000,000 of general obligation bonds to design, develop, construct, rehabilitate, landscape, furnish, enhance, and otherwise improve recreational facilities for soccer at the Municipal Recreation Complex, including the rehabilitation of existing soccer fields, the construction of new soccer fields, a clubhouse, parking, lighting and related improvements?

FOR GENERAL OBLIGATION PUBLIC SAFETY BONDS ☐

AGAINST GENERAL OBLIGATION PUBLIC SAFETY BONDS ☐

**Section 4. Polling places and Consolidation of Precincts.**

The following polling places shall be used for the conduct of the regular municipal election and qualified electors of the City of Santa Fe may vote at the polling places listed below between the hours of 7:00 a.m. and 7:00 p.m. on March 1, 2016.

**District #1 POLLING PLACE**

[to be provided by City Clerk's Office]

**District #2 POLLING PLACE**

[to be provided by City Clerk's Office]

**District #3 POLLING PLACE**

[to be provided by City Clerk's Office]

**District #4 POLLING PLACE**

[to be provided by City Clerk's Office]

**Absentee Voter Precinct (All Districts)**

Office of the City Clerk, Room 215, City Hall, 200 Lincoln Avenue

1           **Early Voter Precincts (All Districts)**

2           Office of the City Clerk, Room 215, City Hall, 200 Lincoln Avenue

3           **Section 5.       Absentee Voting.** Absentee voting by mail will begin on Tuesday,  
4 January 26, 2016 and close at 5:00 p.m. on Friday, February 26, 2016. Absentee ballots may be  
5 cast in person beginning on Wednesday, February 3, 2016 until 5:00 p.m. on Friday, February 26,  
6 2016. Absentee voting will be conducted in the office of the City Clerk, during the regular hours  
7 and days of business, Monday through Friday. Applications for absentee ballots may be obtained  
8 only from the office of the City Clerk. All applications for absentee ballots must be completed  
9 and accepted by the City Clerk prior to 5:00 p.m., Friday, February 26, 2016. After 5:00 p.m. on  
10 February 26, 2016, all unused absentee ballots will be publicly destroyed by the City Clerk. The  
11 City Clerk will accept completed absentee ballots delivered by mail, or in person by the voter  
12 casting the absentee ballot, their caregiver or the voter's immediate family, until 7:00 p.m. on  
13 March 1, 2016.

14           **Section 6.       Early Voting.** Early voting will be conducted in the office of the City  
15 Clerk, during the regular hours and days of business, Monday through Friday. Early voting will  
16 begin at 8:00 a.m. on Wednesday, February 10, 2016 and close at 5:00 p.m. on Friday, February  
17 26, 2016. Registered voters cast their vote on a paper ballot which is counted by a M100  
18 electronic vote tabulator. All applications for early voting ballots must be completed and  
19 accepted by the City Clerk prior to 5:00 p.m., Friday, February 26, 2016. After 5:00 p.m. on  
20 Friday, February 26, 2016, all unused early voting ballots will be publicly destroyed by the City  
21 Clerk.

22           **Section 7.       Voter Eligibility.** The City's qualified resident electors and the City's  
23 qualified nonresident municipal electors are eligible to vote on the Bond Election Question. No  
24 judge or clerk of election shall allow a person to vote unless he or she is duly registered as a voter  
25 with the Santa Fe County Clerk and unless he or she meets the qualifications of a resident elector

1 or a nonresident municipal elector.

2       **Section 8. Closing of Registration Books.** All persons desiring to vote at the  
3 Election (including nonresident municipal electors) must be registered to vote. A qualified  
4 elector is any person whose affidavit of voter registration has been filed by the Santa Fe County  
5 Clerk on or before the twenty-eighth (28<sup>th</sup>) day prior to the election, who is registered to vote in a  
6 general election precinct established by the Santa Fe Board of County Commissioners that is  
7 wholly or partly within the City of Santa Fe boundaries, and who is a resident of the City of Santa  
8 Fe. Registration books for this election will be closed at 5:00 p.m. on February 2, 2016.

9       **Section 9. Nonresident Municipal Elector.** A "nonresident municipal elector"  
10 means any person who on the date of election is a qualified, registered elector of Santa Fe County  
11 but who is a resident of that portion of Santa Fe County which is outside of the Santa Fe City  
12 limits, and who has paid a property tax on property located within the City of Santa Fe during the  
13 year preceding the election. Not more than sixty nor less than fifteen days before the Election,  
14 any nonresident municipal elector desiring to vote on the Bond Election Question shall file with  
15 the City Clerk a completed certificate of eligibility in substantially the form provided in Section  
16 3-30-3, NMSA 1978, which shall constitute the nonresident municipal elector's additional  
17 registration requirement for voting at the Election on the Bond Election Question. Each  
18 nonresident municipal elector must file such certificate of eligibility in addition to registering to  
19 vote with the Santa Fe County Clerk.

20       **Section 10. Nonresident Voting District.** For the purpose of this Resolution and  
21 solely for the purpose of voting on the Bond Election Questions, all territory within the County of  
22 Santa Fe is a municipal precinct (hereinafter referred to as the "Municipal Precinct"). All  
23 territory in the Municipal Precinct and not within the City's boundaries shall constitute one voting  
24 division to be known as the nonresident municipal elector voting precinct (hereinafter referred to  
25 as the "Nonresident Voting District"). The Nonresident Voting District shall include the territory



1 within the boundary of any other municipality within the County.

2       **Section 11. Canvass of the Election Results.** The City Clerk shall complete the  
3 canvass of the election results no later than 5:00 p.m. on March 4, 2016, to certify the results of  
4 the election and take any other necessary action relating to the election.

5       **Section 12. Publication of Resolution.** This resolution shall be published in the  
6 English and Spanish languages at least once a week for four consecutive weeks by four insertions,  
7 the first insertion being published between fifty and sixty days before the day of the Election in a  
8 newspaper or newspapers which maintain an office in and are of general circulation in the City  
9 and which otherwise qualify as legal newspapers in the City. The City Clerk is hereby instructed  
10 and authorized to carry out this provision.

11       **Section 13. Authorization of Officers.** The officers of the City are hereby  
12 authorized and directed, for and on behalf of the City, to take all action necessary or appropriate  
13 to effectuate the provisions of this Resolution, including, without limiting the generality of the  
14 foregoing, the preparation of affidavits, instructions and election supplies, and the publication of  
15 notices.

16       **Section 14. Severability.** If any section, paragraph, clause or provision of this  
17 Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or  
18 unenforceability of such section, paragraph, clause or provision shall not affect any of the  
19 remaining provisions of this resolution.

20       **Section 15. Repealer.** All bylaws, orders, resolutions and ordinances, or parts  
21 thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This  
22 repealer shall not be construed to revive any bylaw, order, resolution or ordinance, or parts  
23 thereof, heretofore repealed.

24 **PASSED, APPROVED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2015.  
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\_\_\_\_\_  
JAVIER M. GONZALES, MAYOR

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
KELLEY A. BRENNAN, CITY ATTORNEY

# City of Santa Fe, New Mexico

## memo

**DATE:** August 17, 2015 for the August 26, 2015 City Council meeting

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

**VIA:** Brian K. Snyder, P.E., City Manager *BKS*  
Lisa Martinez, Director, Land Use Department *[Signature]*  
Greg Smith, AICP, Director, Current Planning Division *GS*

**FROM:** Zach Thomas, Senior Planner, Current Planning Division *ZT*

**Case #2014-124. Pulte Las Soleras General Plan Amendment.** James W. Siebert & Associates, agent for The Pulte Group, requests approval of a General Plan Amendment to amend the existing General Plan Future Land Use Map designations for: 12.91± acres from High Density Residential to Low Density Residential; 15.06± acres from Mixed Use to Low Density Residential; and 3.74± acres from Medium Density Residential to Low Density Residential. The property is currently vacant and located within the Las Soleras Master Plan. (Zach Thomas, Case Manager)

**Case #2014-123. Pulte Las Soleras Master Plan Amendment.** James W. Siebert & Associates, agent for The Pulte Group, requests approval of amendments to the Las Soleras Master Plan. Amendments include: the realignment of roads, reconfiguration of open space and trail, reconfiguration and reduction of park land and the reconfiguration of land tracts. (Zach Thomas, Case Manager)

**Case #2014-125. Pulte Las Soleras Rezoning.** James W. Siebert and Associates Inc., agent for The Pulte Group, requests Rezoning of: 12.91± acres from R-21 (Residential - 21 units per acre) to R-6 (Residential - 6 units per acres); 15.06± acres from MU (Mixed-Use) to R-6 (Residential - 6 units per acres); and 3.74± acres from R-12 (Residential - 12 units per acre) to R-6 (Residential - 6 units per acre). The property is currently vacant and located within the Las Soleras Master Plan. (Zach Thomas, Case Manager)

**Case # 2015-09. Pulte Las Soleras Electrical Transmission Line Relocation.** James W. Siebert & Associates, agent for The Pulte Group, requests approval to relocate an existing 115kv electrical transmission line within the Las Soleras Master Plan as the part of the greater Pulte Group Master Plan Amendment, General Plan Amendment, Rezone

# City of Santa Fe, New Mexico

## memo

**DATE:** August 10, 2015

**TO:** Mayor Javier M. Gonzales  
Members of the Governing Body

**VIA:** Kate Noble, Acting Director *KN*  
Housing and Community Development Dept

**FROM:** Alexandra Ladd, Housing Special Projects Manager *KN For AL*  
Housing and Community Development Dept

**RE:** Proposal for Alternate Compliance for SFHP – Pulte Homes, Las Soleras

### ACTION REQUESTED

Consider the attached proposal for alternate compliance with the SFHP requirement submitted by James Siebert & Associates on behalf of Pulte Homes.

### BACKGROUND

Pulte Homes of New Mexico, Inc. proposes to build a total of 300 market rate homes on a land parcel in Las Soleras. The project is subject to the Santa Fe Homes Program (SFHP) ordinance (SFCC Chapter 26-1) which requires that 20% (60 homes) are sold at affordable sales prices to income-qualified homebuyers. Five percent (5%) of the total units (15) are to be priced affordably for homebuyers earning from 50-60% AMI; 30 units (10%) priced for homebuyers earning from 65-80% AMI; and 15 units (5%) priced for homebuyers earning from 80-100% AMI.

One of the goals of the Santa Fe Homes Program (SFHP) is to "foster economic integration by requiring that developers provide required SFHP units and manufactured home lots on the property proposed for development" [(SFCC 26-1.33(A))]. However, the ordinance also allows for a developer to petition the City Council to comply with the affordability requirement through an alternate means of compliance, including: "...off-site construction cash payment in lieu of constructing or creating the required SFHP units or manufactured home lots or dedication of land suitable for construction or creation of inclusionary units of equivalent or greater value than would be required for onsite construction" [(SFCC 26-1.33(A))].

The alternate means of compliance may be considered if the proposal demonstrates that the project meets the definition of "extreme hardship" which the ordinance defines as: "a condition occurring as a direct consequence of the SFHP Ordinance which: (a) deprives a

*all economically viable use of the subject property taken as a whole; or (b) would require the property owner to lose money on the development taken as a whole and the property owner can demonstrate to the governing body's satisfaction that said loss would be an unavoidable consequence of the SFHP requirement for construction of SFHP units; or (c) the property owner can demonstrate to the council's satisfaction that complying with the requirements of this chapter would constitute taking property in violation of the Constitution of the United States or New Mexico" (SFCC 26-1.5).*

**ITEM AND ISSUE:**

On June 17, 2015, the Community Development Commission (chaired by Councilor Ron Trujillo) considered the proposal submitted by Pulte Homes for an alternate means of compliance with the Santa Fe Homes Program (SFHP). Rather than deliver all 60 affordable homes, Pulte Homes requested to satisfy the SFHP requirement by doing the following:

- Donating six (6) building lots to Habitat for Humanity for construction of homes priced affordably to homebuyers earning no more than 60% AMI. The equivalent value of this donation is calculated through the following: \$90,000 per lot X 6 = \$540,000.
- Donating a four (4)-acre parcel within Las Soleras that is suitable for future construction of a 60-72 unit LIHTC (Low Income Housing Tax Credit) project. The value of this parcel is estimated to be \$5.00 square foot X 174,240 (43,560 X 4 acres) = \$871,200.

The item was tabled for more discussion. On July 29, 2015, the CDC approved Pulte's request for alternate compliance on the basis that the intent of the SFHP ordinance is better served by the proposed alternate (to provide an opportunity for affordable rental housing, identified as one of Santa Fe's critical housing needs in the 2013 Housing Needs Analysis). The approval is based on the following conditions:

- The parcel for rental housing is increased by ½ acre for a total parcel size of 4.5 acres, with a present-day value at \$5.00/square foot which totals \$980,100 (43,560 X 4.5 acres);
- The developer will pay for the costs associated with preparing a Low Income Housing Tax Credit (LIHTC) application (includes: preliminary design, engineering and environmental assessments), not to exceed \$100,000;
- The value of the alternate compliance (land cost + application cost) equals 10% of the estimated value of the future rental housing project (estimated to be approximately \$14 million).

**RECOMMENDATION**

Staff recommends that the Governing Body consider the proposal for alternate compliance with the conditions identified by the Community Development Commission.

**Attachments:**

- (A) CDC Minutes (June 17, July 29)
- (B) CDC Packets with Pulte Proposal (June 17, July 29)

## Nava Adé Survey shows neighborhood agreement with HOA Board position

A Nava Adé neighborhood survey was sent to all 465 homeowners, and also to tenant residents whose email is listed on our contact list. The email contact list is managed by HOAMCO, our management company. The survey was also made available at our Clubhouse along with a collection box.

HOAMCO collected and tallied the results. In doing so, they eliminated duplicate responses and verified that the surveys were submitted by someone who owns a home in Nava Adé or resides at a Nava Adé address. Only one response per address was allowed.

Three issues were surveyed and the Board's position on each issue was stated along with the Board's reasoning for their position:

**1) Locating a 20-acre active park with multiple sports playing fields on our southern border. The Board opposes this location** because of traffic, noise, and crime & safety concerns; it supports Pulte's proposal to add open, landscaped space along our border (6-acres with an approximate additional 11-acres of open space in other parts of Las Soleras); a 7-acre active park (including a soccer field) adjoining the 21-acre regional active park south of Ross' Peak, a walking trail from Monte del Sol School to the soccer field; and the contribution of a 10-acre site for SFPS' to-be-determined purposes (possibly a school or an administrative site), in another area of Las Soleras, in lieu of a 20-acre active park;

**2) The requested rezoning to low density for the Pulte tracts. The Board is in favor;** it supports the realignment of tracts and rezoning to Low Density from Medium and High Densities and Mixed Use.; and

**3) The need for traffic relief/traffic calming on Dancing Ground, Walking Rain, and other Nava Adé streets. The Board is in favor;** it has requested that Beckner be extended and connected to Richards and that Rail Runner Road be fully constructed from Governor Miles to Beckner to alleviate school-related traffic and "cut-through" traffic by non-residents. On June 18 the Planning Commission approved an amendment that would result in connecting Beckner to Richards in Phase I of the Pulte project.

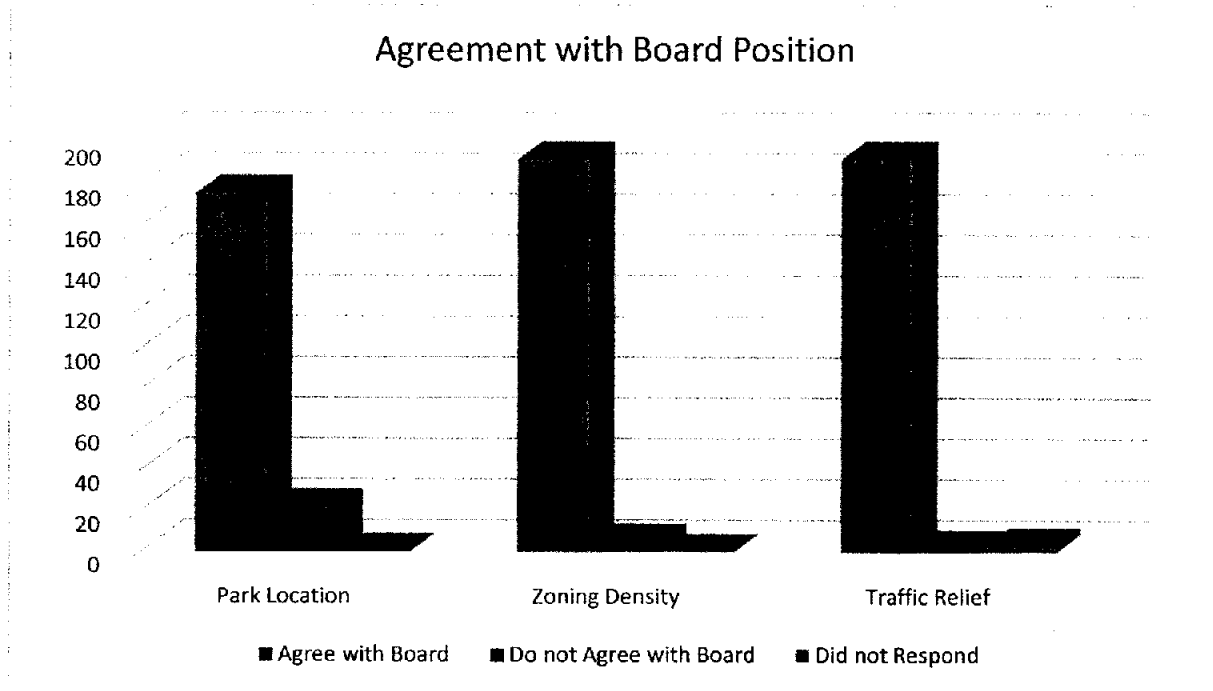
RECEIVED

SEP 2 2015

Land Use Dept.

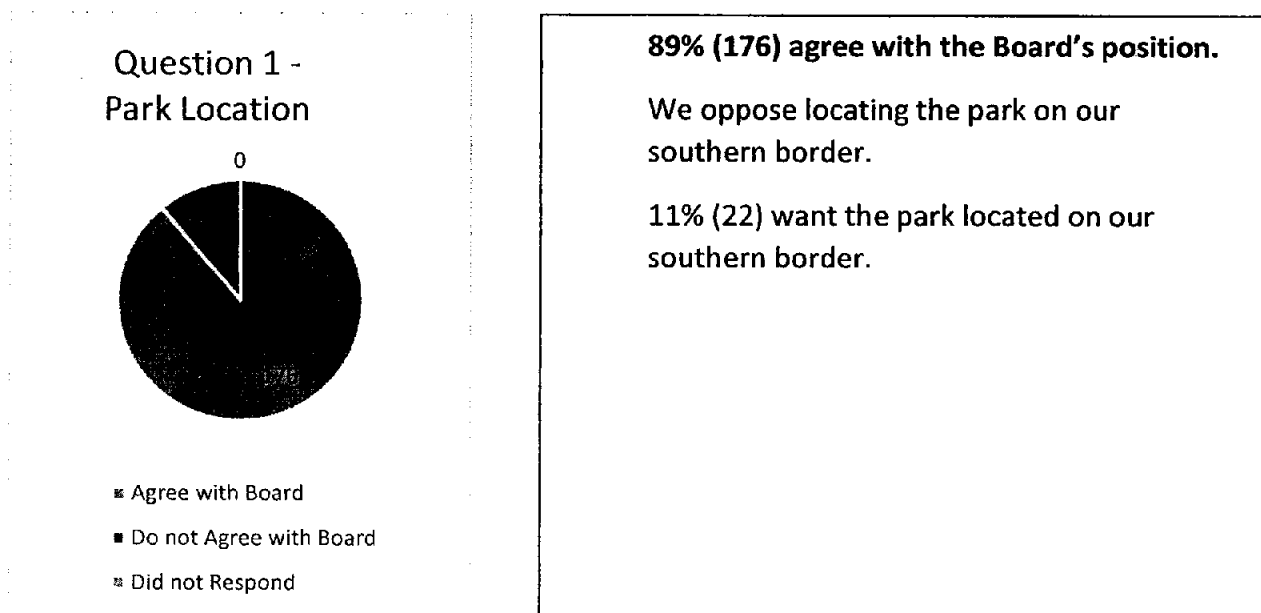
Of the 465 households surveyed, 198 responded representing a 43% response rate. All 198 responded to questions 1 and 2. Only 3 did not respond (either in favor or opposed) to question 3.

The results overwhelmingly support the carefully reasoned position of the Board.



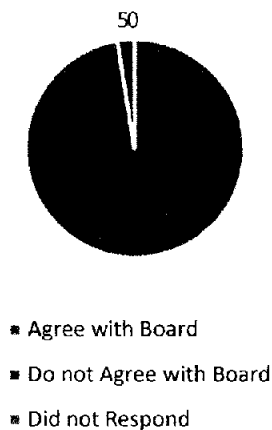
The results for each issue are:

**1) Locating a 20-acre active park with multiple sports playing fields on our southern border.**



**2) The requested rezoning to low density for the Pulte tracts.**

Question 2 -  
Zoning Density



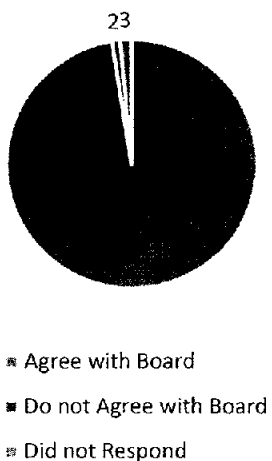
**97% (193) agree with the Board's position.**

We are in favor of low density rezoning.

3% (5) want high and medium density zoning

**3) The need for traffic relief/traffic calming on Dancing Ground, Walking Rain, and other Nava Adé streets.**

Question 3 -  
Traffic Relief



**99% (193) agree with the Board's position.**

We are in favor of traffic relief on neighborhood streets.

1% (2) do not want traffic relief.

**Respectfully Submitted for the Nava Adé HOA Board of Directors,**

**Dorothy M. Seaton, Vice President**

**August 21, 2015**

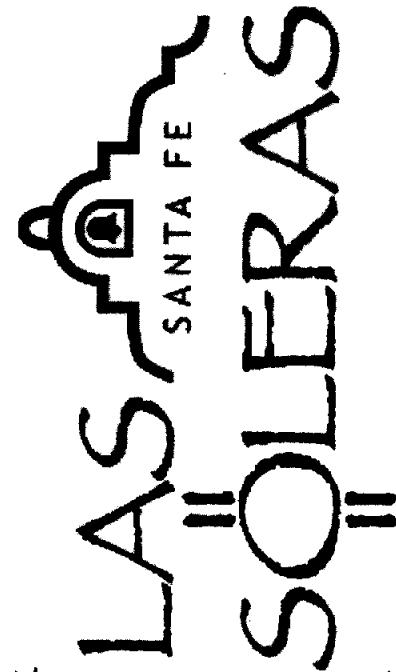




*Exhibit "11"*

# Las Soleras City Council Hearing

September 9, 2015



\* EXHIBIT "11" is available in its entirety upon request in the City Clerk's Office \*

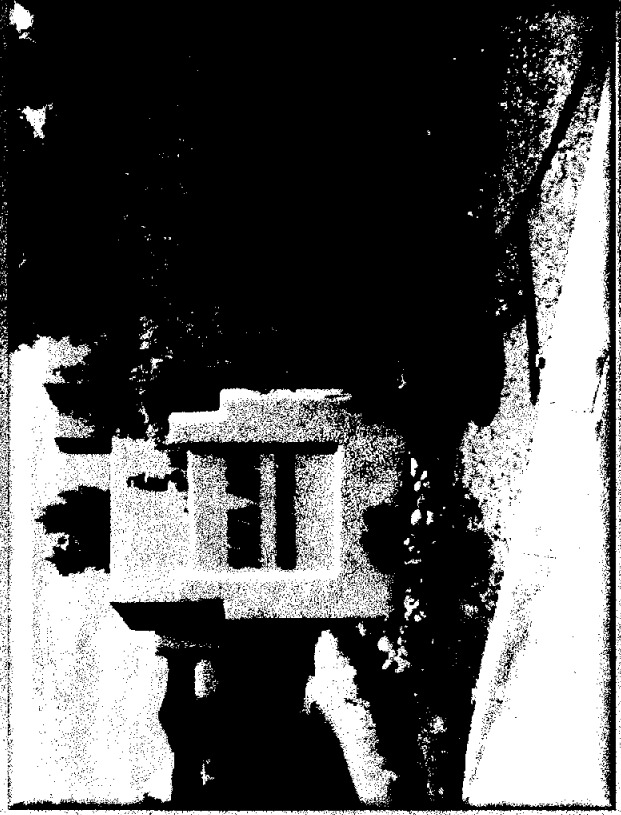


# Nava Adé Homeowners Association Board of Directors

Position on the PulteGroup's Proposal  
To Build Two New Neighborhoods In Las Vegas

*Exhibit "12"*

September 9, 2015



blocks. Zoom out and pan to view other areas



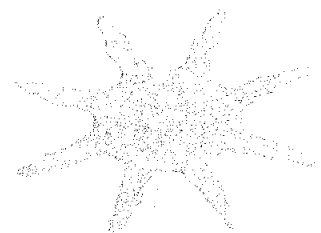
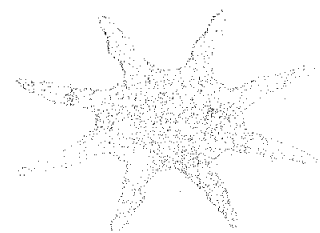
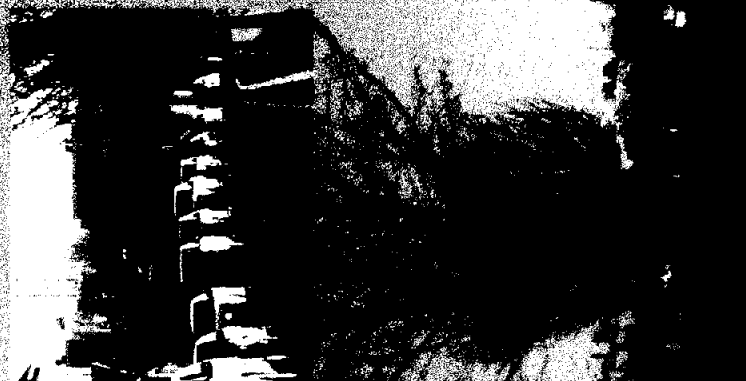
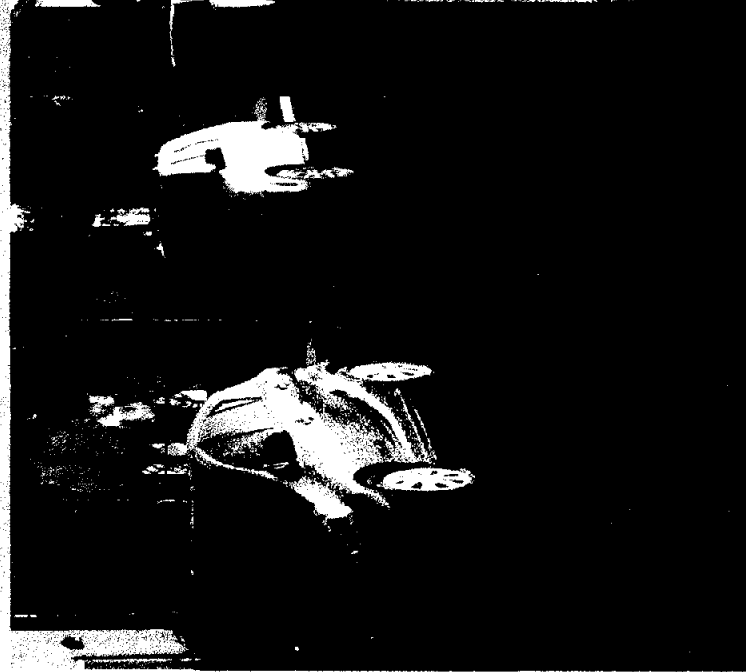
## Three Primary Concerns\*

- Increased traffic through our already congested neighborhood and the loss of street connections
- Potential negative impacts on "Quality of Life" for Nava Adé residents
- Location of active regional park and loss of open space

*\*Detailed in our attached statements & submittal to the Planning Commission.*



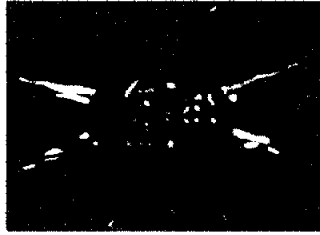
# Traffic Gridlock in Nava Adu



Dancing Ground,  
looking South



Dancing Ground,  
looking North (toward  
Governor Miles)



# Why We Support the Revised Pulte Plan

Our three major concerns were  
respectfully considered by Pulte and an  
agreeable outcome was achieved.

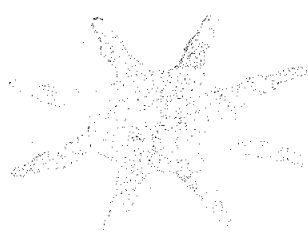





# Why We Support the Revised Pulte Plan

## 1. Traffic/Road Plan:

- Revised road plan connects Dancing Ground to Walking Rain (instead of directly connecting to Beckner)
- Building Beckner to Richards resolves multiple traffic issues for our neighborhood
- Low density rezoning mitigates traffic burden on Nava Adé and supports neighborhood quality of life






# Why We Support the Revised Pulte Plan

## 2. Quality of Life:

- Quality and style of housing complement Nava Adé and help maintain our property values
- Low density rezoning is in keeping with the policies of the General Plan and adds a healthy balance to the mix of residential zoning in the community
- Reinstating open space provides an appropriately sized transition between neighborhoods
- Engineered drainage and grading divert runoff away from Nava Adé and into shallow drainage ponds which provide an attractive habitat for birds





# Why We Support the Revised Pulte Plan

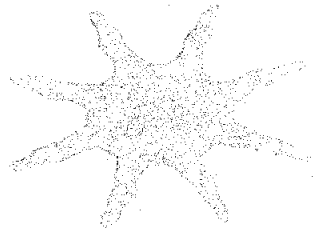
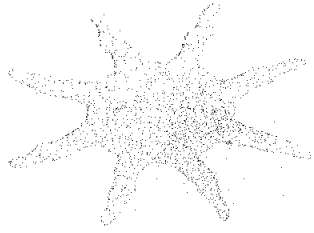
## 3. Active Regional Park Location and Open Space:

- Locates the active park away from our southern border, while making it more accessible to 8 area schools, employees and the community
- Reduces traffic burden on Nava Ade street by relocating the park
- Eliminates concerns about potential noise and crime associated with an active park bordering our homes
- Creates landscaped open space and trees along our entire southern border



# Additional Reasons for Our Support of Pulte's Revised Plan

- Developer's reputation for financial stability
- Developer's ability to manage and complete a large project
- Quality and prices of proposed construction help support our prices, values and those of existing and southside neighborhoods
- Employment opportunities for San Jose Fe residents





# Survey of Nava Adé Residents Opinions on Three Primary Concerns

Location of 20-acre Active  
Park on our Southern Border

--- In Favor  
Opposed

Rezoning to Low Density

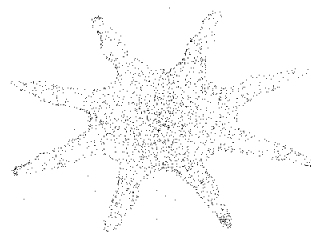
--- In Favor  
Opposed

Traffic Relief on Nava Adé  
Streets

--- In Favor  
Opposed


*Note: Nava Adé has 465 residences. Total  
responses = 198 (43%), 3 responses only  
addressed questions 1 & 2.*

*Survey conducted by the Nava Adé Board of Directors  
mid-June thru August 20, 2015 via email, US Postal mail,  
and a ballot box located in Clubhouse.  
Results compiled by HOAMCO, our HOA management  
company.*





# Appendices & References

- Nava Adé Statement on Park Location  
(May 11, 2015 ENN Meeting)
  - Nava Adé Submittal to Planning  
Commission  
(May 2015)
  - Nava Adé Statement to Planning  
Commission  
(May 21, 2015)
- 

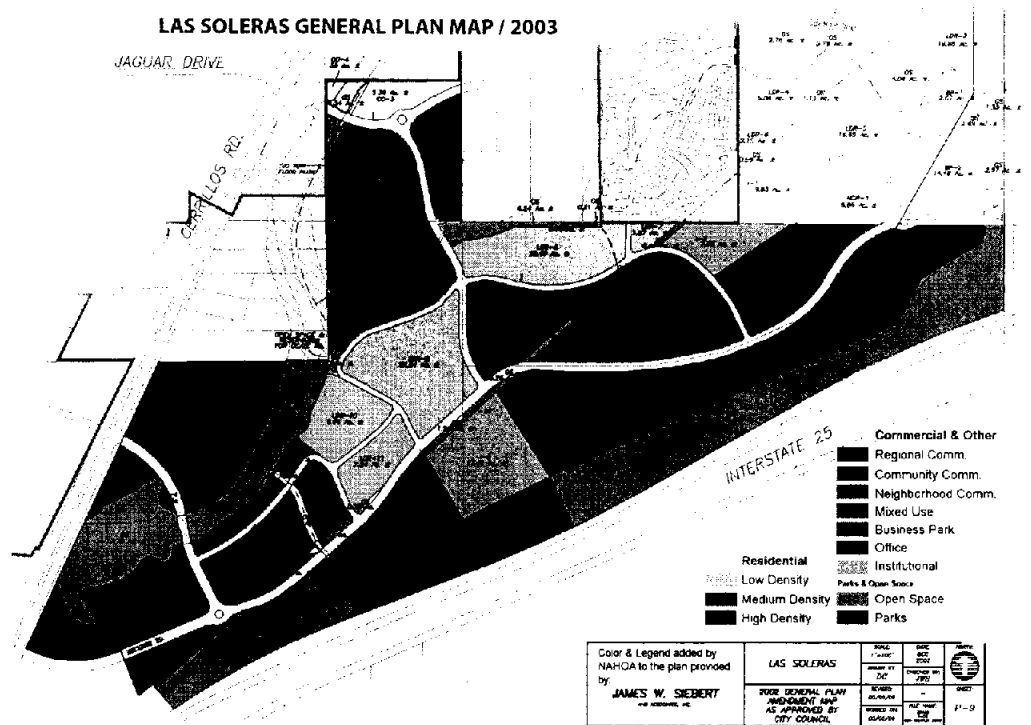
# Historical Perspective on Las Soleras Plans & Supporting Rationale for Pulte's Plan Amendments and Rezoning Requests

Richard Lange, Nava Adé Homeowner, Chair of the NAHOA Committee on Las Soleras 2001-2009, Consultant to the NAHOA Board

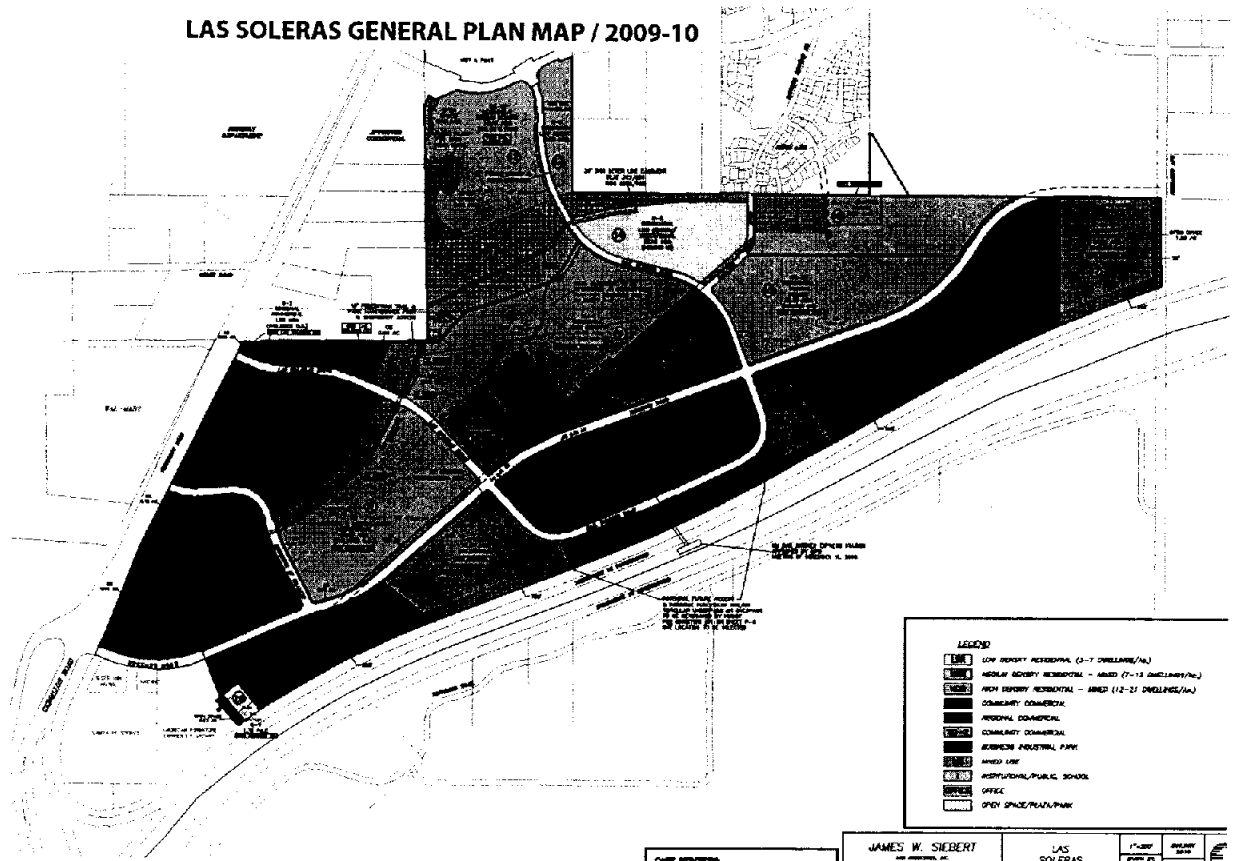
1. **In 2001 I formed the NAHOA Ad Hoc Committee on Las Soleras in response to the developers request for Nava Adé's (NA) input during the community's initial planning stages.** Committee members and I:
  - actively participated in understanding, and contributing to, the city-approved 2003 Las Soleras GP
  - met with the developers, Land Use staff, City and County Officials regarding the amended plans for Las Soleras from 2001-2003 and 2006-2009
  - to understand what was involved, I studied the GPFLU and the EZA's Extraterritorial Road Task Force Report and met with Councilor Ortiz and Reed Liming numerous times
2. **This planning process resulted in the city-approved 2003 GPFLU Map with land use components that NAHOA had requested, or favored.** These included:
  - an active park that was appropriately-sized given the amount of acreage provided by the Hwy Corridor and open space between I-25 and Beckner, whose 4-lanes borders it
  - per our request, to have the active park located away from NA borders thereby eliminates the potential problems associated with it adjoining our neighborhood
  - a mix of residential densities that would provide diversity within a cohesive community anchored by single-family homes
3. **Reasons for favoring the proposed distribution and location of the Active Park (per Condition-45):**
  - it retains residential acreage otherwise replaced by the proposed 20-acre active park location
  - quick access to Richards Ave and Cerrillos Rd, and its being adjacent to the Arroyo Chamiso Trail
  - adding an active park to the regional park consolidates the tracts and their usages
  - it is a more appropriate size active park given the current GP's land use allocations and configuration
  - it is consistent with NAHOA's long-standing desire NOT to have an active park on our border
  - locating a 20-acre park tract on NA's, and Beaty's southern border creates a land-use wedge between neighborhoods, potentially establishing an "other side-of-the-tracts" segregation of neighborhoods defined by their residential densities
4. **Reasons for favoring Rezoning 31-acres (or less than 6% of Las Soleras acreage) from various residential density tracts to similarly allocated amounts of Low Density tracts on the 2003 Plan :**
  - Pulte's proposed development is in keeping with the character of Nava Adé
  - it provides Las Soleras with a reasonable balance of residential mixes given ongoing economic and demographic realities, and it better reflects the 2003 planning process that included extensive neighborhood input. For example:
    - the current plan has approximately 26-acres of LDR tracts, whereas the 2003 plan had a dramatically higher 59-acres of LDR tracts
    - the current annexation plan has slightly more HDR acreage
    - the proposed plan does not alter the essential mix of residential tracts nor contradict the General Plan's policy for an overall average of 5-units per acre in Las Soleras.

*Exhibit "13"*

# LAS SOLERAS GENERAL PLAN MAP / 2003



# LAS SOLERAS GENERAL PLAN MAP / 2009-10



## MEMORANDUM OF UNDERSTANDING

### REGARDING ALTERNATE COMPLIANCE FOR PULTE DEVELOPMENT IN LAS SOLERAS

This Memorandum of Understanding ("MOU") is entered into this 2nd day of September, 2015, by and among Pulte Homes of New Mexico, Inc., a Michigan corporation ("Pulte"), Las Soleras Oeste, Ltd., The Housing Trust, The City of Santa Fe, The Coalition to End Homelessness, to cooperatively pursue the receipt of a competitive Low Income Housing Tax Credit allocation for sixty to eighty units to meet inclusionary housing requirements. All parties to the MOU will be collectively referred to as the "Partners."

#### I. RECITALS

- A. Pulte has proposed to provide land and resources for meeting inclusionary requirements in conjunction with its proposed development on Tract 9 in the Las Soleras master planned community in Santa Fe, New Mexico (the "Pulte Project"). Pulte has partnered with the Housing Trust, Tierra Contenta and other local housing providers to provide homeownership opportunities under past inclusionary housing agreements doing business as Centex.
- B. The Housing Trust is a Community Housing Development Organization whose mission is to provide permanent owner and rental affordable housing and to improve the economic and social wellbeing of low and moderate income residents of Santa Fe. The Housing Trust has received two LIHTC allocations from the New Mexico Mortgage Finance Authority for the new construction of the Village Sage Apartments and the Stage Coach Apartments in the last few years.
- C. The Coalition to End Homelessness is a membership organization composed of housing and social service providers dedicated to the elimination of homelessness in New Mexico. The Coalition and its members have been active partners with the Housing Trust in developing and implementing an innovative social service delivery system for the LIHTC application processes and execution post award.
- D. The parties will work together to design and obtain a Low Income Housing Tax Credit (LIHTC) allocation for 60 – 80 units sponsored by The Housing Trust (the "LIHTC Project"). Pulte is highly interested in an expeditious and successful application for an LIHTC allocation for the Housing Trust in order to fulfill the inclusionary housing requirements and to assure a diverse and appealing community design. During the concept planning stage for the LIHTC Project Pulte will actively engage in providing input on design, style, colors, market factors, as well as paying for expert professionals for the LIHTC Project. In the event of a timely LIHTC award the LIHTC Project will be constructed simultaneously with the start of construction in the Pulte Project. The

*Exhibit "14"*

LIHTC Project will benefit from synergies of cooperating ownership and construction processes.

- E. The City of Santa Fe is expected to be a strong partner in the undertaking as well. Santa Fe's housing research, and adopted housing plans stress the need for more rental housing in all income tiers. National research such as the Gallup, Inc analysis of housing preferences referenced in its April article "In U.S., Fewer Non-Homeowners Expect To Buy Home," indicate that a full 41% of non-homeowners do not see homeownership as a personal choice in the foreseeable future. Our local statistics on rental occupancy rates and rising rents give credence to the need for additional rental housing. New Mexico Mortgage Finance Authority recently published statewide data on vacancy rates statewide, that resulted in a Santa Fe designation of most in need of affordable rental housing along with several other counties.
- E. The term of this MOU shall be five years. The MOU will be in effect between The Housing Trust and Pulte until Pulte sells out the Pulte Project but it is planned that the neighborhood cooperation will continue between the homeowner's organization and The Housing Trust thereafter.
- F. The Parties have generally agreed as follows:
  - 1. Pulte will donate a 4.5 acre property to the City of Santa Fe appropriately zoned, with paved access and utilities in the street in close proximity to the Pulte Project. i
  - 2. The City will enter into a binding agreement to pass the property to The Housing Trust as required for LIHTC submittal and will pass the property to The Housing Trust upon receipt of a Low Income Housing Tax Credit allocation.
  - 3. The Housing Trust will submit an application to the New Mexico Mortgage Finance Authority for an LIHTC allocation.
  - 4. The Coalition to End Homelessness will facilitate participation by its member organizations to ensure their coordinated referrals of tenants and provision of psycho-socio-medical services to enrich the lives and diversity of tenants in the LIHTC development after completion.

## II. Agreement

Now, therefore, be it resolved that Pulte , The Housing Trust, and The Coalition to End Homelessness hereby agree to work cooperatively to facilitate the receipt of an LIHTC allocation that will satisfy a the inclusionary zoning requirements of the City of Santa Fe, will provide housing for low and very low income community residents, will enrich the physical character of



the neighborhood, and will cover the costs of preparing and submitting such application. Specifically duties shall be as follow:

A. The Pulte's Responsibilities

1. Upon vesting of its land use approvals for the Pulte Project Pulte will promptly deliver the following to the City of Santa Fe for redistribution as follows:
  - (a) **Land** – Deliver deed to the City of a properly zoned (subject to City approval), ready-for-construction, 4.5 acre parcel sufficient for 60 to 80 rental units at the northwest side of the Pulte Project (the LIHTC Tract”) (est \$700,000+@3.50/sqft).
  - (b) **Provide payment not to exceed \$100,000 cash** for predevelopment design, engineering and concept planning of the LIHTC Project plus continued goodwill in assuring success of rental endeavor (the “Pre-development Expenses”). Pulte may pay the Pre-development Expenses directly to the Housing Trust, the City or the vendor but will pay at the same time as the LIHTC Tract is donated.
  - (c) **In kind donation:** Paved access via publicly maintained roadway, complete all off site road and utility improvements along the Roadrunner Road street frontage such that all utilities are accessible in street, and complete the rough grading (the “LIHTC Tract Infrastructure”)(estimated cost of at \$726,000.)
  - (d) **Total cash and in kind donation** of at least \$1.5 million (which sum includes the value of the LIHTC Tract, the Pre-development Expenses and the LIHTC Tract Infrastructure) for re-donation to the Housing Trust to complete a Low Income Housing Tax Credit development.
2. Post award of LIHTC Pulte will participate in staging of construction
3. Post completion of the affordable rental complex operated by the Housing Trust. Pulte will participate in fostering community building activities among the homeowners and the rental tenants.
4. Pulte shall use its best efforts, in conjunction with the other Parties, to procure a LIHTC award for the LIHTC Project, however there is no assurance that a LIHTC award will be made for this LIHTC Project. If a timely LIHTC award is not received for the LIHTC Project Pulte shall remain obligated to perform its obligations hereunder and Pulte will be deemed to have satisfied its Affordable Housing obligations with respect to the Pulte Project.

---

Sharron Welsh  
Director of the Santa Fe Housing Trust

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Hank Hughes  
Executive Director of NM Coalition to End Homelessness

Pulte Homes of New Mexico, Inc., a Michigan corporation

---

By: Garret Price  
Vice President-Land

---

Gordon L. Skarsgard  
Managing Member,  
Las Soleras Oeste LTD and Las Soleras Center LLC



**JAMES W. SIEBERT  
AND ASSOCIATES, INC.**

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**915 MERCER STREET \* SANTA FE, NEW MEXICO 87505**  
**(505) 983-5588 \* FAX (505) 989-7313**  
**jim@jwsiebert.com**

**MEMORANDUM**

**Date:** August 25, 2015

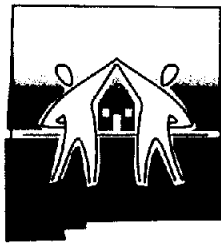
**To:** Garret Price  
Kevin Patton  
Scott Forrester  
Skip Skarsgard  
Sharron Welsh

---

**From:** Jim Siebert

**Re:** Time frame for submittal of application for Low Income Housing Tax Credit

Sept. 9	City Council approves the rezoning request and LS amendments
Sept 22	Rezoning and lot line (bulk plat) adjustment plat recorded
Sept 28	Lot split plat submitted to city for 4.5 acre affordable lot (PC would have to approve the conditioning of the plat on provision of infrastructure at such time as the 4.5 acre lot develops.
October 1	Planning Commission approves final plat, phase 1
October 5	Sharron assembles team to work on project.
October 9	Appeal period ends for CC rezoning and LS amendments
Nov. 4	Notice of ENN meeting posted for development plan on 4.5 acres
Nov. 5	4.5 acre lot split plat approved by Planning Commission



## New Mexico Coalition to End Homelessness

July 22, 2015

Alexandra Ladd  
Housing Special Projects Manager  
City of Santa Fe  
PO Box 909  
Santa Fe, NM 87504

Dear Alexandra:

I am writing in support of the idea of allowing the Pulte at Las Soleras project to meet their affordable housing obligations with rental housing. As you know there, is a severe shortage of affordable rental housing in Santa Fe, and an even greater shortage of rental housing that is affordable to those households with the lowest incomes.

Pulte at Las Soleras is proposing to donate land to the City to be developed by the Housing Trust into 64 units of affordable rental housing, with one fourth of the units reserved for families and individuals who have been homeless. The Housing Trust has an excellent track record with two beautiful apartment developments in Santa Fe, Stage Coach and Village Sage. Both developments are well designed and serve a range of lower income families. These apartments are affordable to households that would not be in a position to buy a house.

The inclusion of families and individuals who have been homeless in these mixed income settings, provides these formerly homeless people with a stable home from which to rebuild their lives and to work toward their potential to be productive members of our community. We have found such settings to be very successful at helping people end their homelessness for good.

While the HOMES program originally envisioned the creation of affordable rental housing as well as affordable home ownership opportunities, it seems that few rental units have actually been developed through this mechanism. Allowing some developers of single family houses to meet their affordable housing obligation through development of rental units would help to correct this imbalance.

Sincerely,

Hank Hughes  
Executive Director

*Exhibit "16"*

# IN THE CITY DIFFERENT, RENTING GETS TOUGHER

No new construction  
leads to rising rates

BY T.S. LAST  
JOURNAL NORTH

**S**anta Fe is renowned for a lot of things: its richness in arts and culture, history, food, museums, galleries, and much more.

But it's also inflating its reputation for being an expensive place to live. The market for housing, particularly rental housing, is as tight as it's ever been, which has driven up costs. And there are no signs that it will get any better in the foreseeable future.

"Rising rents, lack of rental options for very low-income renters and low vacancy rates are likely to worsen the cost burden situation over the next several years," states the city of Santa Fe's Housing action plan for the current fiscal year.

The city's Housing Needs Assessment for 2013 notes that, while consumer incomes remain


flat, rents have increased 25 percent since 2000. A recent report by CBRE, a national real estate company with an office in Albuquerque, indicates that since then the average cost to rent a unit has increased by another 4 percent.

CBRE releases a report

three times a year, the last one in May, which surveys most apartment complexes of more than 80 units and some smaller complexes, encompassing 23 properties totaling 3,627 units. It doesn't take into account

SEE RENTING // PAGE 3

SANTA FE APARTMENT RENT INDEX  
MAY 2013



Unit type	Number of units	Weighted occupancy	Weighted avg. sq. ft.	Weighted avg. rent	Rent per sq. ft.
1/1	878	97.33%	801	\$875	\$1.10
2/2	834	97.24%	933	\$897	\$0.96
3/2	402	96.01%	1,136	\$887	\$0.87
<b>Total*</b>	<b>3,627</b>	<b>97.22%</b>	<b>910</b>	<b>\$827</b>	<b>\$1.02</b>

Source: CBRE \*Any variances in totals a result of weighting or rounding.

C. CUNNINGHAM/JOURNAL

*Exhibit "17"*

single-family home rentals, which generally cost even more to rent. Nonetheless, the report shows that the average monthly rent for a one-bedroom, one-bathroom unit is \$772. It's \$826 for a two-bedroom, one-bathroom unit, and \$987 for a three-bedroom, two-bathroom place.

In comparison, the average rent for a one-bedroom, one-bathroom apartment in Albuquerque is nearly \$90 less (\$685). A two-bedroom, one-bathroom unit is over \$100 less (\$720). Rents for a three-bedroom, two-bathroom apartment are almost exactly the same (\$987 in Santa Fe and \$986 in Albuquerque).

The rates for Santa Fe are the highest since CBRE began analyzing the market in 2008. The occupancy rate of 97.22 percent is also the highest it's been since records have been kept.

"Anything above 95 percent represents what I would call full occupancy," said David Eagle, senior vice president for CBRE in Albuquerque. "When a market has reached that kind of saturation, rents go up."

That causes people to look elsewhere for housing. A Department of Workforce Solutions report from a year ago indicates that more than half of Santa Fe's total workforce live outside the city limits.

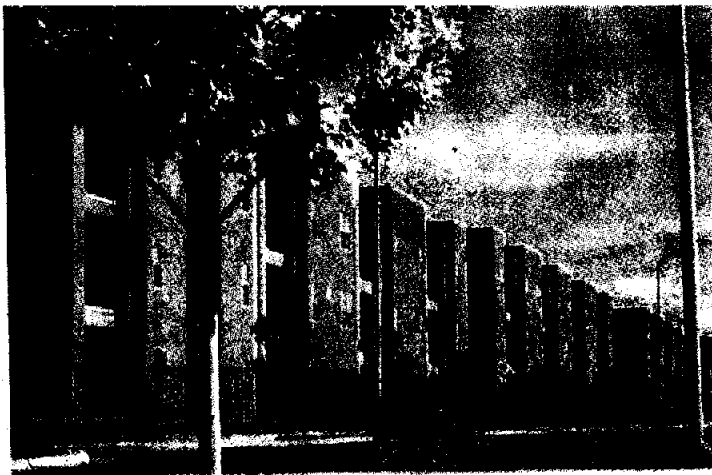
That's a problem, says Chamber of Commerce President and CEO Simon Brackley.

"When a Santa Fe worker can't find a place to live, they end up commuting and we lose the economic benefit and talent," he said.

Those commuters tend not to buy groceries, shop at retail stores or spend money on services from local businesses. With nearly 30,000 people commuting into Santa Fe to work from elsewhere, that has a huge impact on the city's economy.

"A Homewise study shows we are losing \$300 million a year because of commuting," Brackley said, adding that city residents could benefit from more civic amenities if those commuters lived in town.

Santa Fe has a lot to offer, and that may be part of the problem, according to Eagle.



EDDIE MOORE/JOURNAL

The San Isidro Apartments on San Ignacio Road are some of the newer units built in Santa Fe.

The City Different's appeal attracts lots of tourists, increasing the demand for rental housing for those in service industries.

"Santa Fe is unusual because it's not industrial, there's no Air Force base, but it's a national treasure that attracts visitors, so you have workers in the tourism and service industries who tend to be more transient, and that's an important factor. When you're coming and going, you don't buy a house, you rent."

In all, about 40 percent of people in Santa Fe rent their homes.

Mayor Javier Gonzales said the city recognizes the problem and the impact it has on the local economy.

"We're focused on economic development, and to get where we want to be we have to pair that with a plan that delivers accessible housing at every level of the workforce, top to bottom," he said.

## The long and short of it

Another way the city's appeal affects the rental housing market, and the city's economy, is the saturation of short-term vacation rentals. While the city ordinance allows for only 350 permitted short-term rentals, the reality is there are many more. Websites such as Airbnb, FlipKey, VRBO and Craigslist list vacation rentals, many of which don't have permits from the city.

A survey conducted this summer by Tourism Santa Fe suggests there are at least 576 short-term rental properties operating in Santa Fe without a license.

Tourism Santa Fe Executive Director Randy Randall said that number may be much higher because it is difficult to quantify many properties due to a lack of owner information provided on websites.

Still, the large number of short-term rentals affects the market for long-term rentals.

"All it does is reduce the inventory," he said.

And that increases demand — and reduces city revenues.

"This demand for housing means that many unlicensed Airbnb units exist, which often do not pay gross receipt tax or lodger's tax and therefore do not contribute to improving community services or tourism marketing," Brackley said.

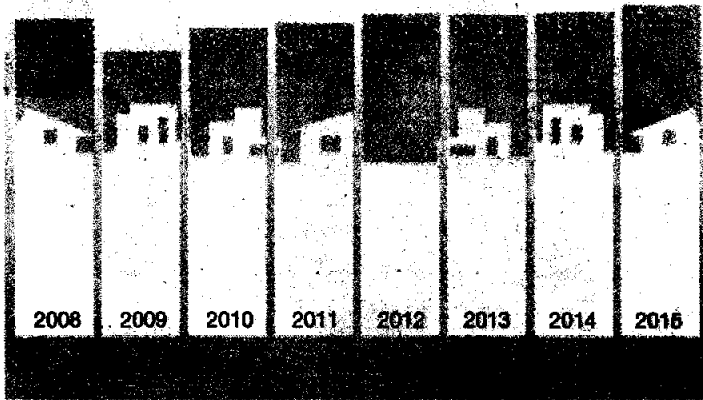
Charlie Goodman agrees. He's owner of Kokopelli Properties, which deals mostly with long-term home rentals but some short-term units as well.

Goodman said the city is looking at a more than \$10 million deficit next year, but is missing out on untapped revenue from such unlicensed proprietors.

"Part of the issue is regulators can't get around what's going around on the Internet," he said. "They have to get their arms around it."

City Councilor Joseph Maestas plans to introduce a resolution at next week's Public Works Committee meeting that calls for staff to try to get a handle on how many short-term rentals there are in Santa Fe — both permitted and un-permitted — and try to determine how much the city is losing in uncollected gross receipt and lodger's taxes.

## SANTA FE AVERAGE OCCUPANCY RATE HISTORY, MAY 2008-2015



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### Barriers block supply of long-term rentals

One city official said there have not been any new apartment complexes built in Santa Fe in 10 years.

The city's housing action plan identifies some of the barriers to affordable housing as tax policies affecting land, growth limitations, zoning ordinances, and policies affecting the return on residential investment.

The report states that stakeholders expressed concerns about "inconsistent and unpredictable development approval decisions and 'NIMBYism' affecting approvals," NIMBYism being the "Not In My Backyard" mentality.

It goes on to say that "there is a stigma associated with affordable housing developments and neighborhood associations make strong efforts to impede affordable development."

Tell that to Eric Faust, a partner in Tierra Concepts, which proposed building a 399-unit apartment complex on Agua Fria Road. Faust said Tierra Concepts spent "a significant amount of money" drawing up plans and lining up connecting properties to accommodate the El Rio apartment complex, designed specifically to provide affordable housing for young professionals, only to have the City Council vote it down in June. Scores of neighbors and some 20 neighborhood associations opposed the plan.

"Statistics point to the fact that Santa Fe continues to get more and more expensive, so people have to find housing outside the city and outside the county," Faust

said. "That means a higher carbon footprint and fewer dollars staying here locally. It also sort of pushes Santa Fe toward being a tourist/retirement community vs. a 'people who live and work here' community."

Before the council voted, Mayor Gonzales asked if Tierra Concepts could reduce the density of the complex, but the company declined.

"The reality is that with all the demands the city wants — water requirements, affordable housing requirements, and impact fees — you can't make the numbers work," Faust said.

The city requires that apartment complexes must make 15 percent of their units affordable housing for low-income families.

"That's a big barrier to the rental market," he said, adding that he's not against the 15 percent requirement but believes it needs to be massaged. "The city needs to look at that affordable housing rule and recognize that small apartments are a component of affordable housing and add to affordability in Santa Fe."

Alexandra Ladd, special projects manager for the city's affordable housing division, says subsidized affordable housing is a necessity.

Her department and groups such as Habitat for Humanity, The Housing Trust and Homewise work to provide housing for people who otherwise might be living on the streets, many of whom may be recovering alcoholics or drug abusers.

"If you don't have affordable rental opportunities for someone coming out of a situation, they'll fall out and end up

back on the street," she said, adding that services must also be made available to them. "When you have people with incomes at poverty levels, the lack of affordable housing is not their only problem."

Ladd defends the city's rules that require a segment of the market be set aside as affordable housing.

"How much worse would it be if the city hadn't done what it's done?" she asks.

### Changes sought from the top

So what can be done to make long-term housing in Santa Fe more affordable?

Brackley, who spoke in support of the El Rio project, said the city's leadership has to look at changing rules.

"The solution is to have the political courage to fast-track permit approval for high-density housing using existing infrastructure — roads, trails, water, etc. — and work for the benefit of the whole community," he said.

Kokopelli Properties' Goodman also said city leaders need to act.

"In my opinion, it has everything to do with this city not being willing to approve any new housing," he said. "That requires a City Council that is willing to change density. We can't just keep building single-family homes."

But Goodman is optimistic changes may be forthcoming.

"We've got some fresh blood on the Planning Commission, so there's a possibility we could see some changes," he said. "But you've got to have changes coming from the council."

Mayor Gonzales said there are opportunities for the city to fill the void in affordable rental housing with "responsible infill" in areas that can accommodate new development.

"We are intensively studying this problem," he said. "It's something that cities all over the world are wrestling with, and by this fall we'll be proposing reform to the affordable housing code that we hope will eliminate barriers and give private industry the incentives and the freedom to start proposing more innovative solutions."