



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
NOVEMBER 10, 2015
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

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 – October 28, 2015
9. PRESENTATIONS
10. CONSENT CALENDAR

- a) Request for Approval of Bid No. 16/02/B – Agreement Between Owner and Contractor for Camino Capitan, Vereda Rodiando, Paseo de Tularosa and Paseo de Canto Water Main Replacement Project; Sasquatch, Inc. (Bill Huey)
- b) Request for Approval of Bid 16/06/B – Agreement Between Owner and Contractor for Parks Playground Shade Structures Installation; Sarcon Construction Corporation. (Jason Kluck)
- c) Request for Approval of Procurement Under Cooperative Price Agreement and Professional Services Agreement for Parks Playground Shade Structures Materials; The Playwell Group, Inc. (Jason Kluck)
- d) Request for Approval of Procurement Under Cooperative Price Agreement and Agreement Between Owner and Contractor – City of Santa Fe Senior Centers Improvements Project; Cooperative Educational Services (CES)/AnchorBuilt, Inc. (LeAnn Valdez)

CITY CLERK'S OFFICE

DATE 11/6/15 TIME 3:45pm

SERVED BY [Signature]

RECEIVED BY [Signature]

Figure 1 illustrates the experimental setup. A subject is seated at a table, looking at a video screen. A video camera is positioned above the screen to record the subject's hand position. A light source is positioned to the left of the screen. A target is positioned on the screen. The subject's hand is positioned near the target. The diagram shows the relative positions of the subject, camera, screen, light source, and target.



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
NOVEMBER 10, 2015
CITY COUNCIL CHAMBERS

- e) Request for Approval of Two 2015 State of New Mexico Severance Tax Bond Capital Appropriation Project Agreements – Salvador Perez Pool and Santa Fe Public Health & Safety Infrastructure; State of New Mexico Department of Finance and Administration, Local Government. (David Chapman)
 - (1) Request for Approval of Budget Increase in the Amount of \$950,000.
- f) Request for Approval of Toilet Retrofit Purchase Agreement – Purchase of 2,173 Toilet Retrofit Credit Buy Backs; Murtagh Nevada, LLC. (Andrew Erdmann)
 - (1) Request for Approval of Budget Increase in the Amount of \$651,900.
- g) Request for Approval of Sub-Grant Agreement and Award – 2015 State Homeland Security Grant Program for Police and Fire Departments; New Mexico Department of Homeland Security & Emergency Management. (David Silver)
 - (1) Request for Approval of Budget Increase in the Amount of \$199,000.
- h) Request for Approval of Fiscal Year 2015-2025 Emergency Apparatus & Vehicle Fleet Plan for Fire Department. (Jan Snyder)
- i) Request for Approval of Budget Adjustment to Fund Professional Services Agreement with Atkinson & Co., LTD. for 2008 Park Bond Examination Engagement in the Amount of \$160,303; Approved by the Governing Body on October 14, 2015. (Oscar Rodriguez)
- j) Request for Approval of Fiscal Year 2016/2017 Salary Increase for Municipal Judge, After the 2016 Municipal Election, Per Section 2-3.3 SFCC 1987. (Oscar Rodriguez)
- k) Request for Approval of Professional Services Agreement – Security Guard Services for Municipal Parking Facilities (RFP #16/06/P); G4S Secure Solutions, Inc. (Robert Rodarte)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
NOVEMBER 10, 2015
CITY COUNCIL CHAMBERS

- l) CONSIDERATION OF RESOLUTION NO. 2015-__: (Councilor Lindell, Councilor Bushee and Councilor Ives)
A Resolution Establishing Design Standards for Alterations and New Construction at the Santa Fe Airport Terminal Building; and Providing for Historic Preservation Division Design Review in Consultation with the Chair of the Historic Districts Review Board. (David Rasch)
- m) CONSIDERATION OF RESOLUTION NO. 2015-__: (Councilor Lindell, Councilor Dominguez, Councilor Trujillo and Councilor Maestas)
A Resolution Amending Resolution 2015-50 to Permit the Use of City Force Account Work to Complete Parks Related Projects as Authorized by the Governing Body. (Oscar Rodriguez)
- n) Request for Approval of City of Santa Fe Schedule for 2016 City Council and Council Committee Meetings. (Yolanda Y. Vigil)
- o) CONSIDERATION OF RESOLUTION NO. 2015-__: (Councilor Maestas)
A Resolution Acknowledging the City of Santa Fe's Operating Budget Deficit and its Outlook; and Committing to Adopt Policies Consistent with Best Practices to Address this Deficit and its Outlook. (Oscar Rodriguez)
- p) CONSIDERATION OF RESOLUTION NO. 2015-__: (Mayor Gonzales)
A Resolution Designating Santa Fe as A Purple Heart City as Part of the National Campaign by the Military Order of the Purple Heart of the United States of America. (Chris Sanchez)
- q) **Case No. 2015-51.** Request for Approval of Findings of Fact and Conclusions of Law in the Appeal of the May 7, 2015 Decision of the Planning Commission Approving the Requests of the Benevolent and Protective Order of the Elks Lodge No. 460 (BPOE) 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. (Zachary Shandler and Kelley Brennan)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
NOVEMBER 10, 2015
CITY COUNCIL CHAMBERS

- r) Request for Approval of Findings of Fact and Conclusions of Law for Christus St. Vincent Regional Medical Center (CSV). (Zachary Shandler and Kelley Brennan)
- (1) **Case No. 2015-47.** CSV Master Plan Amendment.
 - (2) **Case No. 2015-89.** Appeal from the September 3, 2015 Decision of the Planning Commission Approving CSV's Application for a Special Use Permit at 455 St. Michael's Drive, with Conditions; and
 - (3) **Case No. 2015-96.** Request for Approval of Appeal from the September 3, 2015 Decision of the Planning Commission Approving CSV's Development Plan at 455 St. Michael's Drive, with Conditions.
- s) Request to Publish Notice of Public Hearing on December 9, 2015:
- (1) Bill No. 2015-37: An Ordinance Amending Section 24-2.6 SFCC 1987 to Add a Truck and Other Large Vehicles Traffic Restriction to East De Vargas Street Between Paseo De Peralta and Canyon Road. (Councilor Maestas) (John Romero)
 - (2) Bill No. 2015-40: An Ordinance Authorizing the Lease of 29,490 Square Feet of Real Property Located Within a Portion of the Northwest Quadrant Adjacent to 786 Calle Mejia as Shown and Delineated on a Survey Entitled, "Parking Lease Parcel Exhibit" Prepared by Rick Chatroop, N.M.P.S. No. 110011, Lying Within Projected Section 14, T17N, R9E, N.M.P.M., in the City and County of Santa Fe, New Mexico. (Mayor Gonzales) (Matthew O'Reilly)
 - (3) Bill No. 2015-41: An Ordinance Amending Article IX and Article XII of the Uniform Traffic Ordinance to Establish That all Parking Violations are Civil Parking Violations and Subject to Administrative Adjudication and Collection by an External Administrative and Collection Agency; and Making Such Other Changes as are Necessary to Meet the Purposes of this Ordinance. (Councilor Dimas) (Noel Correia)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
NOVEMBER 10, 2015
CITY COUNCIL CHAMBERS

-
- (4) Bill No. 2015-43: An Ordinance Amending Section 21-2.1 SFCC 1987 to Amend Existing Definitions; Amending Section 21-3 to Delete Santa Fe Homes Program Applicability; Amending Section 21-4.3 to Clarify the Conditions of Service for Residential Collection; Amending Section 21-6 to Clarify Conditions Of Service; Amending Section 21-7.1 to Clarify that Nonresidential Establishments Shall Pay a Service Rate; and Amending *Exhibit B* of Section 21 to Increase Rates for Residential Curbside Collection and for Commercial Recycling in Order to Purchase Necessary Equipment to Transition the Residential Recycling Program from Manual to Automated Collection. (Councilor Ives) (Nick Schiavo)
- t) CONSIDERATION OF RESOLUTION NO. 2015-__: (Councilor Rivera and Councilor Lindell)
A Resolution to Support Meow Wolf and Their Project, the House of Eternal Return and Efforts to Diversify the Economy, Revitalize an Economically Distressed Neighborhood and Provide a Unique Family Entertainment Option for Santa Fe. (Zackary Quintero)
- (1) Request for Approval of Professional Services Agreement in the Amount of \$60,000 for Workforce Development and Local Product Creation Services; Meow Wolf LLC. (Zackary Quintero)
11. Request to Publish Notice of Public Hearing on December 9, 2015:
Bill No. 2015-42: 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. (Councilor Maestas) (Oscar Rodriguez)
12. Request for Direction/Approval to Staff Regarding Resolution 2015-55 – A Resolution Authorizing Mobile Vehicle Vendors Within the Plaza Periphery Area at Specific Locations and at Limited Times, Pursuant to the Vehicle Vendor Ordinance, 18-8.9 SFCC 1987; Requested by the Governing Body at the May 27, 2015 City Council Meeting. (Matthew O'Reilly)
13. Request for Approval of Staff Recommendations for Making the Water Utility Enterprise Financially Self-Sustaining as Called for in Resolution 2015-41. (Oscar Rodriguez)
14. Request for Approval of Staff Recommendations for Improving the City's Collection of Delinquent Fees and Payments as Called for in Resolution 2015-80. (Oscar Rodriguez)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
NOVEMBER 10, 2015
CITY COUNCIL CHAMBERS

15. CONSIDERATION OF RESOLUTION NO. 2015-__: (Mayor Gonzales)
A Resolution Adopting Best Practices and Standards to Help Guide the Management of the City's Finances and for Assisting the Governing Body and City Staff in Evaluating Current Activities and Future Plans. (Oscar Rodriguez)

16. MATTERS FROM THE CITY MANAGER

17. MATTERS FROM THE CITY ATTORNEY

Executive Session

In Accordance with the New Mexico Open Meetings Act §§10-15-1(H)(2) and (7) NMSA 1978, Discussion Regarding Limited Personnel Matters, Including, without Limitation, Discussion on Upcoming Union Negotiations; and 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. (Kelley Brennan)

18. MATTERS FROM THE CITY CLERK
19. COMMUNICATIONS FROM THE GOVERNING BODY

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
 - Planning Commission



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
NOVEMBER 10, 2015
CITY COUNCIL CHAMBERS

H. PUBLIC HEARINGS:

- 1) Request from Milad Bistro, LLC for a Restaurant Liquor License with Patio Service (Beer and Wine for On-Premise Consumption Only) to be Located at Milad Persian Bistro, 802 Canyon Road. (Yolanda Y. Vigil)
- 2) Request from Starry Nights Beverage, LLC for the following: (Yolanda Y. Vigil)
 - (a) Pursuant to §60-6B-10 NMSA 1978, a Request for a Waiver of the 300 Foot Location Restriction to Allow the Sale of Alcoholic Beverages at the Inn of the Five Graces, 150-160 E. De Vargas Street, Which is Within 300 Feet of the San Miguel Mission Church, 401 Old Santa Fe Trail.
 - (b) If the Waiver of the 300 Foot Restriction is Granted, Request for a Transfer of Ownership and Location of Inter-Local Dispenser License #0421, with Patio Service, from Corrales Beverage, LLC, dba Rancho de Corrales, 4895 Corrales Road, Rancho de Corrales to Starry Nights Beverage, LLC, dba Inn of the Five Graces, 150-160 E. De Vargas Street.
- 3) **Case No. 2015-87.** Appeal by Brad Perkins from August 25, 2015 Decision of the Historic District Review Board Regarding Granting the Application from Courtenay Mathey for Construction Work at 2 Camino Pequeno Located in the Downtown and Eastside Historic District. (Theresa Gheen) **(Postponed at October 28, 2015 City Council Meeting)**
- 4) CONSIDERATION OF RESOLUTION NO. 2015-____:
Case #2015-43. 2749 & 2751 Agua Fria Street General Plan Amendment. James W. Siebert and Associates, Agent for Emelecio (Leroy) Romero, Requests Approval of a General Plan Amendment to Amend the Existing General Plan Future Land Use Designation for 2.20 Acres from Mountain Density Residential to Community Commercial. The Property is Located at 2749 and 2751 Agua Fria Street. (Zachary Thomas)
- 5) CONSIDERATION OF BILL NO. 2015-39: ADOPTION OF ORDINANCE NO. 2015-____.
Case #2015-44. 2749 & 2751 Agua Fria Street Rezone. James W. Siebert and Associates, Agent for Emelecio (Leroy) Romero, Requests Rezoning of 2.20 Acres from R-1 (Residential – 1 unit per acre) to C-2 (General Commercial). The Property is Located at 2749 and 2751 Agua Fria Street. (Zachary Thomas)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
NOVEMBER 10, 2015
CITY COUNCIL CHAMBERS

- 6) CONSIDERATION OF RESOLUTION NO. 2015-____:
Case #2015-57. Gerhart Apartments General Plan Amendment. Scott Hoeft of Santa Fe Planning Group, Agent for Storm River LLC Requests Approval of a General Plan Future Land Use Map Amendment to Change the Designation of 11.83± Acres of Land from Low Density Residential (1-3 Dwelling Units Per Acre) to High Density Residential (12-29 Dwelling Units Per Acre). The Property is Located at 2800 South Meadows Road. (Donna Wynant)
- 7) CONSIDERATION OF BILL NO. 2015-38: ADOPTION OF ORDINANCE NO. 2015-____.
Case #2015-58. Gerhart Apartments Rezoning. Scott Hoeft of Santa Fe Planning Group, Agent for Storm River LLC, Requests Rezoning Approval of 11.83± Acres of Land from R-1 (Residential, 1 Dwelling Units Per Acre) to R-21 (Residential, 21 Dwelling Units Per Acre). The Property is Located at 2800 South Meadows Road. (Donna Wynant)

I. ADJOURN

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, November 10, 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
APPROVAL OF CONSENT CALENDAR	Approved [amended]	2-3
CONSENT CALENDAR LISTING		3-6
APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – OCTOBER 28, 2015	Approved	6
<u>PRESENTATIONS</u>		
CONSIDERATION OF RESOLUTION NO. 2015-103. A RESOLUTION DESIGNATING SANTA FE AS A PURPLE HEART CITY AS PART OF THE NATIONAL CAMPAIGN BY THE MILITARY ORDER OF THE PURPLE HEART OF THE UNITED STATES OF AMERICA	Approved	6-8
<u>CONSENT CALENDAR DISCUSSION</u>		
REQUEST FOR APPROVAL OF FISCAL YEAR 2015-2025 EMERGENCY APPARATUS & VEHICLE FLEET PLAN FOR FIRE DEPARTMENT	Approved	8-9
REQUEST FOR APPROVAL OF FISCAL YEAR 2016/2017 SALARY INCREASE FOR MUNICIPAL JUDGE, AFTER THE 2016 MUNICIPAL ELECTION, PER SECTION 2-3.3 SFCC 1987	Denied	10
REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – SECURITY GUARD SERVICES FOR MUNICIPAL PARKING FACILITIES (RFP #16/06/P); G4S SECURE SOLUTIONS, INC. DISCUSSION FOLLOWING VOTE	Post. to 12/09/15/to Public Works	10-12 13-17

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CONSIDERATION OF RESOLUTION NO. 2015- ____ . A RESOLUTION ACKNOWLEDGING THE CITY OF SANTA FE'S OPERATING BUDGET DEFICIT AND ITS OUTLOOK; AND COMMITTING TO ADOPT POLICIES CONSISTENT WITH BEST PRACTICES TO ADDRESS THIS DEFICIT AND ITS OUTLOOK	Denied	17-18
REQUEST FOR APPROVAL OF FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR CHRISTUS ST. VINCENT REGIONAL MEDICAL CENTER (CSV) <u>CASE NO. 2015-47. CSV MASTER PLAN</u> <u>AMENDMENT</u>	Approved [amended] Approved [amended]	19 19
CONSIDERATION OF RESOLUTION NO. 2015-104, A RESOLUTION TO SUPPORT MEOW WOLF AND THEIR PROJECT, THE HOUSE OF ETERNAL RETURN AND EFFORTS TO DIVERSIFY THE ECONOMY, REVITALIZE AN ECONOMICALLY DISTRESSED NEIGHBORHOOD AND PROVIDE A UNIQUE FAMILY ENTERTAINMENT OPTION FOR SANTA FE REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$60,000 FOR WORKFORCE DEVELOPMENT AND LOCAL PRODUCT CREATION SERVICES, MEOW WOLF, LLC	Approved Approved	19-23 19-23
***** END OF CONSENT CALENDAR DISCUSSION *****		
REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON DECEMBER 9, 2015: BILL NO. 2015-42: 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	Postponed to 12/09/15	23-25

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
REQUEST FOR DIRECTION/APPROVAL TO STAFF REGARDING RESOLUTION 2015-55 – A RESOLUTION AUTHORIZING MOBILE VEHICLE VENDORS WITHIN THE PLAZA PERIPHERY AREA AT SPECIFIC LOCATIONS AND AT LIMITED TIMES, PURSUANT TO THE VEHICLE VENDOR ORDINANCE, 18-8.9 SFCC 1987; REQUESTED BY THE GOVERNING BODY AT THE MAY 27, 2015 CITY COUNCIL MEETING	Consensus to move forward w/direction to staff	25-29
<u>MATTERS FROM THE CITY ATTORNEY</u>		
EXECUTIVE SESSION	Approved	29
MOTION TO COME OUT OF EXECUTIVE SESSION	Approved	30
<u>EVENING SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	31
PETITIONS FROM THE FLOOR		31
<u>APPOINTMENTS</u>		
Planning Commission	Approved	32
<u>PUBLIC HEARINGS</u>		
BISTRO, LLC, FOR A RESTAURANT LIQUOR LICENSE WITH PATIO SERVICE (BEER AND WINE FOR ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED IN MILAD PERSIAN BISTRO,] 802 CANYON ROAD	Approved	32

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
<p>REQUEST FROM STARRY NIGHTS BEVERAGE, LLC, FOR THE FOLLOWING:</p> <p>PURSUANT TO §60-6B-10 NMSA 1978, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES AT THE INN OF THE FIVE GRACES, 150-160 E. DeVARGAS STREET, WHICH IS WITHIN 300 FEET OF THE SAN MIGUEL MISSION CHURCH, 401 OLD SANTA FE TRAIL</p>	Approved	33
<p>IF THE WAIVER OF THE 300 FOOT RESTRICTION IS GRANTED, REQUEST FOR A TRANSFER OF OWNERSHIP AND LOCATION OF INTER-LOCAL DISPENSER LICENSE #0421, WITH PATIO SERVICE, FROM CORRALES BEVERAGE, LLC, D/B/A RANCHO DE CORRALES, 4895 CORRALES ROAD, RANCHO DE CORRALES TO STARRY NIGHTS BEVERAGE, LLC, D/B/A INN OF THE FIVE GRACES</p>	Approved	33
<p><u>CASE NO. 2015-87.</u> APPEAL BY BRAD PERKINS FROM AUGUST 25, 2015 DECISION OF THE HISTORIC DISTRICT REVIEW BOARD REGARDING GRANTING THE APPLICATION FROM COURTENAY MATHEY FOR CONSTRUCTION WORK AT 2 CAMINO PEQUENO LOCATED IN THE DOWNTOWN AND EASTSIDE HISTORIC DISTRICT</p>	Withdrawn	34
<p>CONSIDERATION OF RESOLUTION NO. 2015-105. <u>CASE NO. 2015-43.</u> 2729 & 2751 AGUA FRIA STREET GENERAL PLAN AMENDMENT. JAMES W. SIEBERT AND ASSOCIATES, AGENT FOR EMELECIO (LEROY) ROMERO, REQUESTS APPROVAL OF A GENERAL PLAN AMENDMENT TO AMEND THE EXISTING GENERAL PLAN FUTURE LAND USE DESIGNATION FOR 2.20 ACRES FROM MOUNTAIN DENSITY RESIDENTIAL TO COMMUNITY COMMERCIAL. THE PROPERTY IS LOCATED AT 2749 AND 2751 AGUA FRIA STREET</p>	Approved	34-48

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CONSIDERATION OF BILL NO. 2015-39: ADOPTION OF ORDINANCE NO. 2015-34. <u>CASE NO. 2015-43.</u> 2729 & 2751 AGUA FRIA STREET REZONE. JAMES W. SIEBERT AND ASSOCIATES, AGENT FOR EMELECIO (LEROY) ROMERO, REQUESTS REZONING OF 2.20 ACRES FROM R-1 (RESIDENTIAL – 1 UNIT PER ACRE) TO C-2 (GENERAL COMMERCIAL). THE PROPERTY IS LOCATED AT 2749 AND 2751 AGUA FRIA STREET	Approved	34-48
CONSIDERATION OF RESOLUTION NO. 2015-____. <u>CASE NO. 2015-57.</u> GERHART APARTMENTS GENERAL PLAN AMENDMENT. SCOTT HOEFT OF SANTA FE PLANNING GROUP, AGENT FOR STORM RIVER, LLC, REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 11.83± ACRES OF LAND FROM R-1 (RESIDENTIAL 1 DWELLING UNIT PER ACRE) TO R-21 (RESIDENTIAL, 21 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED AT 2800 SOUTH MEADOWS ROAD	Postponed to 12/09/15 [amended]	48-62
CONSIDERATION OF BILL NO. 2015-38: ADOPTION OF ORDINANCE NO. 2015-35. <u>CASE NO. 2015-58.</u> GERHART APARTMENTS REZONING SCOTT HOEFT OF SANTA FE PLANNING GROUP, AGENT FOR STORM RIVER LLC, REQUESTS REZONING APPROVAL OF 11.83± ACRES OF LAND FROM R-1 (RESIDENTIAL, 1 DWELLING UNIT PER ACRE) TO R-21 (RESIDENTIAL, 21 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED AT 2800 SOUTH MEADOWS ROAD	Postponed to 12/09/15	48-62
REQUEST FOR APPROVAL OF STAFF RECOMMENDATIONS FOR MAKING THE WATER UTILITY ENTERPRISE FINANCIALLY SELF- SUSTAINING AS CALLED FOR IN RESOLUTION 2015-41	Deferred to budget hearings	63

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
REQUEST FOR APPROVAL OF STAFF RECOMMENDATIONS FOR IMPROVING THE CITY'S COLLECTION OF DELINQUENT FEES AND PAYMENTS AS CALLED FOR IN RESOLUTION 2015-80	Direction to staff/no action	63-67
CONSIDERATION OF RESOLUTION NO. 2015-106 (MAYOR GONZALES). A RESOLUTION ADOPTING BEST PRACTICES AND STANDARDS TO HELP GUIDE THE MANAGEMENT OF THE CITY'S FINANCES AND FOR ASSISTING THE GOVERNING BODY AND CITY STAFF IN EVALUATING CURRENT ACTIVITIES AND FUTURE PLANS	Approved Substitute Resolution	67
MATTERS FROM THE CITY MANAGER	None	67
MATTERS FROM THE CITY ATTORNEY	Information	68
MATTERS FROM THE CITY CLERK	None	68
COMMUNICATIONS FROM THE GOVERNING BODY	Information/discussion	68-75
ADJOURN		75

**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
November 10, 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, November 10, 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 said he would like to move Item 10(p) on the Consent Calendar to Presentations. He and Item H(3) on the Evening Agenda has been withdrawn.

MOTION: Councilor Trujillo moved, seconded by Councilor Maestas, 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

MOTION: Councilor Ives moved, seconded by Councilor Lindell, 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.

Mayor Gonzales asked, regarding the Council considering an item that has been referred to various committees, if the Council can take action on that item tonight.

Mr. Brennan said, "Typically, an item is not brought before this body unless it has been approved by one Governing Body Committee."

Mayor Gonzales asked if we can entertain a motion on Item #11, or is the agenda is set already and we will address it when we get there.

Councilor Ives said, point of order, we did pass that measure, as amended, last night, is his recollection, but we understood it was coming back to Finance.

Councilor Trujillo said that is correct.

Councilor Bushee said, "We actually didn't. We asked for it to come back to Public Works after Finance, because there was confusing language and maybe not published correctly."

Ms. Vigil said there should be an Action Sheet on the desks of the Governing Body.

Councilor Ives said, "if you will look at the record from last night, you will see it was passed, but we did talk about it going to Finance so the language in the matter that had been amended at the Public Works Committee could be considered by the Finance Committee as well."

Mayor Gonzales asked Councilor Maestas if he would like to have Item #11 addressed tonight with the regular agenda or if he is okay with postponement.

Councilor Maestas said it simply a request to publish and they are going to work on some amendments. He said there was a request to clarify the actual amendment in the caption, but he doesn't believe it is a material. He said, "In fact, I have added a clarifying statement to the caption to address the concerns about accuracy of the description of the amendment through the caption."

Mayor Gonzales said, "In deference to Council Maestas, let's just go ahead and keep it on the agenda and we'll address the issue as a whole when it gets to that point."

10. CONSENT CALENDAR:

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee Meeting of Monday, November 9, 2015, regarding Item 10(l), is incorporated herewith to these minutes as Exhibit "1."

- a) **REQUEST FOR APPROVAL OF BID NO. 16/02/B – AGREEMENT BETWEEN OWNER AND CONTRACTOR FOR CAMINO CAPITAN, VEREDA RODIANDO, PASEO DE TULAROSA AND PASEO DE CANTO WATER MAIN REPLACEMENT PROJECT; SASQUATCH, INC. (BILL HUEY)**
- b) **REQUEST FOR APPROVAL OF BID NO. 16/06/B – AGREEMENT BETWEEN OWNER AND CONTRACTOR FOR PARKS PLAYGROUND SHADE STRUCTURES INSTALLATION; SARCON CONSTRUCTION CORPORATION. (JASON KLUCK)**
- c) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE PRICE AGREEMENT AND PROFESSIONAL SERVICES AGREEMENT FOR PARKS PLAYGROUND SHADE STRUCTURES MATERIALS; THE PLAYWELL GROUP, INC. (JASON KLUCK)**
- d) **REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE PRICE AGREEMENT AND AGREEMENT BETWEEN OWNER AND CONTRACTOR – CITY OF SANTA FE SENIOR CENTERS IMPROVEMENTS PROJECT; COOPERATIVE EDUCATIONAL SERVICES (CES)/ANCHORBUILT, INC. (LeANN VALDEZ)**
- e) **REQUEST FOR APPROVAL OF TWO 2015 STATE OF NEW MEXICO SEVERANCE TAX BOND CAPITAL APPROPRIATION PROJECT AGREEMENTS – SALVADOR PEREZ POOL AND SANTA FE PUBLIC HEALTH & SAFETY INFRASTRUCTURE; STATE OF NEW MEXICO DEPARTMENT OF FINANCE AND ADMINISTRATION, LOCAL GOVERNMENT DIVISION. (DAVID CHAPMAN)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE IN THE AMOUNT OF \$950,000.**
- f) **REQUEST FOR APPROVAL OF TOILET RETROFIT PURCHASE AGREEMENT – PURCHASE OF 2,173 TOILET RETROFIT CREDIT BUY BACKS; MURTAGH NEVADA, LLC. (ANDREW ERDMANN)**
 - 1) **REQUEST FOR APPROVAL OF BUDGET INCREASE IN THE AMOUNT OF \$651,900.**

- g) REQUEST FOR APPROVAL OF SU-GRANT AGREEMENT AND AWARD – 2015 STATE HOMELAND SECURITY GRANT PROGRAM FOR POLICE AND FIRE DEPARTMENTS; NEW MEXICO DEPARTMENT OF HOMELAND SECURITY & EMERGENCY MANAGEMENT. (DAVID SILVER)
 - 1) REQUEST FOR APPROVAL OF BUDGET INCREASE IN THE AMOUNT OF \$199,000.
- h) *[Removed for discussion by Councilor Ives]*
- i) REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT TO FUND PROFESSIONAL SERVICES AGREEMENT WITH ATKINSON & CO., LTD, FOR 2008 PARK BOND EXAMINATION ENGAGEMENT IN THE AMOUNT OF \$160,303; APPROVED BY THE GOVERNING BODY ON OCTOBER 14, 2015. (DAVID RODRIGUEZ)
- j) *[Removed for discussion by Councilor Bushee]*
- k) *[Removed for discussion by Councilor Ives]*
- l) CONSIDERATION OF RESOLUTION NO. 2015-101 (COUNCILOR LINDELL). A RESOLUTION ESTABLISHING DESIGN STANDARDS FOR ALTERATIONS AND NEW CONSTRUCTION AT THE SANTA FE AIRPORT TERMINAL BUILDING AND PROVIDING FOR HISTORIC PRESERVATION DESIGN REVIEW IN CONSULTATION WITH THE CHAIR OF THE HISTORIC DISTRICTS REVIEW BOARD. (DAVID RASCH)
- m) CONSIDERATION OF RESOLUTION NO. 2015-102 (COUNCILOR LINDELL, COUNCILOR DOMINGUEZ, COUNCILOR TRUJILLO, ~~AND COUNCILOR MAESTAS~~ AND COUNCILOR IVES): A RESOLUTION AMENDING RESOLUTION 2015-50 TO PERMIT THE USE OF CITY FORCE ACCOUNT WORK TO COMPLETE PARKS RELATED PROJECTS AS AUTHORIZED BY THE GOVERNING BODY. (OSCAR RODRIGUEZ)
- n) REQUEST FOR APPROVAL OF CITY OF SANTA FE SCHEDULE FOR 2016 CITY COUNCIL AND COUNCIL COMMITTEE MEETINGS. (YOLANDA Y. VIGIL)
- o) *[Removed for discussion by Councilor Bushee]*
- p) *[Removed to Presentations at the request of the City Manager.]*

- q) **CASE NO. 2015-51. REQUEST FOR APPROVAL OF FINDINGS OF FACT AND CONCLUSIONS OF LAW IN THE APPEAL OF THE MAY 7, 2015 DECISION OF THE PLANNING COMMISSION APPROVING THE REQUESTS OF THE BENEVOLENT AND PROTECTIVE ORDER OF THE ELKS LODGE NO. 460 (BPOE) 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. (ZACHARY SHANDLER AND KELLEY BRENNAN)**
- r) **REQUEST FOR APPROVAL OF FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR CHRISTUS ST. VINCENT REGIONAL MEDICAL CENTER (CSV). (ZACHARY SHANDLER AND KELLEY BRENNAN)**
 - 1) *[Removed for discussion by Councilor Rivera]*
 - 2) **CASE NO. 2015-89. APPEAL FROM THE SEPTEMBER 3, 2015 DECISION OF THE PLANNING COMMISSION APPROVING CSV'S APPLICATION FOR A SPECIAL USE PERMIT AT 455 ST. MICHAELS DRIVE WITH CONDITIONS; AND**
 - 3) **CASE NO. 2015-96. REQUEST FOR APPROVAL OF APPEAL FROM THE SEPTEMBER 3, 2015 DECISION OF THE PLANNING COMMISSION APPROVING CSV'S DEVELOPMENT PLAN AT 455 ST MICHAEL'S DRIVE, WITH CONDITIONS.**
- s) **REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON DECEMBER 9, 2015:**
 - 1) **BILL NO. 2015-37: AN ORDINANCE AMENDING SECTION 24-26 SFCC 1987, TO ADD A TRUCK AND OTHER LARGE VEHICLES TRAFFIC RESTRICTION TO EAST DE VARGAS STREET BETWEEN PASEO DE PERALTA AND CANYON ROAD (COUNCILOR MAESTAS). (JOHN ROMERO)**
 - 2) **BILL NO. 2015-40: AN ORDINANCE AUTHORIZING THE LEASE OF 29,490 SQUARE FEET OF REAL PROPERTY LOCATED WITHIN A PORTION OF THE NORTHWEST QUADRANT ADJACENT TO 786 CALLE MEJIA AS SHOWN AND DELINEATED ON A SURVEY ENTITLED, "PARKING LEASE PARCEL EXHIBIT," PREPARED BY RICK CHATROOP, N.M.P.S. NO. 110011, LYING WITHIN PROJECTED SECTION 14, T17N, R9E, N.M.P.M., IN THE CITY AND COUNTY OF SANTA FE, NEW MEXICO (MAYOR GONZALES). (MATTHEW O'REILLY)**

- 3) **BILL NO. 2015-41: AN ORDINANCE AMENDING ARTICLE IX AND ARTICLE XII OF THE UNIFORM TRAFFIC ORDINANCE TO ESTABLISH THAT ALL PARKING VIOLATIONS ARE CIVIL PARKING VIOLATIONS AND SUBJECT TO ADMINISTRATIVE ADJUDICATION AND COLLECTION BY AN EXTERNAL ADMINISTRATIVE AND COLLECTION AGENCY; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY TO MEET THE PURPOSES OF THIS ORDINANCE (COUNCILOR DIMAS). (NOEL CORREIA)**
- 4) **BILL NO. 2015-43: AN ORDINANCE AMENDING SECTION 21-2.1 SFCC 1987, TO AMEND EXISTING DEFINITIONS; AMENDING SECTION 21-3 TO DELETE SANTA FE HOMES PROGRAM APPLICABILITY; AMENDING SECTION 21-4.3 TO CLARIFY THE CONDITIONS OF SERVICE FOR RESIDENTIAL COLLECTION; AMENDING SECTION 21-6 TO CLARIFY CONDITIONS OF SERVICE; AMENDING SECTION 21-71 TO CLARIFY THAT NONRESIDENTIAL ESTABLISHMENTS SHALL PAY A SERVICE RATE; AND AMENDING EXHIBIT B OF SECTION 21 TO INCREASE RATES FOR RESIDENTIAL CURBSIDE COLLECTION AND FOR COMMERCIAL RECYCLING IN ORDER TO PURCHASE NECESSARY EQUIPMENT TO TRANSITION THE RESIDENTIAL RECYCLING PROGRAM FROM MANUAL TO AUTOMATED COLLECTION (COUNCILOR IVES). (NICK SCHIAVO)**

t) *[Removed for discussion by Councilor Dimas]*

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – OCTOBER 28, 2015

MOTION: Councilor Trujillo moved, seconded by Councilor Lindell, to approve the minutes of the Regular City Council meeting of October 28, 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

- 10(p) **CONSIDERATION OF RESOLUTION NO. 2015-103 (MAYOR GONZALES, COUNCILOR BUSHEE, COUNCILOR RIVERA, COUNCILOR TRUJILLO, COUNCILOR IVES). A RESOLUTION DESIGNATING SANTA FE AS A PURPLE HEART CITY AS PART OF THE NATIONAL CAMPAIGN Y THE MILITARY ORDER OF THE PURPLE HEART OF THE UNITED STATES OF AMERICA. (CHRIS SANCHEZ)**

Mayor Gonzales said he asked for an exception to move Item 10(p) to Discussion. He thanked Former Councilor Calvert for being in attendance this evening.

Mayor Gonzales read Resolution No. 2015-103 into the record.

Mayor Gonzales said we as a City are grateful to the men and women who serve our country – now, in the past and in the future.

Roger Newell thanked the Mayor and Council for taking up the campaign to become a purple heart city. He said one of the motives of the organization is to support all veterans, and when you see the symbol of the Purple Heart to remember “all your fellow veterans and other citizens, whether in combat, or in support or standing by, each and every one of them are the reason you are able to exercise those freedoms you have now and please never forget that.”

Former Councilor Calvert thanked Mr. Newell for attending tonight. He said in addition to being a Purple Heart recipient and member of the Military Order of the Purple Heart, he is also Mayor Berry’s right hand man on veteran affairs in Albuquerque, so he serves veterans every day. He said this is one of the first fruits of the labor of the Veterans’ Advisory Board, and they will build on this and other programs. He also reminded the Council that pins have been put in each of the Governing Body’s boxes, and invited them to join them tomorrow for the parade and ceremonies, so you can hand these out and thank the veterans in the community for their service.

Former Councilor Calvert noted that Chris Sanchez is the staff liaison to the Veterans’ Advisory Board, and introduced Carmen Rodriguez a member of the Board in attendance this evening.

Former Councilor Calvert invited the members of the Governing Body to attend another function taking place on Veterans Day, presented by the Veterans Helping Homeless Veterans, and said Michael McGarrity will be at Owens Gallery, 120 E. Marcy, tomorrow to give a short talk. He also will be selling and signing books, with the proceeds going to the homeless veterans in Santa Fe. He said there also will be a Stand Down at the Santa Fe University of Art and Design on Friday and Saturday, another event celebrating veterans. He invited everyone to attend and support your local veterans.

MOTION: Councilor Trujillo moved, seconded by Councilor Rivera, to adopt Resolution No. 2015-103 as presented.

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.

Explaining his vote: Councilor Ives said, “Yes, and I would join as a sponsor.”

Explaining his vote: Councilor Rivera said, “Yes and I would like to join as a sponsor as well.”

Explaining his vote: Councilor Trujillo said, "Yes and please put me down as a sponsor as well."

Explaining her vote: Councilor Bushee said, "Yes, and thank you Former Councilor Chris Calvert for your efforts on this."

CONSENT CALENDAR DISCUSSION

10 (h) REQUEST FOR APPROVAL OF FISCAL YEAR 2015-2025 EMERGENCY APPARATUS & VEHICLE FLEET PLAN FOR FIRE DEPARTMENT. (JAN SNYDER)

Councilor Ives said the only real question he has relates to some information about the nature and type of responses that the Fire Department is called upon to perform, and spoke about the changing role of the Fire Department. He said he is hoping, and would ask the Department, as we begin budget discussions to look seriously at modifications that we can make to the protocol of sending a ladder truck with an ambulance to a medical issue, to give the vehicles a longer life.

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

DISCUSSION: Councilor Bushee said it is a long stretch to go for a 10 year plan, knowing the times have changed financially, and the replacement for a ladder truck is now about \$500,000.

Assistant Chief Jan Snyder said it is closer to \$1 million, noting ladder trucks and Type 1 engines are two different operations.

Councilor Bushee said it is important to project into the future, that we look at it in today's terms.

Assistant Chief Snyder said, "The plan is just that. It is a quality tool that helps us determine grade apparatus so when we do come to replacement in two years and request permission to buy it, that it's not that Chief Snyder has the money and wants to buy a truck, it's that we have the money and based on our qualitative tool, this truck does quality for consideration. It's just a consideration tool at this time. And to address what Councilor Ives talked about, I think the duality is to make sure we identify how we need to perform for the majority of our calls while maintaining the appropriate resources for the minority of the calls, if that makes sense. And so, no, we are constantly on that kind of watch out, and mostly during contract negotiations, trying to find that balance."

Councilor Bushee said she applauds the Fire Department in its master planning for the future, she "is always skeptical about looking that far out when we don't know.

Assistant Chief Snyder agreed, saying they didn't want anybody to be confused that once this plan is approved he can come back in a few years and say, "Oh no, you approved this." He said it is a way for the Department to start planning for the future if they know they will need to spend \$1 million in the next 5 years.

Councilor Bushee said, "Last night we were looking at things [at Public Works] and they said the money is in the budget, you approved it a year ago. And it's like a year ago, we didn't have a \$15 million deficit. So, I'm just looking at things a little differently."

Councilor Trujillo commended the Fire Department for looking at the replacement schedules, commenting "this is what I do for a living." He said, "I want to make it clear to the Governing Body, in order to make this work really good, in the future we really need to look at a fleet management system – that tracks the entire City and not just Police and Fire." He said it really works, commenting this is a first step. He said the Fire Department has done wonders and it's imperative we look at the entire fleet, first Public Works, but this is a good start. He said, "Good job."

Councilor Maestas said we just celebrated Mental Illness Week, noting we have a crisis response collaboration with the County. He wants to be sure we revisit protocol to ensure the response doesn't work against response to a crisis, particularly involving someone with mental illness.

Councilor Maestas continued, saying this isn't the right time to deal with this, and agrees with Councilor Ives that sometimes when we deal with these responses, perhaps sending the fire engine isn't the way to go. He said we don't have a lot of people in the Police Department that are trained in crisis response and he wants to be sure we have "a real robust cadre" of firemen and policemen working together with the mental illness community to respond appropriately to incidents.

Deputy Chief Snyder said it isn't part of the plan, but they are on the verge of implementing a separate division/group in the Fire Department to respond to such crises – not an emergency, but homeless, alcoholism, drug abuse issues or mental illness, and then follow-up by health care providers, counselors and placement of people into programs in an interactive situation. He said they just accepted applications for some of the positions, noting the training is in the beginning of December, so hopefully they can roll that out at the end of the year.

Councilor Ives said he believes this Council adopted a Resolution calling for an exploration of a fleet plan, and asked the City Clerk to research that, and if so, to take it up at Public Works.

Councilor Trujillo said we did adopt that Resolution, and he is simply saying we need to get that moving forward.

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 (j) REQUEST FOR APPROVAL OF FISCAL YEAR 2016/2017 SALARY INCREASE FOR MUNICIPAL JUDGE, AFTER THE 2016 MUNICIPAL ELECTION, PER SECTION 2-3.3 SFCC 1987. (OSCAR RODRIGUEZ)

Councilor Bushee said she didn't find the applicable Code in her packet, but she understands we are being asked to make this effective after the election. She said the raises were tied to the salary of the District Court Judges. She wants to revisit this policy of automatic increase for any salary, noting the current salary is \$100,467.90 annually and there will be a 5% increase to \$106,546.33. Her concern is that these are times of deficits and she will vote against this, and is looking to consider undoing what the Ordinance calls for now, and the reason she pulled this item.

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

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

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

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

Mayor Gonzales asked what happens now.

Councilor Bushee said she will bring something forward.

Ms. Brennan said, "You will have to amend the Ordinance and bring it forward prior to the election."

Mayor Gonzales said, "I do think the role of the Municipal Court Judge... there is just one in our City, not multiple, and those dockets are getting bigger and bigger, and there is now a requirement to be an Attorney, right, to serve in the position. So I understand the points that were brought up, but we also have to make sure that the salary is commensurate with duties to attract qualified quality individuals to be able to serve in that position. So I am hopeful that, as the Ordinance is brought forward, that it is kept in hand as well."

10 (k) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – SECURITY GUARD SERVICES FOR MUNICIPAL PARKING FACILITIES (RFP #16/06/P); G4S SECURE SOLUTIONS, INC. (ROBERT RODARTE)

Councilor Ives said he is sorry to see that the one Santa Fe contractor was bumped from this, and he is curious as to the reason this didn't come to Public Works.

Mr. Rodarte said it was a matter of timing. He said it could have gone to Public Works, but the contract wasn't ready at that time. He said to ensure we are ready in 45-days with this new organization, they needed to move it forward.

Councilor Ives said when we considering the 4-month extension, it was so that there could be a long and considered look at that the RFP terms were, and the possibility on-foot patrol and camera patrol, and he is surprised to have it come forward like this where we have to approve it this last moment. He just doesn't understand the reason this couldn't go to Public Works, so he will be making a motion to remand this to Public Works.

Councilor Ives said there was a reference of October 25, 2015, in Mr. Rodarte's Memo, saying the requirement for submitting 3 years of audited financials was introduced as a direction given to the Purchasing Officer by the City Council. He said he is hoping that tomorrow, Mr. Rodarte will send him "chapter and verse, including minutes where that presumably was undertaken.

MOTION: Councilor Ives moved, seconded by Councilor Bushee to remand this matter to Public Works for consideration.

DISCUSSION: Mayor Gonzales asked if this jeopardizes existing services, or will there need to be modifications to existing contracts.

Mr. Rodarte said they would have to bring this back to this Governing Body before the end of the year, to be fair to this organization since they are brand new to this, they need 45 days at least to transition into the contract.

Councilor Ives said Public Works meets on December, 7, 2015, and the meeting of the Council in December is December 9, 2015, so there would be time to accomplish that before the end of the year.

Mayor Gonzales said but there wouldn't be the transition period that Mr. Rodarte says is needed for them to take over the service. He said if this is approved on December 9th, that is 20 days to the start of the new contract.

Mr. Rodarte said the extension approved by the Governing Body with the existing company will end on December 31, 2015.

Mayor Gonzales said then there could be some risk in a transition period that is very much shortened.

Mr. Rodarte said, "Exactly. What I'm trying to say it is in the City's best interest to move it forward based on everything you have before you. Or can't we hear what Councilor Ives wants to talk about here. I'm just concerned with, especially the Airport, anything related to public safety or that nature, I'm just concerned that if we go back again, we may be opening ourselves to not having security. And I don't know... in the event that we go past December 31st, I don't think the existing company will stick around later than that. They make decisions on their staffing as well."

Councilor Ives said he is a little confused, because it went to Finance, but Public Works met yesterday, so it easily could "have been on our agenda."

Mr. Rodarte said he never thought of putting on Public Works, because when he brings something forward, "my stuff goes, Finance, Council. I very rarely go to Public Works."

Councilor Ives recalls these particular series of security contracts having gone to Public Works in the past, "if I'm not mistaken." He said, "I hate to put us in a bind, but I'm very frustrated by the process." He said he would still like the information by tomorrow in any event.

RESTATED MOTION: Councilor Ives moved, seconded by Councilor Bushee to postpone this matter to the next City Council meeting, and refer this matter to Public Works for consideration.

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

For: Councilor Bushee, Councilor Dominguez, Councilor Ives, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: Councilor Lindell, Councilor Dimas and Mayor Gonzales.

Explaining his vote: Councilor Trujillo said, "You said you want to bring this to Public Works on November 7, 2015, just the one item. All right. I'll vote yes."

Explaining his vote: Councilor Maestas said, "I'll vote yes, because we have an interim contract in place, and we can always extend it can't we, with Blackstone. Mr. Snyder said the interim contract expires December thirty-first. And what I heard Robert Rodarte saying is that this contractor needs at least 45 days to transition. If you approve this, assuming it goes to Public Works on December seventh, it makes it out of Public Works and goes to Council on December ninth, they won't have adequate time to transition by the end of the calendar year. The \$50,000 signature authority on the previous contract, so we'll need to bring an amendment to Council for your consideration." Councilor Maestas said, "All right, I'll vote yes."

Explaining his vote: Mayor Gonzales said, "I vote no, and I understand the point and the frustration over the process. I think that could have been dealt with, and allowed this to move forward. But we have a short term issue in terms of safety that we have to address, because there's not going to be enough time in the 20 day period to transition a security contractor, so I don't know if we can... I think we ought to reach out to the Santa Fe PD and see if we can get some of their folks to come in and cover some of our services. I don't know what we do during that period."

Discussion following the vote

Councilor Trujillo said, "I guess I would ask you from now on in the future for something like this, to bring it to the Public Works. This is the only Committee that Councilor Ives sits on, so I do know he does have questions and concerns. In fairness, we should be able to do this."

Mayor Gonzales said, "I guess I'm assuming you're asking us to acknowledge that there will be a period of time that there won't be security services in municipal facilities. That's correct right."

Mr. Snyder said, "That is correct."

Mayor Gonzales said, "We're all clear that the next start time would be.... when do we think they would transition, even if it's 45 days."

Mr. Rodarte said, "We were scheduled right on target as we sit right now, but visualize from the ninth [December] forward we still have to sign the contracts which would be after the ninth. So, we're talking about mid-January. We're talking about two weeks of no security at the Airport."

Mayor Gonzales asked if we have to provide security at the Airport for compliance.

Mr. Snyder said, "Yes. The other thing that just occurred to me, after the vote, here again it's circumventing the process, but I'll have to bring forward an emergency amendment for the existing contract to the December ninth Council meeting without going to Committees. That's what we're talking about right here, is circumventing the Committee process."

Mayor Gonzales said, "That still doesn't give us transition time."

Mr. Snyder said, "No, if we extend it until, say January 31, 2016, or February 15, 2016, or to some day in the future."

Mayor Gonzales said, "You said we've been told that they won't grant us an extension past December 31, 2015, the existing contractor."

Mr. Rodarte said, "That's correct. They have to do something with the staff they currently have, and by giving them notice two days ago that they weren't elected, I don't they will extend past December 31, 2015. I can ask them, but I don't think so. So that means, what do you do in the interim."

Mayor Gonzales said, "We cannot go without security at the Airport."

Councilor Trujillo said, "So the contractor needs 45 days. It could be a little quicker. Have we asked the contractor can they do it quicker. If they're here, I would like to ask them, you're the experts."

Mr. Rodarte said Mr. Heaney is in attendance.

Steven Heaney, Regional Director, G&S Secure Solutions, said, "Councilor Trujillo, your question is, can we do it quicker."

Councilor Trujillo asked, "Can you do it in 20 days transition."

Mr. Heaney said, "30 days is really about the minimum. And the problem with that is primarily the background and screening we do. It's a very rigorous process. And it's a 10 year background and 10 panel drug screens, and depending on where the employees have lived, the numbers of residences throughout the 10 years, occasionally that, in itself, takes 3 weeks, 4 weeks. We have a 40 hour training program we have to put everyone through, even they are an incumbent, to join our company. There is a lot of training, with a minimum of 40 hour training, which includes CPR and First Aid."

Councilor Trujillo said, "So you're hiring new people. I thought maybe you already had staff on board."

Mr. Heaney said, "Potentially, even the incumbents we may hire still have to meet the criteria, but it's not like we have 12-20 people. We have 250 people in the local area that already are currently assigned. So we have to work in advance to bring them on and we can't just set them on a shelf, and hire them in advance."

Councilor Trujillo said, then you're saying your quickest is 30 days, right.

Mr. Heaney said, "Yes. There are emergency circumstances and we can draw on resources that are outside of the area and we have global response teams and I've got 600 armed officers within 100 miles, but the cost starts going up exponentially as I bring those people in, they would say 'parachute them into Santa Fe' to take care of that contract. Could it be done, yes, but certainly with a cost associated."

Councilor Trujillo said, "I'm looking at Brian. How much would you have asked to extend their contract. How much are we looking at."

Mr. Snyder said, "I don't have the numbers in front of me. I know it exceeds my \$50,000 authority."

Councilor Trujillo said, "I'm sure it would exceed \$50,000 for you to bring those people in as well."

Mr. Heaney said, "Depending on the length of time, and if it is a couple of weeks, probably not."

Mr. Rodarte said, "I might add. Steven Heaney just mentioned it would cost us money to bring people over. Why can't... if we're going to work with them, to get this thing approved eventually, hopefully, why can't we come up with a solution for a couple of weeks with them, where they bring in their people that are qualified. Why can't we do a contract with them under \$50,000, to assure we do have security on 911 while this thing goes through the process."

Mayor Gonzales said, "I can virtually assure there is going to be a premium on bringing them in early, so if those guys can tell us out there that there won't be a premium and it's going to be a net neutral, that makes sense. But I don't see how they bring already existing qualified people at less than a premium."

Mr. Rodarte said, "We can take a good hard look at what we could and could not use, as far as manpower from this extension from December 31, 2015, this way. Why can't we do that for a couple of weeks until they have their fully trained staff in place."

Mayor Gonzales said, "Well the vote has been made."

Councilor Dominguez said, "A quick question Brian, or maybe even Robert. This, not the contract, but this issue has a history. Correct. I mean it's not like this went to Committee for the first time. I mean there's a history behind the purpose of the contract."

Mr. Rodarte asked, "A history."

Councilor Dominguez said, "Yes. There was a contractor that we had and then they couldn't perform services, and so we kind of had to restart the process all over again."

Mr. Rodarte said that is correct.

Councilor Dominguez said, "Okay. So that's part of my frustration, Mayor, is that this is not a new issue. It's not like this is the first time this has gone to any Committee. In fact, we made sure that at Finance, it was a discussion item, because there was, not necessarily controversy, but there were things that needed to be resolved. But having said that, I will also say that I have become frustrated with the Governing Body Rules and Procedures as it pertains how things are getting introduced, and the track that it takes through the Committee. I know staff has been having a difficult time with bills that get introduced at Finance or Public Works, and it misses the cycle or it gets pushed back or forward. And so, we have some responsibility in that sense as well, maybe not as it pertains to this bill, but our behavior."

Councilor Dominguez continued, "Aside from that, I did ask you Brian, a couple of weeks ago, to have staff start working on some amendments to the Governing Body Rules and Procedures so we can bring them forward. And it wouldn't necessarily help this particular situation, but there's lots of frustration to go around. And I think with a contract like this that has a history, that has some concern, that it would have been best to vet it through as many committees as possible. I know when I introduce a bill, I take a look at that, and if there's a chance that BQL might want to hear it, I consider taking it there and giving myself plenty of time to do that. So there you go, there's my speech for the night, Mayor. Thank you."

Councilor Maestas said, "Not only that, but if I think if you look at the timeline in our packet on page 3, when we approved the emergency contract, it was for an initial 4 month period. And surely staff realized, hey, we can put the RFP together, put it out there, get it awarded and in place before the expiration of the emergency contract. But the subsequent extension to the emergency contract was approved by the City Manager, not by the City Council. So obviously, we had a breakdown, I believe in the

procurement process. If you look, 9 weeks transpired from the time the previous contractor notified us until we issued the RFP. I don't imagine the scope of that contract changed any. I don't know what the reasons were for the delay, but I believe we had a breakdown in the procurement process that put us into this position where we had to extend the emergency contract, and in that contract, it clearly was an option. I believe the initial 4 months for the Blackstone emergency contract should have been enough time to go through the procurement process and award this contract."

Councilor Maestas continued, "And I think if the Council had heard the extension to the emergency contract from October 30, 2015 until the end of the calendar year, I think you would have had more of an appreciation of what's happened. I think we would have had proper context, Mayor, to be able to decide on this tonight, but we were not privy to the extension. We didn't weigh-in on the extension of the Blackstone contract, so we weren't able to query staff in terms in why are we so late in getting the permanent contract awarded. So I think that needs to be said. That's all I had."

Mayor Gonzales said, "I respect everyone for their decisions, but there is an opportunity to correct the procurement process going forward. This vote tonight has clearly, unless we figure it out, put the operations of our Airport in jeopardy during a critical time of the year, which is New Year's. And if it's an objection about the procurement process, then let's correct it going forward. But to clearly hold up a contract that's going to take 45 days to execute so we can send it through one more committee, so there's more deliberation on it, and put at risk the ability to keep our Airport operational because of that, I don't understand the point of it, when we could achieve the objective all of you are bringing up tonight as being an issue, but still be able to keep this in place. We've got to move on. Brian."

Mr. Snyder said, "Mayor, can I just add one thing, not trying to change anybody's mind, I just to make sure..... the Airport has been referenced here. We have TSA responsibilities to provide certain levels of security. This contract is not just for the Airport. The contract is for the Airport, Parking, Parks, City Hall, CVB, the Courts. That's the security contract, it's not just the Airport. The Airport has certain requirements. The Courts also probably have certain requirements. So I just want to correct the record, that the focus has been on the Airport this evening, and that's for obvious reasons with TSA security, but the Courts also has requirements. We also have Parks, Parking, City Hall and the CVB that is inclusive in this contract."

Councilor Lindell said, "This is just very frustrating to me that, to make a point about procurement, or it didn't go through a committee, that we're taking these kinds of risks. I don't think it's a good idea. When I look at the Committee makeups... this passed through Finance, I think it passed unanimously. When I look at the makeup of Public Works and Finance, the Committees are pretty close, and it would seem to me that it will pass through Public Works if people stay consistent with their vote. I think this is a really really risky thing to select to make a point on. Thank you."

Mayor Gonzales said, "We have to prepare a communication to the services that are impacted so they can address the issues."

Councilor Dimas said, "As I listen to this, it really scares me that we're going to put this burden on our Police Department to have security in all these places, I'm not sure the period of time. But it worries me, because we're short handed as is in the Police Department. And for us to ask the Police Department to do all the security in these places is really asking a lot. We're taking a lot of chances. So, that was the reason I voted no on this. I just don't think that we, as a City right now, can handle that, or take the chances. If it has to go to Public Works, then I guess it will go to Public Works."

Mayor Gonzales said, "For the record, for clarity, the Police are not going to be able to fill the gap on this. This is not going to put a burden on the Police, because they are not going to respond to covering the services that are going to be needed by this contract in critical areas of our City. So, let's move on. It's already been dealt with."

10(o) CONSIDERATION OF RESOLUTION NO. 2015- ____ (COUNCILOR MAESTAS). A RESOLUTION ACKNOWLEDGING THE CITY OF SANTA FE'S OPERATING BUDGET DEFICIT AND ITS OUTLOOK; AND COMMITTING TO ADOPT POLICIES CONSISTENT WITH BEST PRACTICES TO ADDRESS THIS DEFICIT AND ITS OUTLOOK. (OSCAR RODRIGUEZ)

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee Meeting of Monday, November 9, 2015, regarding this item, is incorporated herewith to these minutes as Exhibit "2."

A copy of an Amendment Sheet to the proposed Resolution, submitted by Councilor Maestas, is incorporated herewith to these minutes as Exhibit "3."

Councilor Bushee said her understanding is the Mayor has his Resolution and there was talk about melding the two, and thought this was going to Finance. She has concerns that we have a lot of Resolutions with a lot of approaches, and doesn't understand why this is necessary. She said, "I don't really know what it says or does to be honest. I don't want staff to be any more confused about the direction that we are trying to give them with regard to trying to deal with this deficit. So, I'm taking it off because I'm not in favor of it at this juncture unless somebody has something else to tell me."

Councilor Maestas said he sat in Public Works, but he couldn't stay for the discussion, so he is unsure of the final recommendation by Public Works. He said the last he heard was that this Resolution would be combined with the Mayor's Resolution.

Mr. Snyder said, "On your desk is an Action Sheet for Item 10(o), from last night's Public Works Committee meeting, and the motion was to deny this request."

Councilor Bushee said this was her understanding as well.

Mr. Snyder said he believes it was approved in the Finance Committee, and last night the Public Works Committee denied this request.

Mr. Maestas said, "To close Mayor, there is nothing confusing. It's very obvious we're facing a deficit and the intent was to begin the whole policy process to begin addressing the deficit. Originally, I wanted to call attention to some of the practices we've been engaged in that have not been sound financial practices. And I was told that our funders would not look favorably on that, so I removed all that language. But I felt like, just like any problem, it's always good to acknowledge it and commit to addressing the problem through a number of policy actions. So yes, it's all obvious, it's out there, but I think it's different when we all speak on this. So, regardless of what your feelings are, I felt it was an important start to addressing this deficit problem. And if denial was the final outcome of the Public Works vote, that's fine. I'm simply seeking to get this dialogue going and get us on a consistent track to work at addressing this deficit right now, not in January or February which is when we usually initiate our budget hearings."

Councilor Bushee said, "Just to finish up, Mayor, I'm not sure if it made it to Finance, can the Chair tell me that it has. Again, I think it was another one of those that should not have been on tonight's agenda. We've spent a lot of time talking about it, and it hasn't made it out of Committee."

Councilor Maestas said it was approved at Finance and Public Utilities.

Councilor Bushee said, "Okay, so then let me read the paragraph that.... and I appreciate Councilor Ives' characterization of it last night as a 12-step Resolution that just says we have a problem. It says, *'Now Therefore Be It Resolved the Governing Body of the City of Santa Fe in coordination with the administration, key boards and commissions, employee unions and other stakeholders shall enact appropriate, balanced policy actions, with transparency and robust public involvement, before June 30, 2016, that will collectively eliminate the expected FY 2017 \$15 M+ budget deficit and place the City on a path to stability and sustainability.'* Which is exactly what we have to do in the next 6 months. So again, I'm just not one for meaningless resolutions, from my perspective."

Councilor Ives said, "I admit I was getting confused between the two matters that were on our Public Works agenda last night as I am listening for 11 and 13. 11 was Councilor Maestas' Resolution that dealt with rededication of certain GRTs, eliminating the possibility of taking the final 1/4% which was dedicated to our Public Bus System and quality of life issues, eliminating the possibility after that 1/4% was devoted to the Public Bus System, 2/3 would be allocated to the General Fund and 1/3 of the balance would be allocated to other quality of life measures. We modified that particular measure, bringing in the recitals from Item 13, which is Item 11 on our Agenda tonight, and that's the matter that we did move forward. Item 11 from last night, which is not on the Agenda tonight, which is going to Finance. But this item, as such was not approved last night. Again with the understanding that the statement of the issue was brought into Item 11 from last night which has yet to go to Finance."

MOTION: Councilor Bushee moved, seconded by Councilor Lindell, to deny this request.

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

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

Against: Councilor Maestas, Councilor Rivera, Councilor Trujillo, Councilor Dominguez.

10 (r) REQUEST FOR APPROVAL OF FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR CHRISTUS ST. VINCENT REGIONAL MEDICAL CENTER (CSV). (ZACHARY SHANDLER AND KELLEY BRENNAN)
1) CASE NO. 2015-47. CSV MASTER PLAN AMENDMENT.

Councilor Rivera said, "On page 3, of the packet, under Item #4, I think when we had this discussion at the Council meeting, we said '*the Certificate of Occupancy for the new patient wing will not be issued until the conditions established by the Commission with respect to the development are fulfilled.*'"

MOTION: Councilor Rivera moved, seconded by Councilor Trujillo, to approve the Findings of Fact and Conclusions of Law in Case No. 2015-47, Christus St. Regional Medical Center Master Plan Amendment, and to modify the Findings of Fact and Conclusions of Law by adding to Additional Condition 4 in the Governing Body's Order, the words "for the new Patient Wing," after the words, "Certificate of Occupancy."

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 (t) CONSIDERATION OF RESOLUTION NO. 2015-104 (COUNCILOR RIVERA AND COUNCILOR LINDELL). A RESOLUTION TO SUPPORT MEOW WOLF AND THEIR PROJECT, THE HOUSE OF ETERNAL RETURN AND EFFORTS TO DIVERSIFY THE ECONOMY, REVITALIZE AN ECONOMICALLY DISTRESSED NEIGHBORHOOD AND PROVIDE A UNIQUE FAMILY ENTERTAINMENT OPTION FOR SANTA FE. (ZACKARY QUINTERO)
1) REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$60,000 FOR WORKFORCE DEVELOPMENT AND LOCAL PRODUCT CREATION SERVICES, MEOW WOLF, LLC. (ZACKARY QUINTERO)

Disclosure: Councilor Dimas said he pulled this item for the purpose of abstaining on this issue.

Councilor Bushee said she likes that there are metrics in the Resolution, but she doesn't see any way to have a clawback or an enforcement mechanism. She said, "I think you are going to achieve, and have already achieved the short term. She said page 2, line 9 says you will create 80 short term jobs between May and November and asked if that has been achieved.

Zackary Quintero, Economic Development, said to give context, this has passed through Economic Development Review Subcommittee, Business & Quality of Life Committee and the Finance Committee, with the requirement from Councilor Maestas that this be put up for 30 days for sole sourcing, contesting, and no contest was made. He said, "To answer your specific question Councilor, the clawback

that you are looking for, any of the work that you're talking about that has been done, it cannot be counted right now, it has to be done after we pass the contract to the Governing Body."

Councilor Bushee said that isn't the piece about which she has a question. She said on page 2 of the Resolution, line 9, it says, "*Meow Wolf will create 80 short-term jobs between May and November 2015, and 30 full-time and 35 part time retainable jobs....*" Councilor Bushee asked, "So did the timeline change somewhere along the way, but the Resolution in my packet.... I really would prefer staff to answer the question."

Mr. Quintero referred the question to Kate Noble.

Kate Noble, Interim Director, Housing & Community Development Department, said, "We did intend to address the timeline. The timeline had been moving out when this was drafted, so that should really be by June 2015."

Councilor Bushee said then she would make this amendment to this Resolution, noting she hasn't made a motion, but wants to make sure that amendment happens tonight.

Councilor Bushee said back to the matter of what you are going to achieve, which is recognizing the economic importance of this project. She thinks it's important in that it's generated excitement in a certain population in our community that really deserves that recognition and emphasis. She said, however, her concern is that you have 7 achievable goals, and if they are not achieved, what is the option. She noted those goals begin on page 3, line 6 of the Resolution, and enumerated those 7 goals from the Resolution and what she thinks is achievable. She asked what happens if Goals #5 and #6 are not achieved what happens – she wants to know what the City's enforcement piece is on this.

Mr. Quintero said, "With respect to the capacity of meeting those requirements, Councilor, I can defer to Vince [Kadlubek] and his expertise for his company."

Councilor Bushee said, "I really need the staff. Who created these and do you think they're achievable, and if they aren't, what happens."

Ms. Noble said, "Those were created in consultation with Meow Wolf, around the deliverables. It's a fairly rich deliverable pie, if you will. And we are working on basically... they are paid for performance. So, through the phases in the contract, they need to hit those benchmarks in order to get payment. And we will pay after the benchmarks have been met."

Councilor Bushee asked, "So, is each benchmark worth \$10,000, is it \$60,000. This isn't millions of dollars. But I did read in the paper today that there is the possibility someone is coming in, and I see the Mayor has introduced a Resolution on the Santa Fe Film Office, looking for \$150,000. I don't know how much you have left in your budget, Káte, but you know, you have to keep track of these things. So how does that work. If you don't get to #5 and #6, they only get \$20,000."

Ms. Noble said, "In the Compensation section, which is on page 19 of your packet, page 4 of the contract, we have outlined the phases according to the amounts to be paid, so that Phase 1, Subsection A is \$10,000, Phase 1, Subsection B is \$10,000, Phase 2, Subsection A is \$5,000 and so on and so forth. So we have amounts to each phase very deliberately."

Councilor Bushee said these are her questions, and reminded any maker of the motion to amend the Whereas on page 2 of the Resolution, line 9, and make the date more realistic to whatever staff thinks.

Ms. Noble said, "That 'Whereas' was not intended to be adjusted, because that was simply stating a fact. They did create that many short term jobs. We did at one point, adjust the timing."

Councilor Bushee asked if there is anything left to adjust.

Ms. Noble said, "I don't believe so."

Mayor Gonzales said, "I do want to adjust the statement you made. I'm not asking for \$150,000 for the film office."

Councilor Bushee said, "I read that in the paper that they are going to make an ask of that. And so maybe, in answer to that question Kate, what do you have left in your budget after this."

Ms. Noble said, "I would need to double check all of the numbers, we've been holding a space for an initiative, so not including any money allocated for a film initiative, roughly \$60,000, for what was budgeted in fiscal year 15/16. This current fiscal year."

Mayor Gonzales said, "On that point real quick, I know we spent a lot of time on this. I actually thought that there was more capacity in the Economic Development budget. Because I know we're addressing a LEDA application now by Santa Fe Spirits. It's making its way through BQL. And from what I understood in meetings we've had, there is capacity for additional economic opportunities. Is that true."

Ms. Noble said, "We have an approved budget for this fiscal year, which we are keeping track of the SFID contract passed BQL today, so I'm including that as well as an assumption on the \$60,000 for Meow Wolf, so there are some built in assumptions there. The Incubator contract also passed today as did YouthWorks. We can bring the full breakdown for the Council. For a LEDA application, we would very likely bring forward, with the Ordinance amendment and designation of a LEDA project, a budget adjustment request. As you may remember, all of the Economic Development money, in essence, comes from the same pool, so if it's not spent this year, it's available next year. And if we designate more LEDA projects in any given fiscal year, it might reduce our capacity over the long run. But with the work of the office of asset development, we have seen a change in budget environment for Economic Development. So I would not think that any proposed ideas would all fit within this fiscal year's approved Economic Development budget."

MOTION: Councilor Lindell moved, seconded by Councilor Rivera, to adopt Resolution No. 2015-104 and approve the request in Item 10(t).

DISCUSSION: Councilor Rivera thanked Mr. Kadlubek for his invitation for him to see what this is about. He said, "Not knowing, I was very impressed about what was happening there. And really it addresses one of the items that the Finance Director has put before us, which is a way to address some of the budget deficits we have, and that's economic development. So this create jobs, provides training for people at the University of Art & Design, and maybe at some time, at the Community College as well. It also does something that I think we're all passionate about up here, and that's providing another opportunity for our young people, something for them to do on weekends, during the summer, which right now is one of the main complaints I think they have is that they don't have enough to do. So I commend you for your project. I know it's going well, and I'm glad that we're able to, hopefully, help a little bit. So thank you."

Mayor Gonzales said, "I just want to add thank you to the sponsors. I will say, what is unique about this project, is that it involves highly skilled young artists in our community, working to create an experience for the young people of our community. We can't say we want to be a community of artists and not support economic development efforts where artists can actually thrive. I am pleased to see there is a requirement in here for patents. One of the things the Santa Fe Institute has relayed to me and to others, is that the number of patents that are created in a community, directly correlate with the amount of productivity that's occurring in a community over a period of time."

Mayor Gonzales continued, "So not only are we able to create jobs for an experience that young people can be part of, there's also going to be applications and products that we're asking them to create in addition that, that will further enhance our economy. And if the Santa Fe Institute is correct, the patents do dictate the amount of productivity moving forward, seeds opportunity for more patent creation and development, so when we look into the future, the productivity of our community, meaning the number of workers, in jobs that have upward and social mobility increase exponentially. I am very proud of the Meow Wolf organization for not trying to push back on the requirements here. I have every belief that if this is approved tonight, they will be able to meet these requirements."

CLARIFICATION OF MOTION BY THE CITY CLERK: Ms. Vigil asked if the motion includes the staff amendments on page 3, and Councilor Lindell said it does.

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

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

Against: None.

Abstain: Councilor Dimas.

Explaining his vote: Councilor Dominguez said, "Good luck to you. Yes."

Explaining his vote: Mayor Gonzales said, "Yes and I would say that the City is joining hundreds of Santa Feans who believe in the Meow Wolf experience and we wish you all the best of luck. When do you think you will open. We'll wait for that answer later. Make it soon."

END OF CONSENT CALENDAR DISCUSSION

11. REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON DECEMBER 9, 2015: BILL NO. 2015-42: 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 (COUNCILOR MAESTAS). (OSCAR RODRIGUEZ)

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee Meeting of Monday, November 9, 2015, regarding this item, is incorporated herewith to these minutes as Exhibit "4."

A proposed Amendment Sheet regarding this matter, submitted by Councilor Maestas, is incorporated herewith to these minutes as Exhibit "5."

A Memorandum dated July 1, 2015, with attachments, to the Mayor and Members of the City Council from Oscar S. Rodriguez, Finance Director, regarding Report on Resolution 2015-40, is incorporated herewith to these minutes as Exhibit "6."

Councilor Maestas said he sat in the discussion at Public Works on this legislation, and thinks there was some confusion over the intent of the legislation, and there were comments about how the caption didn't clarify the spirit of the amendment. He has proposed language which he doesn't think represents a material change which would clear the way. He reminded the Governing Body that this is just a request to publish notice. He said it will go to Finance for consideration.

Councilor Maestas said the amended caption will read as follows: *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, and removing the provision for allowing the use of excess funds for general municipal operations.* He reiterated he doesn't believe this is a material change, and it will go to Finance for further discussion. He said, "I think we're nearing consensus and understanding on this bill, so I would like to see this keep moving. It's eventually going to come back to this body for approval it gets past Finance."

Mayor Gonzales asked what other Committees will hear the bill.

Ms. Brennan said, "This is a request to advertise. If it goes back to Finance on November 30, 2015, it can go to Public Works on December 7, 2015, and still be back at Council on December 9, 2015, assuming it has been approved in those two Committees, and if not, could be postponed on the tenth."

Mayor Gonzales said he would like input from Councilors Dominguez and Trujillo as the Chairs of Finance and Public Works, respectively, on whether they would like to defer consideration of this so the Committees can hear it, or if they want the Council to fully address this tonight.

Councilor Dominguez asked if this bill was introduced at Finance or Public Works.

Councilor Maestas said, "Last night. Yes. Public Works and then it's going to Finance."

Councilor Dominguez said he would like to know when it was first introduced, and if it was introduced at Finance or at Public Works.

Councilor Maestas said, "I don't recall."

Councilor Dominguez said, "That's part of the problem with many of our bills, as I mentioned before on one of the other items. I guess my feeling is that this is really Request to Publish. It has to get out of one of those two Committees with a positive approval. It's kind of odd that we're going to request to publish something that really doesn't have support yet. I don't mind it going to Finance, of course. We haven't seen it at Finance. It has some pretty significant financial implications. It's going to potentially tie our hands even more, if I understand things correctly. But it sounds like you're wanting to work it so that maybe there is some flexibility. I stand in support of moving this forward, but there is the strong possibility that it doesn't even get out of Committee."

Councilor Trujillo said the only concern he has is that the only time Councilor Bushee and Councilor Ives will hear it is when it goes to Public Works. He would like to give them the opportunity to hear it, noting Councilor Ives sits on only one Committee.

Councilor Trujillo reiterated he has no problem in advancing it forward, but as Councilor Dominguez said we could hear it for a request to publish and it might not make it out of either Public Works or Finance.

Councilor Bushee asked if there was a motion on this item.

Mayor Gonzales said, "What I was doing was asking the Chairs of both Committees if they wanted the Council to consider this request by Councilor Maestas, or if we defer it and allow it to go through the Committee process – that was the question I was asking."

Councilor Bushee said, "Just today, with Melissa, I took it off BTAC because the motion that I remembered from last evening was that it hadn't been to Finance. And I don't think it was very clear or very clearly advertised. The discussion was about changing it to expand the definition for anything left over to be about recreational facilities and trails. The rest of the discussion was about transit and making it so that all the money would go toward buses, so I find it needs some clarification, at least in the title, and I see there are amendments. But I honestly think it has to go back to both committees because it wasn't advertised correctly. I understand the intent and I appreciate focusing on that, but I also think it should be a part of the budget discussion, so I don't see the urgency."

Councilor Maestas said, "I am okay with delaying this and letting it go through the Committee process. But I know for a fact, because I had the City Attorney to look at the caption to ensure it reflects the amendment, and I was assured it does. So I don't believe it was advertised improperly. It's not my fault if certain Councilors don't understand the amendment, but it's very clear what it's doing. But the intent is to provide the opportunity to allocate more funds to the public transportation system, which was the intent of this dedication. So if there's discomfort on the part of the Council, I don't want to jeopardize this legislation. I want to make sure it goes through our process and that people know exactly what it means.

Councilor Maestas continued, "So I'm okay to defer this, because I think Councilor Bushee is right, there's really no rush. But I believe it's one of those policy decisions we need to make to stop these bridging strategies that are getting us in trouble, and this is a bridging strategy. So it's a bridging strategy and it's a social justice issue, because we're depriving our public transportation system and a part of our constituency that relies on public transportation of at least \$1.25 million that is going to the General Fund."

MOTION: Councilor Maestas moved, seconded by Councilor Bushee, to postpone consideration of this item to the next meeting of the Governing Body on December 9, 2015.

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.

12. REQUEST FOR DIRECTION/APPROVAL TO STAFF REGARDING RESOLUTION 2015-55 – A RESOLUTION AUTHORIZING MOBILE VEHICLE VENDORS WITHIN THE PLAZA PERIPHERY AREA AT SPECIFIC LOCATIONS AND AT LIMITED TIMES, PURSUANT TO THE VEHICLE VENDOR ORDINANCE, 18-8.9 SFCC 1987; REQUESTED BY THE GOVERNING BODY AT THE MAY 27, 2015 CITY COUNCIL MEETING. (MATTHEW O'REILLY)

A Memorandum dated October 30, 2015, with attachments, to the Governing Body, from Matthew O'Reilly, Asset Development Director, with regard to this matter, is incorporated herewith to these minutes as Exhibit "7."

Matthew O'Reilly, Asset Development Director, presented information regarding this matter from his Memorandum of October 30, 2015. Please see Exhibit "7," for specifics of this presentation.

Mr. O'Reilly said the Council didn't ask us to address other issues relating to the underlying Ordinance, but we did receive inquiries and complaints about things that are happening with the vehicle ordinance. He said one of those complaints was in regard to Canyon Road. The Canyon Road Gallery Owners Association met with the Mayor and himself, and he spoke with a couple of the Councilors. He said because the mobile vehicle units are typically sort of box truck type units, because of the size, they were blocking the view of the galleries from the street. There were concerns that because the street was

narrow there might be some safety concerns. That is not specifically related to the Resolution, but something that did come up about the Ordinance itself related to Canyon Road.

Mr. O'Reilly said the Council was provided a copy of a letter that was submitted to him a few minutes ago by Mr. McBride who is here, and is a merchant in the Plaza area and he has comments in that letter that is on your desks. [STENOGRAPHER'S NOTE: The letter was not submitted for the record.]

The Council commented and asked questions as follows:

- Councilor Bushee asked what are the obstacles and hopes for more activity in the Spring. She said given the feedback you got was that the fee was not the obstacle.

Mr. O'Reilly said, "I'm not sure, honestly. There was a lot of publicity about this at the time and I think people were excited about it. It does cost some money to put together one of these mobile vehicle vending units. You have to buy a truck. It's not inexpensive. I think there are people who are considering doing this, and I would expect us to see more of these as the years go on, but this is very new. I think that's part of the reason that we didn't see as many people out there in the summer."

- Councilor Bushee asked if anyone from staff attended any of *The Santa Fe Reporter's* gathering of food trucks to try to encourage and find out what some of the obstacles were. She understands the initial investment is perhaps prohibitive for some. She wants to see this take off both downtown and at the Railyard. She understands events are different than doing it night after night, but again, but would love to know any to make it really take off.

Mr. O'Reilly said a group in the private sector prepared an info sheet about mobile vehicle vending in both English and Spanish to be made available. He said the City could make that available as well. He said this is a big investment, and the Council has taken a pro-active, bold approach to make this available and thinks people will start to use it. He said whether there is more competition for the 3 spaces by the Plaza, he doesn't know.

- Councilor Bushee asked if Mr. O'Reilly could ask Kate Noble's shop to look for micro loans that could be offered for some of these people to retrofit vehicles – somehow to kick this off a little more. She thinks we are behind Albuquerque in some of these efforts. She said, "I would suggest we continue onward and try and encourage them in whatever way we can. And thanks for the report."
- Councilor Trujillo said the same thing was said about this as about the Fuego – that it was bad for the City, but the first year was good and more and more people showed up and it really took off. He thinks that is the same thing it will take for the food vendors. He attended the one at *The Santa Fe Reporter*, and as he told Councilor Lindell it was a great thing. He said it is good for it to be downtown, but you are going to have to expand it to get more people from the community wanting to these things. You have to expand it to the South side. He would like to see something at Ragle Park, and there's enough parking. He asked about the possibility of getting the food trucks to the

Fuego games. He said there are opportunities in this community other than solely the Plaza. We focus on the Plaza, but there's more to Santa Fe than just the Plaza. There's a huge community and he wants to see more outreach to those parts of the City where you don't see this. He said there was a food truck on the Food Channel and they concentrated everything on "this side of town." They don't go past Cerrillos Road. There are other opportunities, although he thinks this is a good thing for the community and he supports it, but wants to expand it to other parts of the community. He said, "Let's get the entire City involved and not just one segment."

Mr. O'Reilly said he would like to let the people of Santa Fe know that their City Council has really opened this wide-open. There are no limit to the number of permits that can be issues, and we were ahead of Albuquerque. We introduced our Ordinance and adopted it before Albuquerque. He said our Ordinance is more lenient than Albuquerque's, noting we allow this parking on public streets as well as in public parking lots, on private streets and on private property. So we've made a big change from where we were. He said, "I would venture to say we are ahead of Albuquerque now. Albuquerque only allows these trucks to sell food. The City of Santa Fe allows the vehicles to vend other items. They can vend art, clothes, and be a mobile manicure truck. They can do all kinds of things. We have really opened this up for all kind of creative ways for new businesses to start in this City. We're ahead of them, as we should be, and Council has done a very good thing with this."

- Councilor Dominguez said, "Matt, you are absolutely right. We are way ahead of lots of places in the Country, quite frankly. I've done a lot of research on mobile food vending, as you know. We've had lots of discussions about their impact, positive and negative, in many parts of this City. What this really does is to set the stage for a better policy eventually, once we start to get more vendors and we start to expand to more places outside the downtown area."
- Councilor Dominguez continued, "The other thing I wanted to say is that what it really does, is it opens the entrepreneurial spirit that really, a lot of these folks have. And with that, is going to come the opportunity to stimulate the economy. However, it's not going to be a huge impact, but as we continue to promote that entrepreneurship, these folks hopefully eventually will open restaurants. I think it's a great policy, a great start. I'm actually looking forward to working with Councilor Trujillo to make sure we can expand in more creative ways. Congratulations. I know I was one of the very first main sponsors when it came up. So, I'm really excited about the opportunities."
- Councilor Maestas thanked Mr. Reilly for the report. He thinks we can take this entrepreneurial incentive program to another level. We have 3 kitchens in the Convention Center and we don't have an in-house caterer. You have to hire your own caterer when you have a convention, and they temporarily use the kitchens. We have 3 kitchens that aren't being used full time. He said he is looking into what it takes to create community kitchens, commenting there are health issues associated, and would like to see us make one of these kitchens available to the mobile food vendors. He said in the future this service could really help these vendors. He sees nothing but good things for the whole mobile vendor industry.

- Councilor Maestas continued, saying he wants to echo the concerns brought to his attention by Ms. Bonnie French of the Canyon Road Merchants Association. He believes there is a safety problem with these large mobile vendors parking along Canyon Road. It's not a standard size street and is narrow, and sidewalks are not standard width, and this is creating some unsafe driving conditions. He wants to work with Mr. O'Reilly to see how to address those safety concerns without unduly limiting activity in the area. He noted the Mayor also met with Ms. French. He said the Ordinance will need tweaks, and perhaps we can address some of these issues in that process.

- Mayor Pro-Tem Ives asked Mr. O'Reilly what guidance he is requesting.

Mr. O'Reilly said he thinks the Council's intention was rather than have the resolution sunset at a date certain, we wouldn't do that, and the Council would review it after six months, which is the purpose of his presentation. He said he infers from that, that it would be nice to know if the Council is okay with Resolution and wants it to continue, or to stop allowing this in the Plaza periphery.

- Councilor Lindell said she doesn't think there is a sunset on it, and appreciates the report. She thinks we can continue on. She said if we need to make changes we will need to bring those forward to change the Resolution.
- Mayor Pro-Tem Ives said, "I believe so. I think the most we can give you is a consensus on that."
- Councilor Dominguez said he agrees. He said, "One of the things I will be working on at the beginning of the year is amending it to promote healthy opportunities and healthy options. So I would rather that the bill be in place so those amendments can be made at the appropriate time. I agree with Councilor Lindell in the movement of this particular item."
- Councilor Ives summarized the discussion: "A very favorable opinion of the Council toward the food truck vendor ordinance. And you've heard we'd love to expand it so it reaches across the entirety of the City and not just the Plaza." So it might be appropriate to examine other areas where different actions might cause it to be expanded. He doesn't know whether designated parking spots near the various community centers, the Southside Library or various gathering points on the south side would be appropriate. He said, "Certainly, I think you're hearing us say we'd would love to figure out how to make it more significant, vital. Of course, there are particular challenges on Canyon Road, that will need to be part of that moving forward."

Mr. O'Reilly said, "Just for those vehicle vendors, people thinking about this or listening tonight, the only reason a Resolution had to be adopted is because the Plaza periphery area was always somewhere where these vehicles were prohibited. The ordinance allows this to happen anywhere, anywhere on the south side, anywhere in this City. It opens it so we can have as many of these vehicles as we want. It's just because of the Plaza periphery restriction that the Resolution was required.

Responding to the Mayor, Mayor Pro-Tem Ives, said general direction was given to move forward with it as directed, and no vote is needed at this time.

MOTION: Councilor Ives moved, seconded by Councilor Lindell, to reconsider the previous approval of the Agenda to hear Item #17 next on the agenda, to move Items #13, #14, #15, #16, #18 and #19 to the end of the Evening Agenda, and 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.

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

IN ACCORDANCE WITH THE NEW MEXICO OPEN MEETINGS ACT §10-15-1(H)(2) AND (7) NMSA 1978, DISCUSSION REGARDING LIMITED PERSONNEL MATTERS, INCLUDING, WITHOUT LIMITATION, DISCUSSION ON UPCOMING UNION NEGOTIATIONS; AND 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 PROVISIONS OF THE WATER RESOURCES AGREEMENT BETWEEN THE CITY OF SANTA FE AND SANTA FE COUNTY. (KELLEY BRENNAN).

MOTION: Councilor Ives moved, seconded by Councilor Lindell, that the Council go into Executive Session, in accordance with the Open Meetings Act §10-15-1(H)(2 and (7) NMSA 1978, as recommended by the City Attorney, for discussion on upcoming union negotiations; and 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 provisions of the Water Resources Agreement between the City of Santa Fe and Santa Fe County.

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

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

Against: None.

Absent for the vote: Councilor Bushee.

The Council went into Executive Session at approximately 6:55 p.m.

MOTION TO COME OUT OF EXECUTIVE SESSION

MOTION: At 7:45 p.m., Councilor Trujillo 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.

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.

END OF AFTERNOON SESSION AT APPROXIMATELY 7:45 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 7:45 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 L. 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
Carl Boaz for Melessia Helberg, Council Stenographer

F. PETITIONS FROM THE FLOOR

A copy of a letter dated June 24, 2015, to Brian Snyder, from David McQuarie, submitted for the record by David McQuarie, is incorporated herewith to these minutes as Exhibit "8."

Yolanda Vigil, City Clerk, noted Item H-3 has been withdrawn from the Agenda.

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

David McQuarie, 2997 Calle Cerrada, said he wants to address ADA etiquette, the Americans with Disabilities Act, it's not the Handicapped Act. He said he recently he was reviewing the plans for redoing the Airport, and asked when they are going to address the 2010 Transition Act. He said he was informed that they don't have to, we don't have the budget. He provided the City Manager with another copy of the letter he gave out in June 24, 2015 [Exhibit "8."] He asked everyone to pay attention to Paragraph 5. He said they have an option to *[inaudible]*. He said it was incomplete, and at the last minute they handed us the *[inaudible]* that they would not do a bunch of the curb ramps because of the acute angle. He said, "I hate to say it, but their engineer, that's what he gets paid for." He said the ADA requires a maximum 8.3 angle, and they're not close to 8.3. He asked, what's going on. They are denying us our Constitutional rights afforded by Amendment 8 which says undue punishment, so you will hear more from me on this.

G. APPOINTMENTS

Planning Commission.

Mayor Gonzales made the following appointment to the Planning Commission:

John B. Hiatt (At-Large) – to fill unexpired term ending 06/2017.

MOTION: Councilor Lindell moved, seconded by Councilor Ives, to approve this appointment.

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

- 1) BISTRO, LLC, FOR A RESTAURANT LIQUOR LICENSE WITH PATIO SERVICE (BEER AND WINE FOR ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED IN MILAD PERSIAN BISTRO, 802 CANYON ROAD. (YOLANDA VIGIL)**

The staff report was presented by Yolanda Y. Vigil, City Clerk, from her Memorandum of November 6, 2015, which is in the Council packet.

The Applicant was in attendance.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Ives moved, seconded by Councilor Maestas, to approve the request from Milad Bistro, LLC, for a Restaurant Liquor License with Patio Service (Beer and Wine for on-premise consumption only) to be located at Milad Persian Bistro, 602 Canyon Road, with all conditions of approval 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.

2) REQUEST FROM STARRY NIGHTS BEVERAGE, LLC, FOR THE FOLLOWING:

- a) PURSUANT TO §60-6B-10 NMSA 1978, A REQUEST FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES AT THE INN OF THE FIVE GRACES, 150-160 E. DeVARGAS STREET, WHICH IS WITHIN 300 FEET OF THE SAN MIGUEL MISSION CHURCH, 401 OLD SANTA FE TRAIL.
- b) IF THE WAIVER OF THE 300 FOOT RESTRICTION IS GRANTED, REQUEST FOR A TRANSFER OF OWNERSHIP AND LOCATION OF INTER-LOCAL DISPENSER LICENSE #0421, WITH PATIO SERVICE, FROM CORRALES BEVERAGE, LLC, D/B/A RANCHO DE CORRALES, 4895 CORRALES ROAD, RANCHO DE CORRALES TO STARRY NIGHTS BEVERAGE, LLC, D/B/A INN OF THE FIVE GRACES, 150-160 E. DE VARGAS STREET.
(YOLANDA VIGIL)

A letter dated November 10, 2015, to Yolanda Vigil, City Clerk, from David Blackman, Chairman, Preserve San Miguel Mission, is incorporated herewith to these minutes as Exhibit "9."

The staff report was presented by Yolanda Y. Vigil, City Clerk, from her Memorandum of November 6, 2015, which is in the Council packet, noting there is a letter on the Councilors desk from the Preserve San Miguel Mission stating the have no objection to the request [Exhibit "9"].

The Applicant was in attendance.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Lindell moved, seconded by Councilor Maestas, to grant the request for the waiver of the 300 foot location to allow the sale of alcoholic beverages at the Inn of the Five Graces, 150-160 E. DeVargas Street.

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.

MOTION: Councilor Lindell moved, seconded by Councilor Dimas, to approve the request for a transfer of ownership and location of Inter-Local Dispenser License #0421, with patio service, from Corrales Beverage, LLC, d/b/a Rancho de Corrales, to Starry Nights Beverage, LLC, d/b/a Inn of the Five Graces.

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.

- 3) **CASE NO. 2015-87. APPEAL BY BRAD PERKINS FROM AUGUST 25, 2015 DECISION OF THE HISTORIC DISTRICT REVIEW BOARD REGARDING GRANTING THE APPLICATION FROM COURTENAY MATHEY FOR CONSTRUCTION WORK AT 2 CAMINO PEQUENO LOCATED IN THE DOWNTOWN AND EASTSIDE HISTORIC DISTRICT. (THERESA GHEEN) Postponed at October 28, 2015 City Council Meeting**

This item was withdrawn by the parties.

- 4) **CONSIDERATION OF RESOLUTION NO. 2015-105. CASE NO. 2015-43. 2729 & 2751 AGUA FRIA STREET GENERAL PLAN AMENDMENT. JAMES W. SIEBERT AND ASSOCIATES, AGENT FOR EMELECIO (LEROY) ROMERO, REQUESTS APPROVAL OF A GENERAL PLAN AMENDMENT TO AMEND THE EXISTING GENERAL PLAN FUTURE LAND USE DESIGNATION FOR 2.20 ACRES FROM MOUNTAIN DENSITY RESIDENTIAL TO COMMUNITY COMMERCIAL. THE PROPERTY IS LOCATED AT 2749 AND 2751 AGUA FRIA STREET. (ZACHARY THOMAS)**

Item H(4) and H(5) were combined for purpose of presentation, public hearing and comment, but were voted upon separately.

A Memorandum prepared October 29, 2015, for the November 20, 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 #2015-43, 2749 & 2751 Agua Fria Street General Plan Amendment, and Case #2015-44, 2749 & 2751 Agua Fria Street Rezoning, is incorporated herewith to these minutes as Exhibit "10."

A photograph of Leroy Romero's father, entered for the record by Leroy Romero, is incorporated herewith to this minute as Exhibit "11"

Zachary Thomas, Senior Planner, Current Planning Division, presented the staff report for this case. Please see Exhibit "10," for specifics of this presentation.

Councilor Bushee said she will ask more questions later. She said it's interesting that the last "so many" zonings have gone from R-1 directly to C-2. She asked if this is staff recommendation the applicants are taking, and asked the reason they don't stop at C-1, commenting it is an extreme jump.

Mr. Thomas said those are staff processing a request directly by the applicants to go to C-2, most typically in these cases, and staff bringing forward the request to the Governing Body. He said, "Is not necessarily a recommendation from staff to go to C-2, it's a request from the applicant."

Councilor Bushee said she wondered if there was a trend she isn't aware of.

Mr. Thomas said, "The concept we're trying to bring forward, is that there is increased pressure in this area to upzone property, commercial in this case, C-2.

Councilor Bushee asked if, in the other cases, they were accompanied by any kind of development plan or if it's always been a rezone and general plan amendment and directly from R-1 to C-2.

Mr. Thomas deferred the question to Greg Smith who has a little more history on that.

Greg Smith, Director, Current Planning Division, said in the previous cases, as Mr. Thomas has indicated, it is at the Applicant's request. And in several of those cases, many of the pre-existing uses did become conforming uses under C-2 zoning, and he believes that was the motivation for several of the previous applicants to request C-2. None of the previous cases had any development plans attached to them under advice of the City Attorney and the Planning Commission, and the City Council did not impose restrictions on the types of uses permitted under the previous zonings.

Councilor Bushee said this case is different in terms of the conforming or existing use, and it is a leap, it is a home occupation.

Mr. Smith said neither the existing residential nor the existing commercial uses will become fully conforming uses in this circumstance.

Councilor Maestas said on page 1 of the Staff Report under recommendation it says, "*... it is not clear that the proposed general plan amendment and rezoning for unrestricted C-2 development would be consistent with the applicable approval criteria...*" And then paragraph 3 under the Executive Summary, it says, "*Although rezoning to C-2 was approved for two nearby parcels in 2004, staff is concerned that the continued approval of rezoning applications with a community plan or other coordinated effort to address land use and infrastructure will make it more likely that a haphazard pattern of development will occur, resulting in undesirable changes to neighborhood character, inefficient use of property and difficulties in providing roads and other public infrastructure.*" He said this is out of the staff report and asked if we really can say that staff accepts or concurs with the Planning Commission action.

Mr. Smith said, "That issue did get [inaudible] at the Planning Commission and the staff is prepared to defer to the judgment of the Commission on that issue."

Councilor Maestas said there was considerable discussion about not making the abrupt change from R-1 to C-2. There was discussion about C-1, but yet there is no development proposed. He thinks a question was asked during one of the Planning Commission, why isn't C-1 on the table. He asked why C-1 wasn't a consideration, maybe as a compromise between staff concerns and the applicant's request for C-2.

Mr. Smith said, "The case, along with the previous cases that were reviewed and approved by the Council and the Planning Commission, were very difficult, so that C-1 might be viewed as a spot zoning whereas C-2 was consistent with the previous actions by the Commission and the Council. As was indicated in both staff reports to the Commission and the Council, there was some concern that future land use patterns are problematic in this area. The issue the Planning Commission and Staff indicates is the issue that there are some existing uses that are larger in scale than a typical home occupation lodging scale and could be accommodated under the City's Home Occupation Regulations. But there is still some concern on the other side that the eventual development under the set of uses by C-2 might overwhelm the existing infrastructure and cause problems with consistencies. Again, this issue was reviewed by staff, as was that issue reviewed by the Commission, and staff is prepared to defer to the Commission on that point."

Councilor Maestas asked, if C-2 is approved tonight, when the development request comes forward, if there is any way to address any proposed much higher intensity of development under C-2, or if we just approve C-2 *carte blanche* without any kind of restrictions, they can propose any development allowed under C-2.

Mr. Smith said, "Most development proposals that are above 10,000 square feet or greater, would require approval of the development plan by the Planning Commission. The Planning Commission would have limited authority to be able to put conditions of approval on those uses if they are over 10,000 square feet. Development of the types of uses allowed in C-2 zoning, less than 10,000 square feet, in some circumstances, if those uses are the only thing keeping it to the residential district, they will require a special use permit. In many cases, they would go through an administrative approval process without a public hearing."

Councilor Maestas said there was some discussion about postponing this to buy time to create a broader master plan. He thinks the timing is unfortunate and he wouldn't want to curtail the applicant in moving forward with their proposal because we need to get our plan together. He thinks it would be ideal that we have an updated master plan to kind of guide development, and we don't have that right now, but he wishes we did. He said, "So, I'm not really inclined to delay this at this point, Mayor, so that's all I have."

Mr. Smith said, "If I may just say to address your point, the Land Use Department and the Current Planning Division are working with the working group. We have initiated the master planning process, and we anticipate it will be about 12 months before the Railroad Corridor Plan comes to public hearings."

Councilor Lindell said, "I am happy to wait if you want to do all the questions at once."

Mayor Gonzales said, "Right. That's what I wanted to do. Thank you Councilor Lindell."

Public Hearing

Presentation by Applicant

Mayor Gonzales gave Jim Siebert 10 minutes to make his presentation to the Council.

Jim Siebert, James W. Siebert & Associates, 915 Mercer, Planning Consultant, representing Leroy Romero was sworn. Mr. Siebert noted that Leroy Romero, his wife and his daughter Rosella are in attendance this evening.

Mr. Siebert said, "What I would like to do is to give you a little brief history on the property and on the Romero family itself. Leroy's dad bought the property in the 1940s. I was also involved with George Rivera and the Club Alegria. What George explained to me, is that in that day, what would happen is that people would come in, divide their land, build their house and then start their businesses. And that's exactly what the Romeo family. Leroy is going to hand out a photo of his dad [Exhibit "11." This is a bit of an iconic structure, and has always been referred to as the castle on Agua Fria, and the building that is behind him, is the very beginning of the castle. The castle expanded into two stories."

Mr. Siebert continued, "Mr. Romero's father was selling cars from that location in the 1960's. And subsequent to that, Leroy and his brother opened a commercial business, in conjunction with his mother, and they had a trading post at that the location. Mr. Romero operates a well repair business and has for the past twenty-some years. Mr. Romero lives on the property and occupies one of the 2 mobile homes on the property. He has always had a business license, now and when it was in the County. This property was annexed at the beginning of 2014, and he currently has a City business license."

Mr. Siebert, using enlarged site drawings and photographs, said, "What I would like to do to show you how this relates to the zoning in the area. The first one is the actual layout of the property. Do you have any questions regarding that. The site sits 'here.' Some of the zoning that surrounds it. 'This' is the Club Alegria, the Council approved 6-7 months ago. 'This' is the Boylan property sitting 'here,' C-2. 'This' is the EcoVersity sitting here is on C-1 PUD. Directly across the street is light industrial. This whole area used to be part of a more industrial complex. 'This' is Corazon Santo, which is also kitty-corner and across the street, which is a mixed use project. This was also approved probably 4-5 years ago, another mixed use project down the way and then light industrial further down."

Mr. Siebert continued, "In terms of zoning, it's kind of a mixed bag. The R-1 is really the result of when the City annexed in 2014. The simple solution is not to annex according to what the actual land use was, but to simply rezone it to R-1, and that gave the City the opportunity that if anybody wanted to go beyond R-1, they would have to come in request rezoning, and give the City Council the opportunity to review the plan."

Mr. Siebert continued, "The other thing is, one of the conditions, and this addresses some of the issues of how this can blend in with the future development of the area, Traffic Division has required an additional right of way up front, that allows for a future deceleration lane off Agua Fria into the project. And it allows it to blend in on both sides with more of a continuous deceleration lane."

Mr. Siebert continued, "We are in agreement with the conditions as stated by staff. You will note in the report, the Planning Committee approved this unanimously, both the General Plan and the Rezoning request. And I'll answer any questions you have. The question was asked why jump straight to C-2. A lot of that is around what the historic uses were in this particular area. An example is Club Alegria would have to be C-2. Mr. Romero's business would have to be C-2. The other businesses that had occupied the property historically, also would have fallen into the same category. So with that, I'll answer any questions you may have."

Mayor Gonzales asked to go through the public hearing and round out the input of the staff and the applicant.

Speaking to the Request

All those speaking were sworn en masse

Mayor Gonzales gave each person 2 minutes to speak to the request, asking speakers to try to keep their comments to any additional items we have not heard before.

"If someone has spoken on an issue that you want to reiterate, please just say so and allow the meeting to continue."

Anna Hansen, Casa Alegre off Osage Avenue on Kiva Road, was sworn. Ms. Hansen said, "I am concerned that we are in the midst of the planning process, and that we've started the planning process for the whole corridor, and we are continuing to approve and zone things, that we're trying to create a whole area where..... I'm not necessarily opposed to your project because you have been there a long time and you're trying to fit into those issues, and your delving will fit into the C-2. But I would like to see the plan be able to go forward, without the continuing piecemeal approach to zoning and to changing the zoning. So I would like you to please think about the fact that we are using staff time, we are using a lot of people, volunteers, meeting every week to discuss the Santa Fe River Corridor Plan and this ongoing process that is happening right now. And so I just think that needs to be taken into consideration with this whole rezoning of this area. Stop the piecemeal zoning. Respect the planning process. Thank you."

Pablo Sanchez, 1142 Harrison Road [previously sworn], said he lives right around the corner from Mr. Romero's property. He said, "I have lived on or right off Agua Fria all my life. Mr. Romero's property has been a business location for at least 50 years. I remember going there with my dad to buy a car from Leroy's father, Archie's Car Lot, about 1965. The castle building has been a well known landmark for many years. You talk about preserving our historical properties, this is one of those properties. I feel it has been very unfair that these property owners on Agua Fria have had to spend so much time and money rezoning their properties that had been historically commercial. Please approve this rezoning. Thank you."

Ralph Lopez, 1817 Camino Consuelo [previously sworn], said he has known his brother-in-law Leroy Romero since 1966 when he met his wife. He said, "I'm here to ask you to consider rezoning to C-2. It recall it being zoned R-2 in the 1960's, and the car lot being there, the building being there and also a small store in the 1970's. I'm here to support my brother in law and requesting that you give this a lot of consideration and thought. I understand from what I heard tonight that some of the area is already rezoned C-2 and this would fall in line. I hope you will consider it."

Pancho Sobien, 2823 Agua Fria Street [previously sworn], said he lives 1/4 mile directly west of this property. He said our families, the Ulibarris, Riveras, Romeros and Boylans, have lived and operated businesses on this strip of Agua Fria for 60-70 years. He said he is a member of the Committee that is working on the Master Plan. He said what Mr. Romero is requesting, is not out of line with what we are thinking about for this area. He said he has already gone through the expense time of applying for this rezoning, as has Mr. Rivera and Mr. Boylan. He said we will be forced to do the same thing if we weren't going to redo the Master Plan. He said every one of us have been in business there for 60-70 years and none of us are opposed to what Mr. Romero is requesting.

Santo Montoya, 2750 Agua Fria [previously sworn], said he has owned the place just across from Leroy and been neighbors for 50-60 years. He said as a kid he remembers this as having always been commercial property and at different times there has been a car lot and before that a grocery store and a lumber store. He said it's not so bad, it's okay, and "I think it would be a wonderful thing if you do approve it."

The Public Hearing was closed

Councilor Bushee asked Mr. Siebert if there is a planned use for the property, or is to get the highest and best zoning.

Mr. Siebert said nobody is waiting in the wings to develop this for some other commercial purpose than exists right now. He said Mr. Romero just wants to continue with his well and pump repair businesses.

Councilor Bushee said there are four parcels immediately surrounding it, and the larger one to the east, currently is residential.

Mr. Siebert said, "Actually 'right here,' the larger parcel right 'here'." These are actually 3 long, narrow strips of land and facing it is another home occupation that has been a commercial use in the past. 'This' is fairly vacant. 'This' right 'here,' the larger site 'here' is actually."

Councilor Bushee said, "So the one to the right, currently has a home occupation, or used to have one."

Mr. Siebert said it currently has a home occupation, Casa Blanca Cleaning. He said 'this' actually is a high density mix of single family and apartments.

Councilor Bushee asked about the next one.

Mr. Siebert said it is a single family residence.

Councilor Bushee said then there is no predestined use, or no plan right now to go in any particular direction.

Mr. Siebert said, "That's correct and he would just like to have the ability to continue to operate a business under the appropriate zoning."

Councilor Bushee said she heard Mr. Smith say this currently would consistently stay non-conforming under C-1 and C-2, and asked if that is correct.

Mr. Smith said, "That is correct. It is a residential use and a mobile home use cannot become a conforming use in a C-2 district."

Councilor Bushee asked what are the allowable uses under C-1.

Mr. Smith said those uses include single family, multi family residential, offices, retail sales, office supplies, restaurants up to 1,000 sq. ft. maximum, barber and beauty shops. There are multi-family residential uses such as senior care, and public and private schools are permitted uses in a C-1 District.

Councilor Bushee asked what is the biggest difference, in terms of allowable uses, between C-1 and C-2.

Mr. Smith said, "There are larger setbacks required in a C-1, and there height limits in C-1, and C-1 is much more restrictive in terms of commercial and light industrial uses.

Councilor Bushee asked for some examples. She said in C-2 you can have "everything from, you know, standard retail, clubs to automotive service and repairs, electrical substations, flea markets, single homes, mortuaries, general laboratories." She asked the difference in terms of industrial uses.

Mr. Smith said industrial uses are not allowed in a C-2 District, and the light industrial is okay but not heavy industrial.

Councilor Bushee said for her it is logical that Club Alegria and the Boylan property would go to C-2. That made it a conforming use, a little more high intensity commercial use. But immediately surrounding the site, it seems to be very similar to what the castle has in terms of its uses. It's more residential, home occupation, and she sees light industrial across the street.

Mr. Smith said that side of Agua Fria has I-1 and I-2 zoning predominantly.

Councilor Bushee said she is concerned, by default, if this property automatically goes to C-2, the 4 surrounding parcels logically, will come in and ask for the same zoning, "of course it makes sense." She

said she is still puzzled as to why we would go immediately to C-2, noting the applicant is seeking that zoning. However, given that the existing use will remain non-conforming under either category, and given the recent concerns expressed in why we even brought forward a sector study plan, whereas the El Rio Apartments really kicked that off, and they aren't even a C-2 zoning they are a C-1 PUD. She asked what would that category allow different than C-1 for the applicant, just so they understand.

Mr. Smith said, "The PUD is an overlay district which requires approval of a specific development plan at the time the property is rezoned."

Councilor Bushee, "I'm expressing my concerns of leaping to C-2. I understand that we don't want to remain in the R-1 situation, that is just a starting placeholder of sorts. But given all of the discussion we just had in terms of ingress, egress, traffic and not knowing what the future would hold for this property, I still have some reticence to jump right to C-2. Thank you."

Councilor Dominguez asked staff when this process started – when did the applicant first meet with staff to begin this process.

Mr. Smith said the pre-application meeting was in January or February 2015.

Councilor Dominguez asked if there are fees associated with applying for a general plan amendment and rezoning.

Mr. Smith said depending on the number of acres, there is a range of several hundreds of dollars.

Councilor Dominguez asked what is the case in this case.

Mr. Thomas said, "There is a \$1,000 application fee for a General Plan Amendment and a \$1,000 application fee for a rezone. So, it's \$2,000 plus roughly an additional \$90 for signs on the property to provide public hearing notice.

Councilor Dominguez asked if the meetings for the Master Plan have started, and Mr. Smith said yes.

Councilor Dominguez asked if the intent is to consider zoning in that process. He said if you look at sector plans, or neighborhood plans like the SWAMP, zoning isn't a part of that document either, noting it has concepts, but doesn't mandate zoning.

Mr. Smith said, "The Southwest Area Master Plan ["SWAMP"] document did have future land use, had general land use categories but there was not a specific zoning map as part of that. Chapter 14 does require that any rezoning action taken by the Council must be consistent with the policies and the future Land Use Map, and the General Plan."

Councilor Dominguez said there was a statement that the process would take 12-16 months.

Mr. Smith said it could take longer, noting the working group has met 3 times and there are no clearly established goals in terms of the work plan, and it will not include recommendations for rezoning.

Councilor Dominguez said, "We don't know what the disposition of that process would be, and for all we know, there may not be anything that comes out of that process. I hope there is something, because a lot of people are working hard on it, but the reality is we don't know what's going to happen."

Mr. Smith agreed that we don't know what the products will be from that process.

Councilor Dominguez said, for clarification, the surrounding properties that are zoned C-2 happened in 2014.

Mr. Smith said he believes it happened in 2013 and 2014 – Boylan and Rivera were both in 2014.

Councilor Dominguez said, "Part of my concern is that we have an application before us that has been administered correctly in terms of the administrative process and people have spent money on this. I know that I don't have \$2,000 to pay and leave in limbo. In my opinion, there is a fairness issue in play here that needs to be considered. In terms of the legal nonconforming use, those things are just going play themselves out, just as the West Santa Fe River Corridor planning proceeds. There may be others who will have legal nonconforming uses. I don't see anything different. I see a property owner trying to make things right and to comply the best they can with what has been in the past and what they hope to have in the future, what is required now and is consistent with the map we have. That's all the comments and questions I have."

Councilor Lindell said there currently are two mobile homes on the property, and asked where are the other 3 residences.

Mr. Siebert said the Castle has two apartment rentals and there is a single-family residence right next to the Castle, which creates the 3 dwelling units.

Councilor Lindell said, "It's problematic, because in asking for C-2, C-2 doesn't allow residential. Correct."

Mr. Siebert said, "I does not, correct. It does allows apartments."

Councilor Lindell said then the current uses could be considered under C-1.

Mr. Siebert said, "I'm not sure how the City would consider the manufactured homes, whether than would fall under the park or not. If it falls under the limitation of a park, then they would not be permitted period, under any zoning."

Councilor Lindell asked Mr. Smith if the pump repair business would be allowed under either C-1 or C-2.

Mr. Smith said, "The pump business would be permitted under C-2 [inaudible].

Councilor Lindell said then we aren't sure it would be a conforming use under C-2.

Mr. Smith said if they are presented with changes to the site, development would be required to make it a conforming use.

Councilor Lindell said, "My concern is we have a long history, and a complex ask here with two different types of things going on – residential, a repair business. But a C-2 general commercial district, just really opens up that property, even though there are no development plans right now, to be a gas station, auto repair business, personal care facility, pharmacy, Police station, electrical substation. It opens it up to a pretty intensive amount of use which I really don't see other uses like that nearby. I would be much more comfortable with a C-1 use for this property. Thank you Mayor."

Councilor Rivera asked Mr. Siebert if the Applicant is aware that under C-2, the manufactured homes in the back would not be allowed.

Mr. Siebert said, "He is. That's again, under current zoning, they are sitting in a final category of park and they wouldn't be allowed in any district. But they are legal nonconforming uses, so as long as they remain, they can continue to live there."

Councilor Rivera said, "The other thing is, the current business that is there, obviously under the C-2, would require probably less changes than if it were offered at C-1. Is that correct. They would have to spend a lot more money to make improvements to meet zoning."

Mr. Siebert said, "No. Actually under C-1 it would be, from your standpoint, it would be a nonconforming use. It is only under C-2 that it would be a permitted use. There are site standards he would have to meet, and if he expanded the business, he would have to meet those site standards."

Councilor Dominguez asked if a gas station were to be put there, if there would be some extensive staff review.

Mr. Smith said, "The example of a gas station or another type of drive-through facility, such as drive-in retail, or a drive-through bank, would trigger a special use permit in most instances. Uses of less than 10,000 sq. ft., would be approved through the permit process, but there would be no public hearing.

Councilor Dominguez said he agrees, to some extent, this could 'potentially open things up.' It doesn't come without extensive review from staff. It's not as though you get a C-2 zoning and next week they will be able to open a gas station or any other permitted use.

Mr. Smith said it depends on the number of square feet, and the type of....

Councilor Dominguez said, "Okay. It would have extensive staff review, there would be staff review, I don't know if it would be extensive, although I think that sometimes staff does things too extensively in the review."

Mr. Smith said the setbacks, lot coverage, building setbacks, open space, parking, screening of parking lots, those kinds of standards would apply even in the administrative permit process.

Councilor Dominguez said then there is so no public hearing associated with this.

Mr. Smith said there will be none unless it is a facility of more than 10,000 sq ft.

Councilor Dominguez asked, "Do we have the purview, under the rezoning, or actually, maybe it's the amendment, I can't remember, where we can actually.... I think it's the rezoning. In annexations, I know that we have the ability to require more than what is identified in Chapter 14. Is that the case for either a general plan amendment or a rezoning."

Mr. Smith said the City Attorney has advised us those types of restrictions are not appropriate with rezoning.

Councilor Dominguez asked for an example.

Ms. Brennan said, "I think an example of what you seem to be talking about is if the zoning category that is applicable across the City only allows X, Y and X, and you try to approve it and say you can do X and Y, but not Z, I do not believe that is an appropriate use of the Zoning Code. In other words, by giving zoning, you give the zoning...."

Councilor Dominguez asked, "Under what circumstance would we be able to say that, well I guess it doesn't. Then any of those C-2 uses, we could not mandate that there either be a public hearing or a development plan approval. Correct."

Ms. Brennan said, "I think you could, if you're talking about imposing conditions, that there would be a public hearing under some circumstances. That would be different than saying that you approve the zoning, but they can't have the uses otherwise permitted in the zoning. There is a difference between restricting the permitted use and a condition on how that use is granted."

Councilor Dominguez said, "So, I guess where I'm trying to get to, is I'm trying to find a way to trigger the applicant, even though they have already spent money, resources and time, to try to do the right thing. I'm trying to find a way to trigger something to require them to come for additional approval, scrutiny or review, whatever the case may be. And Jim, do you have any ideas."

Mr. Siebert said, "Let me try something out. And it seems to me that if the applicant agrees to the condition, then that takes on a different nature than if it is imposed unilaterally. An example, a condition might be that any development that exceeds 5,000 sq. ft., or greater, would require a hearing in front of the Planning Commission. I think the applicant would be willing to agree to that kind of condition, and that provides some oversight on the part of the City. So I'm just throwing out an example..."

Councilor Dominguez said, "We've done that before."

Mr. Siebert said, "Yes, but understand that the applicant has to say that they agree to that. I recall one recently, it was on Alameda, it was a rezoning to R-7, and I forget exactly what the condition was, but the applicant said yes, I would agree to that condition."

Ms. Brennan said, "Applicants can offer conditions which you can accept, and you can impose conditions which they can approve or they can accept."

Councilor Dominguez asked, "So is the applicant offering that, I guess is my question. Not that that's going to be the decision, but."

Mr. Siebert said, "The condition that we would offer is that if any development on the site is 5,000 sq. ft., or greater than that above the existing intensity of use, that would require a hearing in front of the Planning Commission."

Councilor Dominguez asked, "If the applicant is willing to impose that condition themselves, are there additional fees that have to be filed?"

Mr. Smith, "It would *[inaudible]* thinking part on how that is structured. There are application fees for most applications that are heard by the Planning Commission. The development plan is an application for the final evaluation of the construction. The special use permit type of hearing would have an option based on the type of application."

Councilor Dominguez said, "Okay Mayor, that's all I have. Thank you."

Councilor Ives said in the Chart of Permitted Uses for different categories of land use, and he is thinking of C-1 and C-2 in particular, under manufactured homes, it appears to be a permitted use under C-1, but a P-6 under C-2. He asked what is the P-6 reference, and how does that differ from just a P in that chart.

Mr. Smith said, "I will double check that. It states that mobile homes are prohibited in the C-2 District."

Councilor Ives said he is looking at manufactured homes as opposed to mobile homes. He said, "I agree, mobile homes, at least that are permanent, are prohibited in C-2 and presumably a special use in C-1."

Mr. Smith said, "The cross reference is to Subsection [inaudible] really says [inaudible] do not include mobile homes or acquisition of vehicles. And it also states in most [inaudible] requires approval of the Planning Commission. There is some other applicable County reference to a mobile home and mobile home typically applies only to mobile home parks and structures that were built in prior to the 1980's. Manufactured housing.... staff is not certain whether structures that are on the applicant's property qualify as mobile homes prior to the 1980's and the 1970's, and are manufacture housing. That after the 1980's, and subsequently, if they are constructed under the [inaudible] from the 1980's and forward, they are treated largely like a stick built house. But if they are truly mobile homes (in 1970's) those are the most restrictive category."

Councilor Ives asked Mr. Siebert if we can clarify the nature of the structures being used as residences on the property – do they fall under those categories.

Mr. Siebert said the two manufactured homes are occupied by members of the Romero Family and the Castle is occupied as a rental, and the single family is a rental too, is it not. "Yes, single families are rentals as well."

Councilor Ives said you have referred to two manufactured homes, and asked how long they have been on the property.

Mr. Siebert said, "Mr. Romero says in excess of ten years."

Councilor Ives said he is trying to get a sense of whether it would date back to the time frames that Mr. Smith was just talking about, in terms of understanding the distinction between manufactured versus mobile homes.

Mr. Siebert said, "To me, they're one and the same."

Councilor Ives asked if the applicant can tell him how long those structures have been on the property, commenting, surely they know.

Mr. Siebert said, "Mr. Romero said they have been there... you need something more precise than over 10 years. Is that what you're looking for."

Councilor Ives said he is looking for when they were put there.

Ms. Brennan said, "The date I've sometimes seen is 1976 and sometimes it's 1978. And the dividing line is when HUD adopted certain safety standards, and the newer modulars... And the older ones are mobile homes. I'm sure mobile homes would be permitted anywhere in the City if they didn't already exist there, because of their age and lack of safety. So it would be after probably 1978 that it would be manufactured housing."

Lisa Martínez, Director, Land Use Department, said, "Actually, I think the date is 1974. Anything after 1974, a manufactured home and a mobile home are pretty much considered the same thing. It was built according to HUD standards. It's the more current structures called modulars that are built according to the current building codes, and that's the distinction."

Councilor Ives said, "To clue you on the reason for asking this question. One of the reasons brought forward for this request here tonight, is that the applicant wants to resolve a nonconforming use, make it conforming, so that heirs don't have to deal with that issue. And I can I respect that. But Mr. Siebert, a few moments ago, said the homes would remain a nonconforming uses if we approved C-2. So if we're just changing the use and still allowing nonconforming use, then I'm not seeing the point in the exercise. However, I do see that C-1 appears to permit, as a special use, mobile homes which are permanently installed, and it certainly allows for manufactured homes, so I'm inclined to default to the C-1 instance, to make sure that your uses actually are conforming, so you don't have the problem that you identified that brought you here tonight, which is that you have a non-conforming use. And you would like to make sure it is conforming by changing the zoning on the property."

Councilor Ives continued, "So, I'm looking for some consistency here and this issue of manufactured and mobile seems to play a role under our Code in making that determination. It seems defaulting to C-1 solves that problem as best we can, without knowing the date of those structures. So, and I'm a little surprised that people don't know when those were put on the property. So I'm not trying to be.... I'm trying to understand the facts here, which, to me, helps me make a decision, and I'm not seeing anybody solving that question of when they were put there, which confuses me."

Ms. Martinez said, "They might have been put there say ten years ago, but I don't know how old they actually are. I don't know where they came from or when they were originally constructed, so that might make it a little more complicated as well."

Councilor Ives said, "I wouldn't disagree. So, if nobody can give me an answer, that's that."

MOTION: Councilor Trujillo moved, seconded by Councilor Dominguez, to adopt Resolution No. 2015-105, approving Case #2015-43, 2749 & 2751 Agua Fria Street General Plan Amendments, with all conditions of approval 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 Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: Councilor Ives.

Explaining his vote: Councilor Ives said, "In light of the fact I could not get answers to simple questions, I will vote No."

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

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

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

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

Against: Councilor Bushee, Councilor Lindell and Councilor Ives.

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

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

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

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

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

Public Hearing

Presentation by Applicant

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

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

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

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

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

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

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

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

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

Speaking to the Request

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

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

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

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

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

The Public Hearing was closed

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Councilor Dominguez said, "I appreciate that."

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

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

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

Councilor Dominguez said he isn't asking about commercial.

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

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

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

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

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

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

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

Mr. Hoeft said this is correct.

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

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

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

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

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

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

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

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

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

Mr. Hoeft said he doesn't know.

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

Mr. Smith said no.

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

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

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

Mr. Smith said he doesn't know.

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

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

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

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

Mr. Smith said he thinks not.

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

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

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

Mayor Gonzales asked where John Romero is.

Mr. Snyder said he thinks he had an event.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Against: None.

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

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

THE GOVERNING BODY RETURNED TO THE AFTERNOON AGENDA

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

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

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

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

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

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

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

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

Councilor Lindell noted we have \$6.50 million in overdue collections that are 180 days out. She said considering what we're facing budget-wise, it is time for us to start collecting our debts. Her suggestion is that we should start by having the City Attorney office take the lead in this initially and develop a collections procedure with a collection policy brought forward to us. She said, "We're leaving a tremendous amount of money on the table."

Councilor Bushee said we have had these big numbers associated with parking and ambulance fees in the past, and when you get into ambulance and utilities, it gets a little trickier trying to get money from folks that can't pay it. She asked if there are low income issues regarding the utility that need to be considered. Plus, when it comes to the false alarm, the City has its own issues in having created so many problems and it was the ordinance. She asked if these are real numbers and if we can get more specifics. She doesn't want us to go away with the illusion that we will come back with \$6.5 million. She said, "There is a reason we have these outstanding amounts over and over again in some of these areas."

Mr. Snyder said right now, we're doing nothing about the \$6.5 million. He said in utilities we can cut-off service, or put a lien on the property, but there is no step between 3 notices and nothing. What Councilor Lindell proposed, and one of our options, is to bring it in house so we can gauge that level, and not just, here are the rules of the road and this is how we have to play by the rules of the road. We can have a little flexibility, there are still rules of the road, but staff can be more gentle on the way we collect, rather than turn it over to a collection agency and they're just in it to make the money. The agreement we would sign with the collection agency would guarantee, depending on how outdated the balances are, they would give us 25¢ on the dollar and anything they collect above that would be for themselves. They are in it for the profit. We're just trying to collect some of the money and the reason we proposed possibly bringing it in-house."

Councilor Bushee asked if we have the capacity.

Councilor Maestas said no, we would have to hire someone, it's an expansion.

Mr. Snyder said you would either pay the collection agency a fee or pay for an FTE in the City Attorney's Office. He said we are proposing one FTE at this time.

Councilor Maestas asked if these collection agencies have a track record. He said we haven't done great in collections, so are we going to hire someone else to continue that same collection rate. He realizes they charge a fee and make a profit. He said hopefully this won't be a long term thing. He doesn't see a problem in using a collection agency. He said in decriminalizing traffic citations, we have started automatically started using collection agencies, and thought this was a trend, and not to create an additional FTE and do this in-house. He is opting for turning this to a collection agency because they are more effective, he doesn't see this as a long term issue, and it's always difficult to sunset positions we create. He said, "Unless you can show me that we're more effective than a collection agency, I can't support an expansion."

Mr. Snyder said, "I can't say that we're going to be more effective than a collection agency."

Councilor Dimas said previously we couldn't collect because people knew the only thing that would happen is it would go to Municipal Court and a bench warrant would be issued because it was criminal. Civilly, we couldn't do anything. And the only way you will collect on a bench warrant is if they get stopped for some reason. And he thinks Municipal Court had more than 5,000 bench warrants for different things. He said in Magistrate Court they had thousands and thousands, and if they picked up 1-2 people a week they were doing good. He said the only logical thing to do is decriminalize parking tickets and traffic tickets, including handicapped parking and loading zone and all the rest of them and compile those into one thing. If they choose not to pay, with a collection agency, if they don't pay, it goes on their credit record. He said most people, knowing that, probably will pay a collection agency. He said collection agencies aren't nice people and won't dilly dally around, because that's how they make their money.

Councilor Dimas continued saying, "I don't think going in-house is going to help us at all, and I don't think we have the capability to do that anyway, so that is the reason for doing what we're doing."

Councilor Ives agreed that going outside for assistance on this makes sense. The notion of proposing revenue increases doesn't make sense unless we're attempting to collect what is due. He said we need to be able to justify looking at all options before us in terms of bring balance back to the budget. He is in favor of moving these two collections. He does agree with the language in the Resolution, *That for either option, it is strongly recommended that the City first undertake an aggressive public communication campaign to inform the public and would-be delinquent payer of the City's new stance on delinquent accounts...* He said he thinks that becomes an important part of the process, getting notice to people to let them know what our process will be for collections, so there is no lack of clarity. He thinks we do this reluctantly because we know the impact collection agencies have on people. He said, "But I don't think it is a problem we can't address, and I think the way it makes the most sense to do this, is through a collection agency."

Councilor Rivera said he's been collecting \$5 donations in his part of town for about 6 weeks, and many of the people he represents are struggling to make it from paycheck to paycheck, noting a lot of them have to dig up change and dollar bills to give to him for what he is trying to accomplish.

Councilor Rivera continued, "I think I would support everything in here, with the exception of utilities. I would hate to get to the point where we are collecting from people who are struggling every day to make a decision between paying a utility bill and feeding their kids before school or providing them with a good meal. I know Brian told me we would be some flexibility, but a collection agency is going to be aggressive in the way they collect. Again, the people I represent, I would hate to put them in that position. I know \$1.3 million is significant, but if it's okay with Councilor Lindell, starting with the others and potentially seeing how it works and then coming back, I may feel better with that. So I guess to use a collection agency, I guess, in all the areas you mentioned with the exception of utilities, for the all the reasons I mentioned."

Mayor Gonzales said, "Councilor Rivera, wouldn't it be better to propose some kind of loan program or rebate program for folks as opposed to saying we're just going to pursue collections of people who choose not to pay."

Councilor Rivera said, "I think what's in here includes utilities in collection agencies."

Mayor Gonzales said, "There are a lot of people who can afford, but choose not to pay utilities either."

Councilor Rivera said, "Possibly. I would say on my side of town there are less people who are in that situation."

Councilor Bushee said, "Brian, you have experience with the water company, so help me out. I know there's an indigent or some kind of exception for lower income people."

Mr. Snyder said, "There are different low income credits and those kinds of things, that you don't pay as much of the bill. That being said, in my experience and what I've seen is, it's not necessarily food on the table, although it could be food on the table, it is rotating the bills. One month we're not going to pay the utility bill, we're going to pay the Comcast bill, and the next month they're going to pay the Verizon bill. And that's the story I hear over and over from our Collection Section within the Utility Billing Division. The Utility Billing Division currently doesn't do what I would consider pro-active collection, it's reactive. You don't pay your bill, this one, 3 days comes you still don't pay it, you roll into 60 days, now you're getting a shut-off notice. You get a 14 day notice, and you get your 2 day notice, and if you don't pay up in that time in the grace period, then you are shut off. It's \$100 to reconnect. There is a process in place, but the Utility Billing Division doesn't have enough staff to do it proactively."

Councilor Bushee said, "You have money in the Water Company to hire more people to do that. Do you want to do a hybrid, well you certainly have the money in the Water Company. The hybrid version... I agree with you philosophically, Councilor Rivera, and I guess I wanted to find out too, with regard to ambulance collection if we have a similar thing for people who are qualified for indigent health care."

Mr. Snyder said, "I can't speak to that in great detail. I have spoken with the Chief about it, and my understanding is we have a person that sends out the bills. They send out three bills and after the third bill goes out there is no effort to collect on that."

Councilor Bushee said she has heard from people troubled with health care and if they have to use an ambulance, it's life or death, they can't pay it. She doesn't know what the setup there is. She said these are the two areas of her concern in how we go about.

Mayor Gonzales said, "So, there is at least some clear direction to come back with a collection policy for them, right. So, it's a step. I think you've heard some comments from us. Obviously, the low hanging fruit, we can get to it as quickly as possible is a good thing, but keeping in mind that we do want to find ways to build better bridges into payment plays for people who fall behind that show there is some effort to paying. Even \$5 is better than nothing all."

Mr. Snyder said he would request direction from the Governing Body.

Mayor Gonzales said, "Right. So we just gave the direction to pursue a collection policy, using a third party collection agent, and come back with a set of criteria as to how the scope of services will be developed."

15. CONSIDERATION OF RESOLUTION NO. 2015-106 (MAYOR GONZALES). A RESOLUTION ADOPTING BEST PRACTICES AND STANDARDS TO HELP GUIDE THE MANAGEMENT OF THE CITY'S FINANCES AND FOR ASSISTING THE GOVERNING BODY AND CITY STAFF IN EVALUATING CURRENT ACTIVITIES AND FUTURE PLANS. (OSCAR RODRIGUEZ)

A substitute Resolution incorporating the amendments proposed by the sponsor and the Finance Committee, is incorporated herewith to these minutes as Exhibit "13."

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee Meeting of Monday, November 9, 2015, is incorporated herewith to these minutes as Exhibit "14."

MOTION: Councilor Ives moved, seconded by Councilor Lindell, to adopt Substitute Resolution No. 2015-108 as presented.

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.

Explaining his vote: Councilor Maestas said, "Yes, but we're going to have to revisit the excess revenue from enterprise funds issue down the line, but yes."

16. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager.

17. MATTERS FROM THE CITY ATTORNEY.

Ms. Brennan said the City Attorney's Office will be closed on Friday for training.

18. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

19. 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 30, 2015, is incorporated herewith to these minutes as Exhibit "15."

Councilor Rivera

Councilor Rivera wished his parents a Happy Anniversary.

Councilor Rivera introduced an Ordinance amending Section 24-2.6 SFCC 1987, to extend the truck and other large vehicles traffic restriction on Jaguar Road from NM 599 (Veterans Memorial Highway) to Cerrillos Road. A copy of the Ordinance is incorporated herewith to these minutes as Exhibit "16."

Councilor Rivera said recently at the Chavez Center, a gentleman on the treadmill went into cardiac arrest and one of the life guards started proper CPR and used a defibrillator on him and actually brought him back to life. He would like to get the names of these individuals and recognize them at one of the committees or even at the Council which he thinks is very important to do.

Councilor Rivera said we used to have AED around the corner, and about a year ago he noticed it had disappeared from our building. He is unsure what happened to the AED Program which used to be part of City Hall when there were a number of AEDs around the City buildings. All of those have disappeared. He would Mr. Snyder to find out what happened to that program. He said there are studies that show that early CPR and early defibrillation are best for saving lives in early cardiac arrest.

Councilor Trujillo

Councilor Trujillo thanked all the veterans and wished them a very Happy Veterans Day tomorrow.

Mayor Gonzales said the Governing Body is invited to participate in the Veterans Day Parade tomorrow that starts at 10:30 a.m., and asked everyone to be there by 10:00 a.m. at Ft. Marcy, and asked them to bring their pins so they can give them out.

Councilor Lindell

Councilor Lindell had no communications.

Councilor Dominguez

Councilor Dominguez said he will not be attending the December meeting.

Councilor Dominguez wished everyone a Happy Thanksgiving.

Councilor Dominguez said he is cosponsoring Mayor Gonzales's Resolution on Bullying.

Councilor Ives

Councilor Ives introduced the following:

1. A Resolution donating a leasehold interest and fee waivers to the Santa Fe Civic Housing, pursuant to the Affordable Housing Act, for the rehabilitation of the Pasa Tiempo Housing site to maximize points awarded under the LIHTC application. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "17."
2. A Resolution donating a leasehold interest and fee waivers to the Santa Fe Civic Housing, pursuant to the Affordable Housing Act, for the rehabilitation of the Villa Hermosa housing site to maximize points awarded under the LIHTC application. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "18."
3. A Resolution directing Public Utilities Department staff to identify and apply for federal and state funding sources for water, wastewater and other water related projects. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "19."
4. An Ordinance establishing an Independent Salary Commission to set the Mayor's salary effective as of March 12, 2018.
5. A Resolution providing guidance on resolving Santa Fe's budget deficit and certain reporting requirements.

Councilor Ives said he has been made aware that there have been some issues in the billing system for water where there were enough problems that credits were given in a particular month, meters were read and then several months were aggregated together in peoples' bills, potentially resulting in them paying the lower tier rate and moving into the higher tier, where, as explained to him, the billing should have been more equitably split 50-50 between the months so the higher rate should not and would not have been incurred. He understands there was quite a scene at the Water Company yesterday. He asked Mr. Snyder to ask Mr. Schiavo about that, and he would like to hear how it will be solved.

Councilor Ives said he would also join Councilor Bushee's Resolution on GUTS as a cosponsor. He would like to cosponsor Councilor Dimas' measure as well.

Councilor Bushee

Councilor Bushee said she was going to ask the reason we are holding up on the Healthcare Study Group appointments, and then sees the Mayor's Resolution asking to reallocate the funding and postpone that effort, commenting we just appointed the majority of the Study Group and it was ready to go.

Mayor Gonzales said, "The reallocation request to the Council is to... we launched the Sustainable Santa Fe Commission without funding, and given our priorities in the City, I'm asking the Council to redirect the money that would go toward consulting services for the Healthcare Study Group to the Sustainable Santa Fe Commission so they can begin the process of creating the plan that we directed them to do."

Councilor Bushee said she didn't find the facilitation money to be necessary, so why does that have to preclude the Hospital and Healthcare Study Group from committing to its efforts. She said the Mayor's Resolution says you want to reallocate the funding and you want to postpone it, and reevaluate its purpose and scope in Spring 2016.

Mayor Gonzales said, "Yes. So one, reallocate the funding.... we did not allocate any money to the Sustainable Commission when we launched them. This \$50,000, was basically funded for the Healthcare Group without a lot of conversation of even how we were going fund some of these other initiatives like the Sustainable Commission, so I wanted that conversation. Two, a health plan was commissioned by Santa Fe County that was completed two years ago. And what I asked Mayor Coss to do is to consider looking at what the objectives and the goals were of that health plan and then what the goals were inside of this Committee and see which ones were relevant and have that conversation with the committee. Then, once those were defined, to be able to pursue some kind of funding mechanism that would meet those goals."

Councilor Bushee said, "Let me just repeat, I don't believe the \$50,000 is necessary to do the work on the Committee."

Mayor Gonzales said, "It's not helping the Committee in any way, shape or form."

Councilor Bushee said, "I don't mind that so much, but I'm really not understanding why the committee can't go forward. There are topical issues. Right now, the whole Presbyterian and Christus not accepting that. There are things that I continue to hear from folks on a regular basis. I've felt for the longest time that perhaps there was some dragging of the feet, but I was encouraged when more than 2/3 of the committee was appointed and we were ready to launch, and that was Mayor Coss as the Chair to get this going. I am sort of mystified."

Mayor Gonzales said, "The Resolution doesn't call for halt to the committee's work. I'm just asking for a reallocation of the funds."

Councilor Bushee said, "No, it says to postpone the Community Hospital and Healthcare Study Group and reevaluate its purpose and scope in the Spring of 2016 , at least in the title. I don't have the full Resolution here."

Mayor Gonzales said, "Well it doesn't stop it, it's an evaluation of its scope and purpose."

Councilor Bushee reiterated said the title says to postpone until Spring 2016.

Mayor Gonzales said, "It's open for debate. I feel that it's going to take us at least to the Spring to be able to get it launched, but my point is, I want to, we need to get serious about the Sustainable Commission. They need funds to get moving. I don't want to come back to the Council and ask for more expansion money. That money was allocated. It seems the money would better serve our Sustainable Commission than it will serve a contract to fund this effort. That is the point I'm hearing. And I'm happy to address the Resolution."

Councilor Bushee said, "My question before I saw the title of this Resolution, was what the heck is happening with the Study Group and why is it taking so long to get it going. I met with the last mayor, gosh at least it was Summer, I know it wasn't Fall, the former Mayor, and we were going to get going. It has now gone on a long time since this has been passed by the Council. I know Councilor Ives has always been less interested in moving forward. I'll read my Resolution in. But, I think it is incumbent on this Council to follow through with what we approved and what you've appointed, and I'm disappointed I guess."

Councilor Ives said, "On that point, I certainly, absolutely, have not lost any interest in..."

Councilor Bushee said, "You are a cosponsor on this."

Councilor Ives said, "In terms of how we structure the Hospital Study Group, we required court reporters and various mechanisms that would require expense. And as you know, part of our great problem was that funding was lost last year and we were able to get it back this year. And I was very appreciative and looking forward to moving that process forward if we can make some changes that eliminate some of those costs, I see no reason why we shouldn't proceed with that. And I still think we'll need funds, but I'm not sure about staff's capacity. I think that was another issue that prevented it from moving forward as quickly as it otherwise might. Staff was interested in engaging a consultant potentially from UNM, folks with knowledge and interest in the field and acting as facilitators of those meetings. So there was a need for funding, or at least it has been perceived. If we can eliminate some of those, I see no reason that we could not get started on the process, and it certainly isn't because I have lost any interest or intent in doing so. In fact, I think we need to broaden the endeavor a little to talk about issues of wellness across the community."

Councilor Bushee said, "We've got to get started is my concern."

Councilor Ives said, "Well, then join me in making a few changes that eliminate some of those costs and let's move it forward."

Councilor Bushee said, "My final statement on this is, I never thought that \$50,000 was necessary, but I just hate to see it used as the excuse to why it's not moving forward."

Councilor Bushee introduced a Resolution to support community efforts to develop a Grand Unified Trail System (GUTS), that allows non-motorized users to travel in a loop around the City of Santa Fe between popular natural surface trail networks, and between the City center and the periphery, and directing City staff to work with public and private sector partners to help achieve the "GUTS" vision. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "20."

Councilor Bushee said, "I sincerely wish all of our veterans a great celebration tomorrow and I will be there in the parade." She said she hopes the community turns out for the celebration, commenting it is near and dear to her heart. Her dad was one of 15 kids, and at one point he and 7 of his siblings were in World War II at the same time. She said the anniversary of his death is coming up on the 21st, and on his marker it says that he served in World War II and in Korea.

Mayor Gonzales expressed appreciation for the service of Councilor Bushee's father to our country.

Councilor Maestas

Councilor Maestas said he would like to cosponsor the Mayor's Bullying Resolution, the Mayor's enforcement of the Indian Arts & Crafts Sales Act, and cosponsor the two Public Housing Resolutions introduced by Councilor Ives.

Councilor Maestas asked Mr. Snyder the status of filling the position of Police Chief and his strategy for filling the position. He asked Mr. Snyder for an update on how long it is expected to be open. He is concerned about all the time has gone by without an appointment, unless "you have made a selection that we don't know about."

Mr. Snyder said, "I have not made a selection you don't know about, and you guys will be the first to know when I make a selection. But the process, I was given 45-60 days to try to fill the two vacant positions, the Police Chief, and the Director of Housing and Community Development. He said he has applications for both positions, which currently are being screened by HR. He hopes to do interviews prior to Thanksgiving, and have someone on board shortly thereafter."

Councilor Maestas said, regarding the Police Department, we know about the Memo put out by middle management under Chief Garcia, which highlighted a number of issues in the department, some of which were disturbing. He said, "You told me you were aware of it, so just in general, are we addressing all those issues. I know many were allegedly associated with the current Police Chief and his leadership. There were other issues that were disturbing to me. I know you are aware of them, and had been tracking

them, but can you give me just a brief status report. Are they mostly all addressed. Is Chief Gallagher making it one of his priorities to address some of those issues. Can you just shed some light on that Brian."

Mr. Snyder said, "Most of the items that were in that memo that you I and talked about, I was aware of, and had been addressed prior to Chief Garcia retiring. Any outstanding ones, I'm not aware of, but we're moving forward with an Interim Chief right now that doesn't have the same approach as the previous Police Chief, and I believe they have been addressed."

Councilor Maestas said he read in the newspaper that we hosted an economic summit and said he must have missed the email. He said apparently we surveyed businesses and the focus of the summit was to discuss the results of the survey. The article asked the reason the Councilors weren't there. He asked if there was an invitation, and did we get the results from the business survey. He said it's difficult to read in the paper that you are perceived as being indifferent by not showing up. He said, "But little do they know, I'm totally unaware of the survey and the results. It's disturbing to me because it's a City-sponsored event." He asked staff direction on this. He said this is something very important, and we need to be aware of how businesses feel and perceive City information. If we are going to gather information and hear them, we should all have the opportunity to be invited and at least show some concern.

Councilor Maestas reiterated his concern about the survey. He said perhaps he missed the email, but certainly, "being invited by press release is not the way to go, if that was the public notice that went out."

Mayor Gonzales said he asked the Chamber of Commerce to help host an event with small businesses that would represent a broad array of small businesses, to sit, to break into focus groups, and to try and get a response back on areas on which we needed to focus, areas of concern of the business community. He said Councilor Lindell attended as the leader of BQL which receives a lot of the City's business initiatives. It was by invitation only to small business owners. He said Kate Noble did state that one of the challenges of inviting Council as a whole to any of these meetings is the issue of quorums and discussions as quorums. He said the business surveys were sent to business throughout the past year, commenting he has had a dozen Coffee and Commerce with various business sectors where we collect these surveys. And the survey was released at that point to the business community.

Mayor Gonzales continued, saying this was an effort by the Economic Development Department with the Chamber of Commerce to pull in a group of business owners. He said people did ask about it, and Ms. Noble clarified where she could that the issue of quorums is an issue that always disrupts full participation by the Council at these events. He said they said they also had a film summit of the film industry as well to gather information. He said they definitely will give you a heads up in advance so you know they when these events are happening, reiterating we always try to address the issue of managing and noticing a quorum.

Councilor Maestas asked Ms. Vigil if there is a generic way we can post a certain activity and say there is the possibility of a quorum, and if that complies with the Open Meetings Act.

Ms. Vigil said, yes, we would have to notice it if there could be a quorum of the Governing Body.

Ms. Brennan said, "The Open Meetings Act deals with action by vote, discussing public policy or public business, so this would be a category. Many things. You can go to Christmas parties together, those kinds of things. Those aren't forums where you are discussing public business. This would be, so a quorum would matter."

Councilor Maestas said we concurred on a contract for a consultant to market our economic development goals, and "I thought, wow, how can I approve this when I don't know what our economic development goals are. And the only reason I say that is because I think economic development policy is under the purview of the entire Governing Body. And getting a copy of this survey would give us some insights. Who knows, maybe some of us have a few ideas about economic development." He asked, as a courtesy, for a copy of the survey results. Also, he thinks every single City Councilor and the Mayor should be invited to any City-sponsored events, unless there are extenuating circumstances. He believes public notice of the possibility of a quorum can be posted.

Councilor Dimas

Councilor Dimas introduced a Resolution contributing property and resources to Santa Fe Community Housing Trust for the development of the Soleras Station Low Income Housing Tax Credit Project pursuant to the Affordable Housing Act. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "21"

Mayor Gonzales

Mayor Gonzales said, "I want to thank Councilor Dominguez, Lindell, Trujillo, Bushee, Dimas and Maestas for joining the Resolution related to bullying. I know Councilor Bushee and Councilor Trujillo started this initiative a couple of years back, so it is continued. Thank you for your efforts in those areas.

Mayor Gonzales introduced the following:

1. A Resolution relating to School Bullying; requesting the City of Santa Fe and the Santa Fe Public Schools develop and implement a comprehensive reporting system to track incidents of bullying, administrative responses to incidents and a substantive program to educate youth, parents and city and school staff on the prevention of bullying. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "22."
2. A Resolution supporting the provisions for enforcement of the Federal Indian Arts and Crafts Act by the United States Attorney's Office and the United States Fish and Wildlife Service; and requesting that the New Mexico Attorney General work with downtown merchants and City staff to support greater enforcement of the New Mexico Indian Arts and Crafts Sales Act, Section 30-33-1 NMSA 1978. A copy of the Resolution is

incorporated herewith to these minutes as Exhibit "23."

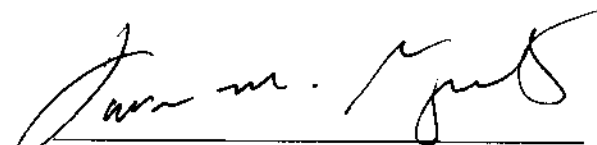
3. A Resolution, cosponsored by Councilor Ives, to create the Santa Fe Film Commission; and to support economic development and job creation in film and digital media. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "24."
4. A Resolution to reallocate funding from the Community Hospital and Health Care Study Group in pursuit of overall community wellness and a comprehensive approach toward a healthier community; and to postpone the Community Hospital and Health Care Study Group and reevaluate its purpose and scope in the Spring of 2016. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "25."

Mayor Gonzales said, regarding Councilor Maestas' question regarding the Police Chief, "I did ask that you [Snyder] spend time with the Public Safety Committee at one of their upcoming meetings prior to you pursuing interviews of candidates, so they can have input and provide some general input and thoughts on what they feel they would like to see or looked for in a new Police Chief."

I. ADJOURN

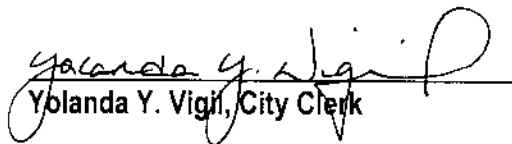
The was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 11:00 p.m.

Approved by:


A handwritten signature in black ink, appearing to read "Javier M. Gonzales", is written over a horizontal line.

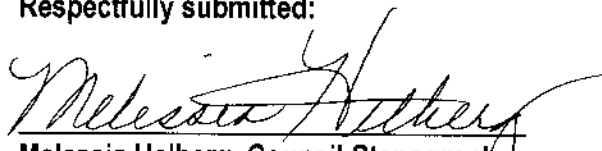
Mayor Javier M. Gonzales

ATTESTED TO:


A handwritten signature in black ink, appearing to read "Yolanda Y. Vigil", is written over a horizontal line.

Yolanda Y. Vigil, City Clerk

Respectfully submitted:


A handwritten signature in black ink, appearing to read "Melessia Helberg", is written over a horizontal line.

Melessia Helberg, Council Stenographer

CITY COUNCIL MEETING
EXECUTIVE SESSION
November 10, 2015

The Governing Body of the City of Santa Fe met in an executive session duly called on November 10, 2015 beginning at 7:00 p.m.

The following was discussed:

In Accordance with the New Mexico Open Meetings Act §§10-15-1(H)(2) and (7) NMSA 1978, Discussion Regarding Limited Personnel Matters, Including, Without Limitation, Discussion on Upcoming Union Negotiations; and 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.

PRESENT

Mayor Gonzales
Councilor Bushee
Councilor Dimas
Councilor Dominguez
Councilor Ives
Councilor Lindell
Councilor Maestas
Councilor Rivera
Councilor Trujillo

STAFF PRESENT

Brian K. Snyder, City Manager
Kelley A. Brennan, City Attorney
Yolanda Y. Vigil, City Clerk

There being no further business to discuss, the executive session adjourned at 7:41 p.m.


Yolanda Y. Vigil, City Clerk

ITEM #10-1

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, NOVEMBER 9, 2015**

ITEM 10

REQUEST FOR APPROVAL OF A RESOLUTION ESTABLISHING DESIGN STANDARDS FOR ALTERATIONS AND NEW CONSTRUCTION AT THE SANTA FE AIRPORT TERMINAL BUILDING; AND PROVIDING FOR HISTORIC PRESERVATION DIVISION DESIGN REVIEW IN CONSULTATION WITH THE CHAIR OF THE HISTORIC DISTRICTS REVIEW BOARD (COUNCILORS LINDELL, BUSHEE AND IVES) (DAVID RASCH)

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	Not Present		
COUNCILOR IVES	X		

Exhibit "1"

ITEM #10-o

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, NOVEMBER 9, 2015**

ITEM 13

REQUEST FOR APPROVAL OF A RESOLUTION ACKNOWLEDGING THE CITY OF SANTA FE'S OPERATING BUDGET DEFICIT AND ITS OUTLOOK; AND COMMITTING TO ADOPT POLICIES CONSISTENT WITH BEST PRACTICES TO ADDRESS THIS DEFICIT AND ITS OUTLOOK (COUNCILOR MAESTAS) (OSCAR RODRIGUEZ)

PUBLIC WORKS COMMITTEE ACTION: Denied

FUNDING SOURCE:

SPECIAL CONDITIONS / AMENDMENTS / STAFF FOLLOW UP:

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON TRUJILLO			
COUNCILOR BUSHEE	Not Present		
COUNCILOR DIMAS		X	
COUNCILOR DOMINGUEZ	X		
COUNCILOR IVES	X		

Exhibit "2"

11

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO RESOLUTION NO. 2015-__
Budget Policy Actions

Mayor and Members of the City Council:

I propose the following amendment(s) to Resolution No. 2015-__:

1. On page 2, line 9, *delete* “, before June 30, 2016”.

Respectfully submitted,

Councilor Joseph M. Maestas

ADOPTED: _____

NOT ADOPTED: _____

DATE: _____

Yolanda Y. Vigil, City Clerk

Exhibit "3"

ITEM #11

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, NOVEMBER 9, 2015**

ITEM 9

REQUEST FOR APPROVAL OF 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 (**COUNCILOR MAESTAS**) (**OSCAR RODRIGUEZ**)

PUBLIC WORKS COMMITTEE ACTION: Forward with No Recommendation; Return to PWC next meeting

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 "4"

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO BILL NO. 2015-__
Municipal GRT Dedication

Mayor and Members of the City Council:

I propose the following amendment(s) to Bill No. 2015-__:

1. On page 1, line 13 after "PATHWAYS" *insert* "; AND REMOVING THE PROVISION FOR ALLOWING THE USE OF EXCESS FUNDS FOR GENERAL MUNICIPAL OPERATIONS"

Respectfully submitted,

Joseph M. Maestas, Councilor

ADOPTED: _____
NOT ADOPTED: _____
DATE: _____

Yolanda Y. Vigil, City Clerk

Exhibit "5"



MEMORANDUM

TO: Mayor and Members of the City Council

FROM: Oscar S. Rodriguez, Finance Director

DATE: July 1, 2015

SUBJECT: Report on Resolution 2015-40

This memo provides staff's evaluation of the allocation and expenditure of Gross Receipts Tax revenue (GRT) from Section 18-10 SFCC 1987 as called for in your resolution of May 15, 2015.

You directed staff to evaluate the allocation and expenditure of GRT revenue collected from Section 10-10 SFCC 1987 so it could be determine whether there is a need to amend the dedication provision in the ordinance authorizing this tax. To comply with this directive, staff compiled all of the financial information stored in the City's financial accounting system and prepared the table shown below going back to 1996. While the Governing Body passed the enabling legislation for this tax in 1991, known today as the 1/4¢ Municipal GRT, the stored data does not go that far back. Hard copies of the budgets for the years going back to 1991 can be found in the archives, but their format and reporting methods vary from the electronic files and do not allow for a proper comparison. Nevertheless, the 19 years available in the system provide enough of a trend to allow for meaningful conclusions to be drawn.

You will note that over this time period, transit-oriented funds have together consistently

Fund		19 FISCAL YEARS FROM 1996 UNTIL PRESENT, AS OF THE 25TH OF THE MONTH																			Σ % of Total																		
		1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15																			
General	1001	1,565,742	1,590,840	1,590,840	1,470,553	1,459,787	1,523,554	1,395,507	1,353,642	1,475,071	1,885,338	1,996,844	2,067,940	1,939,667	1,171,811	852,500	1,178,153	943,217	1,254,265		22.3%																		
Capital Exp. Reserve	2215							400,000	448,200	440,000											0.3%																		
Side Finders	2304											7,700	12,701	11,840	17,958	14,384	14,205	15,822	22,937		0.1%																		
Northern Mtn. Park & Pk	2305		30,000		100,000																0.1%																		
Section 9 Transp. (HCD)	2327	303,611	298,085	352,866	352,860	352,860	352,860	570,366	550,057	561,058	562,528	596,829									4.1%																		
Quality of Life Init. & St.	2335	692,034	794,225	795,420	1,175,251	725,891	725,777	627,733	678,820	721,835	630,353	624,425	1,033,970	655,405	668,650	627,658	670,135	702,073	702,000		1.9%																		
Capital Outlay GRT	3102																14,589				0.0%																		
Transit C&M	5400	2,223,023	2,254,150	2,055,102	2,832,409	3,221,171	3,772,433	3,330,093	3,615,447	3,542,877	3,399,499	3,584,830	4,011,045	4,424,423	4,585,951	4,891,513	4,700,000	5,105,490	4,846,361		56.3%																		
Transit Fed Grants	5407		107,944	91,272	250,000	250,000	250,000														0.8%																		
Transit Fed Grant Match	5410							40,000	111,000	374,508											0.5%																		
Transit Bus Grant Match	5415										364,417	111,375	178,500	23,000					79,520		0.6%																		
Paratransit	5421												594,180	641,828	591,001	590,410	533,487	764,000	574,436		3.5%																		
		4,912,308	5,092,250	5,435,500	5,741,200	6,014,013	6,167,439	6,244,325	6,450,000	6,794,847	7,763,316	7,596,000	8,258,372	7,841,819	6,911,640	5,966,475	7,000,424	7,532,128	7,479,520		1																		
Beginning Cash																																							
2116 - Mun GRT		(6,694)	(17,683)	1,259	90,050	60,262	19,415	152,487	387,564	535,201	177,697	306,933	292,669	72,325	261,973	428,910	719,585	638,778	1,028,544																				
		<table><tr><td>Category</td><td>\$</td><td>%</td></tr><tr><td>Transit</td><td>74,073,057</td><td>91.9%</td></tr><tr><td>General</td><td>20,796,707</td><td>22.3%</td></tr><tr><td>Quality</td><td>13,791,824</td><td>11.3%</td></tr><tr><td>Other</td><td></td><td>4.4%</td></tr><tr><td></td><td></td><td>100.0%</td></tr></table>																			Category	\$	%	Transit	74,073,057	91.9%	General	20,796,707	22.3%	Quality	13,791,824	11.3%	Other		4.4%			100.0%	
Category	\$	%																																					
Transit	74,073,057	91.9%																																					
General	20,796,707	22.3%																																					
Quality	13,791,824	11.3%																																					
Other		4.4%																																					
		100.0%																																					

Exhibit "6"



received more than 60% of the funds appropriated from the Municipal GRT Fund. The Transit Operating Fund, which underwrites the Transit Division, has accounted for almost all this distribution (56%). The General Fund has received the 2nd largest share (22%) of the total amount appropriated over the past 18 years. The transfers to the General Fund arrive with no effective designation and commingle with the many other revenue streams pouring into this fund. The Quality of Life Fund has been appropriated the 3rd largest share (12%). Along with the General and Quality of Life Funds, there are other funds that draw from the Municipal GRT Fund that are not specifically transit-oriented. As a group, however, these funds amount to less than 5% of the total disbursed since 1996.

The fund's ending balances over this 18-year period have oscillated with no apparent pattern from a low of negative amounts in the early years to a high of \$0.76 million two fiscal years ago. The oscillation is just as pronounced in terms of percentage of either revenues or expenditures, with a low of 0% at the start of this period to a high of 10% recently. FY 2014-15 is projected to close with an ending balance of \$ () (%). The FY 2015-16 budget was approved with an anticipated ending balance of \$ () (%). To be sure, this fund is currently in an operating deficit. Recurring expenditures exceed recurring revenues, which are guaranteed to at best fall slowly with the sunset of the "hold harmless" GRT payment by the state. If the trend is not corrected, this fund will eventually come to draw funds from the General Fund instead of paying into it.

The pattern of appropriation of Municipal GRT funds appears generally consistent with the language of the legislation that prescribes how this revenue stream is to be distributed:

18-10.4 C.

Revenue from the fifth one-quarter percent (1/4%) increment of the municipal gross receipts tax is dedicated to the public bus system and quality of life purposes in the following manner:

- (1) Finance the acquisition, operation, maintenance and any other expenses necessary for or incidental to the provision of a public bus system. In the event that the public bus system is ever discontinued, the funds allocated to this paragraph shall be used for general municipal operations and the discontinuance of the public bus system shall not affect the allocations set out in paragraph (2) below. The governing body shall not discontinue the public bus system until the notice and hearing requirements of subsections 2-2.3A, 2-2.3B, 2-2.4A, 2-2.4D, 2-2.6 SFCC 1987 have been met.*
- (2) After satisfying the provision of a public bus system, the remaining proceeds of the gross receipts tax shall be allocated as set forth in subparagraphs (2)(a) and (2) (b) below.*



- (a) Up to two-thirds (2/3) of the proceeds remaining following the distributions provided in paragraph C(2) of the gross receipts tax shall be used for general municipal operations.*
- (b) Up to one-third (1/3) of the proceeds remaining following the distributions provided for in the paragraph C(1) of the gross receipts tax shall be used exclusively for the following quality of life purposes: recreation, open space, libraries, and parks.*

Veteran City staffers explain that the standing practice during the budget process has been to first attempt to meet the Transit Division's budget requests before allocating resources from this GRT to the General and other funds. The FY 2015-16 Budget continued this approach. To the extent that Transit Division has presented and the Governing Body has addressed the community's transit priorities during the annual budget development process, the GRT has been used to satisfy the public bus system funding needs with the available resources and appropriated the balance to quality of life purposes as set out in the ordinance. Based on this, staff does not recommend any changes to the ordinance at this time.

I am available to answer any questions you may have or provide further information as you require.

From: JON BULTHUIS [jbulthuis@ci.santa-fe.nm.us]
Subject: Information Request: City Council Agenda Item #10j
Date: May 12, 2015 at 2:10 PM
To: JOSEPH MAESTAS [jmaestas@ci.santa-fe.nm.us]
Cc: Brian Snyder [bsnyder@ci.santa-fe.nm.us], OSCAR RODRIGUEZ [osrodriguez@ci.santa-fe.nm.us]

Clr. Maestas –

As requested, the following bullet points provide a general overview of the ¼% Quality of Life GRT allocation to the Transit Division, along with an overview of the federal funding situation, and finally the operating/capital needs of the existing transit programs including Santa Fe Trails (fixed-route bus), Santa Fe Ride (para-transit vans), and Santa Fe Pick-Up (downtown/museum shuttle):

- A “transfer-in” from the ¼% GRT is made during the budget process to support ongoing operations of the transit services being delivered and approved by City Council (existing service plan)
- Demand for increased services, expressed through the Transit Master Plan process (currently underway), are considered on a case by case basis as funding is available (i.e. service to SFCC on Saturdays, more frequent service on existing routes, new routes to serve new destinations, etc.)
- The “periodic assessment” of how the ¼ % GRT collected is budgeted and expended has not occurred, to my knowledge, during my tenure with the City of Santa Fe
- Federal operating funds have remained fairly stable in recent years (although uncertainty exists in that the U.S. DOT’s funding awaits Congressional re-authorization)
- ✗ • Federal capital funds have decreased from an average of approximately \$1M+ per year to \$100K+ per year forcing local governments to pick up the difference
- ✗ • Fleet replacement funding requirements for Santa Fe Trails fixed-route bus fleet, alone, average \$1.5M/year (needed for cyclical replacement of the 30 bus fleet, with 10-year life buses, at a pace of 3 buses/year, at a cost of +/- \$500K per bus)
- ✗ • Costs to replace Santa Fe Ride Paratransit vehicles, Santa Fe Pick-Up vehicles, and support vehicles are in addition to the fixed-route fleet replacement needs
- ✗ • Costs to place and maintain street furniture (shelters and benches), in addition to the Downtown and Southside Transit Centers, fall in part to the city as well once competitive discretionary grant funds are exhausted

The key long-term funding shortfall for the Transit Division is fleet replacement. Unless the future Federal Transportation Act includes capital funding allocations at levels of years past, the need for +/- \$1.5M per year to keep the fleet on a regular replacement schedule will fall to the City of Santa Fe. As you know, we recently were forced to cut the level of service delivery in order to free-up operating funds to

cover the debt service required to purchase replacement buses. That was a necessary one-time fix, but not a sustainable practice. Note that the New Mexico Transit Association is also working with the State Legislature to address this funding shortfall, but as yet, New Mexico remains one of just a handful of states that does not support local transit capital or operating costs with state revenues.

The systems capital needs are fairly straightforward and quantifiable, as described above, but please let me know if you have any questions or would like further information prior to Wednesday's City Council meeting.

Jon

**GROSS RECEIPTS
TAX**

FORBIDDEN BY
STATE AND FEDERAL
CURRENTLY COLLECTED IN
GROSS RECEIPTS TAX

FY 14-15

FY 14-15

DISTRIBUTED TO:	CENTS	ALLOCATION TO CITY 2014-15 BUDGET	PLEGDED DEBT SERVICE	OPERATIONS	Budget FY 14-15	
					Budget Debt Payments	OPERATIONS
The State (1,225 is returned to the city)	4.6250	40,328,962	40,328,962			40,328,962
State increment in lieu of food GRT	0.5000	N/A (included in other listed City categories)				
San Francisco County Operations		N/A (SF County)				
Capital Operations		N/A (SF County)				
Capital Operations		N/A (SF County)				
Capital Operations		N/A (SF County)				
Capital Operations		N/A (SF County)				
Capital Operations		N/A (SF County)				
City Capital Improvement Plan	0.5000	15,594,000	15,594,000		12,511,882	3,082,118
General City Operations	0.5000	15,806,316		15,806,316		15,806,316
Mun. G.R.T. (Bus Systems, Quality of Life, Revenue Loss)	0.2500	7,797,000		7,797,000	329,205	1,254,266.04
General Fund						22,937.04
Ride/Linkers						702,000
Quality of Life						4,846,361.04
Transit Bus Operations						80,000.04
SF Trails Wellfare to Work						574,436.04
SF Pastorelli Operations						
Mun. G.R.T. Environmental (WW)	0.0625	1,926,500	1,926,500		1,538,550	387,950
Mun. G.R.T. Infrastructure:						
Solid Waste	0.0625	1,926,500	1,926,500		1,307,660	618,840
Railyard	0.0625	1,926,500	1,926,500		1,880,711	45,789
Police	0.0625	1,966,800		1,966,800		1,966,800
Chavez Center	0.0625	1,926,500		1,926,500		1,926,500
Water	0.2500	7,695,000		7,695,000	7,895,000	0
Mun. Equivalent Distrib		350,000		350,000		350,000
TOTAL	8.1875	97,244,078	61,702,482	35,541,616	25,263,008	71,981,070
				97,244,078		97,244,078

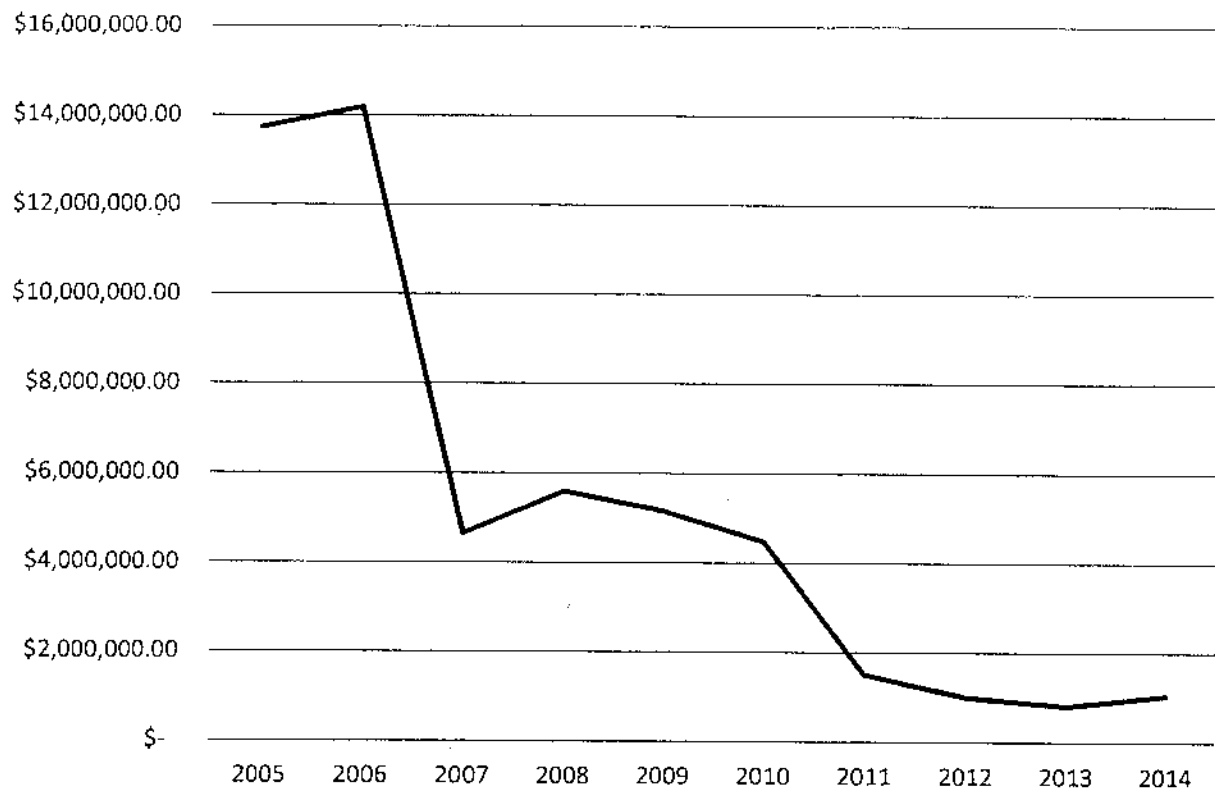
Southside Transit Center - Cost Estimates

Option #1 - Exterior Work Only (w/o parking)	\$1,116,789
Option #1 Modified - Exterior Work (w/ minimal parking)	\$1,200,000
Option #1A - Exterior Work (w/ minimal parking) <i>Plus minimal interior remodeling to allow indoor waiting area, public restrooms, customer service window, and staff office spaces (diagram)</i>	\$1,500,000

Southside Transit Center - Funding Sources

FTA Grant Award <i>Funds remaining after purchase of bus shelters</i>	\$544,093
Sale of Adjacent Land	\$248,000
Dedication of Roadway Impact Fees <i>(\$1,950,000 current account balance)</i>	\$707,907
Total Project Cost	<hr/> \$1,500,000

FTA Discretionary Grant History: 2005 - 2014



DEPARTMENT OF TRANSPORTATION 2005

	<u>Award Amount</u>
Section 5309 20.500 NM030026	\$3,942,820
Section 5309 20.500 NM03X022	\$977,186
Section 5309 20.500 NM03X048	\$381,370
Section 5309 20.500 NM030034	\$4,429,201
Section 5309 20.500 NM030035	\$2,999,029
Section 330 20.500 NM700001	<u>\$993,500</u>
	\$13,723,106

DEPARTMENT OF TRANSPORTATION 2006

	<u>Award Amount</u>
Section 5309 20.500 NM030026	\$3,942,820
Section 5309 20.500 NM03X022	\$977,186
Section 5309 20.500 NM03X048	\$381,370
Section 5309 20.500 NM030034	\$4,429,201
Section 5309 20.500 NM030035	\$2,999,029
Section 5309 20.500 NM03X045	<u>\$1,457,667</u>
	\$14,187,273

DEPARTMENT OF TRANSPORTATION 2007

	<u>Award Amount</u>
Section 5309 20.500 NM03X0042	\$196,736
Section 5309 20.500 NM030035	\$2,999,029
Section 5309 20.500 NM03X045	<u>\$1,457,667</u>
	\$4,653,432

DEPARTMENT OF TRANSPORTATION 2008

	<u>Award Amount</u>
Section 5309 20.500 NM03X0042	\$196,736
Section 5309 20.500 NM030035	\$2,999,029
Section 5309 20.500 NM58X001	\$445,500
Section 5309 20.500 NM58X002	\$500,000
Section 5309 20.500 NM03X045	<u>\$1,457,667</u>
	\$5,598,932

DEPARTMENT OF TRANSPORTATION 2009

	<u>Award Amount</u>
Section 5309 20.500 NM03X0042	\$196,736
Section 5309 20.500 NM030035	\$2,999,029
Section 5309 20.500 NM58X002	\$500,000
Section 5309 20.500 NM03X045	<u>\$1,457,667</u>
	\$5,153,432

DEPARTMENT OF TRANSPORTATION 2010

	<u>Award Amount</u>
Section 5309 20.500 NM03X0042	\$196,736
Section 5309 20.500 NM030035	\$2,999,029
Section 5309 20.500 NM58X002	\$500,000
Section 5309 20.500 NM03X056	\$490,050
Section 5309 20.500 NM04X006	<u>\$294,000</u>
	\$4,479,815

DEPARTMENT OF TRANSPORTATION 2011

	<u>Award Amount</u>
Section 5309 20.500 NM58X003	\$500,000
Section 5309 20.500 NM58X004	\$700,000
Section 5309 20.500 NM04X006	<u>\$294,000</u>
	\$1,494,000

DEPARTMENT OF TRANSPORTATION 2012

	<u>Award Amount</u>
Section 5309 20.500 NM58X004	\$700,000
Section 5309 20.500 NM04X006	<u>\$294,000</u>
	\$994,000

DEPARTMENT OF TRANSPORTATION 2013

	<u>Award Amount</u>
ARRA-Section 5309 20.500 NM96X003	\$797,882

DEPARTMENT OF TRANSPORTATION 2014

	<u>Award Amount</u>
ARRA-Section 5309 20.500 NM96X003	\$797,882
Section 5309 20.507 NM04X0032	<u>\$240,000</u>
	\$1,037,882

Fixed Route Bus Replacement Schedule																
09/12/2013																
Bus Yr	Bus Type	Existing	FY12/13	FY13/14	FY14/15	FY15/16	FY16/17	FY17/18	FY18/19	FY19/20	FY20/21	FY21/22	FY22/23	FY23/24	FY24/25	End Qty
2001	Bluebird	R	10	0	-10											0
2002	Bluebird	R	7		-7											0
2008	Eld EZRider II	R	6					-3								0
2009	Eld Passport	R	4			-4										0
2011	Eld EZRider II	R	6										-3	-3	-2	0
2012	Gillig	R	2													0
2014	Gillig	N			5											5
2015	Bus	N				7										7
2016	Bus	N					3									3
2017	Bus	N														3
2018	Bus	N							3							3
2019	Bus	N								2						2
2020	Bus	N									2					2
2021	Bus	N										2				2
2022	Bus	N											2			2
2023	Bus	N												1		1
2024	Bus	N													1	1
Annual Change			35	0	-5	0	-1	3	0	-1	2	2	-1	-2	-1	31
Total Buses in Fleet			35	35	30	30	29	32	32	31	33	35	34	32	31	
Peak Pullout			23	23	23	23	23	23	23	23	23	23	23	23	23	0
Spare Ratio			52%	52%	30%	30%	26%	39%	39%	35%	43%	52%	48%	39%	35%	
Contingency Fleet																
Bus Yr	Bus Type	Existing	FY12/13	FY13/14	FY14/15	FY15/16	FY16/17	FY17/18	FY18/19	FY19/20	FY20/21	FY21/22	FY22/23	FY23/24	FY24/25	End Qty
2002	Bluebird	R				3			-3							0
2008	Eld EZRider II							3	3			-3				0
2011	Eld EZRider II												3	3	-2	4
2012	Gillig														2	2
Annual Change			0	0	0	3	0	0	0	3	0	-3	0	3	0	6
Total Buses in Cont. Fleet		0	0	0	0	3	3	3	3	6	6	3	3	6	6	

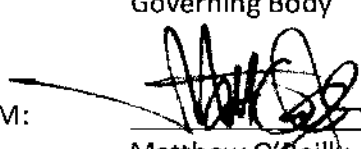
City of Santa Fe, New Mexico

memo

DATE: October 30, 2015

TO: Governing Body

FROM:


Matthew O'Reilly, P.E.
Asset Development Director

ITEM

Review of Resolution 2015-55, "A RESOLUTION AUTHORIZING MOBILE VEHICLE VENDORS WITHIN THE PLAZA PERIPHERY AREA AT SPECIFIC LOCATIONS AND AT LIMITED TIMES, PURSUANT TO THE VEHICLE VENDOR ORDINANCE, 18-8.9 SFCC 1987", as directed by the Governing Body at their meeting of May 27, 2015.

BACKGROUND

On May 13, 2015 the Governing Body adopted the "Vehicle Vendor Ordinance" (Ordinance 2015-13). The ordinance renamed and amended the so-called "Street Vendor Ordinance" which had been in place for many years. Among a number of amendments, the Vehicle Vendor Ordinance retained the existing provision prohibiting Vehicle Vendors within the Plaza Periphery area¹ but added the option for the Governing Body to authorize Vehicle Vendors within the Plaza Periphery area by adopting a Resolution.

On May 27, 2015, in accordance with the provisions of the Vehicle Vendor Ordinance, the Governing Body adopted Resolution 2015-55 authorizing Mobile Vehicle Vendors at three specific locations within the Plaza Periphery area (see attached) beginning on June 8, 2015. The Governing Body also directed staff to report back on the operation of the Resolution after the conclusion of the 2015 Albuquerque International Balloon Fiesta.²

MOBILE VEHICLE VENDOR LICENSES

Under the previous "Street Vendor" ordinance a maximum of fifteen (15) street vendor permits could be issued per calendar year; ten (10) licenses for vending food and five (5) for vending non-food items.

¹ As defined by §23-5.1(V) SFCC 1987, "Plaza periphery area means an area outside the Plaza Park, not including the Plaza Park, bounded by Sandoval and Grant Streets on the west, Alameda Street on the south, Paseo de Peralta on the east and Marcy Street on the north. This area includes both sides of the boundary streets." (See Exhibit B).

² This memorandum addresses Resolution 2015-55 as directed by the Governing Body; it is not a review of the Vehicle Vendor Ordinance.

Exhibit "7"

To date, a total of fifteen (15) annual Mobile Vehicle Vendor licenses have been issued during the 2015 calendar year. Nine (9) of these licenses were issued prior to the adoption of the new Vehicle Vendor Ordinance and Resolution. Six (6) were issued after adoption of the Ordinance and Resolution; four (4) of these six licensees also chose to pay the \$150 "Supplemental Fee" required to vend within the Plaza Periphery area. Of the fifteen total Mobile Vehicle Vendors licensed to date, thirteen (13) were food vendors and two (2) were non-food vendors.

OBSERVATIONS

Parking

Concerns were expressed prior to adoption of the Resolution that conflicts would arise between competing Mobile Vehicle Vendors (MVVs) over the three authorized parking spaces; these conflicts have not materialized. The most significant problem related to parking actually involved other types of vehicles parking (or attempting to park) in the three spaces reserved for MVVs after 6:00 p.m. Staff observed that in many instances drivers were having trouble seeing the restricted parking signs that were installed because the signs much higher than the driver's eye level. Staff informed the Parking Division and subsequently additional smaller signs were added closer to driver eye level; these signs also contain some typos that should to be corrected.

Staff also believes that the general perception of the public is that the city does not enforce parking regulations after 6:00 p.m.; several drivers expressed this belief and surprise while being asked to move their vehicles.

Staff did not observe MVV parking at these three locations late into the evening as the Resolution allows. During the summer months the MVV that was most frequently present usually stopped vending and left the area soon after the plaza band stand event ended.

Trash

Concerns were expressed prior to adoption of the Resolution that MVVs would leave trash and mess on the street; no problems have materialized.

Supplemental Fee

The adopted \$150 Supplemental Fee charged to park in the three locations authorized by the Resolution did not appear to be a problem. One MVV reported that he made between \$100 to \$250 (on a good night) and that that essentially paid for the Supplemental Fee.

Complaints

Staff did receive some complaints about the MVVs in the Plaza Periphery area. One MVV was found to be playing music from his vehicle and putting signs out on the sidewalk. On at least one occasion this same MVV was found to be arriving too early (prior to 6:00 p.m.) in an attempt to reserve one of the three parking locations. This MVV was contacted by staff and immediately

corrected these violations. Another MVV apparently chose to park backward on the street (a violation of the Traffic Code), presumably because the customer service window of their vehicle was on the wrong side. Staff also observed that not all MVVs were displaying both their city-issued Vehicle Vendor License and their state-issued Food Establishment Permit on the outside of the vehicle as required.

As a result of these early problems, the city Business License Office now hands out copies of the Vehicle Vendor Ordinance and Plaza Periphery Resolution when it issues the licenses. Regular follow-up by code enforcement (or other assigned staff) is recommended.

Some confusion may also exist over whether Mobile Vehicle Vendors are allowed with the Plaza Periphery if they are part of an approved Special Event permitted by the city. This could be clarified by a minor amendment to the Resolution.

Inquiries

Staff did receive inquiries from the public regarding the provisions of the Resolution (and related Ordinance provisions). Some inquiries came from MVV operators wanting to take up more than one parking space, presumably because their particular vending vehicles were larger than normal. Staff also met with a business owner with a physical address who was contemplating creating a vending vehicle without a sidewalk-side customer service window – instead this potential MVV inquired whether it would be allowed to serve customers who would stand in the street at the back of the vehicle or whether the vehicle operator could stand on the sidewalk and sell.

REQUESTED ACTION

Please discuss this memorandum and provide staff with direction regarding this Resolution.

Exhibits: A – Resolution 2015-55;
 B – Map of Plaza Periphery area;
 C – Minutes of the May 27, 2015 City Council meeting.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

2

3

5

6

7

8

10

11
12
13

15
16
17

18
19
20
21

22
23

24

25

1 location, and prohibits mobile vehicle vendors from parking within one hundred fifty (150) feet of the
2 street-level entrance to any restaurant, unless such prohibited activities are authorized by a resolution
3 of the Governing Body.

4 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
5 **CITY OF SANTA FE** that pursuant to the provisions of 18-8.9(C)(7), 18-8.9(D)(3), and 18-
6 8.9(D)(4) SFCC 1987, effective June 8, 2015 mobile vehicle vendors are authorized within the Plaza
7 Periphery Area at the following locations and at the following times:

8 Locations: Three (3) on-street parking spaces identified on the "PLAZA PERIPHERY
9 AREA – VEHICLE VENDOR MAP" below.

10 Times: 6:00pm to 2:30am.

11 Exceptions: Mobile vehicle vendors are not authorized at the above locations during the
12 permit period, or twenty-four (24) hours prior to the commencement of the
13 permit period, of any major commercial event permitted by the city pursuant
14 to §23-5.2 SFCC 1987 or any other special event permitted by the city within
15 the Plaza Periphery area that requires the use of the above locations by the
16 special event sponsor.

17 **BE IT FURTHER RESOLVED** that:

18 (1) City staff shall install parking signs at the locations identified by this resolution. The
19 signs shall state that parking is prohibited by vehicles, other than mobile vehicle vendors, during the
20 times identified above; and

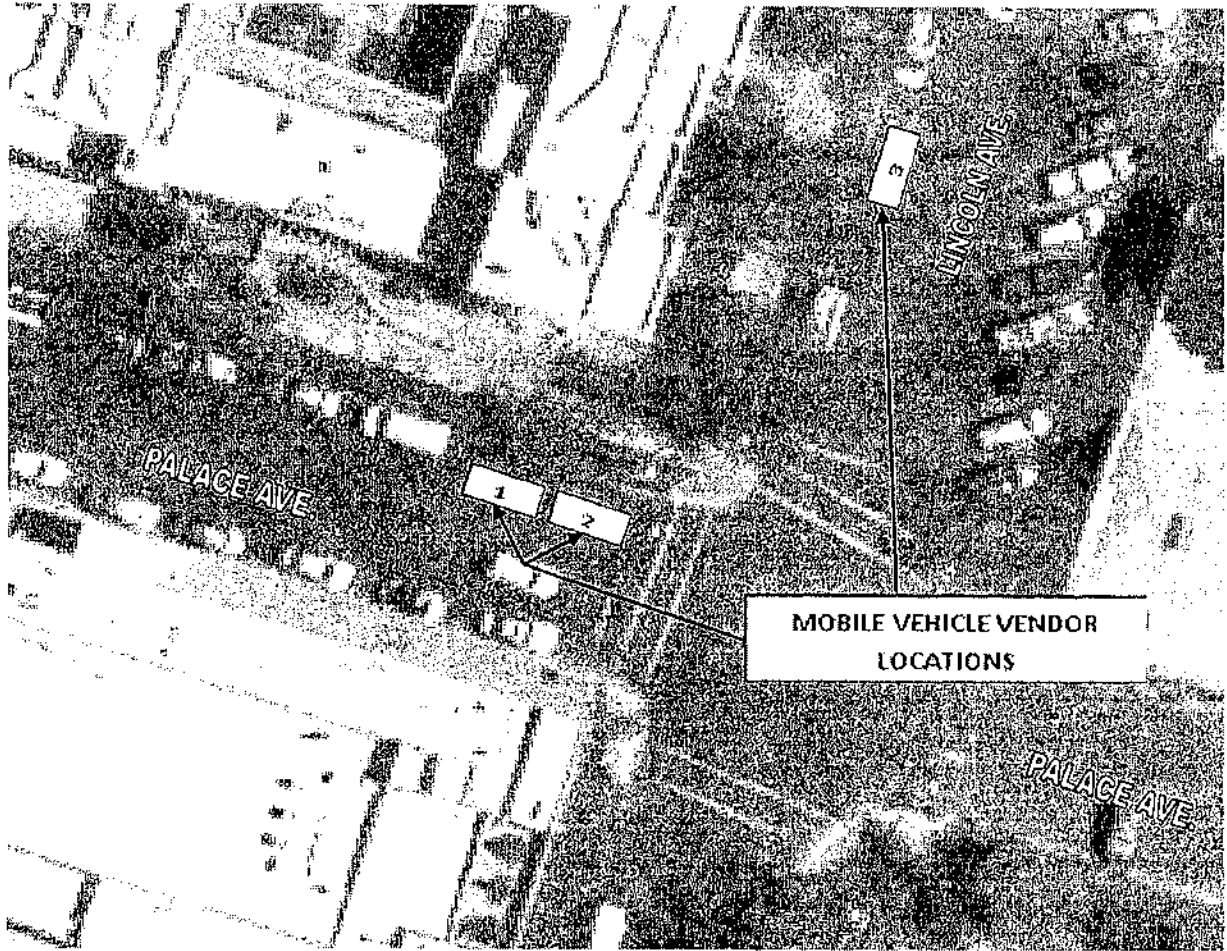
21 (2) Mobile vehicle vendors parked at these locations shall remain in compliance with the
22 Vehicle Vendor Ordinance at all times.

23 (3) Licensed Mobile Vehicle Vendors shall pay a "Supplemental Plaza Periphery Fee" of
24 \$150.00 to vend at the above locations

25 (4) The city manager is authorized to adopt administrative procedures for the

1 management and enforcement of the use of the above locations should the need arise.

2 **PLAZA PERIPHERY AREA – VEHICLE VENDOR MAP**



18 PASSED, APPROVED, and ADOPTED this 27th day of May, 2015.

19
20
21

JAVIER M. GONZALES, MAYOR

22 ATTEST:

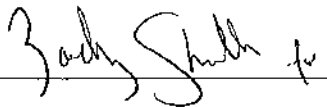
23
24
25

YOLANDA Y. VIGIL, CITY CLERK

1 APPROVED AS TO FORM:

2

3

_____

4

KELLEY A. BRENNAN, CITY ATTORNEY

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

M: Legislation/Resolutions 2015/2015-55 Vehicle Vendors Plaza Periphery

Mayor Gonzales said he agrees, it has taken a while.

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

H. PUBLIC HEARINGS

- 1) **REQUEST FROM ESTEVAN, LLC, FOR A RESTAURANT LIQUOR LICENSE (BEER AND WINE, WITH ON-PREMISE CONSUMPTION ONLY) TO BE LOCATED AT ESTEVAN, 125 WASHINGTON AVENUE. (MELISSA BYERS)**

The Staff Report was presented by Melissa Byers.

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

MOTION: Councilor Bushee moved, seconded by Councilor Lindell, to approve the request for a Restaurant Liquor License (Beer and Wine, with on-premise consumption only) to be located at Estevan, 125 Washington Avenue, with all conditions of approval 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 Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: None.

* →

- 2) **CONSIDERATION OF RESOLUTION NO. 2015-55 (COUNCILOR LINDELL, MAYOR GONZALES, COUNCILOR IVES, COUNCILOR DOMINGUEZ AND COUNCILOR RIVERA). A RESOLUTION AUTHORIZING MOBILE VEHICLE VENDORS WITHIN THE PLAZA PERIPHERY AREA AT SPECIFIC LOCATIONS AND AT LIMITED TIMES, PURSUANT TO THE VEHICLE VENDOR ORDINANCE, 18-8.9 SFCC 1987. (MATTHEW O'REILLY). (Postponed at May 13, 2015 City Council meeting)**

Matthew O'Reilly said two weeks ago the Council heard this item and postponed it, and two additional amendments have been proposed since that time, one by Councilor Lindell and one by

Councilor Maestas. Mr. O'Reilly said some of the original provisions in Councilor Lindell's first Resolution are incorporated to make the Resolution more clear, and those are in the packet. He said #8 of Councilor Maestas's amendment references a map which should be the same one as proposed as an amendment by Councilor Lindell.

Councilor Lindell asked Mr. O'Reilly to clarify the last point, the truck locations in the amendment.

Mr. O'Reilly said to make it clear, Councilor Lindell's original amendment contained a map that assigned 3 locations for the mobile vehicle vendors and the amendment in the packet proposed by Councilor Maestas also references the same map, intending for the locations to be exactly the same as those in Councilor Lindell's amendment. However, the map didn't make it into this packet.

Councilor Lindell said, "I'm going to clarify. Councilor Maestas is suggesting the same locations that I had suggested in the original amendment. So there's two spaces that sit on Palace and one space that sits on Lincoln."

Mr. O'Reilly said that is correct, noting there are slight differences between Councilor Maestas's proposal and Councilor Lindell's proposal. "Councilor Lindell's amendment sets the time for the mobile vehicle vendors to be present, from 6:00 p.m. to 2:30 a.m. Councilor Maestas has proposed that the time be 6:00 p.m. to 1:00 a.m., so slightly less time. Councilor Maestas's amendment proposes that the Resolution be in place from June 8th to October 12th, essentially as a pilot period, and then the Resolution expires. So it would not continue unless the Governing Body reviewed it afterward and decided to continue it the following year.

Mr. O'Reilly continued saying, "Another change proposed by Councilor Maestas is that any licensed mobile vehicle vendor that wants to park at one of these 3 spaces would pay an additional supplemental Plaza Periphery Fee of \$150, in addition to the normal fee they charge to license the vehicle vendor. That was in response to some of the discussion at the last Council meeting about the perceived disparity between what the Plaza Pushcart Vendors are charged in relation to what the mobile vehicle vendors parked at these 3 locations are charged. Those are the differences between what Councilor Maestas has proposed and what Councilor Lindell has proposed as amendments."

Mayor Gonzales asked if that is \$150 per day.

Mr. O'Reilly said no, it is a one time, one year fee of \$150.

Councilor Lindell said she would insert that she also had one other amendment.

Mr. O'Reilly said, "Councilor Lindell also suggests an amendment on packet page 6, that states, 'Be It Further Resolved that the Governing Body shall review this Resolution in October 2015, after the Albuquerque International Balloon Fiesta (October 12, 2015).'

Councilor Rivera said he has two maps in his packet, one of which has all 3 vendors on Palace Avenue, and the other has 2 on Palace Avenue across from the bank and one further down on Lincoln.

Mr. O'Reilly said the second map is the one that is proposed, noting the first was the originally proposed map which Councilor Lindell proposes to amend.

Councilor Rivera said the third location will be behind the Tour services that are provided now.

Mr. O'Reilly said that is correct, and this would be the metered parking directly behind the two spaces for tour services.

Public Hearing

Robert Andriatti, Director, Santa Fe Downtown Merchants Association, said he is speaking on behalf of that organization. He said the Association believes there are issues in the vendor ordinance that have been insufficiently vetted. First, they believe the incremental cost of additional food vendors in the Plaza at this time of the evening is greater than zero, and believe there will be additional trash cost, security cost, and the unresolved issue of restrooms. He said two weeks ago when the Council heard the previous ordinance, several representatives of First National Bank told the Council that their parking lot is the Plaza restroom at this time. He doesn't think there's any real argument to that. Second, they believe the food vendor trucks at these locations will interfere with other existing businesses. They understanding that the Museum of Fine Arts wasn't consulted for its input regarding the impact of the trucks on their business, and they believe it would be an interference and would also interfere with the Chamber Music Festival. They are unaware of any give and take with regard to that. Third, they believe that the food vendor trucks will be unfair to the existing restaurants in the Plaza and surrounding area. He said competition is okay, but competition for its own sake is not. Competition is a means not an end.

Mr. Andriatti continued, saying each of the restaurants and each of the businesses set up shop where they are, and had a certain outlook over the surrounding area already. And now the City is unilaterally changing that and that's not fair to the restaurants.

Daniel Werwath, 1726 Agua Fria Street, said he is here to speak in favor of Councilor Lindell's amendments to the mobile vehicle vendor ordinance to allow for vendors in the Plaza periphery. He thinks it's important that they are at the least, a key part of this. They aren't interfering with any existing business by being open late. And in fact, it provides more safety for people on the street exiting bars and other things that close at 2:00 a.m., and also a key source of revenue. In a lot of places, the food trucks just set up when the bars empty. He thinks it is very critical and thinks "it's a poison pill" if you don't include the later time deadline. He thinks it's good to try new things, and this is a new thing, and you want to look back on it and judge how it's worked. He believes we need to create more opportunities to bring new businesses onto the Plaza at a lower cost. He said we've seen great examples of businesses using pop-ups to turn into very viable restaurants, Dr. Field Goods is a great example. He said he thinks *[inaudible]*

the winner last year. Good people are going to start these businesses and turn into bigger businesses as they grow and this gives them a foothold to do that. Lastly, he thinks we need to bring new people and locals to the Plaza and this is a good way to do this. He said if you're walking down the Street thinking you're doing to dinner at [inaudible], you're not going to peel off and get a taco in front of the Museum. It's not a competition thing. We need to stop protecting things like this. He would love for the City to close off the entire Plaza to rent to existing restaurants for table seating in the lanes. There is tons of wasted space there, and you could create revenue and create more things to bring locals downtown which he believes is really key.

Shannon Murphy, 106 Mesa Vista, representing the Nighttime Economy Task Force, which has been organized by the BQL. She is here to express the Task Force's and her personal support for this Resolution. She said lots of people think nightlife is about young people, but through the 6 months they've been meeting, the Task Force is aligned around the belief it is perhaps even more about tourism and presenting a vibrant and exciting experience to visitors to Santa Fe. Food trucks are burgeoning national and international trends. Anyone that has been downtown at night has run into tourists stumbling around looking for something to eat and to do, especially after the restaurants are closed when people are getting out of the bars and they are hungry. She sees this about providing tourists and locals with an excellent experience of downtown and bringing the vibrancy into the streets so people can experience Santa Fe as a historic destination as well as a 21st Century destination for tourism. The task force learned a lot of people work downtown that can't afford to eat at restaurants for the nighttime meal, and they either pack lunches or just don't eat. She thinks there is the potential to generate more gross receipts from locals working downtown who spend money at a food truck to get something cheaper for their dinner break or after their shift is over.

Stefanie Beninato said she works downtown and feels empathy for the downtown restaurant owners. She understands food trucks provide something different, but sees the restaurants as supporting the City with actual gross receipts which might be a little harder to track in a food truck, and they pay utilities which contributes to infrastructure development, so they contribute more in a sense. She has seen vacancies downtown with alarming frequency. She is happy this is proposed but has a review period. Her suggestion is to start the food trucks later. She said having the food trucks later tonight is a great opportunity and they don't compete directly with the restaurants. She said if they started at 8:00 p.m., they would still get traffic and the restaurants will close at 9:00 to 10:00 p.m. She appreciates that you thought through this and that there is a review period on it and hopes there is a way to track sales in these trucks so everybody can benefit from it.

Former Councilor Frank Montano said he has nothing against the trucks *per se*, but has observations. He said last week we had the Food Channel competitors for the Truck Reality Show coming to Santa Fe. He said his observation was that the food trucks were busier during the day, from lunch until about 4:00 to 5:00 p.m. He said those that were there after 6:00 p.m. didn't make any money. He said

perhaps it will work at 10:00 p.m. to 1:30 a.m. He said we have nice restaurants downtown and people want to go to the nice restaurants we have. He said the other thing he hopes for the artisans on the Plaza and other food vendors on the Plaza and for those that provide tourist services on the Plaza through out tour companies is that you lower our fees to \$125 a year.

The Public Hearing was closed

Councilor Lindell thanked staff for the work they have done on this. She said we are trying something new and she has included language in the Resolution that we will review this at the end of October which will give time to see how it works. She said, regarding Councilor Montano's comments, if no one comes late at night, she is sure the food trucks won't be there late at night. She is asking that we try something new.

MOTION: Councilor Lindell moved, seconded by Councilor Rivera, to approve Resolution 2015-55, with the two amendments she has put into the packet.

DISCUSSION: Responding to the Mayor, Councilor Lindell said the amendments are on pages 4 and 6 of the packet. She understands that staff spoke with the Museum and asked Mr. O'Reilly to report on that.

Mr. O'Reilly said he spoke with the Museum of Art Director last week, and once he explained the proposal, she was entirely in favor of this. She appreciated that the mobile vendors weren't going to be in front of the Museum until it closes. She acknowledged that on Friday, the Museum stays open until 8:00 p.m. for various reasons.

MOTION TO AMEND: Councilor Maestas moved, seconded by Councilor Bushee for purposes of discussion, to add his proposed amendments on packet page 7.

DISCUSSION ON THE MOTION TO AMEND. Mayor Gonzales said the amendment would replace Councilor Lindell's amendments and asked if this is correct.

Councilor Maestas said there are some changes, but in general, "I do want to state that these amendments are consistent with the discussion we had in Finance in response to a lot of the feedback we got from representatives of the bank. There was some concern by a lot of the Plaza vendors that we weren't upholding the exclusivity of the Plaza and the Plaza periphery and the reason he is proposing adding the supplemental Plaza Periphery fee. There was some concern about jumping all the way to 2:30 a.m. He thinks taking it back to the original ending time of 1:00 a.m., would satisfy some of the concerns of some of the downtown merchants and give opportunity during the pilot to see how it works. And at the end of the pilot period we can extend it to 2:30 a.m. He noted the downtown merchants who were at the Finance Committee meeting were very concerned about the very late hour of the vendor trucks.

Councilor Bushee she has been trying to get Councilor Maestas to go back to 2:30 a.m. She asked if there is compromise in terms of what would be friendly. The fee is minimal and she asked, "Could we just start there and then stick with your hours. I want to give this a shot. If it's not going to have business, the truck is not going to stay, so I don't have a problem with the hours.

Mayor Gonzales asked if we could go to the Motion which was made and then we can start working on friendly amendments.

FRIENDLY AMENDMENT: Councilor Bushee said she seconded the motion, but she thinks it should just be the 2:30 a.m. time, so we have the opportunity to see if it will work or not, and it's a short pilot project. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Mayor Gonzales said so the difference between the two now would be the fee.

Mr. O'Reilly said, "Today is May 27, 2015, and the original Resolution was to go into effect on May 28, 2015. The reason we inserted into Councilor Maestas's amendment that this not start until June 8, 2015, is we had been told by our Traffic Engineering Division that has to manufacture the signs for these space that they would like to have until June 8, 2015 to have signs made up so they can be properly installed at these locations. So one of the amendments that Councilor Maestas has proposed with regard to when this commences, I think it's important to include that in the Resolution that this begin on June 8, 2015. So staff would ask that this become effective June 8, 2015, regardless of whether it is decided that the Council wants it to end in October or whether it simply wants it to continue in October and there will be a review after it continues."

Mayor Gonzales said, "Regardless of what is approved tonight, we need a start date of June 8, 2015."

Mr. O'Reilly said that is correct.

Responding to the Mayor, Councilor Maestas said he didn't withdraw his amendment, he accepted the proposal to change it back to 2:30 a.m. as friendly. So it is a motion to amend with an amendment to extend it back to 2:30 a.m.

Councilor Maestas said his amendment designated the pilot period as well in his amendment.

Mr. O'Reilly said yes, his amendment makes it clear that this Resolution is only in effect for a limited period of time, from June 8, 2015 to October 12, 2015. After that point, the Council could decide to start it up again or change it for the next year. "But your amendment, Councilor, essentially makes this a pilot program, whereas Councilor Lindell's amendment and Resolution has the staff to study the effect of the Resolution after Balloon Fiesta, but doesn't stop the parking of the vehicles in these locations."

Councilor Maestas said Matt didn't explain the basis for the supplemental fee. He said Mr. O'Reilly took the Plaza Vendor Fee and pro-rated the fee to apply to the mobile trucks and then factored in the odds of getting a space.

Mayor Gonzales asked if there are barriers that prevents it. He hopes through the review period we could determine and spend more time seeing what an appropriate fee would be. This is brand new. It's costly to get a food truck up and moving, noting most of them are entrepreneurs who are putting in an enormous amount of their own personal wealth at risk to do this. If we're limiting the hours or creating more costs at a time when we want to see an industry grow that sends a very mixed message to the food truck industry. His hope is to make the barriers as low as possible, but build in a review period to address how it worked. He's concerned about including a hard sunset date, noting it will be hard to get someone to invest in a truck knowing this ends in the Fall, and not knowing if it is going to continue or not. The goal is to get more culinary experiences on the Plaza in addition to the food carts that are there. I'm not trying to create such a difficult Resolution that we don't ultimately achieve our objective, because we tried to address everyone's concern.

Councilor Maestas said there is still a designated time frame and it's not wide open.

Mr. Reilly said, "To be clear, the Ordinance the Council passed two weeks ago was the Vehicle Vendor Ordinance, which opened it City-wide to have an unlimited number of vehicle vendors and a much greater range of places where they could park. This Resolution doesn't impact someone's ability to buy a food truck or a mobile vending vehicle and use it anywhere else in the City. This Resolution is just about the 3 spaces downtown. So the time limits in terms of times of day are called out in the Resolution."

Councilor Maestas said the limitation is 6:00 p.m. to 2:30 a.m.

Mr. Reilly said that is correct or 1:00 a.m., depending on the Council's pleasure tonight, reiterating Councilor Maestas's amendment is the only one that imposes a calendar limitation on the effective date of the Ordinance and when it ends.

Councilor Maestas said on that point a review is called for in Councilor Lindell's amendment on page 6, and Councilor Bushee said that is in October after the Balloon Fiesta.

Mr. O'Reilly said that is correct. The difference is that Councilor Maestas's amendment requires that the allowance ceases in October and Councilor Lindell's Resolution and amendments allow it to continue through October and until and unless the Council, after it's review, decides to change it.

Councilor Maestas said his amendment cites the authorization of the City Manager to adopt administrative rules as well. So, would the continuation be addressed in the administrative procedures. He said in crafting the amendment it was under the guise of having a pilot evaluation and making a determination at that point if we should continue. So without his amendment, we will have a pilot period, but there is no hard and fast date to stop this. He doesn't see the difference.

Mr. O'Reilly said, "Without your amendment Councilor Maestas, if we were to adopt Councilor Lindell's two amendments, the Governing Body would review how this went from its inception until October. While the Governing Body was reviewing that, the practice would still be allowed. Your amendment would cease the practice on October 12, 2015, and at that point the Governing Body could call for staff to present a report on how it went. So there's a fine difference there, but it is an actual difference. With regard to the City Manager, both amendments proposed are exactly the same in that regard. It allows the City Manager to adopt administrative procedures for the management and enforcement of the use of the locations should the need arise. And the reason for that particular provision is there was some discussion about what happens if 10 mobile vehicle vendors all show up at once wanting to park in these 3 spaces. If that causes problems, this provision will allow the City Manager to develop some rules for how to handle that. We don't know that's going to happen, but it give us flexibility to deal with that at the City Manager level while this is being tested out."

WITHDRAWAL OF SECOND TO MOTION TO AMEND. Councilor Bushee withdrew her second to the Motion to Amend, noting she appreciates the work everyone has put into this, in particular Councilor Lindell who's really given it a shot. She said, "I raised concerns at the last meeting that I think you tried to address. I would like to ask that there are friendly amendments on part of your work, which would be the \$150, but if it was a non-profit, I wouldn't have a fee at all, but that's up to the main sponsor to accept."

THE MOTION TO AMEND FAILED FOR LACK OF A SECOND.

FRIENDLY AMENDMENT: Councilor Bushee would like to offer a friendly amendment for an effective date of June 8, 2015, **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

FRIENDLY AMENDMENT: Councilor Bushee would like to offer a friendly amendment make the fee \$150 **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Councilor Rivera believes we can implement the fee at the review point, but to move it along, he is okay with it as well.

Mr. O'Reilly said the only other significant difference between the two sets of amendments is one calls for the time of day, that they can be there from 6:00 p.m. until 2:30 a.m., and the other is 6:00 p.m., to 1:00 a.m.

Mayor Gonzales said Councilor Lindell's original motion included the hours to 2:30 a.m.

VOTE ON THE MOTION AS AMENDED. The motion was approved on the following Roll Call vote:

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

Against: None.

-
- 3) **REQUEST FRM THE ELKS BPOE LODGE #460 FOR A WAIVER OF THE 300 FOOT LOCATION RESTRICTION AND APPROVAL TO ALLOW THE DISPENSING/ CONSUMPTION OF BEER AND WINE AT THE ELKS LODGE (OUTDOOR PATIO), 1615 OLD PECOS TRAIL, WHICH IS WITHIN 300 FEET OF THE CHRIST LUTHERAN CHURCH, 1701 ARROYO CHAMISO. THE REQUEST IS FOR A BENEFIT CAR SHOW TO BE HELD ON SATURDAY, MAY 30, 2015, FROM 9:00 A.M. TO 4:00 P.M. (MELISSA D. BYERS)**

A copy of a letter from the Elks BPOE Lodge #460, to Mayor Javier Gonzales, with attached letter from Sally Ritch, Council President, Christ Lutheran Church, in support of the requested waiver, is incorporated herewith to these minutes as Exhibit "10."

The Staff Report was presented by Melissa Byers.

Public Hearing

There was no one speaking to this request.

The Public Hearing was closed

MOTION: Councilor Lindell moved, seconded by Councilor Bushee, to grant the waiver of the 300 foot location restriction and allow the dispensing/consumption of beer and wine at the Elks Lodge (outdoor patio) for a Benefit Car Show to be held on Saturday, May 30, 2015 from 9:00 a.m. to 4:00 p.m., with all conditions of approval 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 Lindell, Councilor Maestas, Councilor Rivera and Councilor Trujillo.

Against: None.

2997 Calle Cerrada
Santa Fe, NM 87505-5393
June 24, 2015

Mr. Brian K. Snyder, PE
Santa Fe City Manager
City of Santa Fe
PO Box 909
Santa Fe, NM 87504-0909

The Americans with Disabilities Act (ADA), mandates that each municipality maintain a comprehensive and up-to-date Transition Plan of all programs. Thus, the Governing Body adopted resolution 2011-72.

The current 2011 Transition Plan update is and always has been incomplete. When the RFP was drafted, it was with the understanding that it would be limited due to funding availability at the time. Therefore, only a sampling of public programs would be included for the chosen consultant to review. It was further understood that staff would then complete the required barrier assessment survey utilizing the consultant's previous reviews as guidelines. Thus in preparation for this action, the consultant interviewed various City Departments in-order to assess needs and offer training.

The consultant reminded the staff that the City will continue to plan for a biannual "ADA Transition Planning Budget." This budget will be in addition to and separate from funds required for Programs.

It is the US DOJ's view that compliance with 28 CFR 35.150(a), like compliance with the corresponding provisions of the section 504 regulations for public programs, would in most cases not result in undue financial and administrative burdens on the City. In determining whether financial and administrative burdens are undue, all City resources available for use in the funding and operation of the said service, program, or activity should be considered. The burden of proving that compliance with paragraph (a) of 28 CFR 35.150 would fundamentally alter the nature of a service, program, or activity would result in undue financial and administrative burdens rests with the City.

The decision that compliance would result in such alteration or burdens must be made by the head of the public entity or his or her designee and must be accompanied by a written statement of the reasons for reaching that conclusion. The intention is that the determination must be made by a high level official, no lower than a Department head, having budgetary authority and responsibility for making spending decisions. Thus as required by the US DOJ, you, Mr. Snyder, are identified as the official representative for the implementation and should be able to seek/acquire funding for barrier mitigation work over the City's Transition planning period. As such, please respond in writing, to the following enumerated issues.

Exhibit "B"

First, when is the proposed target date as to when the staff will complete the 2011 Transition Plan update? Note: It is ludicrous for one individual to be expected to conduct surveys for all department- i.e.: Fire, Police, Land Use, Public Works, etc. Also high public volume programs- i.e.: all trails, the Convention Center, bus stops, Railyard etc. must be included.

Second, what is the dollar amount being requested as proposed budgets and items for the 2011/2012, 2012/2013, 2013/2014 and 2014/2015 Transition Plans? Are there going to be any restrictions? If so what are they?

Third, when is the required annual progress report on barrier mitigation to be submitted City Council be made public?

Fourth, will the City accessibility sites be audited for compatibility by persons of disability? It is suggested that these audits be subject to verification by non-staff personnel.

Fifth, if the time period of the Transition Plan is longer than one year, identify the mitigation goals for each incomplete program on an annual basis.

Your written response, in a timely manner, thirty days, should be transmitted to the Governing Body. I request a copy of this response be transmitted to the Mayor's Committee on Disability (MCD).

If you have questions, please contact me at (505) 471-5785 as I do not have email.

Thank you,



Dave McQuaric
MCD Member

cc: Governing Body
MCD Members

San Miguel Mission
401 Old Santa Fe Trail
Santa Fe, NM 87501

Yolanda Vigil
Santa Fe City Clerk
200 Lincoln Ave.
Santa Fe, NM 87501

November 10, 2015

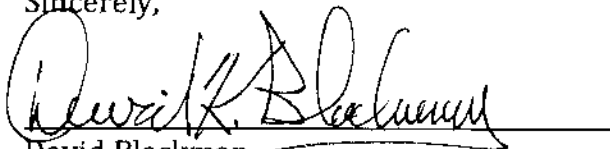
The San Miguel Mission has been designated as an historical site by the cultural properties review committee and does not have a regular congregation.

We have no objection to the Inn of the Five Graces transferring a New Mexico Dispenser liquor license to the Inn of the Five Graces located at 150-160 E. De Vargas St. Santa Fe, NM 87501.

Also, in the past we have given letters of no objection to the New Mexico Alcohol & Gaming Division for a Restaurant and Special Dispenser liquor licenses used at the Inn of the Five Graces.

If you have any questions or need further information, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "David K. Blackman", written over a horizontal line.

David Blackman,
Chairman
Preserve San Miguel Mission

Exhibit "9"

City of Santa Fe, New Mexico

memo

DATE: October 29, 2015 for the November 10, 2015 City Council meeting

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

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

FROM: Zach Thomas, Senior Planner, Current Planning Division *ZT*

Case #2015-43. 2749 & 2751 Agua Fria Street General Plan Amendment. James W. Siebert and Associates, Agent for Emelecio (Leroy) Romero, requests approval of a General Plan Amendment to amend the existing General Plan Future Land Use designation for 2.20 acres from Mountain/Corridor Density Residential to Community Commercial. The property is located at 2749 and 2751 Agua Fria Street. (Zach Thomas, Case Manager)

Case #2015-44. 2749 & 2751 Agua Fria Street Rezoning. James W. Siebert and Associates, Agent for Emelecio (Leroy) Romero, requests rezoning of 2.20 acres from R-1 (Residential – 1 unit per acre) to C-2 (General Commercial). The property is located at 2749 and 2751 Agua Fria Street. (Zach Thomas, Case Manager)

I. RECOMMENDATION

The Planning Commission recommends **APPROVAL** to the Governing Body. Staff agrees with the recommendation of the Planning Commission. Two motions will be required in this case, one for the General Plan Amendment and another for the Rezoning.

The Planning Commission unanimously (5-0) recommended approval of the General Plan Amendment and Rezoning, finding that the application meets all code criteria.

II. EXECUTIVE SUMMARY

Common along this section of Agua Fria, the property is currently developed with residential and quasi-industrial uses. Those uses were legally nonconforming under the Extraterritorial Zoning Ordinance prior to annexation into the city, and remain legally

nonconforming with the R-1 (Residential – 1 unit per acre) zoning district that was applied at the time of annexation. While the requested rezoning would not make the existing uses conforming, it would enable development of the site with more-intensive commercial uses. The request represents the latest in a series of General Plan Amendment and Rezone requests to higher intensity land use designations and zoning districts in this area. There is general concern that continued approval of rezoning applications without a plan or other coordinated efforts to address land use and infrastructure may result in a haphazard development pattern in the vicinity of the project site.

III. APPLICATION OVERVIEW AND ANALYSIS

The 2.20-acre property consists of 3 parcels used for residential and light quasi-industrial uses. Five residential units and a well and pump repair business are operated on site as a home occupation. Located on the north side of Agua Fria Road, the subject property, known colloquially as the “Castle” property, is within a recently annexed area of the City. Land within the immediate vicinity on the north side of Agua Fria Road has historically been characterized by rural residential intermixed with quasi-industrial uses. Most of the quasi-industrial uses pre-date even the extra-territorial zoning regulations, and have existed as legal nonconforming uses or as home occupations. More urban land use patterns exist south of Agua Fria, characterized by a combination of Mixed-Use and Light Industrial zoned land. Residential and General Industrial zoned land occurs further to the east and west.

The density of the current residential uses and the light industrial nature of the well and pump repair business (home occupation) are nonconforming under the current R-1 zoning and would continue to be nonconforming under the requested C-2 zoning. While the pump repair business would become a permitted use, the residential use would remain nonconforming. Specifically, residential use is not permitted as a principal use in a C-2 zoning district unless a development plan is approved. Additionally, use of mobile homes as dwelling units is specifically prohibited. However, the mobile homes could remain on site as a legally nonconforming use. The well and pump repair business could also remain legally nonconforming with regards to compliance with current development standards.

The quasi-industrial nature of this section of Agua Fria has led to a recent increase in growth pressure exhibited in the form of the following General Plan Amendment and Rezone requests to allow higher intensity uses:

- Pending Rezoning and General Plan Amendment Requests
 - Gerhart Apartments: 11.83 Acres – R-1 to R-21 (2800 South Meadows)
 - 2749 & 2751 Agua Fria: 2.2 Acres – R-1 to C-2 (Leroy Romero property)
- Denied Rezoning Request
 - Blue Buffalo (El Rio Apartments): 16.53 Acres C-1-PUD to R-29. 2725 and 2639 Agua Fria. Existing C-1-PUD zoning based on EZO approvals.
- Approved Rezoning Requests
 - Corazon Santo Rezoning: 8.7 Acres R-2 to R-6 and MU. Res. 2011-70, Ord. 2011-40 & 41. SW corner Agua Fria/Harrison Road, annexed in 1961.

- Rivera Rezoning: 4.65 Acres R-1 to C-2. Ord. 2014-20, Res. 2014-31
Residential and business uses on the site were legally nonconforming under the EZO rules prior to annexation.
- Boylan Property: 3.86 Acres R-1 to C-2. Ord. 2014-32, Res. 2014-87.
Intended to permit re-use and expansion of existing light industrial buildings that were legally nonconforming under EZO rules prior to annexation.

No immediate development is proposed by the applicant. The stated purpose of the applications is to leave the applicant's heirs property that could be more easily sold or developed with a higher use.

After the applications were reviewed by the Planning Commission, staff of the Long Range Planning Division began work on the creation of a "West Santa Fe River Corridor Area Master Plan," which would include the project site and other nearby parcels. However, preparation and adoption of the Master Plan will likely take about one year, and the current application should be evaluated on the policies and regulations that are currently in effect.

An Early Neighborhood Notification meeting was held on April 15, 2015 at the Southside Library. The applicant's representative and eight members of the public were in attendance. Discussion centered on concerns about increased traffic and congestions that might occur with additional commercial zoning. Also of concern was the piecemeal approach to rezoning property along Agua Fria. (See Planning Commission Staff Report, Exhibit E).

IV. SUMMARY OF PLANNING COMMISSION ACTION

The Planning Commission recommended the City Council approve the requested General Plan Amendment and Rezone.

ATTACHMENTS:

EXHIBIT 1:

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

EXHIBIT 2: Planning Commission Minutes September 3, 2015

EXHIBIT 3: Planning Commission Staff Report Packet September 3, 2015

City of Santa Fe, New Mexico

City Council

Exhibit 1

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

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

Case #2015-43

2749 & 2751 Agua Fria Street General Plan Amendment

Case #2015-44

2749 & 2751 Agua Fria Street Rezoning to C-2

Owner's Name – Emelecio (Leroy) Romero

Agent's Name – James W. Siebert and Associates

THIS MATTER came before the Planning Commission (Commission) for hearing on September 3, 2015 upon the application (Application) of James W. Siebert and Associates as agent for Emelecio (Leroy) Romero (Applicant).

The Applicant requests an amendment to the General Plan Future Land Use map to change the designation of 2.20± acres of land from Mountain/Corridor Density Residential to Community Commercial and requests rezoning of 2.20± acres of land from R-1 (Residential, 1 dwelling unit per acre) to C-2 (General Commercial). The property is located at 2749 & 2751 Agua Fria Street.

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

FINDINGS OF FACT

General

1. The Commission heard testimony and took evidence from staff, the Applicant, and fifteen members of the public interested in the matter.
2. Santa Fe City Code (Code) §14-3.2(D) sets out certain procedures for amendments to the General Plan (Plan), including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-3.2(E).
3. Code §14-3.5(B) sets out certain procedures for rezonings, including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in Code §14-3.5(C).
4. Code §14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [§14-3.1(E)]; (b) an Early Neighborhood Notification (ENN) meeting [§14-3.1(F) and (c) compliance with Code Section 14-3.1(H) notice and public hearing requirements.
5. Code §14-3.1(F) establishes procedures for the ENN meeting, including (a) scheduling and notice requirements [Code §14-3.1(F)(4) and (5)]; (b) regulating

- the timing and conduct of the meeting [Code §14-3.1(F)(5)]; and (c) setting out guidelines to be followed at the ENN meeting [§14-3.1(F)(6)].
6. An ENN meeting was held on the Application on April 15, 2015 at the Southside Library.
 7. Notice of the ENN meeting was properly given.
 8. The ENN meeting was attended by the Applicant and City staff; there were eight members of the public in attendance and concerns were raised.
 9. Commission staff provided the Commission with a report (Staff Report) evaluating the factors relevant to the Application.
 10. Code §14-3.2(B)(2)(b) requires the City's official zoning map to conform to the General Plan, and requires an amendment to the Plan before a change in land use classification is proposed for a parcel shown on the Plan's land use map.
 11. The Commission is authorized under Code §14-2.3(C)(7)(a) to review and make recommendations to the Governing Body regarding proposed amendments to the General Plan.
 12. City Land Use Department staff reviewed the Application and related materials and information submitted by the Applicant for conformity with applicable Code requirements and provided the Commission with a written report of its findings Staff Report, subject to certain conditions (the Conditions) set out in such report.

General Plan Amendment

13. Under Code § 14-3.2, an amendment to the General Plan requires submittal of an application for review and recommendation to the Governing Body by the Planning Commission.
14. The Commission has considered the criteria established by Code §14-3.2(E)(1)(a) and finds the following facts: (a) *Consistency with growth projections for the City, economic development goals as set forth in a comprehensive economic development plan for the City, and with existing land use conditions, such as access and availability of infrastructure.* [§14-3.2(E)(1)(a)]. The City is attempting to provide for a diversity of uses in the area along Agua Fria and Siler Road. A traffic impact study prepared by the Applicant indicates it would be feasible to provide access from Agua Fria for commercial development on the project site.
15. The Commission has considered the criteria established by Code §14-3.2(E)(1)(b) and finds the following facts: (b) *Consistency with other parts of the Plan.* [§14-3.2(E)(1)(b)]. Since the 1960's, this area has consisted of a mix of housing and small scale commercial businesses. This property is not located within the boundaries of the Southwest Sector Plan and a definition of appropriate land uses is derived more from consistency with recently approved zoning applications and existing mix of uses rather than reliance on specific plan policy statements.
16. The Commission has considered the criteria established by Code §14-3.2(E)(1)(c) and finds the following facts: (c) *The amendment does not: (i) allow uses or a change that is significantly different from or inconsistent with the prevailing use*

and character of the area. [§14-3.2(E)(1)(c)]. Commercial uses have existed in the vicinity for several decades. The City Council has recently approved C-2 zoning on the land just east and west of the properties.

17. The Commission has considered the criteria established by Code §14-3.2(E)(1)(c) and finds the following facts: (c) *The amendment does not: (ii) affect an area of less than two acres, except when adjusting boundaries between districts. [§14-3.2(E)(1)(c)].* The site is greater than two acres.
18. The Commission has considered the criteria established by Code §14-3.2(E)(1)(c) and finds the following facts: (c) *The amendment does not: (iii) benefit one of a few landowners at the expense of the surrounding landowners or the general public [§14-3.2(E)(1)(c)].* The proposed General Plan Amendment will not benefit a few landowners at the expense of surrounding landowners as there have been several similar plan amendments during the past several years.
19. The Commission has considered the criteria established by Code §14-3.2(E)(1)(d) and finds the following facts: (d) *An amendment is not required to conform with Code §14-3.2(E)(1)(c) if it promotes the general welfare or has other adequate public advantage or justification [§14-3.2(E)(1)(d)].* The proposal conforms with Code §14-3.2(E)(1)(c).
20. The Commission has considered the criteria established by Code §14-3.2(E)(1)(e) and finds the following facts: (e) *Compliance with extraterritorial zoning ordinances and extraterritorial plans [§14-3.2(E)(1)(e)].* This criterion is no longer relevant since the adoption of SPaZZo and the relinquishment of the land use regulatory authority outside the city limits and the transfer of authority from extraterritorial jurisdiction to the City.
21. The Commission has considered the criteria established by Code §14-3.2(E)(1)(f) and finds the following facts: (f) *Contribution to a coordinated, adjusted and harmonious development of the municipality which will, in accordance with existing and future needs, best promote health, safety, morals, order, convenience, prosperity or the general welfare as well as efficiency and economy in the process of development [§14-3.2(D)(1)(f)].* This area along Agua Fria Road has a long history of diverse land uses, first under County jurisdiction prior to 1990, and then under extraterritorial jurisdiction from 1991 to 2009. It was common for many decades for Santa Fe families to buy land in this area along Agua Fria and construct their homes and start a small business at the same location. This practice has continued as new generations of family members continue to reside on the property and continue the family business. While the General Plan amendment will address some of the land use issues, it does not bring the property up to current code standards and in fact, the property will remain "legal, non-conforming" until a land use and (re)development plan is developed.
22. The Commission has considered the criteria established by Code §14-3.2(E)(1)(g) and finds the following facts: (g) *Consideration of conformity with other city policies, including land use policies, ordinances, regulations and plans.* The proposal is consistent with land use policies, ordinances, regulations and plans.

The proposed General Plan amendment does not address the current land use mix. No development plan was addressed at this hearing.

23. The Commission has considered the criteria established by Code §14-3.2(E)(2)(a) and finds the following facts: *(a) the growth and economic projections contained within the general plan are erroneous or have changed.* When the existing General Plan was adopted in 1999, it did not recognize the land use complexity of Agua Fria Street. The current Mountain/Corridor Density Residential and R-1 designations are inconsistent with the pattern of Santa Fe families buying land in this area along Agua Fria and constructing their homes and starting a small business at the same location.
24. The Commission has considered the criteria established by Code §14-3.2(E)(2)(b) and finds the following facts: *no reasonable locations have been provided for certain land uses for which there is a demonstrated need.* The Applicant has resided at this location for many decades. The application of the C-2 zoning is a better step, as opposed to maintaining the status quo, to allow the Applicant's children to benefit from the property and to try to address the mix of residential and commercial uses on this property on this particular street.
25. The Commission has considered the criteria established by Code §14-3.2(E)(2)(c) and finds the following facts: *conditions affecting the location or land area requirements of the proposed land use have changed, for example the cost of land space requirements, consumer acceptance, market or building technology.* The conditions affecting the subject land are jurisdictional rather than a result of market conditions.

Rezoning

26. Under Code §14-3.5(C), the Commission may review the proposed rezonings and make recommendations to the Governing Body by the Planning Commission.
27. The Commission has considered the criteria established by Code §14-3.5(C)(1)(a) and finds the following facts: *One or more of the following conditions exist: (i) there was a mistake in the original zoning; (ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning; or (iii) a different use category is more advantageous to the community, as articulated in the Plan or other adopted City plans [Code §14-3.5(C)(1)(a)].* The current R-1 zoning designation is inconsistent with the historical pattern of Santa Fe families buying land in this area along Agua Fria and constructing their homes and starting a small business at the same location. The City Council recently approved C-2 zoning for the nearby Boylan property and Rivera property. Given the discrepancy between the zoning maps and the actual land use, it would be advantageous to recognize the existing land use pattern for these areas as part of amending the city maps.
28. The Commission has considered the criteria established by Code §14-3.5(C)(1)(b) and finds the following facts: *All the rezoning requirements of Code Chapter 14*

- have been met [Code §14-3.5(C)(1)(b)]. All the rezoning requirements of Code Chapter 14 have been met.
29. The Commission has considered the criteria established by Code §14-3.5(C)(1)(c) and finds the following facts: *The proposed rezoning is consistent with the applicable policies of the Plan [Section 14-3.5(C)(1)(c)].* The proposed rezoning is consistent with the Plan.
30. The Commission has considered the criteria established by Code §14-3.5(C)(1)(d) and finds the following facts: *The amount of land proposed for rezoning and the proposed use for the land is consistent with City policies regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the growth of the City [Code §14-3.5(C)(1)(d)].* The rezoning request for the subject property should be considered an infill development rather than a property that is located in the path of the future growth of the community. There is larger other undeveloped C-2 zoned land available in the southern region of the urban area, generally along Cerrillos Road, the Las Soleras and Entrada Contenta developments.
31. The Commission has considered the criteria established by Code §14-3.5(C)(1)(e) and finds the following facts: *(e)The existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development [Section 14-3.5(C)(1)(e)].* Public utilities are available on Agua Fria, including water, gas and electric lines, cable and telephone lines. A traffic impact study prepared by the Applicant indicates it would be feasible to provide access from Agua Fria from commercial development on the project site. Future land uses that may be proposed on the property might require further review by the Planning Commission to address traffic, access, connectivity and other infrastructure requirements.
32. The Commission has considered the criteria established by Code §§14-3.5(D)(1),(2) and finds the following facts: *If the impacts of the proposed development or rezoning cannot be accommodated by the existing infrastructure and public facilities, the city may require the developer to participate wholly or in part in the cost of construction of off-site facilities in conformance with any applicable city ordinances, regulations or policies; If the proposed rezoning creates a need for additional streets, sidewalks or curbs necessitated by and attributable to the new development, the city may require the developer to contribute a proportional fair share of the cost of the expansion in addition to impact fees that may be required pursuant to Section 14-8.14.* Existing infrastructure is available to serve this development and has the capacity to accommodate the current uses. At the time of this rezoning proposal, there was no planned change of use, no detailed development plan for which to address specific infrastructure requirements.

CONCLUSIONS OF LAW

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

General

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

The General Plan Amendment

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

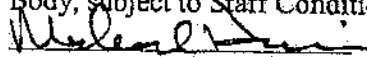
The Rezoning

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

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

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

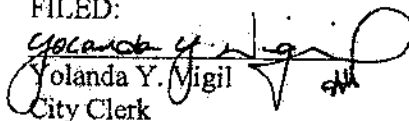
That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends approval of the rezoning request to C-2 to the Governing Body, subject to Staff Conditions.



Michael Harris, Chair

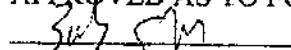
10/7/15
Date:

FILED:


Yolanda Y. Migil
City Clerk

10/7/15
Date:

APPROVED AS TO FORM:


Zachary Shandler
Assistant City Attorney

10-1-15
Date:

1 CITY OF SANTA FE, NEW MEXICO

2 RESOLUTION NO. 2015-
3
4
5
6
7
8
9

10 A RESOLUTION

11 AMENDING THE GENERAL PLAN FUTURE LAND USE CLASSIFICATION FROM
12 MOUNTAIN/CORRIDOR DENSITY RESIDENTIAL TO COMMUNITY
13 COMMERCIAL FOR PROPERTY COMPRISING AN AREA OF APPROXIMATELY
14 2.20± ACRES LOCATED ON THE NORTH SIDE OF AGUA FRIA AND IDENTIFIED
15 AS 2749 AND 2751 AGUA FRIA STREET WITHIN THE CITY OF SANTA FE, SANTA
16 FE COUNTY, STATE OF NEW MEXICO. ("2749 AND 2751 AGUA FRIA STREET
17 GENERAL PLAN AMENDMENT", CASE #2015-43).
18

19 WHEREAS, the agent for the owner of certain parcels of land comprising 2.20± acres
20 located north of Agua Fria Street and identified as 2749 and 2751 Agua Fria Street within the
21 City of Santa Fe, Santa Fe County, State of New Mexico (the "Property") has submitted an
22 application to amend the General Plan Future Land Use Map classification of the Property from
23 Mountain/Corridor Density Residential to Community Commercial; and

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

1 **WHEREAS**, the Governing Body has held a public hearing on the proposed amendment,
2 reviewed the staff report and the recommendation of the Planning Commission and the evidence
3 obtained at the public hearing, and has determined that the proposed amendment to the General
4 Plan meets the approval criteria set forth in Section 14-3.2(E) SFCC 1987; and

5 **WHEREAS**, the reclassification of the Property will be substantially consistent with the
6 General Plan themes and policies for City Character and Urban Development (General Plan,
7 Chapter 5).

8 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
9 **CITY OF SANTA FE:** That the General Plan Future Land Use Map classification for the
10 Property be and hereby is amended to change the designation from Mountain/Corridor Density
11 Residential to Community Commercial as shown in the General Plan Amendment Map attached
12 hereto as EXHIBIT A and incorporated herein.

13 **PASSED, APPROVED and ADOPTED** this ____ day of November, 2015.

14
15 _____
16 JAVIER M. GONZALES, MAYOR

17 **ATTEST:**

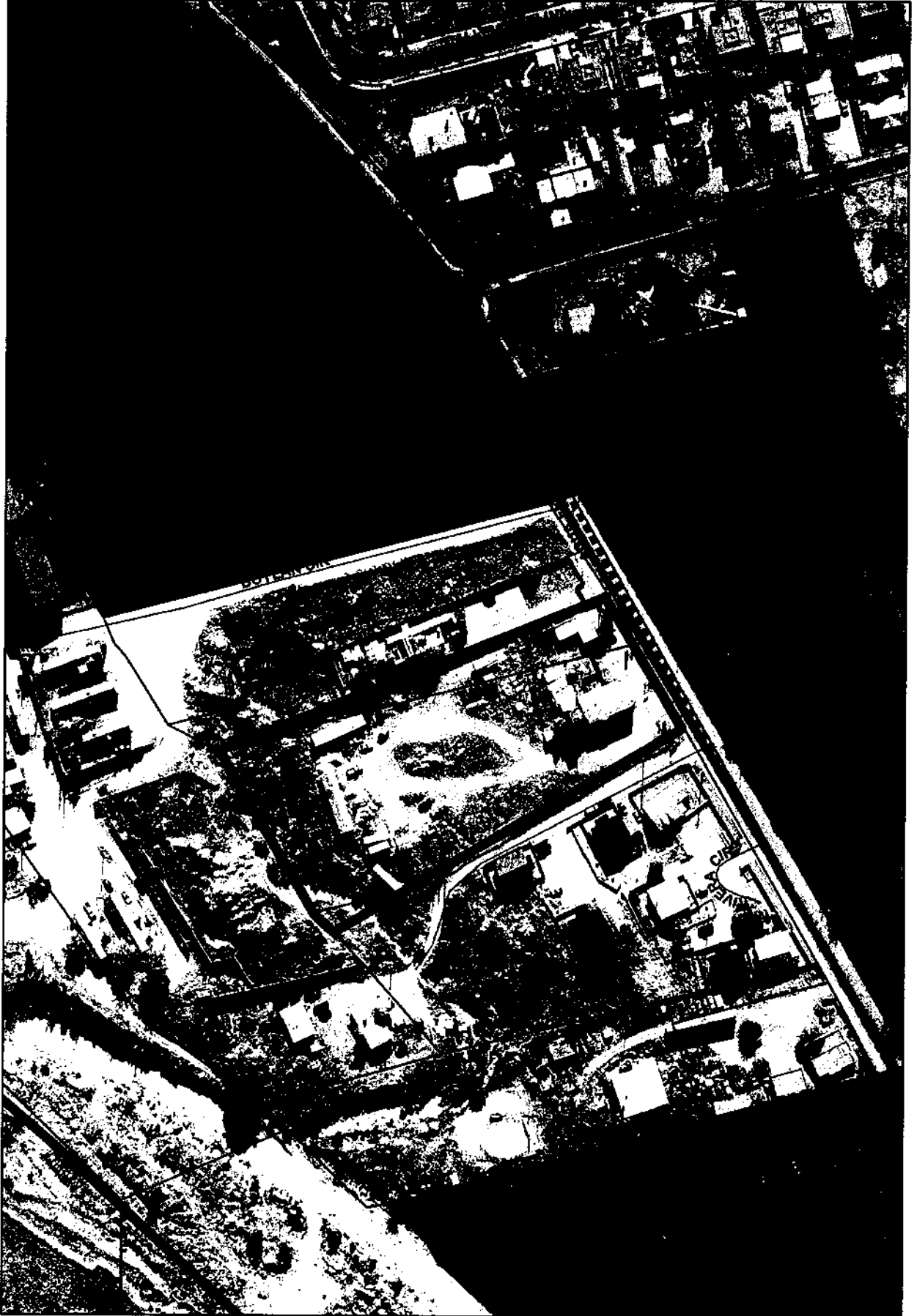
18 _____
19 YOLANDA Y. VIGIL, CITY CLERK

20 **APPROVED AS TO FORM:**

21 
22 _____
23 KELLEY A. BRENNAN, CITY ATTORNEY
24
25

EXHIBIT A

Resolution No. 2015-
2749 and 2751 Agua Fria Street



1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2015-39

3
4
5
6
7
8
9
10 AN ORDINANCE

11 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE;
12 CHANGING THE ZONING CLASSIFICATION FOR PROPERTIES COMPRISING AN
13 AREA OF APPROXIMATELY 2.20± ACRES LOCATED NORTH OF AGUA FRIA
14 STREET AND IDENTIFIED AS 2749 AND 2751 AGUA FRIA STREET WITHIN THE
15 CITY OF SANTA FE, SANTA FE COUNTY, STATE OF NEW MEXICO, FROM R-1
16 (RESIDENTIAL – 1 DWELLING UNIT PER ACRE) TO C-2 (GENERAL
17 COMMERCIAL), AND PROVIDING AN EFFECTIVE DATE. (“2749 AND 2751
18 AGUA FRIA STREET REZONING”, CASE #2015-44).

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

21 Section 1. That certain parcels of land comprising 2.20± acres (the “Property”)
22 located north of Agua Fria Street and identified as 2749 and 2751 Agua Fria Street within the
23 City of Santa Fe, Santa Fe County, State of New Mexico, that are located within the municipal
24 boundaries of the City of Santa Fe, are restricted to and classified as C-2 (General Commercial)

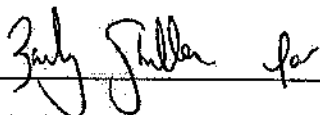
1 as described in the legal description attached hereto [EXHIBIT A] and incorporated herein by
2 reference.

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

6 **Section 3.** This rezoning action is approved with and subject to the conditions
7 attached hereto [EXHIBIT B] as may be approved by the Governing Body.

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

10 **APPROVED AS TO FORM:**

11
12  for _____

13 **KELLEY A. BRENNAN, CITY ATTORNEY**

EXHIBIT A
BILL NO. 2015-39

DESCRIPTION PORTION OF LOT 1, S.H.C. 417

874208

A TRACT OF LAND LYING AND BEING SITUATE WITHIN SECTION 33, TOWNSHIP 17 NORTH, RANGE 9 EAST, N.M.P.M. SANTA FE COUNTY, NEW MEXICO, A PORTION OF LOT 1, S.H.C. 417 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT A POINT FROM WHENCE THE SOUTH 1/4 CORNER OF SECTION 33, T 17 N, R 9 E, N.M.P.M. BEARS N58°25'44"E, 211.04 FEET; THENCE N28°18'30"E, 61.25 FEET; THENCE N42°37'36"E, 61.51 FEET TO THE 1/4 CORNER;

THENCE FROM SAID POINT OF BEGINNING ALONG THE FOLLOWING BEARINGS AND DISTANCES S13°26'32"E, A DISTANCE OF 137.41 FEET; THENCE N30°39'57"W, A DISTANCE OF 121.40 FEET; THENCE N45°43'20"E, A DISTANCE OF 41.86 FEET TO THE POINT AND PLACE OF BEGINNING. CONTAINING AN AREA OF 0.057 ACRES MORE OR LESS.

DESCRIPTION LOT 22

A TRACT OF LAND LYING AND BEING SITUATE WITHIN SECTION 33, TOWNSHIP 17 NORTH, RANGE 9 EAST, N.M.P.M. SANTA FE COUNTY, NEW MEXICO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT A POINT FROM WHENCE THE SOUTH 1/4 CORNER OF SECTION 33, T 17 N, R 9 E, N.M.P.M. BEARS N28°18'30"E, 61.25 FEET; THENCE N42°37'36"E, 61.51 FEET TO THE 1/4 CORNER;

THENCE FROM SAID POINT OF BEGINNING ALONG THE FOLLOWING BEARINGS AND DISTANCES S14°23'17"E, A DISTANCE OF 469.25 FEET TO THE NORTH RIGHT OF WAY (NEW) OF AGUA FRIA ROAD; THENCE ALONG THE NEW RIGHT OF WAY ALONG AGUA FRIA S59°45'02"W, A DISTANCE OF 119.41 FEET; THENCE N30°48'22"W, A DISTANCE OF 314.99 FEET; THENCE N13°26'32"W, A DISTANCE OF 137.41 FEET; THENCE N58°25'44"E, A DISTANCE OF 211.04 FEET TO THE POINT AND PLACE OF BEGINNING. CONTAINING AN AREA OF 1.846 ACRES MORE OR LESS.

DESCRIPTION PORTION OF LOT 27

A TRACT OF LAND LYING AND BEING SITUATE WITHIN SECTION 33, TOWNSHIP 17 NORTH, RANGE 9 EAST, N.M.P.M. SANTA FE COUNTY, NEW MEXICO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT A POINT FROM WHENCE THE SOUTH 1/4 CORNER OF SECTION 33, T 17 N, R 9 E, N.M.P.M. BEARS N28°18'30"E, 61.25 FEET; THENCE N42°37'36"E, 61.51 FEET TO THE 1/4 CORNER;

THENCE FROM SAID POINT OF BEGINNING ALONG THE FOLLOWING BEARINGS AND DISTANCES S21°22'31"E, A DISTANCE OF 456.85 FEET TO THE NORTH RIGHT OF WAY (NEW) OF AGUA FRIA ROAD; THENCE ALONG THE NEW RIGHT OF WAY ALONG AGUA FRIA S59°45'02"W, A DISTANCE OF 57.77 FEET; THENCE N14°23'17"W, A DISTANCE OF 469.25 FEET TO THE POINT AND PLACE OF BEGINNING. CONTAINING AN AREA OF 0.299 ACRES MORE OR LESS.

2749 and 2751 Agua Fria Rezone-Conditions of Approval
EXHIBIT B for Bill No. 2015-39
Case #2015-44 -- 2749 and 2751 Agua Fria Rezone

Conditions	Department	Staff
<p>The Traffic Engineer conducted a review of the preliminary subdivision plat and provided the following comments which are noted as Conditions of Approval:</p> <ol style="list-style-type: none"> 1. The applicant shall dedicate sufficient Right-of-Way (ROW) to the City of Santa Fe for a future auxiliary lane along the frontage of the properties on Agua Fria Street. The Dedication Plat shall be reviewed and approved by the Public Works Department prior to recordation. 2. The applicant shall grant access easements from lots 1 and 34 through Lot 22 via a shared access driveway to Agua Fria Street. 3. The applicant shall include the following notes on said plat: <ul style="list-style-type: none"> • At such time that a Developer of any of lots 1, 22 or 34 applies for a building permit, development plan approval, or requests a business license that increases the intensity of use of the properties; the developer shall consult with the Public Works Department to determine the need for a right-turn deceleration lane. If it is determined to be necessary by the Public Works Department, the Developer shall construct an auxiliary lane per approval of the Public Works Department. • At such time that a Developer of any of lots 1, 22 or 34 applies for a building permit, development plan approval, or requests a business license that increases the intensity of use of the subject properties; the Developer shall close the driveway from lot 34 to Agua Fria Street and utilize the shared access granted by this plat. <p>All future buildings require separate water meters.</p> <p>Prior to the development or improvement of the property, owners and developers of the property shall obtain a technical sewer evaluation review by the City of Santa Fe Wastewater Division.</p>	Traffic Engineering	John Romero/ Sandra Kassens
	Water Division	Dee Beingsner
	Wastewater Division	Stan Holland

City of Santa Fe, New Mexico

City Council

Exhibit 2

Planning Commission Minutes September 3, 2015

Commissioner Abeyta encouraged Staff to take the lead on it. In the County, there were clear goals and time lines and Staff took the lead. We want input but we can't be afraid to keep it moving forward. We can't always please everybody. And the Commission should stick to the time lines.

Chair Harris thanked Staff and Councilor Bushee for bringing it forward now. We appreciate the discussion.

The Commission took a break at 8:12 p.m. and reconvened at 8:22 p.m. with all Commissioners present.

1. **Case #2015-43. 2749 & 2751 Agua Fria Street General Plan Amendment.** James W. Siebert and Associates, agent for Emelecio (Leroy) Romero, requests approval of a General Plan Amendment to amend the existing General Plan Future Land Use designation for 2.20 acres from Mountain Density Residential to Community Commercial. The property is located at 2749 and 2751 Agua Fria Street. (Zach Thomas, Case Manager)
2. **Case #2015-44. 2749 & 2751 Agua Fria Street Rezone.** James W. Siebert and Associates, agent for Emelecio (Leroy) Romero, requests rezoning of 2.20 acres from R-1 (Residential – 1 unit per acre) to C-2 (General Commercial). The property is located at 2749 and 2751 Agua Fria Street. (Zach Thomas, Case Manager)

Commissioner Gutierrez recused himself from these cases as Mr. Romero is his customer.

Mr. Thomas presented the staff report for these cases.

A Memorandum dated August 25, 2015 from Zach Thomas to the Planning Commission for the September 3, 2015 meeting is herewith attached to these minutes as Exhibit 5. Please refer to Exhibit 5 for details concerning these cases.

Mr. Thomas explained that this is a focused follow-up to the study session – an actual case to rezone in the area just discussed. It is on north side of Agua Fria and was annexed into the City on January 1, 2014. It is known locally as the “castle” property.

Mr. Thomas showed several slides and explained that Agua Fria has served as an urban growth boundary for the City. The south side has a variety of mixed uses whereas the north side is mostly residential and a few industrial nonconforming uses. The next exhibit showed the C-2 area in the staff report and the recent rezones that have occurred in the area which he listed. This site is a legally non-conforming use. There is no plan in place to address growth in this area.

Applicant's Presentation

Mr. Jim Siebert, 915 Mercer Street was sworn. He asked Chair Harris if those people wishing to speak in favor could be sworn in as a group.

Chair Harris said he preferred to wait until the public hearing.

Mr. Siebert gave some history on the area. Until 1980 it was entirely under county jurisdiction - After 1980, the zoning regulations came to City boundary so it remained under county jurisdiction but in 1981 extraterritorial came into being with reps from city and county meeting to exercise jurisdiction with the County predominating.

This property has been used as commercial for significant time. During that period of time, the county didn't do any rezoning and had relaxed attitude, encouraging family business so their licenses were renewed as a matter of course.

He said that Club Alegria was under R-1 as a holding zone and was rezoned later.

He handed out some pictures of this property [attached to these minutes as Exhibit 6]. One of them showed Leroy Romero's dad, Archie, who sold cars there. The auto dealership license dated to the 1960's and was the beginning of the castle. What has taken place happened over a period of time. The next page is something from the County Clerk to Leroy and his brother who had a commercial enterprise - Castle Rock Indian Trader business. They moved onto the property in 1957. The people at that time, bought the property and built their houses and established their businesses.

Mr. Siebert went to the easel with a map and pointed out the castle; one of two residential dwelling units, two mobile homes. Leroy lived in one and had an office there for the well repair business. He then showed the zoning of the area. Directly across the street is I-1 light industrial. Most recently was C-2 for club Alegria in April 2014 and the Boylan property in October 2014 as C-2. It has R-1 around it which consists of a series of rental buildings - around 5 units per acre. Next is home occupation business. So the R-1 is a misnomer. It really isn't residential.

They have dealt with the Traffic Staff on several issues. It doesn't meet code for a right turn lane there. The Traffic Division wants to take into account a provision to have a deceleration lane. They wanted to look at it more comprehensively to connect in a continuous deceleration lane for several properties. The condition is that they will dedicate the right-of-way to allow for the deceleration lane and an easement for reconstruction of the sidewalk.

PUBLIC HEARING

Those who wished to speak to this case were sworn in as a group.

Mr. Jim Gray, 1308 Camino Carlos Rael, a half mile up from this property and the President of the West River Neighborhood Association and also a member of the West River Alliance. He had a couple of

issues with the application. He had no trouble understanding that Mr. Romero wants to get it conforming. There are two lots to be zoned C-2 but only one has the business on it and residences are not allowed in C-2 zones. He asked for that zone with no proposed use except to enhance the property value. C-2 allows some uses that the neighborhood doesn't want there but they have no other opportunity to deal with it.

Right now we are trying to get proper zoning and planning and LRP and get the process started. So he asked that the Commission at least postpone it until the further planning meeting takes place.

Ms. Hilario Romero, resident of the La Cieneguilla Camino Rael neighborhood and VP of the association and concur with everything Jim Gray said and asked the Commission to either deny or postpone it so we can work with LRP Division to come to solutions to the area.

We understand they are good neighbors and we want to work with him and not cause problems but come to solutions. This has unfortunately come before a MP and hope that can be considered.

Ms. Monserrat Valles, member of the West River Alliance, supported what Jim Gray said tonight and asked the Commission to postpone it the Master Plan which needs to be done. She added that this is only a small portion of the Santa Fé River Corridor. The huge part is R-1 and then a dental office and then Boylan. Outside it is R-5 and along there it is important to keep that. We need Santa Fé neighbors to deal with real need and not only as she is asking.

Mr. Daniel Romero, 1726 Agua Fria Street, is in favor of rezoning on the reason of general principle. It has been offered commercially for several years and highlights some of the bigger issues. It should have been annexed as commercial in the first place. It is also property in a location with 13,000 cars passing by every day. Lastly, with the continuity of use, looking at surrounding uses - a lot of R-1 is being used as commercial and (spot zoned) now. Across the street is I-1. He has been there many years and just wants to pass it along to his heirs.

Ms. Nell Sanchez, 501 Fortuna Lane, she has lived there 50 years and raised her children there and know the Romero family all of those fifty years. She supported him and his property there as well as his request for rezoning of his properties.

Mr. Pablo Sanchez, 1142 Harrison Road just up the road, who said he has known the Romero family his whole life. This property has been a commercial site for over 50 years. He remembered going to the place to buy a car from Archie Romero with his father in the 1960's. Please grant the request.

Ms. Philomena López, 817 Camino Consuelo, who said the subject property has been used for residential and commercial uses. Her brother inherited it from their father and will pass it down to his children. She resided there until she married in 1969 and she supports his request to change the use of the land to commercial so their family can continue living there in the City where they were born and want to continue to live.

Ms. Rosella Romero, 2749 C Agua Fria Street, who said for the last 9 years, she and her three children have resided at her father's property and strongly support his request. Her two sons and daughter support

the request. "Thank you for giving us the attention."

Ms. Dede Downs, 1351 Ferguson Lane, thought that this really begs the question of who we are as a City. As a mother and grandmother she deeply understands the impetus to provide for one's children. She would hope, however, that her children would understand that we can't always benefit ourselves at the expense of our neighbors. When you consider this, consider that. The public wasn't able to see the pictures but her neighbors are very much residential on that side of Agua Fria. The other thing she really heard while listening is that because of ways that have always been like Club Alegria, that we just need to continue doing that. It isn't always the smartest way to go. Santa Fe really needs to figure out who it is and how to develop and what kind of provisions to make for future generations, not only for families who have lived here a long time but for all families and businesses Santa Fe hopes to attract. If you would really take the time to let us consider that plan. She agreed with the desire to accelerate the Area 1 plan and it might be well to hold off until that is worked out.

Mr. Pancho Sobien, 2823 Agua Fria, who said, "We all grew up there. Our parents started businesses there. All we want is to do is have a title that says we can continue the way we are."

Mr. George Rivera, 2182 Candelario Street, owner of Club Alegria for 60 years, said when he retired last year, he found out it was zoned residential. So he has a liquor license and can't use it with residential zoning. He came last year for rezoning and how he supports Mr. Romero's request. For those who say to put it on hold he reminded them that property taxes are not put on hold, insurance premiums are not put on hold and this is his livelihood.

Mr. Reyes Erbarri, 1008 Camino Consuelo, said he was here to support his request. His family have had a landscaping business back to the 1950's. George Rivera mentioned the state of the economy. It is interesting that he brought up taxes. His mother owns 3 acres at 2805 Agua Fria and after annexation, the taxes went from under a thousand dollars to over \$3,000. He is in support that it be commercial because it has historic use for commercial. His grandfather and his father moved here and opened the business and he is now trying to run the landscaping business and a jewelry repair business to cope with the downturn in the economy.

Mr. Santos Montoya, 2750 Agua Fria Street, said he has known Leroy Romero all my life. When he was a kid, his dad had a grocery store and they went there to buy groceries. He then had a lumber yard there. He did it. Then he had a good car sales business. To him this has always been commercial and he was here to support Leroy. "He is a true friend and I love the man."

Mr. Rick Martinez, 728 Mesilla Road, said he is in favor of rezoning, not as C-2 but as C-1, which is the business use of this property now. The owner can always come back for C-2 zoning later. He complies with C-1 and the neighbors would be okay with it. But C-2 allows for many more uses. C-1 still gives him the business uses he needs. He asked the Commission to go slow on it. C-1 is good enough now.

Ms. Norma Cross, 1390 Camino Real, was sworn and also felt that C-2 is too much and C-1 would be more appropriate. She understood Mr. Romero's desire to make the most of his property for his children. She said her property will be worth less if it is C-2.

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

Chair Harris closed the public hearing for this case.

Commission Discussion

Commissioner Abeyta asked staff if the property is rezoned to C-2 if it didn't mean every possible use could be done. There is still a development plan to consider and impact to traffic, etc. He asked if certain uses could still be turned down.

Mr. Thomas said if it is rezoned as C-2 every used permitted for C-2 would be possible. There are conditions of it for traffic and access points that are provided.

Commissioner Abeyta clarified that some uses couldn't be provided for. For instance, Agua Fria is only two lanes so a fast food drive through couldn't be approved.

Mr. Thomas said it would be a permitted use.

Commissioner Abeyta argued that the Commission could deny a McDonalds business there because the road isn't wide enough.

Mr. Thomas said those considerations would be reviewed at the staff administrative level.

Commissioner Abeyta asked then, if the Commission approved C-2, Mr. Romero could do anything on the list on this property.

Mr. Smith said the City Attorney has advised us that staff has the authority to permit uses on the property. The trigger for Planning Commission is 10,000 square feet. Staff isn't in a position tonight to tell you a drive through would meet the requirements for this property. But 10,000 square feet is the threshold for most uses.

Commissioner Abeyta asked if there is more analysis down the line.

Mr. Smith clarified that for volume of traffic, it could be denied by staff or through a development plan process.

Commissioner Probst was unclear about living on the property if it is rezoned C-2.

Mr. Smith said residential is specifically prohibited in C-2 but it is a legally non-conforming use now until a plan is done. Trails cannot be used in rezoning.

Commissioner Probst asked the applicant about living on the property. It sounded like the trailers are nonconforming.

Mr. Siebert said the rezoning doesn't change the current status and they would continue as nonconforming and at some time in the future, it will be redeveloped.

Commissioner Probst asked, if the case is postponed as some public members recommended, how long it would be postponed.

Mr. Smith said most of the scenarios call for sector planning in 12-18 months. Councilor Bushee wants to expedite it but simple logistics suggest no possibility of having it be less than that. If the Planning Commission finds that additional planning is required, the applicant could come back again.

Commissioner Probst asked about other properties in this neighborhood.

Mr. Smith said there is at least one other property like this one.

Commissioner Greene asked if the neighbors are taking part in the meeting for master planning.

Ms. Martinez explained that the meeting is being planned and is scheduled for this coming Tuesday to begin discussion and will be in Land Use conference room at 2:00.

Commissioner Greene asked if the neighbors were supportive of that.

Chair Harris said those who wished to answer would have to step up to the microphone.

Pancho Sobiens said he would participate.

Commissioner Greene asked if they are in favor of the rezoning for their business and if they are involved in this master planning.

George Rivera said he would participate.

Commissioner Greene said if the Master Plan for this area is approved and it asks for an internal road network that crosses Mr. Rivera's property, he hoped that he and Mr. Sobiens and the others would join in and share the burden.

George Rivera agreed but right now he didn't know about Master Plans.

Commissioner Greene asked if Mr. Siebert would be there on Tuesday.

Mr. Siebert agreed.

Rick Martinez said when people say they are included in the West River Alliance, it just got organized and the members want to work with the owners of these properties and they got Councilor Bushee and Councilor Lindell to get it started and want to invite the neighbors to the meetings. We really want to work

with them. Those who are there need to have a voice. They are invited to our Alliance.

Philomena López said she couldn't understand why they have worked this property for so many years and now, once it got annexed, he has had to jump through all of these hoops and there is a question of whether it should be commercial or not. She said she sweated there too in the grocery store. How can she live there all of her life as a commercial place and now her brother has to wait another 18 months? It has cost him money. Who has the money to put it aside? We talk about how we want families to keep living here. What are we doing to keep her family here? Or sending them away to find a living elsewhere.

Chair Harris asked if she would be at the meeting on Tuesday.

Philomena Lopez said she would participate next Tuesday.

Reyes said he would love to participate in the panning process and will be there Tuesday.

Commissioner Probst asked if there is anything that would prohibit them from operating the business.

Mr. Smith said he would be allowed to continue operating the business but would need to ask for a change from one nonconforming use to another at the Board of Adjustment if the business use changes.

Commissioner Kapin was interested in the reference to the West River Alliance because the owners there don't seem to know about it. She was concerned that the entire neighborhood needs to be invited to get on board and get the conversation going.

Ms. Martinez said about the meeting on Tuesday that even though it is a kick off meeting and not meant to exclude anybody. These two areas, Old Pecos Trall and Agua Fria will be heard at Public Works and this meeting is to discuss and put out general information before Public Works.

Commissioner Kadlubek pointed out that it was the Alliance that got Councilor Bushee to work on the resolution. The Alliance was lobbying. We need to have a better understanding from our point of view who the neighborhood associations are. Nothing we have received deals with those associations and our decisions affect them. It is not political. It is about doing what is right for the community. Some are trying to halt further progress for some of these people. He asked that next time, the Commission have a case where the neighborhood association is identified and who is part of that association. We don't know the difference if one person stands up to represent them.

Mr. Shandler asked for the record why C-1 isn't on the table for consideration.

Mr. Thomas said the applicant asked for C-2 and 14-3.5 allows the Governing Body to grant a zone of less intensity but Staff went by what the applicant asked for.

Mr. Shandler pointed out that there are PUDs on this map. He asked why it is not a PUD request. The C-1 PUD area was rezoned in the SWAZO process. The Del Rio was done by the Ecoversity land use and a dental clinic. It is an approximation of the previous zoning ordinance special exceptions. The red property

zoned C-2 PUD to the east reflected a commercial use granted under the EZO.

Mr. Siebert said if you look at historic uses on this property, Mr. Romero's repair business doesn't fit under the C-1 designation. He thought there is concern and in response to Commissioner Abeyta there is a considerable review process. If there is an increase in intensity, it requires a traffic study and if it doesn't meet the traffic use it doesn't get approved. It is much the same with sewer - so there are some constraints in the review process.

Also, he believed it is a 2-3 year process to get the plan approved. The applicant has spent a good deal of money to get to this point and he is not a person of substantial means.

Mr. Shandler noted the staff report says the use is not consistent with R-1 and not clear that C-2 would be consistent. So he wanted to give the applicant a chance to rebut some of those things.

Mr. Siebert said the zoning to east, south and west is consistent. Light industrial across the street, C-2 up the street and a series of commercial to the west either C-2 zone or actual use that would fit with the C-2 category. So he felt it is consistent with surrounding uses.

Chair Harris thought the applicant has a strong case for rezoning in the General Plan with not just recent history spoken to by others but certainly the long term history spoken to by members of the public. And he tended to agree with Mr. Siebert's statement that the plan will play out over a longer period of time.

He considered that it essentially creates a de facto moratorium until the sector plan is finalized even though the Commission has postponed some to a date certain to give the applicant time to sort out issues. Sometimes that is done on a technical basis and sometimes with neighbors. He used Hands of America as an example. Hands of America did go to C-2.

He also wanted to acknowledge Mr. Smith's statement that we can't limit the use here but Hands of America agreed to limitations on the use of their property.

This is a great neighborhood and he loved the castle on that street. So he loved the history and wanted to avoid bad blood and felt an amount of resentment would come with anxiety for the future.

So Chair Harris asked if the applicant would consider postponing to a date certain - after the Tuesday meeting - and hope that within the community, they could identify something that would make it work.

Mr. Siebert appreciated the comments. He asked the City Attorney, if limitations are agreed to on a voluntary basis, whether that could be considered in rezoning.

Mr. Shandler said it was what was agreed to voluntarily with Hands Across America so he presumed it could be here also.

Commissioner Probst asked how that would be enforced.

Chair Harris thought it would be with deed restrictions but he didn't remember exactly how it ended up.

Mr. Siebert asked a moment to confer with his client about tabling to a date certain.

The Commission discussed it off the record with the mikes off.

Mr. Boaz asked if they were taking a break while the applicant stood ready at the podium.

Chair Harris said no and the meeting resumed.

Mr. Siebert said they would agree to table to a date certain and in that process consider what limitations they would agree to.

Commissioner Kapin expressed concern whether negotiations with the small group right now would be problematic for neighbors who are not part of the process when the entire community is not all involved.

Chair Harris said in Hands of America it seemed successful and we don't even know what uses they would not pursue but ultimately it was up to the applicant to decide what was acceptable. Although we put a rubber stamp on it yet it satisfied not only the Commission but also Staff and the applicant.

Commissioner Kadlubek said in an ideal situation it would be something Land Use would accept. Yes it is C-2 and a lot of uses are allowed under C-2. But he would hope he would trust Staff to make a good decision on that. He was sure a lot of development scrutiny happens with Staff.

Commissioner Abeyta said his problem with the fairness aspect was that Mr. Romero has really been C-2 and it is ironic he comes in now and gets stuck with this plan. In his mind it was commercial. It was a grocery, then a lumber yard, then a car dealership and now welding. He didn't want to see Mr. Romero never get this resolved. The Commission does have the discretion if something comes in; Staff won't allow something that is inappropriate and water, sewer, and traffic won't either. He already is C-2 and the neighborhood has to accept that.

Commissioner Kadlubek wanted confirmation that the current business wouldn't be allowed in a C-1 zone.

Mr. Smith agreed.

Commissioner Kadlubek asked what would happen if the vote is denial tonight.

Mr. Smith reminded the Commission that the vote is a recommendation to the Governing Body. Often the applicant withdraws and chooses not to go to Council. But the applicant can and the ultimate decision can choose to follow or not follow the recommendation of the Commission.

Commissioner Greene hoped that Staff makes the right decision but if it is less than 10,000 square feet, Staff can deny certain uses. The neighbors can hire an attorney and we would never see it again.

As long as the current use continues, the Commission could not stop it. So continuity either by postponing or whatever doesn't stop what is going on there. He thought this might put a little fire under Staff to come up with a 50 acre plan that might be better for the owners rather than each one going through this very expensive process.

Chair Harris was not advocating postponing to tag along with the process outlined earlier, but there might be good reasons to postpone to a date certain for more dialogue. There is much respect in the neighborhood and a scheduled meeting on Tuesday. He thought there might be a better meeting of the minds by then. Everyone is talking about the future. They are talking about the future and concerns for their family. There seems to be a common interest here to postpone to a date certain to allow for more agreement.

Mr. Shandler said it isn't really C-2; it is something else. It is rural. You cannot live on C-2 property. The Staff also said they cannot put limits on the uses. So how to satisfy those mutual goals is the issue. The long term idea might be a sector plan. Or the owner could volunteer for deed restrictions on the property.

Commissioner Abeyta noted there were C-2 rezonings done in April and October and this property is right between them. He couldn't see anything other than C-2 here.

Ms. Martinez clarified that if the idea for postponing is a hope of something coming out of Tuesday's meeting would help, the topic is purely about planning and what the boundaries would be so no discussion on uses will happen on Tuesday.

Commissioner Abeyta moved in Case #2015-43, 2749 & 2751 Agua Fria Street General Plan Amendment to recommend approval to the Governing Body, ~~subject to Staff conditions~~. Commissioner Probst seconded the motion and it passed by unanimous (5-0) roll call vote with all Commissioners voting in favor and none voting against. Commissioner Gutierrez was not present for the vote, having recused himself from considering this case.

Case #2015-43, 2749 & 2751 Agua Fria Rezone

Commissioner Abeyta moved in Case #2015-43, 2749 & 2751 Agua Fria Rezone to recommend approval to the Governing Body with Staff conditions. Commissioner Kapin seconded the motion and it passed by unanimous (5-0) roll call vote with all Commissioners voting yes and none voting against. Commissioner Gutierrez was not present for the vote, having recused himself.

Commissioner Greene explained his yes vote after first passing that he would really like for Current Planning, LRP, and City Council and City Attorney all to be involved on Tuesday so we can get a Master Plan for this area, a better planning process in the future and so that people like Mr. Romero don't have to go through this on their own property.

Mr. Smith clarified that Staff did not recommend conditions of approval for the General Plan Amendment but did recommend conditions of approval for the rezoning case.

Commissioner Kadlubek wanted the public know the tough position the Planning Commission is in - not because of anything current but because of lack of planning with annexation that has happened in the last 20 years.

Chair Harris thanked all who spoke regardless of their position. It was very civilized discussion. Thanks for your participation.

Mr. Romero thanked everyone also.

Commissioner Gutierrez did not return to the bench after the vote was taken, having departed at the time of recusal.

I. STAFF COMMUNICATIONS

Ms. Martinez knew the Commission's deliberations tonight were tough and the timing seemed really bad. A lot of people said that too. As we see others come forward, we need to plan for it. Combine that with resolutions coming forward and people taking an interest made it the perfect storm. We absolutely appreciate people coming forward and offering to help. We don't have financial resources to really make it happen and grateful for those who volunteered to come forward so we don't have to wrestle with these decisions. Hopefully we will come up with good decisions.

Chair Harris agreed it was bad timing and he wasn't quite satisfied after four hours with the decision. With more experience, he could anticipate this coming. It seems to have a certain momentum. The public is a bit more engaged than earlier in the year. We need to keep the momentum for it and it is absolutely critical. It worked out well.

Commissioner Greene asked, now that this case is resolved, if Commissioners can participate in Tuesday's meeting as much as possible.

Ms. Martinez agreed but if there might be a quorum, it needs to be noticed.

The way the meeting was put together is that one individual from this new alliance went to Councilor Bushee and asked if they could help with the scope of the area. So it will expand and others will be asked to participate. It was intended to work on it before Public Works and intend to have a study session with Public Works also not for next meeting but the one after that.

Commissioner Greene hoped to be there on Tuesday and encouraged all neighbors to participate and identify every single property for a MP for that 50 acres. It won't be that difficult. We should think positive about it to get a better plan.

Mr. Smith said Mr. Shandler is providing a memo on study sessions. The Findings of Fact and Conclusions of Law will include the Planning Commission's specific recommendation on this application.

But when you are talking about a plan - you may consider it legislative and are not precluded from discussion and can have a quorum.

Commissioner Kapin asked if every Commissioner could come on Tuesday.

Mr. Smith said a quorum would be five members.

Commissioner Kapin added that as long as we don't discuss specific cases we can be there.

Mr. Shandler generally agreed but said if Commissioners get pulled toward community organizing they should step out.

Commissioner Greene said he would step out if necessary.

Mr. Smith noted the next meeting is the first Thursday in October and he didn't anticipate a second meeting in October. He said it is possible one or more resolutions will appear before the Commission in October and you can recommend approval or not.

Commissioner Kadlubek wondered if the LRP will be determining its own criteria without really designing. The ones who show up will do the process. We are handing over a Master Plan to those who are more involved. He asked Commissioners to be mindful of that process and how we move forward on the General Plan for getting input. He would like to see the same vetting of this neighborhood Master Plan. We don't know who will dominate the discussion and who will get left out. Those who get left out are those who could be moving into the area. They have as much stake as those who do live there.

When thrown together, it is a wash. Staff and Governing Body saying we have a budget crisis - or we have a housing crisis - so we don't consider just one voice for showing up. He said he is very committed to the process.

Commissioner Greene said the community at large has spoken loudly but we've get stuck to our work.

J. MATTERS FROM THE COMMISSION

Chair Harris said he has referred to himself for being the old timer and the new comers have done well - have risen to the occasion. So he is looking forward to whatever comes in front of the Commission.

Commissioner Kapin pointed out that a huge portion of the packet was printed really blurry and wondered if staff could make sure all the printing is clear before releasing it to us.

Secondly, she asked if it is necessary to waste a stamp on getting the agenda sent three times - once by mail and once by email and once in the packet.

Ms. Martinez said they have tried to cover all bases and save resources that way. She apologized for the printer. She also took the Commission's comments into consideration for formatting to make it simpler and we put the attachments right after the case and also checked the outline format to make sure things tracked carefully. They are looking at making significant changes to the reports - opening page for executive summary and what you should be voting on and trying to find a simpler way to provide the reports and hope we can make it better.

Commissioner Kapin said it was much easier to read this time with the new format.

Chair Harris said he asked Mr. Shandler if findings were available on St. Vincent's Hospital so he could review them and Mr. Shandler had provided them. In the future he would continue to ask. He made several suggestions to him and some were pretty substantial.

Mr. Shandler said he does that for the HDRB as one email.

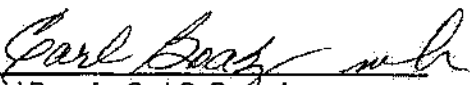
K. ADJOURNMENT

The meeting was adjourned at 10:30 p.m.

Approved by:

Michael Harris, Chair

Submitted by:


Carl Boaz for Carl G. Boaz, Inc.

City of Santa Fe, New Mexico

City Council

Exhibit 3

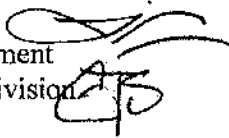
Planning Commission Staff Report September 3, 2015

City of Santa Fe, New Mexico

memo

DATE: August 25, 2015 for the September 3, 2015 meeting

TO: Planning Commission

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

FROM: Zach Thomas, Senior Planner, Current Planning Division *ZT*

Case # 2015-43. 2749 & 2751 Agua Fria Street General Plan Amendment. James W. Siebert and Associates, Agent for Emelecio (Leroy) Romero, requests approval of a General Plan Amendment to amend the existing General Plan Future Land Use designation for 2.20 acres from Mountain/Corridor Density Residential to Community Commercial. The property is located at 2749 and 2751 Agua Fria Street. (Zach Thomas, Case Manager)

Case # 2015-44. 2749 & 2751 Agua Fria Street Rezone. James W. Siebert and Associates, Agent for Emelecio (Leroy) Romero, requests rezoning of 2.20 acres from R-1 (Residential – 1 unit per acre) to C-2 (General Commercial). The property is located at 2749 and 2751 Agua Fria Street. (Zach Thomas, Case Manager)

Cases #2015-43 and #2015-44 are combined for purposes of staff report, public hearing and Planning Commission review, but each is a separate application and shall be voted upon separately.

I. RECOMMENDATION

While existing development patterns on the project site and other nearby parcels are not consistent with existing R-1 zoning, it is not clear that the proposed general plan amendment and rezoning for unrestricted C-2 development would be consistent with the applicable approval criteria. Staff analysis notes concerns with the following approval criteria regarding:

- Contribution to a coordinated, adjusted and harmonious development of Santa Fe that is in accordance with existing and future needs best promotes health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development. (General Plan criterion 14-3.2(E)(1)(d))
- Allowing a range of potential future uses that could be significantly different from or inconsistent with the prevailing uses in the area. (General Plan criterion 14-3.2(E)(1)(c))

- Demonstration that the proposed use category is more advantageous to the community, as articulated in the general plan or other adopted city plans. (Rezone criterion 14-3.5(C)(1)(a)(iii))
- Demonstration that existing or proposed infrastructure will be able to accommodate future development, including planning for a local street network and access to city sewer lines. (Rezone criterion 14-3.5(C)(1)(e))

If the Commission determines that the applications are consistent with the criteria and recommends approval of the applications, conditions of approval that would apply to the rezoning are outlined in the attachments to this report.

No specific development is proposed as part of these applications. The Commission's recommendation will proceed to the City Council for final decision on both the general plan amendment and rezoning.

II. EXECUTIVE SUMMARY

The residential and quasi-industrial uses currently located on the property were apparently legally nonconforming for many years prior to annexation, and they remain legally nonconforming. The proposed rezoning would not make those uses conforming, but would enable future development for other types of more-intense commercial uses.

Approval of zoning that significantly increases the development potential for properties on the north side of Agua Fria Road east of the Siler Road intersection may be premature until there has been a careful analysis of the likely effects of development on all of the roughly 50 acres of undeveloped and under-developed land in that vicinity. That could occur as part of a sector plan as called for by General Plan Policy 4-5-I-2:

“Prepare sector plans for each of the future growth areas. These must be coordinated with the Staging Plan and include public and human service facilities such as schools, libraries, and community and senior centers.”

Although rezoning to C-2 was approved for two nearby parcels in 2014, staff is concerned that continued approval of rezoning applications without a community area plan or other coordinated effort to address land use and infrastructure will make it more likely that a haphazard pattern of development will occur, resulting in undesirable changes to neighborhood character, inefficient use of private property and difficulties in providing roads and other public infrastructure.

A draft resolution calling for creation of a “West Santa Fe River Corridor area master plan” has been introduced by Councilor Bushee, and may be considered by the Governing Body in September. That plan would include the project site and other nearby parcels, but preparation and adoption of a master plan would likely take six months to one year.

III. APPLICATION SUMMARY

The 2.20 acre property consists of 3 parcels used for residential and light industrial uses. Five residential units and a well and pump repair business are operated on site as a home occupation.

The applicant requests a General Plan amendment from "Mountain/Corridor Density Residential" to "Community Commercial" and a rezoning from R-1 (Residential – 1 unit per acre) to C-2 (General Commercial).

IV. DISCUSSION AND ANALYSIS

Located on the north side of Agua Fria Road, the subject property, known colloquially as the "Castle" property, is within a recently annexed area of the City. Land within the immediate vicinity on the north side of Agua Fria Road has historically been characterized by rural residential intermixed with quasi-industrial uses. Most of the quasi-industrial uses pre-date even the extra-territorial zoning regulations, and have existed as legal nonconforming uses or as home occupations. More urban land use patterns exist south of Agua Fria, characterized by a combination of Mixed-Use and Light Industrial zoned land. Residential and General Industrial zoned land occurs further to the east and west.

The north side of Agua Fria has recently experienced increased growth pressure in the form of General Plan Amendment and Rezone requests to higher intensity land use designations and zoning districts. Staff has identified about a half-dozen property-specific applications to amend the future land use map and zoning map in the immediate Agua Fria Area since the Subdivision, Planning, Platting and Zoning Ordinance (SPPAZO) was adopted.

- Pending Rezoning Requests
 - Gerhart Apartments: 11.83 Acres – R-1 to R-21 (2800 South Meadows)
 - 2749 Agua Fria: 2.2 Acres – R-1 to C-2 (Leroy Romero property)
- Denied Rezoning Request
 - Blue Buffalo (El Rio Apartments): 16.53 Acres C-1-PUD to R-29. 2725 and 2639 Agua Fria. Existing C-1-PUD zoning based on EZO approvals.
- Approved Rezoning Requests
 - Corazon Santo Rezoning: 8.7 Acres R-2 to R-6 and MU. Res. 2011-70, Ord. 2011-40 & 41. SW corner Agua Fria/Harrison Road, annexed in 1961.
 - Rivera Rezoning: 4.65 Acres R-1 to C-2. Ord. 2014-20, Res. 2014-31 Residential and business uses on the site apparently were legally nonconforming under the EZO rules prior to annexation.
 - Boylan Property: 3.86 Acres R-1 to C-2. Ord. 2014-32, Res. 2014-87. Intended to permit re-use and expansion of existing light industrial buildings that were apparently legally nonconforming under EZO rules prior to annexation.

Exhibit C3 shows rezoning applications along Agua Fria east of Siler Road.

The density of the current residential uses and the light industrial nature of the well and pump repair business are nonconforming under the current R-1 zoning and would continue to be legally nonconforming under C-2 zoning. Specifically, residential use is not permitted as a

principal use in a C-2 zoning district unless a development plan is approved, and use of mobile homes as dwelling units is specifically prohibited. The pump and well repair business would become a permitted type of use, but would remain legally nonconforming unless extensive modifications were made to bring the business portion of the site into conformance with parking, landscaping and other site development standards. No immediate development is proposed as part of the requested General Plan Amendment and Rezone. The stated purpose of the applications is to leave the applicant's heirs property that could be more easily sold or developed with a higher use.

An Early Neighborhood Notification meeting was held on April 15, 2015 at the Southside Library. The applicant plus eight members of the public were in attendance. Members of the public noted concerns with increased traffic along Agua Fria associated with the piecemeal commercial rezoning occurring within the area. (See **Exhibit E**).

V. GENERAL PLAN AMENDMENT

The subject property's current land use designation is Mountain/Corridor Density Residential as shown on the Future Land Use Map (See **Exhibit C1**). That designation, which calls for a density of one dwelling unit per ten acres, was assigned during the city-county annexation process by the "Subdivision, Planning, Platting and Zoning Ordinance (SPPAZO). Those designations, and several recent C-2 and I-1 rezoning approvals granted by the city for nearby parcels, occurred without detailed studies of overall future land use patterns and infrastructure needs.

The applicant requests the Community Commercial designation to allow for C-2 (General Commercial) zoning.

Sections 14-3.2(E)(1) and (E)(2) SFCC 1987 set out the following General Plan Amendment criteria for approval:

(E) General Plan Approval Criteria

(1) Criteria for all Amendments to the General Plan

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

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

Applicant Response: Santa Fe has an annual growth rate of approximately one percent. The City is attempting to provide for a diversity of uses in the area along Agua Fria and Siler road. This is evidenced by the City Council's action to reject the Euclidian zoning applicable to the I-1 and I-2 districts and allow for a more liberal application of permitted uses in this area.

The City's 2008 Economic Development Plan recommends the following "targeted businesses".

Targeted sectors are identified as follows:

- Media (Film, Publishing, Journalism, Video Game Production, etc.)
- Green – Consistent with Sustainable Santa Fe Plan and including: Clean renewable energy (with a focus on the solar industry), water conservation, waste reduction technologies and outdoor and recreational activities and equipment.
- Technology (Biotech, Nanotech, Software design, etc.)
- Knowledge Based Enterprise (Research and Development, Think Tanks, Financial Services, Consulting, Public Policy, etc.)
- Arts & Culture (Artisans, Fine Artists, and Cultural Heritage as described in the City's Cultural, Arts and Tourism Plan.)

Of the above uses the City has already started to see an increase in the culture, arts and boutique beer breweries for the area. The area is evolving as a mix of industrial uses, theatres and locations for artists in metals and stone.

Staff Response: The City no longer maintains specific projections for growth rates. Staff has not identified a specific shortage of land available for general commercial development citywide. Existing low-density residential development patterns along Agua Fria would probably not support development of neighborhood-serving commercial development on the project site. The 1999 Future Land Use Map identifies the project site as being within the "Proposed Service Area" of the "Siler Road Redevelopment District."

"The Siler Road Redevelopment District is intended to allow this industrial area, located in close proximity to expanding residential areas, to develop land uses compatible with housing, and may be implemented through new mixed-use zoning district regulations which would specify appropriate land uses and design standards." (General Plan Section 3.5)

A traffic impact study prepared by the applicant indicates it would be feasible to provide access from Agua Fria for commercial development on the project site. A review of coordinated access to similar development on other nearby sites via common driveways or local streets has not been done. Connection to the City water system appears to be feasible; connection to sewer service would require coordination with other property owners. Availability of infrastructure is addressed in more detail in Section III.(C)(1)(e) of this staff report.

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

Applicant Response: The City General Plan shows this property as Residential Mountain, 1dwelling per acre.

The properties across Agua Fria to the south are zoned I-1, Light Industrial and MU Mixed Use. The land uses on the property immediately west consist of higher

density rental dwellings. Since the sixties this area has consisted of a mix of housing and small scale commercial businesses. This property is not located within the boundaries of the Southwest Sector Plan and a definition of appropriate land uses is derived more from consistency with recently approved zoning applications and existing mix of uses rather than directed policy.

Staff Response: The subject property is bordered on two sides by residential land use designations and zoning, although mixed-use and light industrial zoning is located immediately south of Agua Fria. Additionally, current uses within the immediate area consist of a mix of residential, light industrial and commercial.

Prior to adoption of SPPAZO, the land use designation was "Greater Agua Fria Area" (GAFA) identified on the 1999 General Plan Future Land Use Map. The Greater Agua Fria Area included all of the land surrounding the Agua Fria Traditional Historic Community that had not been annexed before 1999. The designation was applied to land on both sides of the Santa Fe River, extending to NM 599. Although the map designation was changed, the corresponding text remains in Section 3.5 of the General Plan and may still be applicable (emphasis added):

"This classification is designed to identify the Greater Agua Fria Area including the Traditional Historic Community Area and other locations within the joint planning jurisdiction of the City and County of Santa Fe. Areas within the Greater Agua Fria Area have evolved from a rural character to take on a more suburban character. A community area plan will help to preserve the life style and character of semirural residential area while providing for a sensitive urban development, mix of land uses, and residential densities."

General Plan Implementing Policy 4-5-I-2 also calls for preparation of a sector plan for "future growth areas," although it is not clear whether the GAFA should be considered as an infill area or as a growth area:

"Prepare sector plans for each of the future growth areas. These must be coordinated with the Staging Plan and include public and human service facilities such as schools, libraries, and community and senior centers."

Much of the area west of Richards Avenue and Henry Lynch Road was included in the Southwest Santa Fe Community Area Master Plan, which was adopted as part of the General Plan in 2007. However, no detailed planning has been done for the areas east of Henry Lynch Road, including the project site.

A draft resolution calling for creation of a "West Santa Fe River Corridor area master plan" has been introduced by Councilor Bushee. That plan would include the project site and other nearby parcels, but preparation and adoption of a master plan would likely take six months to one year. It is uncertain whether or when that plan might be adopted.

- (c) *the amendment does not:*
- (i) *allow uses or a change that is significantly different from or inconsistent with the prevailing use and character in the area; or*
 - (ii) *affect an area of less than two acres, except when adjusting boundaries between districts; or*
 - (iii) *benefit one or a few landowners at the expense of the surrounding landowners or the general public;*

Applicant response: No response provided.

Staff Response: As noted above, the property is in close proximity to a large number of residential, light industrial and commercial uses. The proposed amendment will allow for additional commercial uses, though no additional development is currently proposed.

The immediate vicinity around the project site is under increased pressure to accommodate higher intensity uses. As such, there is increased likelihood that the prevailing use and character in the area on the north side of Agua Fria will become less rural. Redevelopment of the project site, along with redevelopment of other nearby sites, has the potential to significantly change the types of uses and intensity of development within the neighborhood.

Although the application affects an area of greater than two acres – the minimum threshold for an amendment per Subsection ii – it is not clear that it is or would become part of a consistent pattern of land uses.

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

Applicant Response: No response provided.

Staff Response: The amendment must conform to the criteria in Subsection 14-3.2(E)(1)(c), since it is not clear that it “promotes the general welfare or has other adequate public advantage or justification.”

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

Applicant Response: This criterion is no longer relevant since the adoption of SPPaZo and the relinquishment of the land use regulatory authority outside the city limits and the transfer of authority from extraterritorial jurisdiction to the City.

Staff Response: Not applicable.

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

Applicant Response: This area along Agua Fria Road has a long history of diverse land uses, first under County jurisdiction prior to 1990, then under extraterritorial jurisdiction from 1991 to 2009. It was common in the 1950's for Santa Fe residents to buy land in this area along Agua Fria and construct their homes and start a small business at the same location. The owner of the property wishes to continue to rent the two residential dwellings and house adjacent to Agua Fria, live in the one of the two manufactured homes while his daughter lives in the second manufacture home and maintain his current business without the necessity of a home occupation. This promotes the general welfare by having the security that the business use will be allowed by right. It also encourages investment in the property since the commercial zoning provides the security that encourages investment in the property.

Staff Response: For the reasons noted in other sections of this report, it is not clear that the proposed amendment can be considered part of "harmonious development of Santa Fe" as outlined in this criterion.

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

Applicant Response: No response provided.

Staff Response: Previous sections of the applicant's responses cite compliance with economic development policies. It is not clear that this or other policies would override the policies that call for development to be carefully planned for compatibility with existing neighborhood characteristics.

(2) Additional Criteria for Amendments to Land Use Policies:

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

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

Applicant Response: When the existing General Plan was adopted in 1999 it seems that the General Plan failed to recognize the land use complexity of this part of the urban area. It is not a matter of the growth and economic projections being in error as it is the failure to observe the variety of existing land uses and assign a zoning district that best fit those land uses. The current R-1, Single Family Residential zoning allowing for one dwelling per acre is unrealistic for either this property or other properties in area south of Agua Fria. The R-1 district is often applied as a holding zone until an application is submitted for a use more suitable for the area.

Staff Response: The proposed General Plan Amendment does not propose an amendment to any land use policy, so the “Additional Criteria” in (2)(a) through (2)(c) are not specifically applicable. The staff responses address consistency with existing policies. As noted above, the Future Land Use Map designation as Mountain/Corridor Residential was applied as part of the annexation process in 2008-2009, and primarily reflects the designations in the old Extraterritorial Zoning Ordinance and Extraterritorial Plan, which generally corresponded to residential uses with 2.5-acre lots. It is not clear that there are erroneous growth and economic projections that would justify the proposed amendment. As noted in previous sections of this staff report, the General Plan calls for preparation of a master plan to guide new development patterns in the vicinity.

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

Applicant Response: There are few locations this close to the center of the City where such a variety of land uses can take place. The Planning Commission has already recognized diversity of land uses that exists north of Agua Fria by recommending approval of Boylan property zoning from R-1 to C-2. There are other locations for C-2 land in Santa Fe but the majority of developable C-2 land is located at the southern end of the urban area in the vicinity of Cerrillos Road.

Staff Response: It is not clear that there is any citywide shortage of land available for C-2 development or redevelopment.

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

Applicant Response: The conditions affecting the subject land are more jurisdictional than a result of market conditions. Historically this area has been under either County or extraterritorial jurisdiction where diverse mixes of land uses were recognized as the historical land use pattern for the area. Santa Fe County permitted business licenses for changes to uses within buildings as legal, non-conforming uses. When the City assumed regulatory control over this area, the assignment of R-1 rezoning made all of the structures, with the exception of the single family residence, non-conforming structures. The application of the C-2 zoning will bring the mix of residential and commercial uses into conformity with City zoning.

Staff Response: The applicant is correct that the Extraterritorial Zoning Ordinance that previously regulated this area provided additional flexibility in dealing with nonconforming uses than allowed under city regulations. However, uses and structures on the project site appear to have been legally nonconforming under those regulations even before annexation, the EZO regulations would not have allowed expansion by more than 50% of the floor area. The uses and buildings will remain nonconforming even under C-2 zoning.

VI. REZONING

Sections 14-3.5(C) and (D) SFCC 1987 sets forth approval criteria for rezoning as follows:

(C) Approval Criteria

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

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

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

Applicant Response: Since the Annexation of this property, the City has used R-1 zoning designation for annexed areas where it serves as a holding zone until another use is proposed for the land. R-1 is the lowest density zoning district designated in the Land Development Code and the designation of this district is inconsistent with the policies of the General Plan.

Staff Response: The City zoning category of R-1 was assigned as part of the City-County SPPAZO annexation process in 2008-2009. The residential density corresponded to the density of 0.4 unit per acre that prevailed under the previous Extraterritorial Zoning Ordinance (EZO).

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

Applicant Response: The City Council has recently approved C-2, General Commercial zoning for the Boylan property to the east. The land uses along the south side of Agua Fria vary from mixed use, general commercial to light industrial. Prior to the City annexing the area north of Agua Fria Road there was little development activity. With the City commitment of utilities and provision of City services this area is now experiencing requests for development or re-development.

Staff Response: As indicated by recent rezone applications immediately east of the property, there has been increased interest in intensifying both the residential and commercial land uses along Agua Fria. It is reasonable to assume that interest among property owners to rezone to higher intensity uses will continue along this section of Agua Fria. The residential and quasi-industrial uses currently located on the project site and on nearby parcels were apparently legally nonconforming for many years prior to annexation, and they remain legally nonconforming. The proposed rezoning would not make those uses conforming, but would enable future development for other types of more-intense commercial uses.

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

Applicant Response: The City General Plan shows this property and other properties between Agua Fria and the Santa Fe River as "Mountain/Corridor Residential". The predominate land use for this area is a mix of commercial and single family and rental housing. From the time that this area was brought into the "Presumptive City Limits" and zoned R-1, single family residential, one dwelling per acre, many of the existing uses have become non-conforming.

The land owners are now limited in the expansion of the existing structures on the property and the issuance of business licenses other than home occupation licenses. As non-conforming businesses if the business ceases to exist for one year or more the property must revert back to a low density single family use which is not consistent with the existing land use pattern for most of the properties in close proximity to this application.

Given the inconsistency between the zoning and the actual land use it would be more advantageous to recognize the existing land use pattern for the area. It does not make planning sense to create non-conformity out of 70 to 80 percent of the ownership in the vicinity of this request. That non-conformity discourages investment in the property and can lead to blight in the area.

Staff Response: It is not clear which general plan or other adopted city policies would support the proposed rezoning as more advantageous to the community. As noted in the sections of this report dealing with the proposed general plan amendment, the plan supports preparation of a sector plan to guide future land use patterns in the vicinity.

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

Applicant Response: Currently the existing zoning is R-1, Single Family Residential, one dwelling per acre, which creates a non-conforming status for this property. Rezoning of the property to C-2 uses would bring this property into conformance with the historic uses that have taken place on this property.

Staff Response: The applicant has met the Chapter 14 procedural requirements for rezoning applications, including ENN and notification requirements. No development plan for the property is required for C-2 rezoning, and the City Attorney's Office has advised that restrictions on the types or intensity of uses are not properly included in a rezoning case.

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

Applicant Response: The City General Plan shows this tract as "Low Density Residential, 1-3 dwellings/acre", which is inconsistent with the use of the property and the surrounding uses for the area.

It appears that the area was inadequately surveyed when the City General Plan was prepared and when zoning was assigned to this area during the adoption of SPPaZo, or the ordinance that established the zoning legislation for the areas that the City planned to annex in the future. It is therefore, not that the property is inconsistent with the General Plan, especially the future land use map, but that the land use designation established by the City General Plan was incorrect.

Staff Response: The applicant requests a change to the Future Land Use Map to create consistency with the proposed zoning. Refer to Section III of this staff report for additional discussion of general plan policies applicable to this application.

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

Applicant Response: Although there is a limited amount of vacant or developed C-2 land in this area of the City, the land area associated with this request should not be considered an addition to the City's supply of C-2 land, since it has been used for that purpose for over 50 years. The rezoning request for the subject property should be considered an infill development rather than a property that is located in the path of the future growth of the community. Undeveloped C-2 land is largely available in the southern region of the urban area, generally along Cerrillos Road and to a large extent in the Las Soleras and Entrada Contenta developments.

Staff Response: Refer to Section III of this staff report for discussion of growth rate projections.

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

Applicant Response: Public utilities are available on Agua Fria, including water, gas and electric lines, cable and telephone lines. The City has completed street improvements and widening of Agua Fria adjacent to the subject property including upgrades to the Agua Fria and Siler Road intersection. Siler Road has been completed from Agua Fria to West Alameda providing for alternative routes to Agua Fria. In fact the traffic volumes on Agua Fria have declined with the extension of Siler to West Alameda. There is currently no sewer available to these properties since the sewer line is located on the north side of the Santa Fe River. It is assumed that with the development of the Boylan tract that sewer will be extended along the south side of the Santa Fe River.

The closest Fire Station to this site is located on Cerrillos Road near Third Street within a five minute service radius to this property. The County is finalizing the design for a pedestrian and bicycle trail on the north side of the Santa Fe River. It is unknown what the time frame is for the construction of the trail north of the Santa Fe River.

Staff Response: A traffic impact study prepared by the applicant indicates it would be feasible to provide access from Agua Fria for commercial development on the project site. A review of coordinated access to similar development on other nearby sites via common driveways or local streets has not been done.

The property is not currently connected to City sewer or water. Connection to the City water system appears to be feasible via a water main in Agua Fria. Connection to sewer service would require coordination with other property owners, since the closest sewer main is within the river corridor. There is currently no plan for coordinating extensions of sewer and water service to the various undeveloped and underdeveloped parcels within the area; most do not currently have sewer and water connections.

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

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

Applicant Response: Commercial uses have existed in the vicinity for several years. The City Council has recently approved C-2, General Commercial zoning on the land just east and west of these properties. The property is located in an area that is in transition. The redevelopment of land between Agua Fria Road and the Santa Fe River will continue to occur. The pockets of low density residential land will begin to realize a higher market potential.

Staff Response: The property is in close proximity to a large number of residential, light industrial and commercial uses. The proposed amendment will allow for additional commercial uses, though no additional development is currently proposed. Redevelopment of the project site, along with redevelopment of other nearby sites, has the potential to significantly change the types of uses and intensity of development within the neighborhood.

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

Applicant Response: The assembly of these parcels results in a total of over 2.00 acres of land satisfying that criterion.

Staff Response: The subject property is greater than 2 acres.

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

Applicant Response: The majority of landowners south of Agua Fria Street, in the vicinity of this application are in a similar situation. These adjoining and nearby landowners have land uses that are inconsistent with the underlying zoning. The only

benefit that is received by this landowner is his willingness to spend the money on the City development review process to bring the zoning in line with the existing uses on the property.

Staff Response: While the proposed rezone would benefit the property owner, the immediate vicinity around the project site is under increased pressure to accommodate higher intensity uses. As such, there is increased likelihood that the prevailing use and character in the area on the north side of Agua Fria will become less rural and thereby benefit additional nearby property owners with increased development potential.

(D) Additional Applicant Requirements

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

Applicant Response: Existing utility infrastructure is available to serve this development and has the capacity to accommodate the project at full development. Water is located in Agua Fria Road. Sewer is north of the property across the Santa Fe River and is inaccessible at this point. When sewer becomes available there will be sufficient capacity in the line to accommodate the discharge requirements of this development

Staff Response: Refer to Section (C)(1)(e) above.

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

Applicant Response: There is no additional impact to the street system since no additional development is proposed. Improvements on Agua Fria Street include the widening of the roadway and construction of curb and gutter and sidewalks.

Staff Response: Refer to Section (C)(1)(e) above. The City's Traffic Division will be able to require some on-site mitigation measures when building permits are issued for future development on the property, but there will be very limited authority to require coordination of access or creation of roads which involve other properties.

VII. ATTACHMENTS:

EXHIBIT A: Conditions of Approval

EXHIBIT B: Development Review Team Memoranda

1. Traffic Engineering Division memorandum, Sandra Kassens

EXHIBIT C: Maps

1. Future Land Use
2. Current Zoning
3. Rezoning and Land Use Amendments along Agua Fria East of Siler Road

EXHIBIT D: R-1 and C-2 Use Lists

EXHIBIT E: ENN Notes, April 15, 2015

EXHIBIT F: Applicant Packet

City of Santa Fe, New Mexico

Planning Commission

Exhibit A

Conditions of Approval

2749 and 2751 Agua Fria General Plan Amendment and Rezone—Conditions of Approval

Planning Commission

Case #2015-43 & 44 – 2749 and 2751 Agua Fria GPA & Rezone

Condition	Department	Staff
<p>The Traffic Engineer conducted a review of the preliminary subdivision plat and provided the following comments which are noted as Conditions of Approval:</p> <ol style="list-style-type: none"> 1. The applicant shall dedicate sufficient Right-of-Way (ROW) to the City of Santa Fe for a future auxiliary lane along the frontage of the properties on Agua Fria Street. The Dedication Plat shall be reviewed and approved by the Public Works Department prior to recordation. 2. The applicant shall grant access easements from lots 1 and 34 through Lot 22 via a shared access driveway to Agua Fria Street. 3. The applicant shall include the following notes on said plat: <ul style="list-style-type: none"> • At such time that a Developer of any of lots 1, 22 or 34 applies for a building permit, development plan approval, or requests a business license that increases the intensity of use of the properties; the developer shall consult with the Public Works Department to determine the need for a right-turn deceleration lane. If it is determined to be necessary by the Public Works Department, the Developer shall construct an auxiliary lane per approval of the Public Works Department. • At such time that a Developer of any of lots 1, 22 or 34 applies for a building permit, development plan approval, or requests a business license that increases the intensity of use of the subject properties; the Developer shall close the driveway from lot 34 to Agua Fria Street and utilize the shared access granted by this plat. 	Traffic Engineering	John Romero/ Sandra Kassens
All future buildings require separate water meters.	Water Division	Dee Beigessner
Prior to the development or improvement of the property, owners and developers of the property shall obtain a technical sewer evaluation review by the City of Santa Fe Wastewater Division.	Wastewater Division	Stan Holland

City of Santa Fe, New Mexico

Planning Commission

Exhibit B

Development Review Team Memoranda

City of Santa Fe, New Mexico

memo

DATE: August 24, 2015

TO: Zach Thomas, Land Use Division

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

FROM: Sandra Kassens, Engineer Assistant *SK*

SUBJECT: 2749 & 2751 Agua Fria Street General Plan Amendment, case #2015-043 & 2749 & 2751 Agua Fria Street Rezone, case #2015-044.

ISSUE:

James W. Siebert and Associates, agent for Emeleolo (Leroy) Romero, requests approval of a General Plan Amendment to amend the existing General Plan Future Land Use Designation for 2.20 acres from Mountain Density Residential to Community Commercial. Mr. Siebert also requests rezoning of 2.20 acres from R-1 (Residential - 1 dwelling unit per acre) to C-2 (General Commercial). The property is located at 2749 and 2751 Agua Fria Street.

BACKGROUND:

The Traffic Impact Study (TIS) requested by the Public Works Department (PWD) indicated that a right-turn deceleration lane would be needed when the intensity of use exceeds a threshold equivalent to that of a 2,600 square foot shopping center. If the C-2 zoning is approved, the 2.2 acres referenced in this request could potentially be developed for any commercial use allowed in C-2 zoning. This study indicates that a deceleration lane will eventually be required in order to mitigate future commercial development of this site. The following conditions of this applicant will ensure that the necessary ROW is available to the City when it is needed. Additional notes on the plat will provide guidance to future developers/owners and land use staff concerning construction requirements for a deceleration lane.

RECOMMENDED ACTION:


Review comments are based on additional submittals received on July 27, 2015. The Comments below shall be considered as Conditions of Approval to be addressed prior to final signoff unless otherwise noted:

- 1) The applicant shall dedicate sufficient Right-of-Way (ROW) to the City of Santa Fe for a future auxillary lane along the frontage of the properties on Agua Fria Street. The Dedication Plat shall be reviewed and approved by the Public Works Department prior to recordation.
- 2) The applicant shall grant access easements from lots 1 and 34 through Lot 22 via a shared access driveway to Agua Fria Street.
- 3) The applicant shall include the following notes on said plat:

- At such time that a Developer of any of lots 1, 22 or 34 applies for a building permit, development plan approval, or requests a business license that increases the intensity of use of the properties; the developer shall consult with the Public Works Department to determine the need for a right-turn deceleration lane. If it is determined to be necessary by the Public Works Department, the Developer shall construct an auxiliary lane per approval of the Public Works Department.
- At such time that a Developer of any of lots 1, 22 or 34 applies for a building permit, development plan approval, or requests a business license that increases the intensity of use of the subject properties; the Developer shall close the driveway from lot 34 to Agua Fria Street and utilize the shared access granted by this plat.

If you have any questions or need any more information, feel free to contact me at 955-8697. Thank you.

City of Santa Fe
memo

DATE: April 30, 2015
TO: Zach Thomas, Land Use Senior Planner, Land Use Department
FROM: Dee Beingessner, Water Division Engineer 
SUBJECT: Case # 2015-44 2749-51 Agua Fria St

The property at 2749 Agua Fria currently has City water service. Water for additional buildings is available in a main on Agua Fria. All future buildings would require separate water meters.

Fire protection requirements are addressed by the Fire Department.



MEMO

Wastewater Management Division DEVELOPMENT REVIEW COMMENTS

E-MAIL DELIVERY

Date: April 30, 2015

To: Zach Thomas, Case Manager

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

Subject: Case 2015-43 & 44 – 2749 & 2751 Agua Fria Street General Plan Amendment, Rezone
and Development Plan

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

The Applicant shall add the following notes to the proposed Development Plan/Site Plan:

1. Connection to the City public sewer system is mandatory when the property is in the City limits and is being developed or improved is accessible to the City sewer system. Prior to the development or improvement of the property, owners and developers of the property shall obtain a technical sewer evaluation review by the City of Santa Fe Wastewater Division.

City of Santa Fe, New Mexico

Planning Commission

Exhibit C1

Future Land Use Map

2749 and 2751 Agua Fria Future Land Use Map



City of Santa Fe, New Mexico

Planning Commission

Exhibit C2

Zoning Map

2749 and 2751 Agua Fria Zoning Map



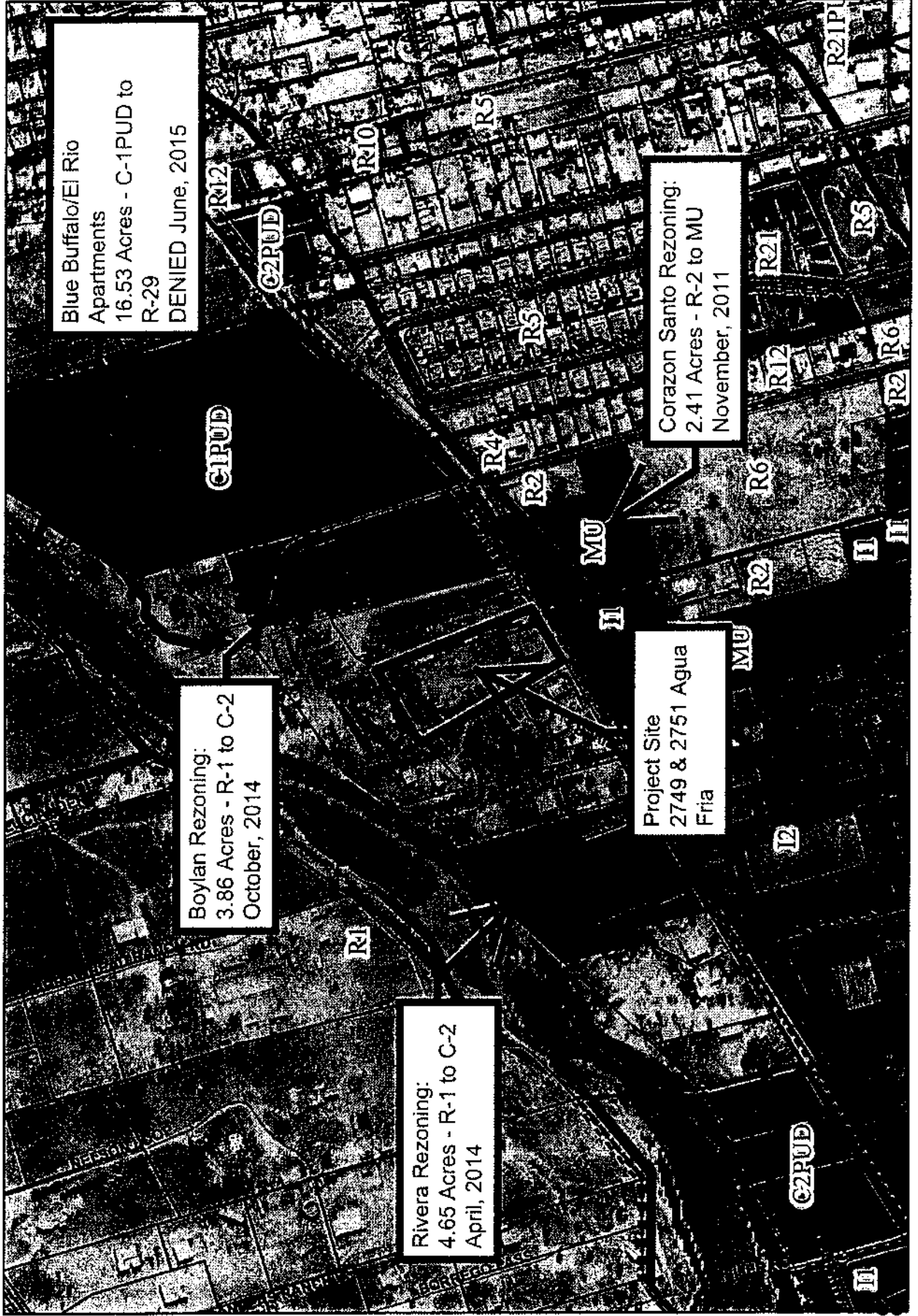
City of Santa Fe, New Mexico

Planning Commission

Exhibit C3

Recent Rezoning Map

Rezoning and Land Use Amendments along Agua Fria East of Siler Road



City of Santa Fe, New Mexico

Planning Commission

Exhibit D

R-1 and C-2 Use Lists

R-1, R-2, R-3, R-4, R-5 and R-6 Residential Districts

The purpose of the R-1, R-2, R-3, R-4, R-5 and R-6 *residential* districts is to be *residential* areas with low population *densities*.

Permitted Uses

1. Daycare; preschool; for infants & children (6 or fewer)
2. Dwelling, multiple-family
3. Dwelling, single-family
4. Electrical distribution facilities
5. Electrical substation
6. Electrical switching station
7. Electrical transmission lines
8. Foster homes licensed by the State
9. Group residential care facility (limited)
10. Manufactured homes
11. Police substations (6 or fewer staff)
12. Public parks, playgrounds & playfields

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

Special Use Permits

The following uses may be conditionally permitted in R-1, R-2, R-3, R-4, R-5 and R-6 districts subject to a Special Use Permit:

1. Adult day care
2. Boarding, dormitory, monastery
3. Cemeteries, mausoleums, columbaria
4. Clubs & lodges (private)
5. Colleges & universities (residential)
6. Continuing care community
7. Daycare; preschool; for infants & children (more than 6)
8. Fire stations
9. Grocery stores (neighborhood)
10. Group residential care facility
11. Laundromats (neighborhood)
12. Mobile home; permanent installation
13. Museums
14. Neighborhood & community centers (including youth & senior centers)
15. Nursing, extended care, convalescent, recovery care facilities
16. Police stations
17. Religious assembly (all)
18. Schools; elementary & secondary (public or private)
19. Sheltered care facilities
20. Utilities (all, including natural gas regulation station, telephone exchange, water or sewage pumping station, water storage facility)

Accessory Uses

The following accessory uses are permitted in R-1, R-2, R-3, R-4, R-5 and R-6 districts:

1. Accessory dwelling units
2. Accessory structures, permanent, temporary or portable, not constructed of solid building materials; covers; accessory structures exceeding 30 inches from the ground
3. Barbecue pits, swimming pools (private)
4. Children play areas & equipment
5. Daycare for infants & children (private)
6. Garages (private)
7. Greenhouses (non-commercial)
8. Home occupations
9. Incidental & subordinate uses & structures
10. Residential use ancillary to an approved use
11. Utility sheds, located within the rear yard only

Dimensional Standards

Max density	R-1=1; R-2 = 2; R-3 = 3; R-4 = 4; R-5 = 5; R-6 = 6 dwelling units per acre
Minimum lot:	Area: single family dwellings: minimum 4,000 SF or 2,000 SF if common open space provided; multi-family dwellings 4,000 SF per dwelling unit
Max height:	Residential structures 24 feet; non-residential structures 35; Within 10 feet of a property line, no point on a structure shall be higher than 14 feet above finished grade at the closest point on the perimeter of the structure. Within 15 feet of a side or rear property line, no point on a structure shall be higher than 24 feet above finished grade at the closest point of the perimeter.
Setbacks:	Street 7 (20 for garage or carport); side 5 or 10*; rear 15 or 20% of the average depth dimension of lot, whichever is less A garage or carport with a vehicle entrance facing the street must be set back 20 feet from the street property line (refer to illustration 14-7.1-3) (* Within 10 feet of a property line, no point on a structure shall be higher than 14 feet above finished grade at the closest point on the perimeter of the structure. Within 15 feet of a side or rear property line, no point on a structure shall be higher than 24 feet above finished grade at the closest point of the perimeter.)

Max lot cover: 40; 50 if private open space provided (14-7.5(C)(1))

Private Open Space

The intent of private open space is to ensure easily available access to the outdoors in medium- to high-density developments, and to provide for a sufficient sense of privacy.

Requirements are as follows:

The maximum lot coverage may be increased in accordance with Table 14-7.2-1 if qualifying private open space for each dwelling unit is provided as follows:

- (1) for lots in R-1, R-2, R-3, R-4, R-5, R-6, districts, an amount not less than fifty percent of the total gross floor area of that dwelling unit; and
- (2) balconies, roof decks or roofed areas such as porches or portals may be included as twenty-five percent of the required private open space;
- (3) private open space does not include parking areas, driveways or related access for automobiles or storm-water ponding areas;
- (4) the minimum dimension for required private open space shall not be less than 12 feet;
- (5) finished grade for required private open space shall have a slope no greater than 1 vertical foot in 10 horizontal feet; and
- (6) accessory dwelling units shall also be required to meet the private open space criteria in this Subsection 14-7.5(C); provided, however, that private open space for the accessory dwelling unit does not have to be physically separated from the private open space for the primary dwelling unit, and up to fifty percent of the private open space required for the accessory dwelling unit may be the same private open space provided for the primary dwelling unit; and
- (7) there are no planting requirements for private open space.

Minimum Qualifying Open Space

Detached single family dwellings – 14-7.2(C) – None except as provided for lot size averaging. It is intended that the *common open space* required in single-family subdivisions where the *lot* size has been reduced from that of a conventional subdivision be a compensation to occupants for reduced *lot* size. It is further intended that *common open space* be usable and be provided for occupants outside of the *lot* but within the subdivision.

Where the *lot* size is between 2,000 and 4,000 square feet, *common open space* is required in an amount such that the sum of the square footage of the *lots* in the *development* plus the sum of the square footage for *common open space*, all divided by the number of single-family *lots*, equals no less than 4,000 square feet.

Multiple family dwellings: common open space = 50% total gross floor area of all buildings, plus private open space = 25% of gross floor area of each unit.

C-2 General Commercial District

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

Permitted Uses

1. Adult day care
2. Antique stores
3. Art supply stores
4. Arts & crafts schools
5. Arts & crafts studios, galleries & shops; gift shops for the sale of arts & crafts
6. Assembly & manufacturing (light)
7. Automobile service & repair including filling & repair stations
8. Automobile tire recapping & retreading
9. Banks & credit unions with drive-through ☼
10. Banks & credit unions without drive through
11. Bar, cocktail lounge, nightclub with outdoor entertainment ☼
12. Bar, cocktail lounge, nightclub, no outdoor entertainment
13. Barber shops & beauty salons
14. Bed & breakfast and inns
15. Bookshops
16. Cabinet shops (custom)
17. Clubs & lodges (private) ☼
18. Colleges & universities (non-residential)
19. Commercial parking lots & garages
20. Commercial recreational uses & structures (theaters, bowling alleys, pool-rooms, driving ranges, etc)
21. Correctional group residential care facility ☼
22. Dance studios
23. Daycare; preschool; for infants & children (small – 6 or fewer)
24. Daycare; preschool; for infants & children (large – 6 or more)
25. Department & discount stores
26. Dwelling; multiple family (see section 14-6.2(A)(7) for additional regulations)
27. Dwelling; single family (see section 14-6.2(A)(7) for additional regulations)
28. Electrical distribution facilities
29. Electrical substation
30. Electrical switching station
31. Electrical transmission lines
32. Exercise, spas, gym facilities
33. Flea markets
34. Florist shops
35. Funeral homes or mortuaries
36. Furniture stores

37. Grocery stores (neighborhood)
38. Hotels, motels, residential suite hotels
39. Human service establishments ☼
40. Kennels ☼
41. Laboratories; research experimental & testing
42. Laundromats (neighborhood)
43. Lodging facilities; conference & extended stay
44. Manufactured homes (see section 14-6.2(A)(7) for additional regulations)
45. Medical & dental offices & clinics
46. Museums
47. Neighborhood & community centers (including youth & senior centers)
48. Non-profit theaters for production of live shows
49. Nursing; extended care convalescent, recovery care facilities
50. Office equipment sales & service; retail sales of office supplies
51. Office; business & professional (no medical, dental or financial services)
52. Personal care facilities for the elderly
53. Personal service establishments (including cleaning, laundry, appliance repair & similar services)
54. Pharmacies or apothecary shops
55. Photographers studios
56. Police stations
57. Police substations (6 or fewer staff)
58. Public parks, playgrounds, playfields
59. Religious assembly (all)
60. Religious, educational & charitable institutions (no school or assembly uses) ☼
61. Rental; short term
62. Restaurant with bar, cocktail lounge or nightclub comprising more than 25% of total serving area ☼
63. Restaurant with drive-through, drive-up ☼
64. Restaurant; fast service, take out, no drive through or drive-up
65. Restaurant; full service, with or without incidental alcohol service
66. Retail establishments not listed elsewhere
67. Schools; Elementary & secondary (public & private) ☼
68. Sign shops
69. Tailoring & dressmaking shops
70. Time share vacation projects
71. Utilities (all, including natural gas regulation station, telephone exchange, water or sewage pumping station, water storage facility)
72. Veterinary establishments, pet grooming ☼
73. Vocational or trade schools (non-industrial)
74. Wholesale & distributing operations (under 3,000 square feet of storage)

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

Special Use Permit

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

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

Accessory Uses

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

1. Accessory dwelling units
2. Accessory structures, permanent, temporary or portable, not constructed of solid building materials; covers; accessory structures exceeding 30 inches from the ground
3. Barbecue pits, swimming pools (private)
4. Children play areas & equipment
5. Daycare for infants & children (private)
6. Garages (private)
7. Greenhouses (non-commercial)
8. Home occupations
9. Incidental & subordinate uses & structures
10. Residential use ancillary to an approved use

Dimensional Standards

Minimum district size None.

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

Maximum height: 45

Minimum setbacks:

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

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

Max lot cover: 60

Nonresidential and Mixed Use Open Space Standards

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

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

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

Residential Open Space

C-2 District

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

City of Santa Fe, New Mexico

Planning Commission

Exhibit E

ENN Notes



City of Santa Fe Land Use Department Early Neighborhood Notification Meeting Notes

<i>Project Name</i>	2749, 2751 Agua Fria Rezone
<i>Project Location</i>	2749, 2751 Agua Fria
<i>Project Description</i>	GP Amendment, Rezone R-1 to C-2 for 2.2 Acres located on the north side of Agua Fria
<i>Applicant / Owner</i>	Leroy Romero
<i>Agent</i>	Siebert and Associates
<i>Pre-App Meeting Date</i>	
<i>ENN Meeting Date</i>	April 15, 2015
<i>ENN Meeting Location</i>	Southside Public Library
<i>Application Type</i>	GP Future Land Use Map Amendment, Rezoning
<i>Land Use Staff</i>	Greg Smith
<i>Other Staff</i>	None
<i>Attendance</i>	Applicant representative and eight members of the public.

Notes/Comments:

Applicant's representative Victoria Dalton presented a brief summary of the proposed project and showed maps and aerial photos of the project site. Ms. Dalton indicated that there was no arroyo crossing the property, that two rental dwelling units are located on the property, and that there are currently no plans for further development of the property.

Ms. Dalton stated the purpose of the rezoning is to eliminate the nonconforming status of the current rental units and the well drilling/repair business on the property, and to provide future benefit for the heirs of the current owner. She noted other nonconforming businesses are nearby, and cited other Agua Fria rezoning cases as precedents.

Various members of the public noted concerns with traffic volume and congestion on Agua Fria, indicating that commercial development would add to problems and "destroy the neighborhood bit by bit." Neighbors noted concerns with this and other recent and possible future development proposals being done piecemeal without planning.

Ms. Dalton responded that additional development could help to pay for infrastructure upgrades, and stated that the rezoning would not directly increase traffic. The meeting concluded after approximately one hour.

City of Santa Fe, New Mexico

Planning Commission

Exhibit F

Applicant Packet

**2749, 2751 AGUA FRIA ROAD
AND A 0.0057 ACRE TRACT, WITH AN
UNASSIGNED ADDRESS
GENERAL PLAN AMENDMENT**

**&
REZONING REPORT**

**PREPARED FOR
LEROY ROMERO**

**PREPARED BY

JAMES W. SIEBERT & ASSOC., INC**

APRIL, 2015

(revised August 17, 2015)

*CASE# 2015-43 GPA
CASE# 2015-44 Rezone*

TABLE OF CONTENTS

Project Description & Location	2
Ownership & Legal Lot of Record	2
Development Request	2
ENN Meeting	2
Prior Jurisdiction & Existing Conditions	4
Access	4
Archeology	4
Adjoining Land Uses	5
Utilities	5
<i>Water</i>	
<i>Sewer</i>	
<i>Dry Utilities</i>	
Response to General Plan Amendment	7-9
Response to Criteria for Rezoning of the Property	9-12

APPENDICES

Appendix A	Personal Representatives Warranty Deed
Appendix B	ENN Sign-in Sheet & Guidelines

FIGURES

Figure 1: Vicinity Map
Figure 2: Zoning Map

PROPERTY DESCRIPTION & LOCATION

The subject property is located at 2749 and 2751 Agua Fria Street. The request also includes a 0.057 acre tract which has not been assigned an address. The property is currently zoned R-1 with several existing buildings used for single family, rental and commercial purposes. The total area of all tracts within the rezoning request equals 2.203 acres. Mr. Romero has a well and pump repair and maintenance business, for which he has a City business license and currently operates as a home occupation. The main structure closest to Agua Fria has historically been referred to as the "castle".

Figure 1 is a vicinity map indicating the location of the subject property relative to the City street system and other known land marks in the area.

OWNERSHIP, LEGAL LOT OF RECORD

The subject property is owned by Leroy Romero. A warranty deed for the property in the name of Mr. Romero can be found in Appendix A to this report.

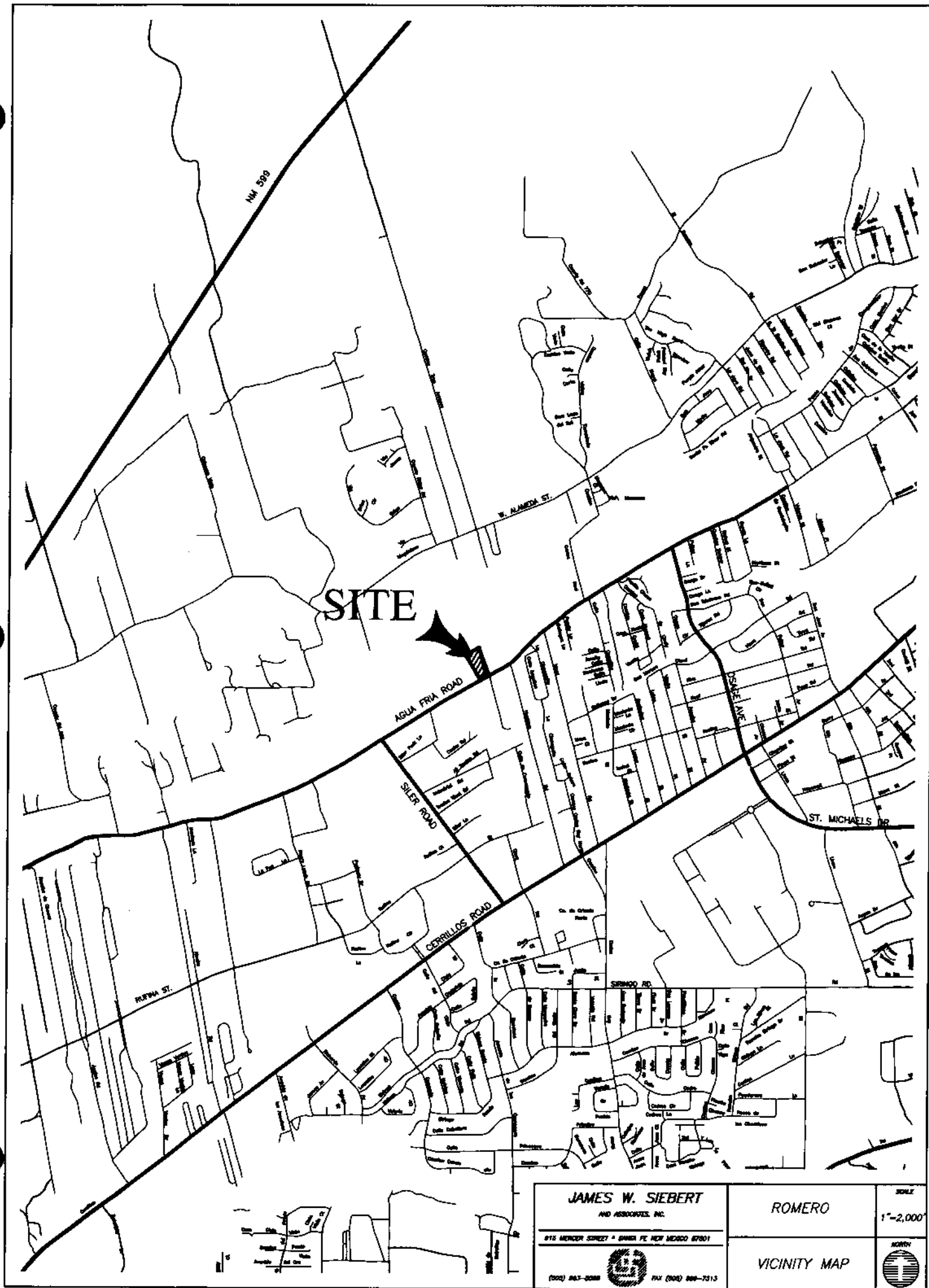
The legal lot of record for this property is created through information submitted to Land Use documenting the various boundaries for the property configuration as it exists today, including changes to property boundaries caused by BLM survey errors. A request has been submitted to the City to recognize the lots as legal lots based on documented evidence submitted to Land Use staff. A certificate of compliance recognizing these as legal lots is pending at the City.

DEVELOPMENT REQUEST

The applicant is requesting a general plan amendment to amend the existing land use from Residential Mountain to General Commercial and to rezone the subject 2.203 acres from R-1 (one dwelling per acre) to C-2 (General Commercial).

ENN

An Early Neighborhood Notification (ENN) meeting was held on April 15, 2015 at the Tierra Contenta Library. Seven people attended the meeting. The principal concern was the additional traffic to be added to Agua Fria Street. It was pointed out that the existing uses would be maintained for the foreseeable future since it was not the intent of Mr. Romero to redevelop the property. There was also concern about the need for the rezoning since Mr. Romero has a home occupation for his business. Mr. Romero stated that the existing zoning made his property a non-conforming use, potentially leaving his daughters with a property that would be difficult to sell or develop to a higher potential. The sign in sheet and ENN guidelines for the meeting is provided in Appendix B.



JAMES W. SIEBERT
AND ASSOCIATES, INC.
8715 MONTEREY STREET • DALLAS, TEXAS 75240 87801
(214) 363-3388 FAX (214) 363-7313

ROMERO	SCALE 1"=2,000'
VICINITY MAP	NORTH

PRIOR JURISDICTION AND EXISTING CONDITIONS

The property consists of 2.203 acres of land with several buildings located on the property. The size and type of use for these building is provided below.

<u>Site Data</u>	<u>Building Size</u>
Lot Area:	2.203 acres
Rental Units (castle):	1,725 (first floor)
Office:	250 sq. ft.
Shed A:	400 sq.ft.
Shed B:	427 sq. ft.
Mobile Home A:	980 sq. ft.
Mobile Home B:	840 sq. ft.
Residence:	825 sq. ft.
Lot Coverage:	5.6 % (5,447 sq.ft.)

ACCESS

Access to the property is directly off Agua Fria. There are currently two curb cuts that provide driveway access to the subject property. The most westerly curb cut serves as access to the main structure with two rental apartments, the two mobile homes at the rear of the property and Mr. Romero's business. The more eastern curb cut serves as the driveway to the single family residence.

ARCHAEOLOGY

This tract of land is located in the River and Trails district. Per City code an archaeological study is required for parcels more than two acres in size. An archaeology study has been prepared by Steve Townsend and is submitted under a separate cover. There are buildings on the property that are older than 50 years and qualify as having historic potential. There are no alterations of the existing property and no effect to significant cultural resources, therefore, cultural resource clearance is recommended by the consulting archaeologist as quoted below from the Townsend report.

"It is recommended there are no historically important resources on the subject property. Archaeological clearance is recommended for the proposed rezoning application with a finding of no effect to significant archaeological or historic resources".

ADJOINING LAND USES

The adjoining property to the west consists of seven rental dwelling units and single family structures to the north end of this property. There are three adjoining properties to the west that are zoned R-1 the fourth parcel to the west, previously Club Alegria has been rezoned to C-2. The property immediately east is residential. The third lot to the east (Boylan) has recently been rezoned to from R-1 to C-2, adjoining the C-2 (Boylan) property are two tracts that are zoned as C1-PUD. The property to the south on the south side of Agua Fria is zoned for I-1, light industrial and mixed use.

A description of the existing zoning in the vicinity of the application is provided on Figure 2

UTILITIES

Water

A 10 inch water line is located in Agua Fria Road. There are two water meters on the property. No expansion of the property is proposed at this time so there is no need to augment the water system serving the existing structures. There is a well on the property that serves the business and residential dwellings on the property.

Sewer

All of the buildings are served by existing septic tanks and leach fields. There is a septic tank and leach field that serves the two structures closest to Agua Fria. The two manufactured homes are served by a separate septic tank and leach field. There is no public sewer within 200 feet of the property and an on-site liquid waste system is permitted by City Code in that circumstance.

Dry Utilities

Electric and telephone are located on overhead lines along Agua Fria and within an adjoining easement on the west side of the property. There is three phase electric adjacent to Agua Fria and single phase electric on the west side of the adjoining property, which is available for use on this property. Natural gas has been extended to the existing structures from a feeder line on Agua Fria.

RESPONSE TO GENERAL PLAN AMENDMENT CRITERIA

The Land Development Code lists the criteria for addressing an amendment to the General Plan. Each of these criteria is addressed below.

(1) Criteria for all amendments to the general plan:

- (a) Consistency with growth projections for the City using a data base maintained and updated on an annual basis by the City, with economic development goals as set forth in a comprehensive economic development plan for the City, and with existing land use conditions, such as access and availability of infrastructure.*

Santa Fe has an annual growth rate of approximately one percent. The City is attempting to provide for a diversity of uses in the area along Agua Fria and Siler road. This is evidenced by the City Council's action to reject the Euclidian zoning applicable to the I-1 and I-2 districts and allow for a more liberal application of permitted uses in this area.

The City's 2008 Economic Development Plan recommends the following "targeted businesses.

Targeted sectors are identified as follows:

- Media (Film, Publishing, Journalism, Video Game Production, etc.)
- Green – Consistent with Sustainable Santa Fe Plan and including: Clean renewable energy (with a focus on the solar industry), water conservation, waste reduction technologies and outdoor and recreational activities and equipment.
- Technology (Biotech, Nanotech, Software design, etc.)
- Knowledge Based Enterprise (Research and Development, Think Tanks,
- Financial Services, Consulting, Public Policy, etc.)
- Arts & Culture (Artisans, Fine Artists, and Cultural Heritage as described in the City's Cultural, Arts and Tourism Plan.)

Of the above uses the City has already started to see an increase in the culture, arts and boutique beer breweries for the area. The area is evolving as a mix of industrial uses, theatres and locations for artists in metals and stone.

- (b) Consistency with other parts of the General Plan.*

The City General Plan shows this property as Residential Mountain, 1dwelling per acre.

The properties across Agua Fria to the south are zoned I-1, Light Industrial and MU Mixed Use.

The land uses on the property immediately west consist of higher density rental dwellings. Since the sixties this area has consisted of a mix of housing and small scale commercial businesses. This property is not located within the boundaries of the Southwest Sector Plan and a definition of appropriate land uses is derived more from consistency with recently approved zoning applications and existing mix of uses rather than directed policy.

(c) Compliance with the extraterritorial zoning ordinances and extraterritorial plan.

This criterion is no longer relevant since the adoption of SPPaZo and the relinquishment of the land use regulatory authority outside the city limits and the transfer of authority from extraterritorial jurisdiction to the City.

(d) Contribution to a coordinated, adjusted and harmonious development of the municipality which will, in accordance with existing and future needs, best promote health, safety, morals, order, convenience, prosperity or the general welfare as well as efficiency and economy in the process of development.

This area along Agua Fria Road has a long history of diverse land uses, first under County jurisdiction prior to 1990, then under extraterritorial jurisdiction from 1991 to 2009. It was common in the 1950's for Santa Fe residents to buy land in this area along Agua Fria and construct their homes and start a small business at the same location. The owner of the property wishes to continue to rent the two residential dwellings and house adjacent to Agua Fria, live in the one of the two manufactured homes while his daughter lives in the second manufacture home and maintain his current business without the necessity of a home occupation. This promotes the general welfare by having the security that the business use will be allowed by right. It also encourages investment in the property since the commercial zoning provides the security that encourages investment in the property.

(2) Additional Criteria for Amendments to Land Use Policies

- a) *The growth and economic projections contained within the plan are erroneous or have changed; or:*

When the existing General Plan was adopted in 1999 it seems that the General Plan failed to recognize the land use complexity of this part of the urban area. It is not a matter of the growth and economic projections being in error as it is the failure to observe the variety of existing land uses and assign a zoning district that best fit those land uses. The current R-1, Single Family Residential zoning allowing for one dwelling per acre is unrealistic for either this property or other properties in area south of Agua Fria. The R-1 district is often applied as a holding zone until an application is submitted for a use more suitable for the area.

- b) *No reasonable locations have been provided for certain land uses for which there is demonstrated need; or*

There are few locations this close to the center of the City where such a variety of land uses can

take place. The Planning Commission has already recognized diversity of land uses that exists north of Agua Fria by recommending approval of Boylan property zoning from R-1 to C-2. There are other locations for C-2 land in Santa Fe but the majority of developable C-2 land is located at the southern end of the urban area in the vicinity of Cerrillos Road.

- c) *Conditions affecting the location or land area requirements of the proposed land use have changed, for example, the cost of land space requirements, consumer acceptance, market, and building technology; and*

The conditions affecting the subject land are more jurisdictional than a result of market conditions. Historically this area has been under either County or extraterritorial jurisdiction where diverse mixes of land uses were recognized as the historical land use pattern for the area. Santa Fe County permitted business licenses for changes to uses within buildings as legal, non-conforming uses. When the City assumed regulatory control over this area, the assignment of R-1 rezoning made all of the structures, with the exception of the single family residence, non-conforming structures. The application of the C-2 zoning will bring the mix of residential and commercial uses into conformity with City zoning.

- d) *The effect of the proposed change in land use will not have a negative impact on the surrounding property. The proposed change in land use must be related to the character of the surrounding area or a provision must be made to separate the proposed change in use from adjacent property by a setback, landscaping or other means.*

Since the structures are existing there is no negative impact to the surrounding property. As described earlier the property to the west consists of several rental units, well in excess of the underlying zoning imposed by City. The Boylan rezoning to C-2 is located three parcels to the east of this application. Any redevelopment of the property in excess of 15,000 square feet will require a development plan application and hearing before the Planning Commission.

RESPONSE TO CRITERIA FOR REZONING OF THE PROPERTY

Rezoning Application – Approval Criteria

This section of the report addresses the rezoning criteria set forth in Section 14-3.5(C) of the Land Development Code.

- (a) *One or more of the following conditions exist:*
 - (i) *There was a mistake in the original zoning.*

Since the Annexation of this property, the City has used R-1 zoning designation for annexed areas where it serves as a holding zone until another use is proposed for the land. R-1 is the lowest density zoning district designated in the Land Development Code and the designation of this district is inconsistent with the policies of the General Plan.

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

The City Council has recently approved C-2, General Commercial zoning the Boylan property to the east. The land uses along the south side of Agua Fria vary from mixed use, general commercial to light industrial. Prior to the City annexing the area north of Agua Fria Road there was little development activity. With the City commitment of utilities and provision of City services this area is now experiencing requests for development or re-development.

- (iii) *A different use category is more advantageous to the community as articulated in the general plan or other adopted plans.*

The City General Plan shows this property and other properties between Agua Fria and the Santa Fe River as "Residential Mountain". The predominate land use for this area is a mix of commercial and single family and rental housing. From the time that this area was brought into the "Presumptive City Limits" and zoned R-1, single family residential, one dwelling per acre, many of the existing uses have become non-conforming.

The land owners are now limited in the expansion of the existing structures on the property and the issuance of business licenses other than home occupation licenses. As non-conforming businesses if the business ceases to exist for one year or more the property must revert back to a low density single family use which is not consistent with the existing land use pattern for most of the properties in close proximity to this application.

Given the inconsistency between the zoning and the actual land use it would be more advantageous to recognize the existing land use pattern for the area. It does not make planning sense to create non-conformity out of 70 to 80 percent of the ownership in the vicinity of this request. That non-conformity discourages investment in the property and can lead to blight in the area.

- (b) *All the rezoning requirements of Chapter 14 have been met.*

Currently the existing zoning is R-1, Single Family Residential, one dwelling per acre, which creates a non-conforming status for this property. Rezoning of the property to C-2 uses would bring this property into conformance with the historic uses that have taken place on this property.

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

The City General Plan shows this tract as "Low Density Residential, 1-3 dwellings/acre", which is inconsistent with the use of the property and the surrounding uses for the area.

It appears that the area was inadequately surveyed when the City General Plan was prepared and when zoning was assigned to this area during the adoption of SPPaZo, or the ordinance that established the zoning legislation for the areas that the City planned to annex in the future. It is therefore, not that the property is inconsistent with the General Plan, especially the future land use map, but that the land use designation established by the City General Plan was incorrect.

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

Although there is a limited amount of vacant or developed C-2 land in this area of the City, the land area associated with this request should not be considered an addition to the City's supply of C-2 land, since it has been used for that purpose for over 50 years. The rezoning request for the subject property should be considered an infill development rather than a property that is located in the path of the future growth of the community. Undeveloped C-2 land is largely available in the southern region of the urban area, generally along Cerrillos Road and to a large extent in the Las Soleras and Entrada Contenta developments.

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

Public utilities are available on Agua Fria, including water, gas and electric lines, cable and telephone lines. The City has completed street improvements and widening of Agua Fria adjacent to the subject property including upgrades to the Agua Fria and Siler Road intersection. Siler Road has been completed from Agua Fria to West Alameda providing for alternative routes to Agua Fria. In fact the traffic volumes on Agua Fria have declined with the extension of Siler to West Alameda. There is currently no sewer available to these properties since the sewer line is located on the north side of the Santa Fe River. It is assumed that with the development of the Boylan tract that sewer will be extended along the south side of the Santa Fe River.

The closest Fire Station to this site is located on Cerrillos Road near Third Street within a five minute service radius to this property. The County is finalizing the design for a pedestrian and bicycle trail on the north side of the Santa Fe River. It is unknown what the time frame is for the construction of the trail north of the Santa Fe River.

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

- (a) Allow uses or change in character significantly different from or inconsistent with the prevailing use and character in the area.*

Commercial uses have existed in the vicinity for several years. The City Council has recently approved C-2, General Commercial zoning on the land just east and west of these properties. The property is located in an area that is in transition. The redevelopment of land between Agua Fria Road and the Santa Fe River will continue to occur. The pockets of low density residential land will begin to realize a higher market potential.

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

The assembly of these parcels results in a total of over 2.00 acres of land satisfying that criterion.

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

The majority of landowners south of Agua Fria Street, in the vicinity of this application are in a similar situation. These adjoining and nearby landowners have land uses that are inconsistent with the underlying zoning. The only benefit that is received by this landowner is his willingness to spend the money on the City development review process to bring the zoning in line with the existing uses on the property.

(D) *Additional Applicant Requirements*

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

Existing utility infrastructure is available to serve this development and has the capacity to accommodate the project at full development. Water is located in Agua Fria Road. Sewer is north of the property across the Santa Fe River and is inaccessible at this point. When sewer becomes available there will be sufficient capacity in the line to accommodate the discharge requirements of this development

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

There is no additional impact to the street system since no additional development is proposed. Improvements on Agua Fria Street include the widening of the roadway and construction of curb and gutter and s

APPENDIX A
WARRANTY DEED

874207

PERSONAL REPRESENTATIVE DEED

Carmen Romero, personal representative of the Estate of Jose Arsenio Romero, deceased, appointed on April 18, 1990 by the First Judicial District Court, County of Santa Fe, Santa Fe, New Mexico, Probate No. SF 90-79(P) grants to Emelecio Leroy Romero and Jessie D. Romero, whose address is Route 1, Box 380G, Espanola, New Mexico 87532, all the interest of the Estate of Jose Arsenio Romero, in and to the real estate located in Santa Fe County, New Mexico and described as follows:

SEE Exhibit "A" attached hereto and incorporated by reference.

Dated: October 21, 1992

The Estate of Jose Arsenio Romero,
Deceased

By: Carmen Romero
Carmen Romero
Personal Representative

Acknowledgment

STATE OF NEW MEXICO)
) ss.
COUNTY OF SANTA FE)

The foregoing instrument was acknowledged before me this 21st day of October, 1992, by Carmen Romero, Personal Representative of the Estate of Jose Arsenio Romero, Deceased.

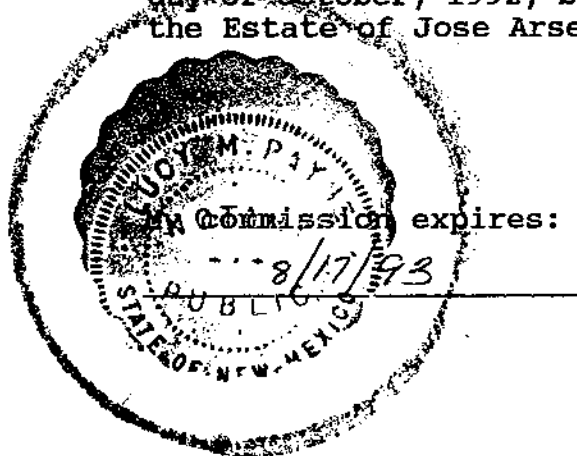
Larry M. Payne
Notary Public

795220

COUNTY OF SANTA FE) ss
STATE OF NEW MEXICO)
I hereby certify that this instrument was filed
for record on the 25 day of Nov A.D.
19 92, at 1:00 o'clock pm.
and was duly recorded in book 874
page 207-208 of the records of
Santa Fe County.

Witness my Hand and Seal of Office
Jona G. Armijo
County Clerk, Santa Fe County, N.M.

Oliver M. Garcia
Deputy



DESCRIPTION PORTION OF LOT 1, S.H.C. 417

874208

A TRACT OF LAND LYING AND BEING SITUATE WITHIN SECTION 33, TOWNSHIP 17 NORTH, RANGE 9 EAST, N.M.P.M. SANTA FE COUNTY, NEW MEXICO, A PORTION OF LOT 1, S.H.C. 417 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT A POINT FROM WHENCE THE SOUTH 1/4 CORNER OF SECTION 33, T 17 N, R 9 E, N.M.P.M. BEARS N58°25'44"E, 211.04 FEET; THENCE N28°18'30"E, 61.25 FEET; THENCE N42°37'36"E, 61.51 FEET TO THE 1/4 CORNER;

THENCE FROM SAID POINT OF BEGINNING ALONG THE FOLLOWING BEARINGS AND DISTANCES S13°26'32"E, A DISTANCE OF 137.41 FEET; THENCE N30°39'57"W, A DISTANCE OF 121.40 FEET; THENCE N45°43'20"E, A DISTANCE OF 41.86 FEET TO THE POINT AND PLACE OF BEGINNING. CONTAINING AN AREA OF 0.057 ACRES MORE OR LESS.

DESCRIPTION LOT 22

A TRACT OF LAND LYING AND BEING SITUATE WITHIN SECTION 33, TOWNSHIP 17 NORTH, RANGE 9 EAST, N.M.P.M. SANTA FE COUNTY, NEW MEXICO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT A POINT FROM WHENCE THE SOUTH 1/4 CORNER OF SECTION 33, T 17 N, R 9 E, N.M.P.M. BEARS N28°18'30"E, 61.25 FEET; THENCE N42°37'36"E, 61.51 FEET TO THE 1/4 CORNER;

THENCE FROM SAID POINT OF BEGINNING ALONG THE FOLLOWING BEARINGS AND DISTANCES S14°23'17"E, A DISTANCE OF 469.25 FEET TO THE NORTH RIGHT OF WAY (NEW) OF AGUA FRIA ROAD; THENCE ALONG THE NEW RIGHT OF WAY ALONG AGUA FRIA S59°45'02"W, A DISTANCE OF 119.41 FEET; THENCE N30°48'22"W, A DISTANCE OF 314.99 FEET; THENCE N13°26'32"W, A DISTANCE OF 137.41 FEET; THENCE N58°25'44"E, A DISTANCE OF 211.04 FEET TO THE POINT AND PLACE OF BEGINNING. CONTAINING AN AREA OF 1.845 ACRES MORE OR LESS.

DESCRIPTION PORTION OF LOT 27

A TRACT OF LAND LYING AND BEING SITUATE WITHIN SECTION 33, TOWNSHIP 17 NORTH, RANGE 9 EAST, N.M.P.M. SANTA FE COUNTY, NEW MEXICO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT A POINT FROM WHENCE THE SOUTH 1/4 CORNER OF SECTION 33, T 17 N, R 9 E, N.M.P.M. BEARS N28°18'30"E, 61.25 FEET; THENCE N42°37'36"E, 61.51 FEET TO THE 1/4 CORNER;

THENCE FROM SAID POINT OF BEGINNING ALONG THE FOLLOWING BEARINGS AND DISTANCES S21°22'31"E, A DISTANCE OF 456.85 FEET TO THE NORTH RIGHT OF WAY (NEW) OF AGUA FRIA ROAD; THENCE ALONG THE NEW RIGHT OF WAY ALONG AGUA FRIA S59°45'02"W, A DISTANCE OF 57.77 FEET; THENCE N14°23'17"W, A DISTANCE OF 469.25 FEET TO THE POINT AND PLACE OF BEGINNING. CONTAINING AN AREA OF 0.299 ACRES MORE OR LESS.

DESCRIPTION PORTION OF LOT 1, S.H.C. 417

874208

A TRACT OF LAND LYING AND BEING SITUATE WITHIN SECTION 33, TOWNSHIP 17 NORTH, RANGE 9 EAST, N.M.P.M. SANTA FE COUNTY, NEW MEXICO, A PORTION OF LOT 1, S.H.C. 417 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT A POINT FROM WHENCE THE SOUTH 1/4 CORNER OF SECTION 33, T 17 N, R 9 E, N.M.P.M. BEARS N58°25'44"E, 211.04 FEET; THENCE N28°18'30"E, 61.25 FEET; THENCE N42°37'36"E, 61.51 FEET TO THE 1/4 CORNER;

THENCE FROM SAID POINT OF BEGINNING ALONG THE FOLLOWING BEARINGS AND DISTANCES S13°26'32"E, A DISTANCE OF 137.41 FEET; THENCE N30°39'57"W, A DISTANCE OF 121.40 FEET; THENCE N45°43'20"E, A DISTANCE OF 41.86 FEET TO THE POINT AND PLACE OF BEGINNING, CONTAINING AN AREA OF 0.057 ACRES MORE OR LESS.

DESCRIPTION LOT 22

A TRACT OF LAND LYING AND BEING SITUATE WITHIN SECTION 33, TOWNSHIP 17 NORTH, RANGE 9 EAST, N.M.P.M. SANTA FE COUNTY, NEW MEXICO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT A POINT FROM WHENCE THE SOUTH 1/4 CORNER OF SECTION 33, T 17 N, R 9 E, N.M.P.M. BEARS N28°18'30"E, 61.25 FEET; THENCE N42°37'36"E, 61.51 FEET TO THE 1/4 CORNER;

THENCE FROM SAID POINT OF BEGINNING ALONG THE FOLLOWING BEARINGS AND DISTANCES S14°23'17"E, A DISTANCE OF 469.25 FEET TO THE NORTH RIGHT OF WAY (NEW) OF AGUA FRIA ROAD; THENCE ALONG THE NEW RIGHT OF WAY ALONG AGUA FRIA S59°45'02"W, A DISTANCE OF 119.41 FEET; THENCE N30°48'22"W, A DISTANCE OF 314.99 FEET; THENCE N13°26'32"W, A DISTANCE OF 137.41 FEET; THENCE N58°25'44"E, A DISTANCE OF 211.04 FEET TO THE POINT AND PLACE OF BEGINNING, CONTAINING AN AREA OF 1.846 ACRES MORE OR LESS.

DESCRIPTION PORTION OF LOT 27

A TRACT OF LAND LYING AND BEING SITUATE WITHIN SECTION 33, TOWNSHIP 17 NORTH, RANGE 9 EAST, N.M.P.M. SANTA FE COUNTY, NEW MEXICO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT A POINT FROM WHENCE THE SOUTH 1/4 CORNER OF SECTION 33, T 17 N, R 9 E, N.M.P.M. BEARS N28°18'30"E, 61.25 FEET; THENCE N42°37'36"E, 61.51 FEET TO THE 1/4 CORNER;

THENCE FROM SAID POINT OF BEGINNING ALONG THE FOLLOWING BEARINGS AND DISTANCES S21°22'31"E, A DISTANCE OF 456.85 FEET TO THE NORTH RIGHT OF WAY (NEW) OF AGUA FRIA ROAD; THENCE ALONG THE NEW RIGHT OF WAY ALONG AGUA FRIA S59°45'02"W, A DISTANCE OF 57.77 FEET; THENCE N14°23'17"W, A DISTANCE OF 469.25 FEET TO THE POINT AND PLACE OF BEGINNING, CONTAINING AN AREA OF 0.299 ACRES MORE OR LESS.

QUITCLAIM DEED

1296130

Jessie D. Romero
to Emelecio Leroy Romero, a/k/a Leroy Romero for consideration paid, quitclaim
whose address is Route 6, Box 145 Agua Fria Street, Santa Fe, New Mexico 87501
the following described real estate in Santa Fe County, New Mexico:

SEE ATTACHED EXHIBIT A
ALL THREE DESCRIPTIONS

WITNESS my hand and seal this 12th day of August, 1996

Jessie D. Romero (Seal) (Seal)
Jessie D. Romero

(Seal) (Seal)

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO
COUNTY OF Santa Fe

The foregoing instrument was acknowledged before me this 12th day of August, 1996
by JESSIE D. ROMERO
(Name or Names of Person or Persons Acknowledging)

My commission expires 10-23-99
(Seal) NEW

Dipie Lauterkrantz
Notary Public

ACKNOWLEDGMENT FOR CORPORATION

STATE OF NEW MEXICO

COUNTY OF

The foregoing instrument was acknowledged before me this

day of

by

(Title of Officer)

(Name of Corporation Acknowledging)

(State of Incorporation) half of said corporation.

COUNTY OF SANTA FE 955 508
STATE OF NEW MEXICO
I hereby certify that this instrument was filed for record on the 12th day of August, A.D. 1996 at 2:18 o'clock P.M. and was duly recorded in book 1297 page 130 of the records of Santa Fe County.
Witness my hand and Seal of Office
Jana G. Armijo
County Clerk, Santa Fe County, NM



DESCRIPTION PORTION OF LOT 1, S.M.C. 417

1296131

A tract of land lying and being situate within Section 33, Township 17 North, Range 9 East N.M.P.M. Santa Fe County, New Mexico, A Portion of Lot 1, S.M.C. 417 and being more particularly described as follows:

Beginning at a point from whence the South 1/4 corner of Section 33, T 17 N. R 9 E. N.M.P.M. bears N58°25'44" E, 211.04 feet, thence N28°18'30" E, 61.25 feet, Thence N42°37'36" E. 61.51 feet to the 1/4 corner,

Thence from said point of beginning along the following bearings and distances
S13°26'32" E. A distance of 137.41 Feet; Thence
N30°39'57" W, A distance of 121.40 Feet; Thence
N45°43'20" E, A distance of 41.80 Feet to the point and place of beginning,
containing an area of 0.057 acres more or less.

Tract 1, Portion of Lot 22:

A tract of land lying and being situate within Section 33, Township 17 North, Range 9 East, N.M.P.M. Santa Fe County, New Mexico, and being more particularly described as follows:

Beginning at a point from whence the south 1/4 corner of Section 33, T 17 N, R 9 E, N.M.P.M. bears N. 28°18'30" E., 61.25 feet; thence N. 42°37'36" E., 61.51 feet to the 1/4 corner:

Thence from said point of beginning along the following bearings and distances:
S. 14°23'17" E., a distance of 459.25 feet to the north right of way (new) of Agua Fria Road; thence along the new right of way along Agua Fria S. 59°45'02" E., a distance of 119.41 feet; thence N. 30°48'22" W., a distance of 314.99 feet; thence N. 13°26'32" W., a distance of 137.41 feet; thence N. 58°25'44" E., a distance of 211.04 feet to the point and place of beginning.

Tract II, Portion of Lot 34:

A tract of land lying and being situate within Section 33, Township 17 North, Range 9 East, N.M.P.M., Santa Fe County, New Mexico and being more particularly described as follows:

Beginning at a point from whence the south 1/4 corner of Section 33, T 17 N, R 9 E, N.M.P.M. bears N. 14°23'17" W., a distance of 51.55 feet; thence N. 28°18'30" E., a distance of 61.25 feet; thence N. 42°37'36" E. a distance of 61.51 feet:

Thence from said point of beginning along the following bearings and distances S. 22°01'17" E., a distance of 324.59 feet to a point; thence S. 14°36'17" E., a distance of 83.65 feet to a point; thence along the new right of way of Agua Fria Street S. 59°45'12" W., a distance of 45.15 feet to a point; thence N. 14°23'17" W., a distance of 417.70 feet to the point and place of beginning.

All as shown on that certain plat entitled "Plat of Survey for Estate of Arsenio (Archie) Romero", prepared by Morris A. Apodaca, PLS #5300, dated October 15, 1992 as project #D-333.

APPENDIX B

ENN SIGN-IN SHEET & GUIDELINES



City of Santa Fe
Early Neighborhood Notification Meeting
Sign-In Sheet

Project Name: Soray Romero GPA's Rezoning
Meeting Place: Southside Public Library

Meeting Date: 4/15/15
Meeting Time: 5:30

Applicant or Representative Check Box below

	Name	Address	Email
<input checked="" type="checkbox"/>	Victoria Dalton	915 Mercer St	Victoria@jdsd.net
<input type="checkbox"/>	Wizlyt Clark	1533 L. E. Clark	Wizlyt@jdsd.net
<input type="checkbox"/>	James Brown	2744-15 AGCA FRTN	James@jdsd.net
<input type="checkbox"/>	Jim Maggioni	1308 Camino Carlos Road	Jim@jdsd.net
<input type="checkbox"/>	Ruth 28 Porath	1311 Alamo Rd	Ruth@jdsd.net
<input type="checkbox"/>	Daniel Hernandez	1726 Alamo FRTN St	Daniel@jdsd.net
<input type="checkbox"/>	Lacey Adams	1726 Alamo FRTN St	Lacey@jdsd.net
<input type="checkbox"/>	Marissa Cross	1390 Camino Nio	Marissa@jdsd.net
<input type="checkbox"/>	Rick Martinez	725 Masilla	Rick@jdsd.net
<input type="checkbox"/>			
<input type="checkbox"/>			
<input type="checkbox"/>			

For City use: I hereby certify that the ENN meeting for the above named project took place at the time and place indicated.

[Signature]
Printed Name of City Staff in Attendance

[Signature]
Signature of City Staff in Attendance

4/15/2015
Date

This sign-in sheet is public record and shall not be used for commercial purposes.



ENN GUIDELINES

Applicant Information

Project Name: **General Plan Amendment and Rezoning of 2749, 2751 and unassigned 0.0057 acre tract**

Name:	Siebert	James	W
	<i>Last</i>	<i>First</i>	<i>M.I.</i>
Address:	915 Mercer Street		
	<i>Street Address</i>	<i>Suite/Unit #</i>	
	Santa Fe, NM 87505	NM	87505
	<i>City</i>	<i>State</i>	<i>ZIP Code</i>
Phone			
:	(505) 983-5588	E-mail Address:	jim@jwsiebert.com

Please address each of the criteria below. Each criterion is based on the Early Neighborhood Notification (ENN) guidelines for meetings, and can be found in Section 14-3.1(F)(5) SFCC 2001, as amended, of the Santa Fe City Code. A short narrative should address each criterion (if applicable) in order to facilitate discussion of the project at the ENN meeting. These guidelines should be submitted with the application for an ENN meeting to enable staff enough time to distribute to the interested parties. For additional

(a) EFFECT ON CHARACTER AND APPEARANCE OF THE SURROUNDING

NEIGHBORHOODS For example: number of stories, average setbacks, mass and scale, landscaping, lighting, access to public places, open spaces and trails.

The buildings in the surrounding neighborhoods south of the Santa Fe River and on either side of the development request are typically 18 to 24 feet in height. Given the age of many of the buildings that are located between Agua Fria Street and the Santa Fe River, building setbacks vary considerably since many of the buildings predate City or County zoning regulations. Landscaping and lighting is limited on this property and surrounding properties. There is a trail that is planned on the north side of the Santa Fe River. The County is negotiating for the purchase of open space along the Santa Fe River, immediately north of the subject property. The County has not yet acquired the property at this point in time.

(b) EFFECT ON PROTECTION OF THE PHYSICAL ENVIRONMENT For example: trees, open space, rivers, arroyos, floodplains, rock outcroppings, escarpments, trash generation, fire risk, hazardous materials, easements, etc.

There is a separate tract of land between the northern boundary of this property and the Santa Fe River. This property does not lie within the 100 year floodplain. There are no escarpments or rock outcroppings which pertain to this tract of land. Fire risk is limited to the existing buildings which are currently serviced by a City fire hydrant that is located on 2751 Agua Fria Street which is one of the parcels that is the subject of the General Plan Amendment and Rezoning request. There are no hazardous materials stored within the subject tracts of land. There are no platted easements located on the property.

(c) IMPACTS ON ANY PREHISTORIC, HISTORIC, ARCHAEOLOGICAL OR CULTURAL SITES OR STRUCTURES, INCLUDING ACEQUIAS AND THE HISTORIC DOWNTOWN For example: the project's compatibility with historic or cultural sites located on the property where the project is proposed.

This property is located within the River/Trails Archaeological District. An archaeological survey and report is required for tracts of land greater than 2 acres in size. An archaeological report and survey will be required for this property. There are no known cultural sites or structures located on the property. There are no acequias that serve or have ever served the land as they relate to this property. This tract of land is not located within the Historic Downtown.

(d) RELATIONSHIP TO EXISTING DENSITY AND LAND USE WITHIN THE SURROUNDING AREA AND WITH LAND USES AND DENSITIES PROPOSED BY THE CITY GENERAL PLAN *For example: how are existing City Code requirements for annexation and rezoning, the Historic Districts, and the General Plan and other policies being met.*

The land use pattern for this tract of land is consistent with the land uses to the east and west of the property. The intensity of use increases on the South side of Agua Fria, where the land is zoned a mix of I-1, Mixed Use and I-2. The City General Plan recommends a land use of residential mountain, allowing for 1 dwelling per acre. This future land use recommendation is inconsistent with the current use not only on this property but the parcels of land to the east and west of this property. The request for C-2, General Commercial zoning, is consistent with the current uses on the property and a reasonable transition from the mix of I-1, Mixed Use and I-2 zoning that is located on the South side of Agua Fria. The properties to the east and west of the subject tract are similar in scope and density to the uses located on the Romero tract.

(e) EFFECTS ON PARKING, TRAFFIC PATTERNS, CONGESTION, PEDESTRIAN SAFETY, IMPACTS OF THE PROJECT ON THE FLOW OF PEDESTRIAN OR VEHICULAR TRAFFIC AND PROVISION OF ACCESS FOR THE DISABLED, CHILDREN, LOW-INCOME AND ELDERLY TO SERVICES *For example: increased access to public transportation, alternate transportation modes, traffic mitigation, cumulative traffic impacts, pedestrian access to destinations and new or improved pedestrian trails.*

This length of Agua Fria Road that is in the area of this property has been improved with new pavement, access management and sidewalks on both sides of the road. Pedestrian access and safety has been greatly enhanced by these recent improvements to Agua Fria Road. There is a City transportation bus stop within 400 feet of this property. The sidewalks were constructed to satisfy the ADA access requirements at the driveways along Agua Fria Road allowing for wheel chairs to navigate this section of Agua Fria Road improving access for the disabled. With the extension of the trail system along the Santa Fe River there will be the opportunity to bicycle to the City center from this area via a bridge crossing at a yet to be determined location. The traffic generation will be no greater than what has historically occurred on the property.

(f) IMPACT ON THE ECONOMIC BASE OF SANTA FE *For example: availability of jobs to Santa Fe residents; market impacts on local businesses; and how the project supports economic development efforts to improve living standards of neighborhoods and their businesses.*

This property has historically been used for commercial purposes. Mr. Romero has operated his well repair business from this property for 10 years. Mr. Romero wished to change the use from legal non-conforming to a use recognized by the City Zoning Code. No jobs will be added as a result of the zoning approval but the recognition of the existing commercial use will encourage investment in this tract of land.

(g) EFFECT ON THE AVAILABILITY OF AFFORDABLE HOUSING AND AVAILABILITY OF HOUSING CHOICES FOR ALL SANTA FE RESIDENTS *For example: creation, retention, or improvement of affordable housing; how the project contributes to serving different ages, incomes, and family sizes; the creation or retention of affordable business space.*

The uses on this property consist of both commercial and residential. There is a single family residence on 2749 Agua Fria and is currently occupied by a renter. There are two rental dwellings in the building that is generally referred to as the "castle". There are two manufactured home dwellings on the subject General Plan Amendment and Rezoning request. The applicant resides in one of the units and his daughter resides in the other unit. There is no proposal at this time to convert the housing to commercial uses. The existing rental units will continue to be utilized for residential purposes.

- (h) EFFECT UPON PUBLIC SERVICES SUCH AS FIRE, POLICE PROTECTION, SCHOOL SERVICES AND OTHER PUBLIC SERVICES OR INFRASTRUCTURE ELEMENTS SUCH AS WATER, POWER, SEWER, COMMUNICATIONS, BUS SYSTEMS, COMMUTER OR OTHER SERVICES OR FACILITIES** *For example: whether or how the project maximizes the efficient use or improvement of existing infrastructure; and whether the project will contribute to the improvement of existing public infrastructure and services.*

There are two meter cans and meters that serve 2751 and 2749 Agua Fria. Sewer is located across the river and is further than 200 feet. Sewer is not available to the subject properties nor is it required to be extended since it is more than 200 feet from the subject properties. Individual onsite septic tanks are used for the property located at 2749 Agua Fria and 2751 Agua Fria. The 0.0057 acre tract is vacant. There is a City bus route that serves this section of the City that is located within 400 feet of the property. With annexation this tract of land is eligible for City police and fire protection and solid waste collection. No additional public infrastructure is required to serve this property. There are fire hydrants located along Agua Fria Road, one of which are is located on 2751 Agua Fria (castle lot) and two hydrants across the street which are 510 feet and 870 feet from the subject properties.

- (i) IMPACTS UPON WATER SUPPLY, AVAILABILITY AND CONSERVATION METHODS** *For example: conservation and mitigation measures; efficient use of distribution lines and resources; effect of construction or use of the project on water quality and supplies.*

The owner's plan is to maintain the current uses on the property and as such the water use on the property will remain the same until such time as redevelopment of the property takes place. Any redevelopment of the property that increases water use will have to comply with the City water conservation and water off-set ordinances.

- (j) EFFECT ON THE OPPORTUNITIES FOR COMMUNITY INTEGRATION AND SOCIAL BALANCE THROUGH MIXED LAND USE, PEDESTRIAN ORIENTED DESIGN, AND LINKAGES AMONG NEIGHBORHOODS AND RECREATIONAL ACTIVITY AND EMPLOYMENT CENTERS** *For example: how the project improves opportunities for community integration and balance through mixed land uses, neighborhood centers and/or pedestrian-oriented design.*

This property has been used for commercial and residential purposes for the last 60 plus years. Community integration is already accomplished by the mix of residential and commercial that occurs on these lots. There is an existing sidewalk on Agua Fria and the completion of the trail system on the north side of the Santa Fe River will allow for a pedestrian and bicycle connection to Santa Fe's downtown.

- (k) EFFECT ON SANTA FE'S URBAN FORM** *For example: how are policies of the existing City General Plan being met? Does the project promote a compact urban form through appropriate infill development? Discuss the project's effect on intra-city travel and between employment and residential centers.*

This area of Santa Fe has been part of the Santa Fe Urban Area since the 1970s. The annexation of this area implements the City General Plans that have been adopted over the last 40 years. Compact Urban form has been promoted by the City extending utilities to this area of the City and improved roadway for Agua Fria. The City has invested substantial financial resources to encourage a more compact urban form. A variety of types of residential development is located within a mile of this proposed rezoning.





Exhibit "11"

City of Santa Fe, New Mexico

memo

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

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

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

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

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

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

I. RECOMMENDATION

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

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

Exhibit "12"

II. APPLICATION OVERVIEW

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

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

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

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

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

III. SUMMARY OF PLANNING COMMISSION ACTION

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

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

ATTACHMENTS:

EXHIBIT 1:

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

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

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

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

Case #2015-57

Gerhart Apartments General Plan Amendment

Case #2015-58

Gerhart Apartment Rezoning to R-21

Owner's Name – Storm River LLC

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

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

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

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

FINDINGS OF FACT

General

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

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

General Plan Amendment

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

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

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

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

Rezoning

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

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

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

CONCLUSIONS OF LAW

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

General

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

The General Plan Amendment

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

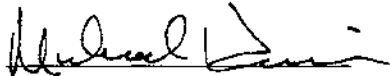
The Rezoning

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

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

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

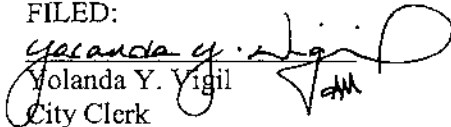
That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends approval of the rezoning request to R-21 to the Governing Body, subject to Staff Conditions.



Michael Harris, Chair

10/7/15
Date:

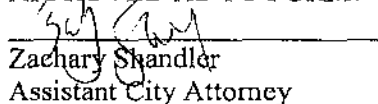
FILED:



Yolanda Y. Vigil
City Clerk

10/7/15
Date:

APPROVED AS TO FORM:



Zachary Shandler
Assistant City Attorney

10-1-15
Date:

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2015-__

INTRODUCED BY:

A RESOLUTION

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

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

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

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

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

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

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

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

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

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

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

21
22 _____
23 **JAVIER M. GONZALES, MAYOR**
24
25

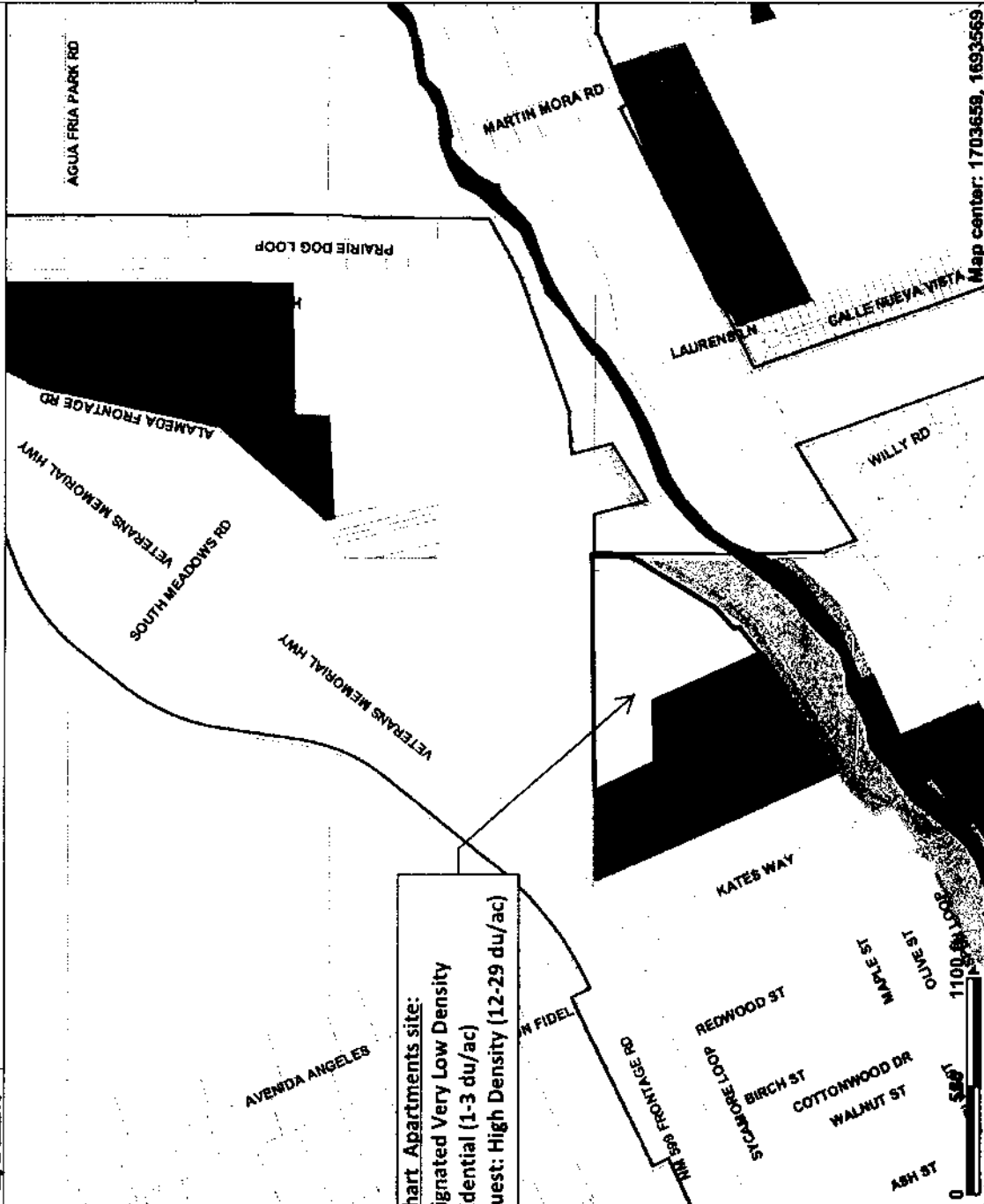
1 ATTEST:

2
3 _____
4 YOLANDA Y. VIGIL, CITY CLERK
5

6 APPROVED AS TO FORM:

7
8  _____
9 KELLEY A. BRENNAN, CITY ATTORNEY
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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



Legend

City Limits

Parcels

Santa Fe River

Future Land Use

Mountain/Corridor (1 dwelling per 10+ acres)

Very Low Density (1-3 dwellings per acre)

Low Density (3-7 dwellings per acre)

Moderate Density (7-12 dwellings per acre)

Medium Density (12-29 dwellings per acre)

High Density (29+ dwellings per acre)

Regional Commercial

Community Commercial

Neighborhood Center

Transitional Mixed Use

Business Park

Office

Industrial

Public/Institutional

Open Space

Parks

Scale: 1:9,293

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

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

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

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

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

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

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

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2015-38

AN ORDINANCE

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

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

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

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

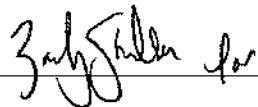
1 N.M.P.M., Santa Fe County, New Mexico,

2 **Section 2.** The official zoning map of the City of Santa Fe adopted by Ordinance No.
3 2001-27 is amended to conform to the changes in zoning classifications for the Property set forth
4 in Section 1 of this Ordinance.

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

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

11 **APPROVED AS TO FORM:**

12
13  _____

14 **KELLEY A. BRENNAN, CITY ATTORNEY**

EXHIBIT A:
For Bill No. 2015- 38

Legal Description of the
Gerhart Apartments
2800 South Meadows

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

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

And as more fully shown as Tract 2 on plat entitled "Summary Review Subdivision Plat for Lot Split Storm River Properties, LLC," prepared by Richard A. Chatroop, NMPLS #11011, filed for record in the Office of the Santa Fe County Clerk on 10 March 20 11, in Plat Book 718, Page 040, Document No. 1629136.

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

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

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

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

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

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

motion and it passed by unanimous voice vote.

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

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

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

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

F. CONSENT

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

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

Chair Harris welcomed Commissioner Abeyta to the Planning Commission.

G. OLD BUSINESS

1. Case #2015-57. Gerhart Apartments General Plan Amendment. Scott Hoeft of Santa Fe Planning Group, agent for Storm River LLC requests approval of a General Plan Future Land Use map amendment to change the designation of 11.83± acres of land from Low Density Residential (1-3 dwelling units per acre) to High Density Residential (12-29 dwelling units per acre). The property is located at 2800 South Meadows Road. (Donna Wynant, Case Manager) **(POSTPONED FROM AUGUST 6, 2015)**
2. Case #2015-58. Gerhart Apartments Rezoning. Scott Hoeft of Santa Fe Planning Group, agent for Storm River LLC, requests rezoning approval of 11.83± acres of land from R-1 (Residential, 1 dwelling units per acre) to R-21 (Residential, 21 dwelling units per acre). The property is located at 2800 South Meadows Road. (Donna Wynant, Case Manager) **(POSTPONED FROM AUGUST 6, 2015)**

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

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

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

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

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

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

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

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

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

PUBLIC HEARING

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

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

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

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

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

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

The Public Hearing was closed.

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

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

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

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

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

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

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

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

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

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

Mr. Smith agreed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Commissioner Probst noted that Romero recommended deceleration lanes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

H. NEW BUSINESS

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

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

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

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

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

Against: None.

F. NEW BUSINESS

1. **CASE #2015-66. 820 CAMINO VISTAS ENCANTADA VARIANCE. [HEARD PREVIOUSLY AFTER BEING MOVED UP ON THE AGENDA]**
2. **CASE #2015-57. CASE #2015-57. GERHART APARTMENTS GENERAL PLAN AMENDMENT. SCOTT HOEFT OF SANTA FE PLANNING GROUP, AGENT FOR STORM RIVER LLC REQUESTS APPROVAL OF A GENERAL PLAN FUTURE LAND USE MAP AMENDMENT TO CHANGE THE DESIGNATION OF 11.83± ACRES OF LAND FROM LOW DENSITY RESIDENTIAL (1-3 DWELLING UNITS PER ACRE) TO HIGH DENSITY RESIDENTIAL (12-29 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED AT 2800 SOUTH MEADOWS ROAD. (DONNA WYNANT, CASE MANAGER)**

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

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

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

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

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

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

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

Public Hearing

Presentation by the Applicant

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Speaking to the Request

All those speaking were sworn en masse

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Public Hearing was continued to September 3, 2015

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

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

Chair Harris asked the Commissioners their pleasure in this regard.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

G. STAFF COMMUNICATIONS

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

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

H. MATTERS FROM THE COMMISSION

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

City of Santa Fe, New Mexico

memo

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

TO: Planning Commission

VIA: Lisa Martinez, Director, Land Use Department / *EB*
Greg Smith, AICP, Current Planning Division Director / *GS*

FROM: Donna Wynant, AICP, Senior Planner, Current Planning Division / *GS*

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

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

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

RECOMMENDATION

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

I. EXECUTIVE SUMMARY

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

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

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

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

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

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

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

II. GENERAL PLAN AMENDMENT

14-3.2 (E) Approval Criteria

(1) Criteria for All Amendments to the General Plan

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

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

Applicant Response:

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

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

Staff Response:

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

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

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

Applicant Response:

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

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

Staff Response:

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

(c) the amendment does not:

- (i) allow uses or a change that is significantly different from or inconsistent with the prevailing use and character in the area; or***
- (ii) affect an area of less than two acres, except when adjusting boundaries between districts; or***
- (iii) benefit one or a few landowners at the expense of the surrounding landowners or the general public;***

Applicant Response:

See response below.

Staff Response:

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

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

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

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

Applicant Response:

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

Staff Response:

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

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

Applicant Response:

No longer applicable.

Staff Response:

Staff concurs.

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

Applicant Response:

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

Staff Response:

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

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

Applicant Response:

(No response was given)

Staff Response:

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

(2) Additional Criteria for Amendments to Land Use Policies

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

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

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

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

Applicant Response:

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

Staff Response:

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

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

III. REZONING

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

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

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

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

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

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

Applicant Response:

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

Staff Response:

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

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

Applicant Response:

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

Staff Response:

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

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

Applicant Response:

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

Staff Response:

The rezoning proposal is consistent with applicable general plan policies, as described in more detail in Section 11 of this report.

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

Applicant Response:

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

Staff Response:

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

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

Applicant Response:

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

Staff Response:

Staff concurs with the applicant's statement.

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

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

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

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

Applicant Response:

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

Staff Response:

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

(D) Additional Applicant Requirements

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

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

Applicant Response:

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

Staff Response:

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

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

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

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

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

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

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

IV. EARLY NEIGHBORHOOD NOTIFICATION MEETING

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

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

ATTACHMENTS:

EXHIBIT A: Conditions of Approval

EXHIBIT B: Development Review Team Memoranda

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

EXHIBIT C: Maps

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

EXHIBIT D: ENN Materials

1. ENN Responses to Guidelines
2. ENN Meeting Notes

EXHIBIT E: Applicant Materials

1. Conceptual Site Plan [Included in Commissioner packets]

EXHIBIT F: Other Material

1. List of permitted uses in the R-29 district (Residential, 29 du/acre)

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

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

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

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

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

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

City of Santa Fe, New Mexico

memo

DATE: July 17, 2015

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

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

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

RE: The Gerhart Apartment Project

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

City of Santa Fe, New Mexico

memo

**AMENDED MEMO*

DATE: July 28, 2015

TO: Donna Wynant, Senior Planner, Land Use Division

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

FROM: Sandra Kassens, Engineer Assistant *SK*

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

ISSUE:

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

RECOMMENDED ACTION:

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

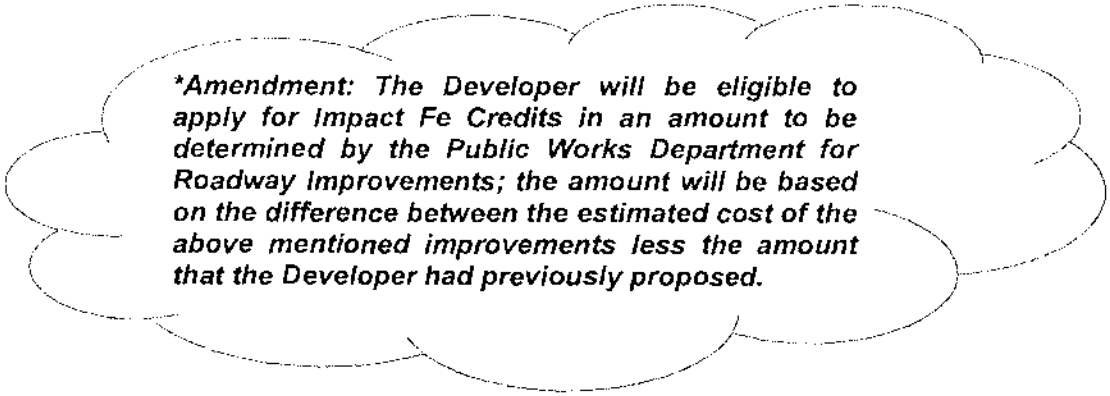
- The Developer shall provide right-turn deceleration lane analyses on South Meadows Road at both driveways into the apartments per the criteria in the State Access Management Manual (SAMM); and shall build right-turn deceleration lane(s) if determined to be necessary by the Public Works Department (PWD);

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

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

See amended notes on following page

SS001.PM5 - 7/95

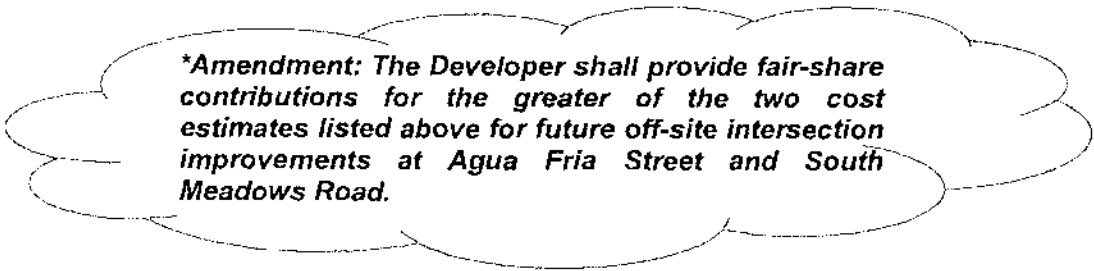


****Amendment: The Developer will be eligible to apply for Impact Fe Credits in an amount to be determined by the Public Works Department for Roadway Improvements; the amount will be based on the difference between the estimated cost of the above mentioned improvements less the amount that the Developer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

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

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

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



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

Development Plan Review:

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

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

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

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

1. Traffic Analysis

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

2. Safety

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

3. Horizontal and Vertical Alignment

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

4. Typical Section

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

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

5. Multi-modal Transportation

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

6. Drainage

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

Table 21 – Proposed Drainage Structures for S. Frontage Road between Caja del Rio and CR 62		
Pipe Size	Length Required (ft)	Remarks
24"	120	Under Caja del Rio
30"	1696	Storm drain
36"	1696	Storm drain
42"	1696	Storm drain
24"	40	Connect 8 drop inlets to storm drain.

7. Noise Wall

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

8. Utilities

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

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

9. **Constructability**

The frontage road can be constructed without impacting existing traffic.

10. **Right-of-way**

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

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

11. **Environmental Factors**

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

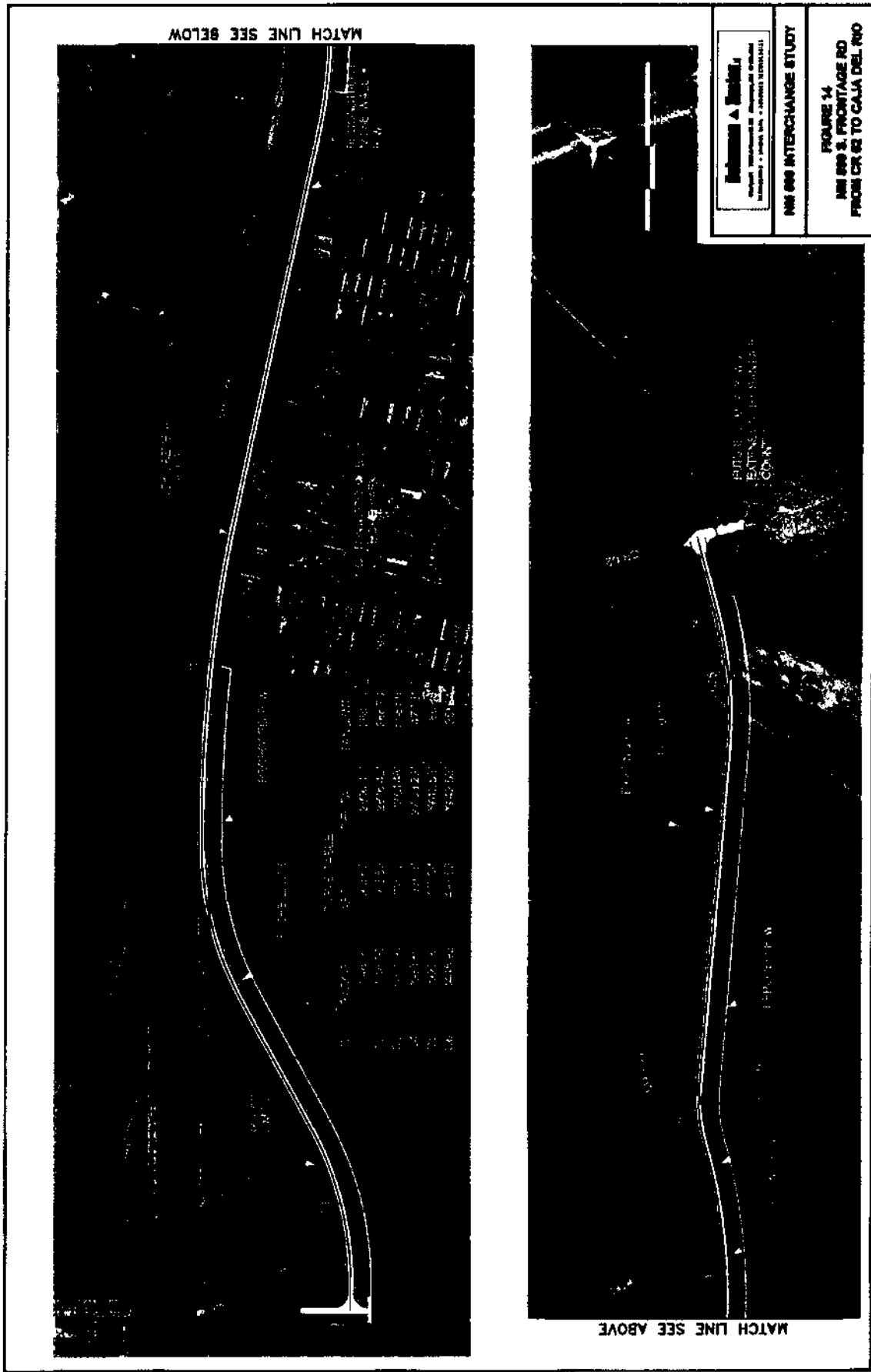
Field surveys would be required to determine the level of impact for the following resource areas: cultural resources, biological resources, threatened and endangered species, and hazardous materials. Consideration of local and regional travel patterns and access modifications would need to be completed.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

12. **Estimated Construction Cost**

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

13. **Recommendations**

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



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

Donna:

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

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

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

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

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

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

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

Please Visit Our Website at: www.santafemppo.org



Find Us on Facebook



Follow us on Twitter

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

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

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

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

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

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

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

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

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

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

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

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



MEMO

Wastewater Management Division DEVELOPMENT REVIEW COMMENTS

E-MAIL DELIVERY

Date: May 29, 2015

To: Donna Wynant, Case Manager

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

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

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

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


The following notes shall be added to the plats:

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

The following is a design review comment:

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

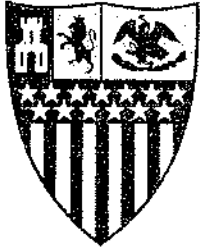
City of Santa Fe **memo**

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

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

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

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



City of Santa Fe, New Mexico

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

www.santafenm.gov

Javier M. Gonzales, Mayor

Councilors:

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

Patti J. Bushee, Dist. 1

Signe I. Lindell, Dist. 1

Joseph M. Maestas, Dist. 2

Carinichael A. Dominguez, Dist. 3

Christopher M. Rivera, Dist. 3

Ronald S. Trujillo, Dist. 4

Bill Dimas, Dist. 4

July 15, 2015

Soren Peters
Storm River LLC
P.O. Box 908
Santa Fe, NM 87504

NOTICE OF ARC ACTION

Project Location: South Meadows Road (proposed Gerhart Apartments)

ARC Case Number: AR-21-15

Dear Mr. Peters,

At their hearing on July 2, 2015, the City of Santa Fe Archaeological Review Committee (ARC) voted unanimously to approve an archaeological reconnaissance report prepared by Stephen Post, covering 11.8 acres for the proposed Gerhart Apartments. The ARC found the report to be in compliance with the requirements of the Santa Fe Archaeological Review Districts Ordinance and issued an Archaeological Clearance Permit for the project. No further investigation is required. If you have questions or concerns, please do not hesitate to contact me at 505-955-6660 or lroach@santafenm.gov.

Sincerely,

Lisa G. Roach
Senior Planner / Archaeological Liaison
Historic Preservation Division
City of Santa Fe

CC: Stephen Post
3924 Old Santa Fe Trail
Santa Fe, NM 87505



**CITY OF SANTA FE
ARCHAEOLOGICAL SUBMITTAL CHECKLIST/CLEARANCE PERMIT AND APPROVAL**



Case File Number AR-21-15 Date Application Submitted 6/15/2015
 District: Historic Downtown District _____; River & Trails-Regular ☒; Santa Fe Trail _____; Suburban _____
 Building Sq. Ft. _____ Development Acreage 11.8 acres
 Project Description: Rezoning and plan amendment, development
 Site Address/Location: South Meadows Rd. Property Owner: Storm River LLC
 Permit: Grading _____; Development ☒; Building _____
 Applicant Information: Name: Sarah Peters, Storm River LLC, PO Box 908, SF, NM 87504
 Mailing Address: (see above) Phone No.: _____
 Archaeological Consultant: Steve Post 820-7785

RECONNAISSANCE REPORT

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Project Archaeologist's Resume | f. _____ Historic Photos (needed if in Historic Downtown District) |
| 2. <input checked="" type="checkbox"/> Vicinity Map | g. _____ Information from Title Abstract (if available) |
| 3. <input checked="" type="checkbox"/> Project Site Description | 8. <u>N/A</u> 2% Testing (Historic Downtown District Only) |
| 4. <input checked="" type="checkbox"/> Development Project Description | 9. <input checked="" type="checkbox"/> Description of Prehistoric & Historic Occupation & Land Use |
| 5. <input checked="" type="checkbox"/> Outline of Research & Methodology | 10. <input checked="" type="checkbox"/> Description of Cultural Remains Discovered and Significance |
| 6. <input checked="" type="checkbox"/> Site Map or Aerial Photograph at a Minimum of 1"=200' for Downtown Dist. & 1"=400' for other Districts | 11. <input checked="" type="checkbox"/> NM Site Inventory Forms and Other Documentation |
| 7. <input checked="" type="checkbox"/> Archival Research | 12. <input checked="" type="checkbox"/> Recommended Site Significance |
| a. <input checked="" type="checkbox"/> Historic Maps & Aerial Photos | 13. <input checked="" type="checkbox"/> Assessment of Development's Impact on Cultural Remains |
| b. <input checked="" type="checkbox"/> ARMS Files & Archaeological Reports | 14. <input checked="" type="checkbox"/> Recommended Treatment for Site |
| c. <input checked="" type="checkbox"/> General Land Office (BLM) Surveys or Land Grant Plats | 15. <input checked="" type="checkbox"/> Listing of Sources, i.e. historic maps, aerials, reports, etc. |
| d. <input checked="" type="checkbox"/> 1917 Hydrological Survey and Santa Fe Acequia System Report (needed if acequia present or nearby) | |
| e. _____ National and State Register Nominations (needed if in Historic Downtown District or near Historic Structure) | |

☒ **ARC APPROVAL: MEETING DATE:** July 2, 2015
 Special Conditions: _____ Yes (see attachment) _____ No w/connections

TREATMENT PLAN REQUIRED:

Yes: _____ No: ☒

TREATMENT PLAN ARC APPROVAL: MEETING DATE: _____
 Special Conditions: _____ Yes (see attachment) _____ No

PRELIMINARY TREATMENT REPORT

- | | |
|--|--|
| _____ a. Research Design Outline | _____ d. Description of Cultural Remains Discovered |
| _____ b. Site Map of Excavations | _____ e. Description of Prehistoric and Historic Occupation and Land Use |
| _____ c. Other Documentation: Photographs and New Mexico Site Inventory Forms; if applicable | _____ f. Listing of Sources |

TREATMENT REPORT ARC APPROVAL: MEETING DATE: _____
 Special Conditions: _____ Yes (see attachment) _____ No

FINAL TREATMENT REPORT

_____ Date Final Report Due _____ Date Final Report Received

Permit Approved: [Signature]
 Archaeological Review Committee Chairperson

Date: July 2, 2015



Santa Fe Public Schools

Property & Asset Management

Residential Development Impact Information Form

School Notification as required by City Ordinance 14-8.18 AFCC 1987

Required for all projects that create six or more new residential lots or dwelling units.

1. Project Name: Genhart Apartment project
2. Location of Property: 2800 S. ALVARADO Rd
3. Owner/Agent Name: Scott Hoefft / St planning Group
Mailing Address: P.O. Box 2482, SF, NM 87504
Phone & Fax: 505 412 0309
4. Unit Matrix

PROJECT EFFECT ON STUDENT POPULATION		
Unit Type	Unit Quantity	Average Price
Single Family (detached)	240	200-1200/monthly
Single Family (attached)		
<u>Townhome/ Apartment</u>		
Multi-Family		
Commercial		

5. Elementary School Zone for Proposed Development: Alvarado
6. Middle School Zone for Proposed Development: Alvarado
7. High School Zone for Proposed Development: Capital Hill
8. Build-out Timeline (i.e. year(s); #/yr):

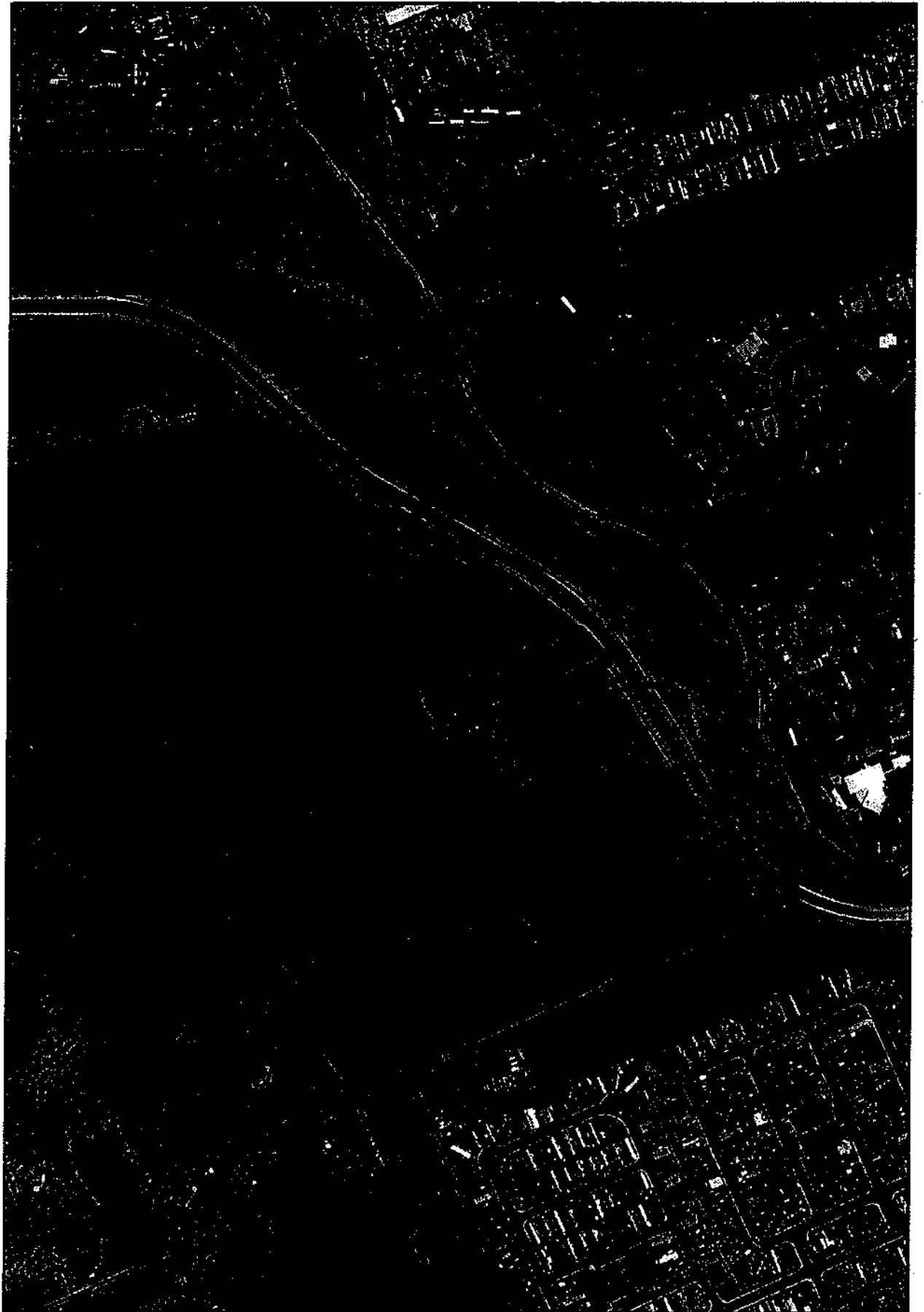
Phase 1 = 120 units 2016
Phase 2 = 120 units 2017

Educational Services Center
610 Alta Vista
Santa Fe, NM 87505
Telephone (505) 467-2000
www.sfps.info

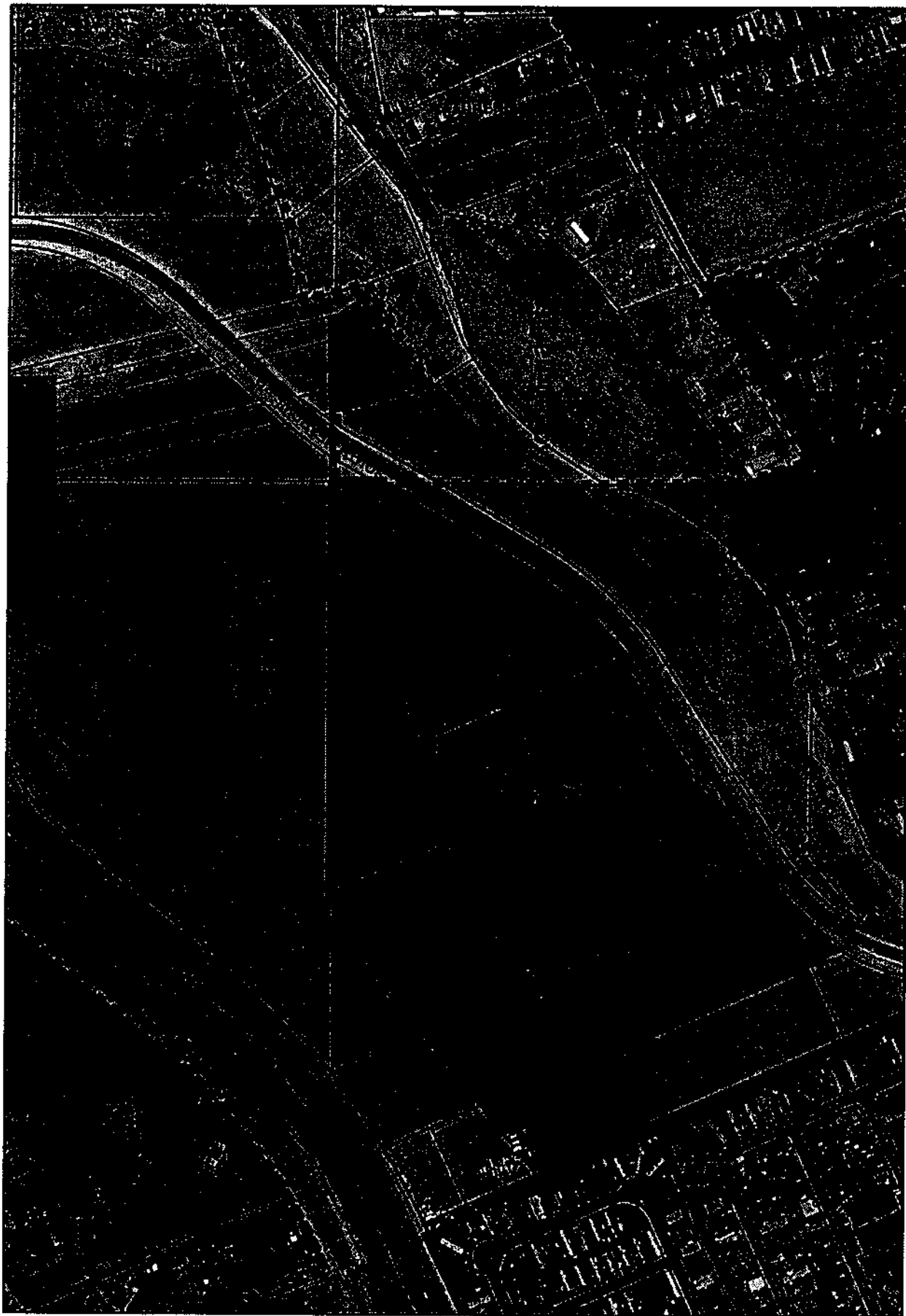
Submit completed form directly to:
Justin Snyder, Property & Asset Management,
Santa Fe Public Schools, 610 Alta Vista, Santa Fe, NM 87505

EXHIBIT B-10

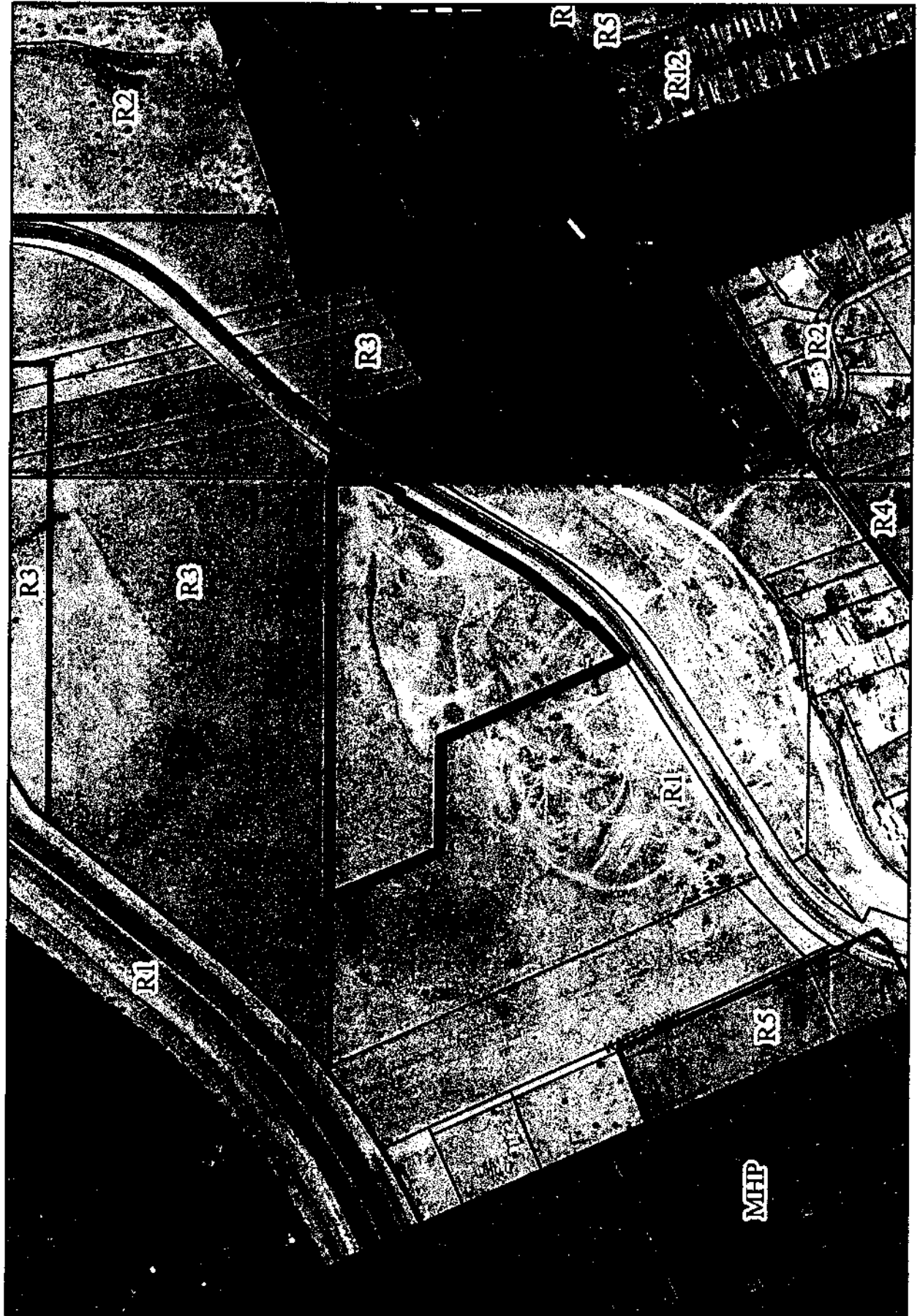
Gerhart Apartme. J- Aerial Photo
(Project Site Highlighted in Red,
City Limits Noted by Red Dashed Line)



**Gerhart Apartments- Future Land Use Map
(Project Site Highlighted in Red,
City Limits Noted by Red Dashed Line)**



Gerhart Apartments Current Zoning
(Project Site Highlighted in Red,
City Limits Noted by Red Dashed Line)



**Gerhart Apartment Project:
General Plan Amendment/Rezoning Request
Early Neighborhood Notification**

The City Code provides for the exchange of information between an applicant for subdivision approval and the area neighborhoods. Eleven points are to be discussed with the neighborhood residents and landowners. This document is intended to address these eleven points.

LOCATION:

The subject site is approximately 11.83-acres in size and is located on South Meadows Road, immediately adjacent to the new Agua Fria Public School (to our west). To the north is land owned by the State Land Office, to the south is land owned by the same owner, and to the east is land owned by the BLM. The subject site is located in the Presumptive City Limits.

REQUEST:

The subject site is currently shown on the land use map as low-density residential. The intent of this application is to re-zone the property to high-density zoning (R-21) for an apartment project that has 240 dwelling units. 36-ft. of height for the building (or 3 stories) is the anticipated height of the structures.

The following is an outline of the eleven discussion points to be considered in the ENN process:

1. The effect on character and appearance of the surrounding neighborhoods:

The subject site is adjacent to the new Agua Fria School (which is located to the west). Vacant land is located to the north, south and east. Beyond the Santa Fe River (to the south) single-family homes front Agua Fria. ¼ mile to the west (beyond the school) is the high-density Cottonwood Mobile Home Pal. NM599 is located approximately 600-ft. to the northwest of the subject site.

The project encourages compact urban form as an infill project. It is envisioned that the apartment project combined with the new school will provide a higher density development area where children can walk to school (literally next door), adults can easily access the transportation infrastructure (NM599) to the north to drive to work, and all participants can access the trails network which will be located in the Santa Fe River Corridor.

The buildings will be three-story in height but will be setback a considerable distance from the S. Meadows Road (approximately 100-ft.). Pedestrian access will be provided to the school and to the SF River Trail network across S. Meadows Rd.

2. Effect on protection of the physical environment:

A large portion of the site was disturbed and used as a borrow pit for gravel operations during the construction of NM599. As the site experienced significant disturbance, a new project will significantly improve the appearance and circumstances of the area. The site features few if any trees and is not in the flood plain or escarpment district.

3. Impacts on prehistoric, historic, archaeological or cultural sites, including acequias and the historic downtown:

The site does not feature historic or archaeological/cultural sites or structures. The project will conform to the City of Santa Fe guidelines for archaeological review.

4. Relationship to existing density and zoning within the surrounding area:

The area that surrounds the subject site is largely vacant. The school use is the most important associate use and a high-density apartment project is the perfect complement to the school in order to have a high number of school children walking to school. The Cottonwood Mobile Home Park is located about ¼ mile distance to the site and is another high-density use in relative close proximity to the subject site.

5. Effects upon parking, traffic patterns, congestion, pedestrian safety, impacts of the project on flow of pedestrians or vehicular traffic and provision of access for the disabled, children, low-income and elderly services:

The site is located near the new interchange at CR62 and NM599 and fronts the new South Meadows Road, which provides for almost immediate and contemporary access to NM599. South Meadows Road, which will serve as the primary access to the subject site, is newly constructed. In other words, the transportation infrastructure in the area has been designed to accommodate the transportation generated from the proposed use.

Implementation of this project will have no adverse effect on the ability of disabled persons, children, low-income and the elderly to access services.

6. Effect on the economic base of Santa Fe:

The project and the construction will have a positive economic benefit to the economic base of Santa Fe. Secondary impacts include jobs created and the sale of building materials for the construction of roads, utilities, home and other buildings. Gross receipts tax will be generated on the sale of retail goods, construction materials locally and on local construction contracts.

The project will also bring a much needed product type to the market in Santa Fe: market rate apartments. The demand for apartments is high and studies show occupancy rates in the mid-90% range (vacancy rates in the 5% range). The proposed project will be meeting an existing market demand.

7. Effect on availability of affordable housing and availability of housing choice for all Santa Fe residents:

The project will meet the requirements of the affordable housing ordinance for rental projects.

8. Effect on services such as fire, police protection, school services, and other public infrastructure elements such as water, power, communications, bus service, commuter or other services or facilities:

The project will increase the need for police, fire, school and other public services. It will also increase the need for infrastructure such as water, power, sewer, communications and commuter services. The developer is responsible for the cost of installing all infrastructures.

It should be noted that the infrastructure in the area is relatively new. New water and sewer lines are located in South Meadows Road. South Meadow Road is only a few years old and connects to a new interchange at NM599 and CR62.

9. Impacts on water supply and conservation methods:

The project will be served by the Sangre de Cristo Water Division and the City of Santa Fe Liquid Waste Division. The apartments will utilize 0.16-afy of water per unit (this compares to 0.25-afy of water for a single family residential unit). Water conservation measures such as water reducing fixtures are used in the buildings, landscaping plants that use low to moderate amounts of water and water harvesting measures.

10. Effects on opportunities for community integration and social balance through mixed land use, pedestrian oriented design, and linkages among neighborhood and recreational activities and employment centers:

The project, combined with the location of Agua Fria School and the Santa Fe River trail, will provide an excellent opportunity to connect these three uses with pedestrian linkages. Given the close proximity to the Agua Fria School site, pedestrian access will be provided to the school for children to walk to school. Pedestrian access and connectivity will be provided to the Santa Fe River Trail network as well which will provide for recreational opportunities.

11. **Effects on Santa Fe's urban form:**

The project encourages compact urban form as an infill project. The best use for the subject site, given the proximity of the new school is high-density residential. This will encourage a great number of students to walk to the new school.



City of Santa Fe Land Use Department Early Neighborhood Notification Meeting Notes

<i>Project Name</i>	The Gerhart Apartments
<i>Project Location</i>	2800 South Meadows
<i>Project Description</i>	GPA and Rezoning to build 240 apartments on 11.83 acres
<i>Applicant / Owner</i>	Storm River Properties, Inc.
<i>Agent</i>	Scott Hoeft of Santa Fe Planning Group
<i>Pre-App Meeting Date</i>	1/22/15
<i>ENN Meeting Date</i>	Monday, March 16, 2015
<i>ENN Meeting Location</i>	El Camino Real Academy, 2500 South Meadows Road
<i>Application Type</i>	General Plan Amendment (from Low to High Density Residential) and Rezoning (from R-1 to R-21)
<i>Land Use Staff</i>	Donna Wynant
<i>Other Staff</i>	
<i>Attendance</i>	Approximately 10 neighbors plus 2 representing the developer & one city staff person

Notes/Comments:

Meeting began at 5:45 pm. Donna Wynant introduced the meeting, addressing City procedures for review of the requested applications, including Early Neighborhood Notification meetings. The applicant, Scott Hoeft, introduced himself and his engineer Mike Gomez.

Mr. Hoeft pointed out that a previous ENN was held in 2013 for this proposal. This request involves a General Plan Amendment and a Rezoning which will ultimately be decided by Council. They will then return to the Planning Commission to request approval of a more detailed Development Plan. Since the previous ENN, part of the overall site was sold to the school District (for the El Camino Real Academy) and the new South Meadows Road split off 10 acres of land (mostly floodplain) to the south. That portion was sold to the County to eventually extend the trail along the Santa Fe River. Mr. Hoeft also pointed out the 25 acre property to the north, owned by the State

of New Mexico/State Land Office, which may become the site of a new city fire station (per Matt O'Reilly, Public Assets Manager).

Mr. Hoeft then opened the meeting up for questions/comments:

Question: Any archeological study done of the site

Mr. Hoeft: Yes, and nothing of significance was found.

A comment was made about the schools in the area that were already maxed out, such as Agua Fria, Thomas Ramirez and Sweeny. Someone else expressed concern about possibly being kicked out of El Camino Real with any redistricting of the school.

A comment was made about the 3 story height of the buildings and asked if something could be done to make it appear friendlier to the area. Mr. Hoeft stated that the buildings will actually be less in height than the adjacent school. There will be 10 buildings for a total of 240 units.

Question: Will there be a community center to handle events, such as receptions, showers, etc?

Mr. Hoeft: (pointed out the location of the center) We haven't yet gotten into the design of the community center, but will take these things into consideration.

Mr. Hoeft pointed out the City's requirements for open space (250 sq. ft. per unit) which would be just over an acre on site. The ten acres across South Meadow, along the river, will be available for open space that the County will soon buy.

Someone stated that South Meadows is not a safe street to cross to get to the open space/river trail property. Mr. Hoeft said that will need to be looked at for ways to cross safely for pedestrians, bicyclists, etc. He talked about the proposed traffic improvements to include a center turning lane and a decel and acceleration lane.

Discussion about traffic:

Concern was expressed about traffic congestion during peak hours, and that not everyone will use the bypass. Someone said that this project will back up into the school traffic. Agua Fria and South Meadows is a problem.

Mike Gomez, engineer for the project, said that they were there to gather information from people in attendance who knew the streets better than they did and could identify issues.

Question: Will the community be gated?

Mr. Hoeft: Yes.

Discussion followed regarding the stacking and possible congestion at the PM peak hour as people return home from work. Mike Gomez that they expect approximately 96 vehicles throughout that one hour PM peak hour period. Someone expressed their

concern with a gated entry and pointed out problems with Fairway Village which has a gated entry that often backs up with cars waiting to pull in.

Question: What will the average rents be for the proposed development?

Mr. Hoeft: Rents will range from around \$900- \$1,300 for one, two and three bedroom apartments. There won't be any studio apartments.

Question: Is there any possibility for a pedestrian gate from the development to the school to allow more direct access to the children going to the Academy?

Mr. Hoeft said he just talked to the security person for the school who responded favorably to the idea. Mr. Hoeft therefore thought that the school may have possibly had a change in perspective on the matter.

Question: Since the school attendance at El Camino Real Academy is at capacity, will this development result in a shifting of children from other areas.

Question: Will the development include any affordable housing units?

Mr. Hoeft: Yes, the city requires 15% of the units to be affordable (around 36 units). This is odd since the Housing Trust that does affordable housing in Santa Fe typically wants the units to be in one building, making it easier to manage rather than having them dispersed throughout the development, as the City requires. This will be looked at by the City's Office of Affordable Housing. They actually like to get a fee in lieu of payment since it adds to the cash needed for down payments by new homeowners and security deposits for tenants.

Question: Will the development have access to city water and sewer?

Mr. Hoeft: Yes, the utilities are available in this area from the City. The development will have a water budget of 45 afy with the apartments at approximately .16 afy of water. Water conserving measures will be used in the buildings, and with the landscaping.

Mr. Hoeft said there will be around 459 parking spaces, which is actually around 40-50 spaces over parked.

Question: Will there be an elevator in each of the buildings?

Mr. Hoeft: Yes, there will be.

A member of the public, Linda Trujillo, who is the president of the School Board, said the El Camino Real Academy, which is K-8 school has an enrollment of around 700 students which is why someone questioned whether the school population was increasing or just shifting around. She said more and more children are returning to public schools from private schools. Another member of the public said that there were no plans to expand El Camino Real Academy enrollment, which is currently at capacity.

Question: Does the applicant have any financing to move forward with the project?

Mr. Hoeft: Yes, we do have financial backing. Our first step, is to request the General Plan Amendment and Rezoning from Council, and then come back to request Development Plan approval from the Planning Commission.

Question: Does Gerald Peters own the properties and will he retain ownership?

Mr. Hoeft: Yes, he owns the property, and will retain ownership. He has actually done a similar project in Albuquerque near Coors and Montano.

Question: Will this be a LEED certified project? Will there be any use of solar?

Mr. Hoeft: No, it will not be LEED certified. However, we may reduce the number of parking spaces and use solar panels (similar to how the Academy has placed solar panels in the their parking lot on top of carports.)

Question: Can you incorporate more open space into the development for play space?

Mr. Hoeft pointed out the open space on the property as shown in the open courtyards and the offsite 10 acre park area across South Meadows that the County wants for the river trail.

Meeting adjourned at 7:30.

R-10, R-12, R-21 and R-29 Residential Districts

The purpose of the R-10, R-12, R-21 and R-29 districts is to make available a variety of *dwelling unit* types to serve a wide range of household needs at medium- and high-density levels.

Permitted Uses

1. Boarding, dormitory, monastery
2. Daycare; preschool; for infants & children (6 or fewer)
3. Dwelling, multiple-family
4. Dwelling, single-family
5. Electrical distribution facilities
6. Electrical substation
7. Electrical transmission lines
8. Foster homes licensed by the State
9. Group residential care facility (limited)
10. Manufactured homes
11. Police substations (6 or fewer staff)
12. Public parks, playgrounds & playfields

☼ Requires a **Special Use Permit** if located within 200 feet, excluding rights-of-way, of residentially zoned property.

Special Use Permits

The following uses may be conditionally permitted in R-10, R-12, R-21 and R-29 *residential* districts subject to a Special Use Permit:

1. Adult day care
2. Clubs & lodges (private)
3. Colleges & universities (residential)
4. Continuing care community
5. Correctional group residential care facility
6. Daycare; preschool; for infants & children (more than 6)
7. Fire stations
8. Grocery stores (neighborhood)
9. Group residential care facility
10. Laundromats (neighborhood)
11. Mobile home; permanent installation
12. Museums
13. Neighborhood & community centers (including youth & senior centers)
14. Nursing, extended care, convalescent, recovery care facilities
15. Personal care facilities for the elderly
16. Police stations
17. Religious assembly (all)
18. Religious educational & charitable institutions (no schools or assembly uses)
- ☼
19. Schools; elementary & secondary (public & private)
20. Sheltered care facilities

21. Utilities (all, including natural gas regulation station, telephone exchange, water or sewage pumping station, water storage facility)

Accessory Uses

The following accessory uses are permitted in R-10, R-12, R-21 and R-29 districts:

1. Accessory dwelling units
2. Accessory structures, permanent, temporary or portable, not constructed of solid building materials; covers; accessory structures exceeding 30 inches from the ground
3. Barbecue pits, swimming pools (private)
4. Children play areas & equipment
5. Daycare for infants & children (private)
6. Garages (private)
7. Greenhouses (non-commercial)
8. Home occupations
9. Incidental & subordinate uses & structures
10. Residential use ancillary to an approved use
11. Utility sheds, located within the rear yard only

Dimensional Standards

Max density R-10=10; R-12, R-21 & R-29 = 10 dwelling units per acre – or per development plan or special use permit approval (14-7.2(F))

Minimum lot: Area: Single family: 3,000 square feet (may be reduced to 2,000 square feet if common open space is provided.) Multiple-family: as required to comply with gross density factor.

It is intended that the *common open space* required in single-family subdivisions where the *lot* size has been reduced from that of a conventional subdivision be a compensation to occupants for reduced *lot* size. It is further intended that *common open space* be usable and be provided for occupants outside of the *lot* but within the subdivision.

Where the *lot* size is between two thousand (2,000) and four thousand (4,000) square feet, *common open space* is required in an amount such that the sum of the square footage of the *lots* in the *development* plus the sum of the square footage for *common open space*, all divided by the number of single-family *lots*, equals no less than four thousand (4,000) square feet.

Max height: R-21 & R-29: 24 (36 with development plan or special use permit approval (14-7.2(E))).

R-10 & R-2-LD: 24

Within 10 feet of a property line, no point on a structure shall be higher than 14 feet above finished grade at the closest point on the perimeter of the structure. Within 15 feet of a property line, no point on a structure shall be higher than 24 feet above finished grade at the closest point of the perimeter.

Setbacks: Generally established by a development plan approved by the Planning Commission, otherwise: Street 7 (20 for garage or carport); side 5 or 10*; rear 15 or 20% of the average depth dimension of lot, whichever is less

A garage or carport with a vehicle entrance facing the street must be set back 20 feet from the street property line (refer to illustration 14-7.1-3)

(*Within 10 feet of a property line, no point on a structure shall be higher than 14 feet above finished grade at the closest point on the perimeter of the structure. Within 15 feet of a property line, no point on a structure shall be higher than 24 feet above finished grade at the closes point of the perimeter.)

Max lot cover: Multiple-family of 6 or more units: 40

Single-family, two-family or multiple-family of less than 6 units: 40 (70 if private open space is provided (14-7.5(c)(1) increase in maximum lot coverage if private open space is provided.

The intent of private open space is to ensure easily available access to the outdoors in medium- to high-density developments, and to provide for a sufficient sense of privacy. Requirements are as follows:

The maximum lot coverage may be increased in accordance with Table 14-7.2-1 if qualifying private open space for each dwelling unit is provided as follows:

- (a) for *lots* in R-10, R-12, R-21 and R-29, an amount not less than thirty percent of the total *gross floor area* of that *dwelling unit*; and
- (2) balconies, roof decks or roofed areas such as porches or portals may be included as twenty-five percent of the required private open space;
- (3) private open space does not include parking areas, driveways or related access for automobiles or stormwater ponding areas;
- (4) the minimum dimension for required private open space shall not be less than twelve (12) feet;
- (5) finished grade for required private open space shall have a slope no greater than one (1) vertical foot in ten (10) horizontal feet; and

(6) accessory dwelling units shall also be required to meet the private open space criteria in this Subsection 14-7.5(C); provided, however, that private open space for the accessory dwelling unit does not have to be physically separated from the private open space for the primary dwelling unit, and up to fifty percent of the private open space required for the accessory dwelling unit may be the same private open space provided for the primary dwelling unit; and

(7) there are no planting requirements for private open space.

Minimum Qualifying Open Space

Detached single family dwellings or multiple family dwellings: 250 square feet of common and / or private open space per unit.

Santa Fe Apartment Market Study Update May 22, 2015

Prepared For:

Gerhart Apartment Project

South Meadows Road

Santa Fe, New Mexico

Prepared By:

Southwest Planning, LLC

P.O. Box 1506

Santa Fe, NM 87504

www.southwestplanning.com



Case #2015-57
2015-58
case: Gerhart Apartments

Santa Fe Apartment Market Study Update 2015

Contents

Executive Summary	1
Project Description	2
Methodology	2
Occupancy.....	2
New Supply	5
Recent Policy Factors	6
Demographics	6
Effect of National Housing Trends.....	11
Projected Demand for Apartments.....	13
Santa Fe Homes Program Background	14
Context for Market Rate Apartments	15
History	16
Demand for Apartments	16
Conclusions.....	19
Works Cited	20
Appendix I	21

Project Description

Southwest Planning (SWP) updated a 2013 Apartment Market Study in Santa Fe. In the 2011 report, SWP analyzed the impact of the city's affordable housing requirement for apartment complexes, local and national housing trends, market demographics, and other factors affecting the apartment market in Santa Fe.

SWP determined if any changes to city ordinances and policies, national housing trends, demographics, etc. had occurred since 2013 that would affect the conclusions of the 2013 report. It also determined if any new factors affecting the Santa Fe apartment market had emerged since 2013.

Methodology

SWP began the update by analyzing the 2013 report in order to identify the quantitative data and qualitative topics included in the original report. Next, secondary research was conducted to provide updated information for all quantitative data. After the first round of secondary research was completed, SWP interviewed a number of housing professionals who were familiar with the Santa Fe housing market. The interviews were designed to discuss changes in the qualitative trends from the 2011 report. Additionally, interviewees were asked to discuss any new important factors that had emerged since 2013 that would impact the Santa Fe apartment market. Finally, SWP conducted a second round of secondary research based on information brought up during the interview stage. All information gathered was analyzed and summarized into this 2015 Santa Fe Apartment Market Study Update.

Occupancy

Historically, Santa Fe has had occupancy rates in the 90-95% range for market rate and affordable rental housing. The economic downturn resulting from the subprime lending crisis affected the rental market from 2009-2011, most notably for service and construction workers who prefer lower-priced efficiency and one bedroom units. Because the City's construction workforce was largely transient, many left the area as a construction industry that had already seen limited market rate construction became further depressed.

The general perception among the housing professionals interviewed by SWP in 2013 was that the construction work force that left during the sub-prime lending crisis had not returned. That being said, occupancy continued to recover following the downturn and the population continued to grow. In anticipation of future demand, construction permit requests from January 2012 to January 2013 nearly doubled.

The following table lists apartment occupancies and other data from 2002 to 2015:

Santa Fe Apartment Market Statistics 2002-2013				
2002 (1)	93.2%	*	*	*
2003 (1)	95.1%	*	*	*
2004 (1)	95.7%	*	*	*
2005 (1)	96.1%	*	*	*
2006 (1)	96.8%	*	*	*
2007 (2)	96.9%	*	*	*
2008 (3)	94.2%	782	1973, 2005	1991
2009 (3)	83.3%	750	1973, 2000	1990
2010 (3)	92.6%	759	1973, 2008	1992
2011 (3)	91.9%	778	1973, 2008	1992
2013 (3)	94.3%	788	1973, 2010	1994
2014 (3)	96.4%	806	1973, 2010	
2015 (1)	96.5%	817	1973, 2014	1995

Even with the influx of new units, most notably from the Stagecoach and San Isidro developments, occupancy has continued to increase since 2013. Occupancy increased 2.2% between 2013 and 2015 to just below its 2007 high. High occupancy is the result of an overall increase in demand. This is likely due to a number of factors including the growing Santa Fe population, the national trend for higher rental levels vs. home ownership coupled, demographics changes that would drive more demand for rental units, and the lack of new rental development to meet the new demand.

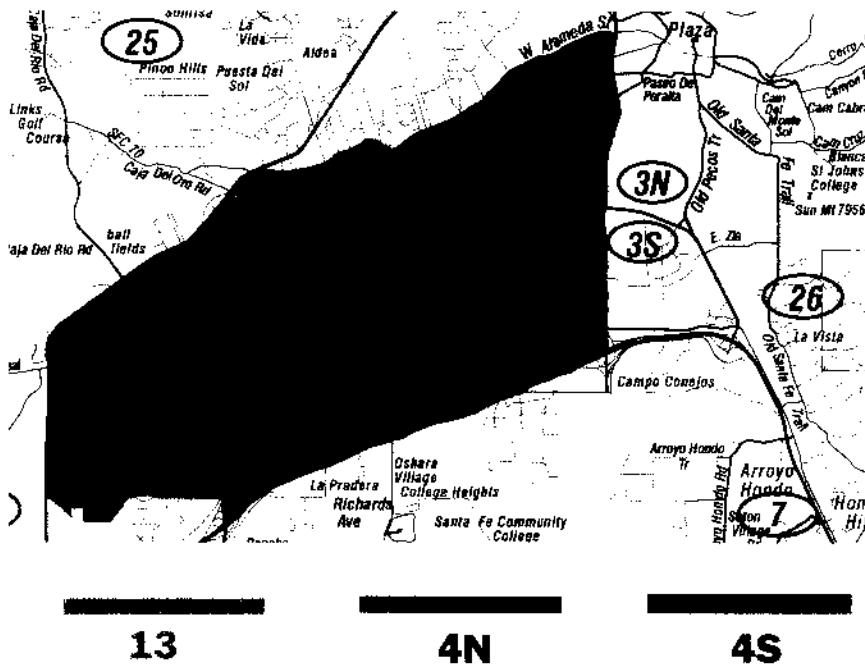
The following table shows the occupancy rates and rents by selected Multiple Listing Service (MLS) areas within the City of Santa Fe. Areas 4S and 13 comprise almost half of all multifamily apartments within the City.

SANTA FE APARTMENT STATISTICS by MLS AREA

2008	4N	100	2	96.00%	\$639
	4S	899	68	92.40%	\$764
	13	1,233	96	92.20%	\$767
2010	4N	N/A*	N/A	N/A	N/A
	4S	1,099	60	94.50%	\$744
	13	1,455	139	90.40%	\$725
2013	4N	227	2	99.12%	\$716
	4S	1,099	65	94.09%	\$768
	13	1,455	95	93.47%	\$756

Source: CB Richard Ellis Apartment Market Surveys

*Data not available



New Supply

The following table shows the construction of multifamily apartments for affordable and market rate units within the City from January, 2004 to June, 2013. Only 18 market rate units were constructed between 2004 and 2011. Because those units were part of 1-2 unit developments, none of these units had to comply with the affordability requirement. At that time, no large-scale market rate project had been initiated for the past 7 years.

Since 2011, the city has issued 240 new multi-family construction permits. While the city did issue a large amount new market rate construction permits, the overwhelming majority of those units are part of the San Isidro apartment complex. The San Isidro development is made up of tax credit apartments. While they are not subsidized up front, the developer receives a future credit against tax liability and a fairly substantial developer's fee. In exchange for these benefits, the developer agrees to keep rent prices affordable to renters earning no more than a certain percentage of the AMI (in this case 60%). Effectively, the ongoing lack of market rate apartment construction has continued through 2013.

2004	0	0
2005	0	0
2006	0	0
2007	0	4
2008	233	4
2009	0	4
2010	60	6
2011	0	5
2012	237	0
2013	0	0
2014	176	0
2015	0	0

The following large residential rental development is undergoing construction in Santa Fe, in addition to a number of small affordable rent projects:

1. The Housing Trust: While the details of their project are still being worked out and are subject to change, The Housing Trust indicated that they intend construction of 140 new units to be phased in during 2016. All units would be affordable, with an average AMI of 50% across units. Around 70 of the units will be built in the Tierra Contenta subdivision, and the rest will be built at various yet-to-be determined locations.

In addition to new construction, there will be future construction of apartment units in the Las Soleras development. The development will consist of 1200 new units, primarily market rate apartments. In 2013, project consultant Jim Siebert indicated that market rate units would cluster towards the lower end of market rate apartments (60% to 100% AMI). The units will begin being phased in soon and will continue for over the next decade. The 1200 units represent the current development plan; however, Mr. Siebert indicated that final numbers could change significantly by the time the project is completed.

Recent Policy Factors

Between 2013 and 2014, the City of Santa Fe had implemented an impact fee waiver as a way to stimulate unmet demand recognized in its 2013 Housing Needs Assessment. The benefit of the impact fee waiver was seen in a significant increase in residential construction between 2013 and 2014. On February 26, 2014, the City Council voted to reinstate residential impact fees; however, impact fees will remain at 50% of the full rate until February 27, 2016 (city ordinance 2014-28).

The state of New Mexico offers tax incentives for LEED certified building through the Sustainable Building Tax Credit Program (SBTC). Local developers have noted that all residential SBTC funds for both 2015 and 2016 have already been used up. The lack of remaining funds is a disincentive to further development until more funding becomes available.

Finally, as previously mentioned, the City Council made permanent the reduction of the owner-occupied portion of the affordability requirement from 30% to 20%. While this does not directly affect the Santa Fe rental market, it does indirectly decrease demand for apartments as new owner-occupied supply becomes available to those individuals who are in the market for either type of unit.

Demographics

Demographic trends have not changed significantly since the 2013 and 2015 reports. Because U.S. census data has not been updated since our 2013 report, nor has other applicable primary research been conducted, the population estimates and analysis used in that report were re-applied in 2015. BBC Consulting gives a description of the on-going trends in their 2013 Santa Fe Housing Needs Assessment Update.

The average household size of Santa Fe residents decreased slightly between 2000 and 2010, particularly among homeowners. The 2010 Census shows an increase in single-person households (2000 – 36% and 2010 – 41%) and a decrease in the proportion of households with three or more residents (2000 – 30% and 2010 – 26%). These data suggest that families may have moved from or not chosen to live within the city, perhaps due to lack of affordable housing. This is supported by the resident survey, which found more than half of residents had lived in Santa Fe but left the city because housing was too expensive. Santa Fe's family composition confirms that trend with a notable 5 percent increase in

residents living alone and a decrease in married couples with children. However, the proportion of single parents in Santa Fe only dropped by half a percentage point between 2000 and 2010.

The following chart provides population records and estimates for the City of Santa Fe between 2000 and 2020.

Year	Population	Compound Annual Growth Rate
2000	62203	
2005	65800	1.16%
2007	68359	1.94%
2010	67947	-0.20%
2011	68634	1.01%
2013	69976	0.98%
*2015	72753	1.98%
*2020	77102	1.20%

Source: Bureau of Business and Economic Research (2012), 2013 Housing Needs Assessment, US Census Bureau (ongoing)

As noted, the Santa Fe apartment market is shifting towards an older, wealthier population with smaller average family sizes. As people age, they tend to rent at higher rates than they did when they were younger. This is largely because small rentals are easier to maintain than houses but can still provide high-quality living accommodations. Another underserved portion of the population is young single professionals with high-paying jobs. Young professionals often want the same types of rentals as the older population. The results these trends have had on the market are reflected by the gap in supply and demand for apartments above the 100% AMI level. The following chart provides demographic information for the City of Santa Fe.

*Based on population forecasts

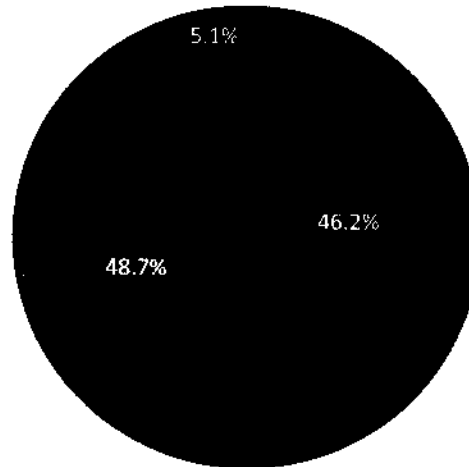
Santa Fe Demographics				
Total Population		62203	67947	69976
Average Household Size (persons)		2.2	2.1	2.15
	Owner Occupied	2.31	2.15	2.20
	Renter Occupied	2.05	2.01	2.05
Median Household Income		\$40,392	\$50,717	\$ 49,445
Households with 1 or more people under 18		26.8%	23.2%	22.3%
Households with 1 or more people over 65		23.1%	28.6%	*See Note
Owner Occupied		58.2%	60.5%	64.60%
Renter Occupied		41.8%	39.5%	35.4%
Vacancy - Rental Units		5.5%	9.4%	3.5%
Median Contract Rate		\$707	\$759	\$ 817
Median Age		40	44	45

According to estimates from the U.S. Census Bureau's American Community Survey, the percentage of units that are rentals continued its previous downward trend, and the disparity actually increased steeply in the past three years. This is in spite of the fact that home ownership rates across the U.S. continue to drop. Furthermore, the elderly generally rent at higher rates than their younger counterparts, and Santa Fe has an aging population.

It is worth noting that this phenomena (higher home ownership in spite of demographic trends that would suggest the opposite) would be expected with an easing of the affordability requirement for owner-occupied homes with no concurrent affordability requirement easing for rental properties. Because the standard market forces affecting owner-occupancy vs. rental units would seem to be pushing for the opposite of the observed trend with the exception of the Santa Fe Homes Program, it is likely at least partially the cause of the ongoing trend.

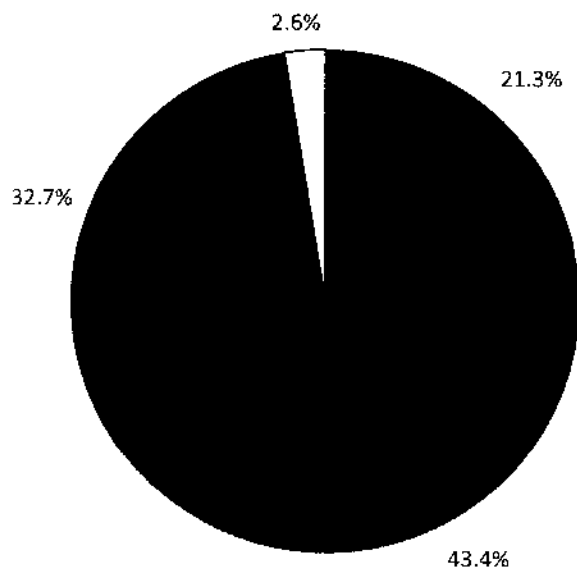
As stated in the Santa Fe Housing Needs Assessment, "The median age in Santa Fe was 44 in 2010, up from 40 in 2000... The city's non-Hispanic population is, on average, 20 years older than its Hispanic population". See the charts below.

Ethnicity



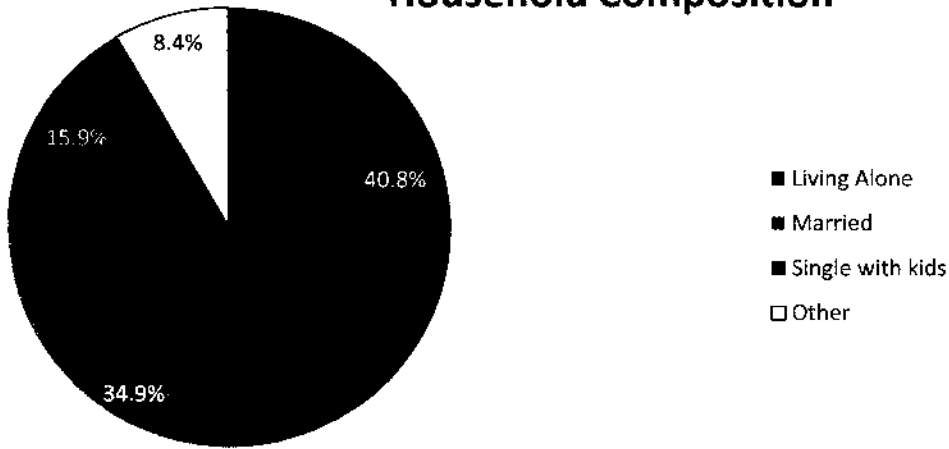
- White
- Hispanic
- Other

Age



- 0-19
- 20-54
- 55-84
- 85+

Household Composition



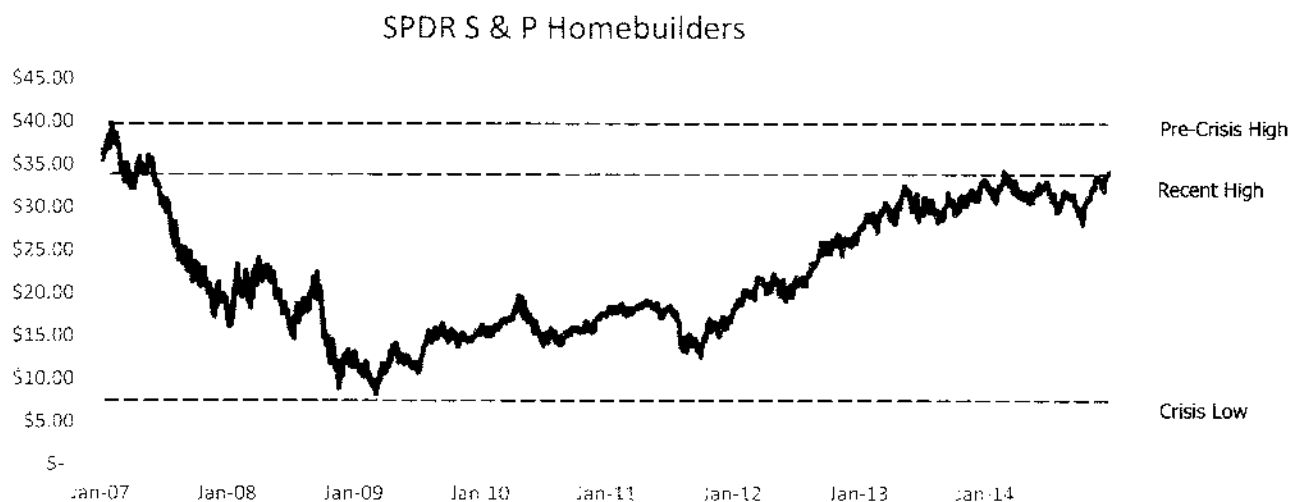
Effect of National Housing Trends

The 2013 Apartment Market Study noted that, while the housing market had not completely recovered since the 2008 sub-prime lending crisis, conditions had continually improved. Since 2013, the housing market has continued to improve at a slower rate than it had previously.

"Housing activity continues to recover, although the pace of the recovery remains slower than in the previous couple of years, owing to the decline in housing affordability" (Blerina Uruci, Barclays economist, NY)

One key indicator of future homes performance, the National Homebuilder's Builder Confidence Survey, gave a reading of 59 in September, 2014, the highest reading since 2005. This is one point above the 58 that was noted in the 2013 Apartment Market Survey as the previous high.

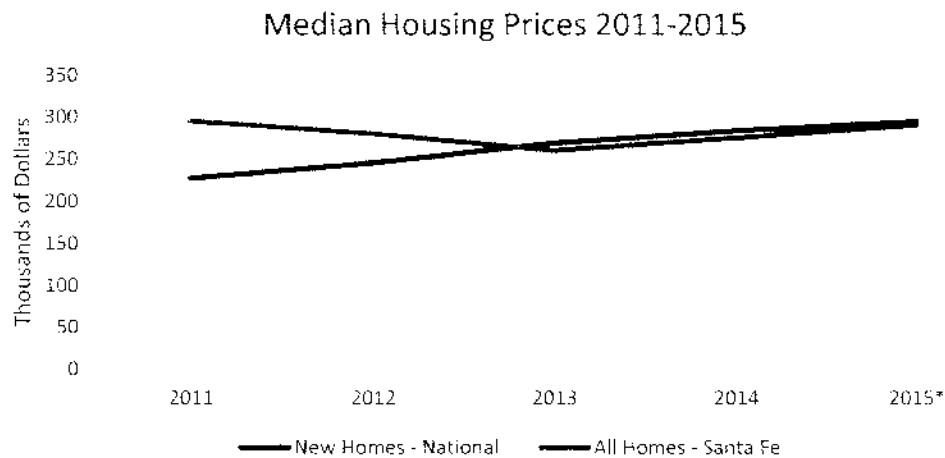
The SPDR S & P Homebuilders Index (ticker symbol XHB) is an index fund that consolidates the share prices of all major companies in the homebuilders industry into a single stock. XHB reached a peak in 2007 and declined ahead of other industries in response to the housing bubble bursting. Since 2007, the index has continually improved and had recovered to nearly 90% of the 2007 high as of January, 2015. The following chart shows XHB's movement since 2007:



Source: Google Finance

While the Fed's easy money policy continues in spite of years of announcement that it would be raising rates soon, employment has mostly recovered and the general feeling in the market is that rates will be raised sometime in the spring of 2015. While this represents a market risk to the housing sector, it has only slightly diminished positive sentiment among homebuilders or investors for the sectors prospects, as is shown by slowed growth (but not a decline) in key indicators for both groups. This could be in part to economic benefits stemming from cheap oil prices.

With regards to housing prices, the Santa Fe market has been comparable to national statistics. The following chart compares national median new home prices to Santa Fe housing prices.



*2015 national home median prices are from January, all other national median new home prices are average yearly median

Sources: Santa Fe Properties, National Association of Homebuilders

As noted in our 2011 and 2013 reports, a long-term demographics shift related to the aging baby boomer population is affecting the US housing market. On June 30, 2011 in Santa Fe, a speech made by Dr. Arthur Nelson provided evidence that projects increasing demand for rental housing over the next 30 years¹. The market has been providing family-style housing for family-sized households, but the demographic trends show a decrease in the market seeking such housing. The need for rental units will increase because:

1. Household types are changing and household sizes are decreasing
2. The population is aging and life expectancies are increasing
3. Fewer people will be able to purchase homes due to tightening credit requirements

There will continue to be fewer family households and more "other" and single person households in the future. In 1970, single and "other" households (i.e. households consisting of unrelated people living together) were 14% of all households. By 2030, single and "other" households are estimated to represent 34% of all households. Between 2010 and 2020, single person households are estimated to represent 36% of the growth in household types.

Dr. Nelson noted that the combination of the "baby boom bulge" and the fact that seniors begin to sell homes when they turn 70 will lead to a phenomenon he called "The Great Senior Sell-Off", which will dump many homes on the market. Seniors are candidates for rental units because they do not want large units or the hassles of home ownership. Because people are living longer,

¹ Dr. Arthur Nelson, a nationally-recognized housing expert from the University of Utah, gave a speech entitled "The Future of the U.S. Housing Market...Impacts on Santa Fe and other Cities" at the Forum at the Santa Fe University of Art and Design on June 30, 2011. The speech was sponsored by the Santa Fe Association of Realtors for an audience of public and private stakeholders in the housing industry.

the portion of their lives that they could spend raising children will decrease. Consequently, over a person's lifetime, he or she will have less need for family-style housing units than his predecessors.

In 2013 we noted that the loss of sub-prime mortgages, active loan sponsorship by Fannie Mae and Freddie Mac, and a general tightening of regulations would lead to an expectation of more demand for rentals. The expectation has matched the reality of the national housing market, as demand for rentals continues to increase. U.S. Census Bureau statistics show that home ownership rates reached a 20 year low in 2014. Furthermore, rental rates continue to grow nationally.

Early in this report, we also noted that demographic trends in Santa Fe should suggest that the city experiences growth in residential rental rates and a decrease in home ownership rates to a greater extent than nationally. The fact that the opposite is true, most likely due to policies and other market externalities unique to Santa Fe, would suggest that there is significant unmet demand for new market rate rental units in Santa Fe. The ongoing shift isn't because the demand for new rental units isn't as great as it is for owner-occupied units; rather, it is because existing supply is saturated, new supply is filled quickly, and there is greater relative new supply for owner-occupied housing than there is for rental units.

Projected Demand for Apartments

Long term demand for apartment units can be calculated by using demographics data. University of New Mexico Bureau of Business and Economic Research (BBER) provides population estimates for municipalities and counties within New Mexico. According to a 2012 projection by BBER, Santa Fe **County** will gain 19,474 residents from 2010 to 2020. Assuming city vs. county percentages remain the same, the **City** of Santa Fe will gain 9,155 new residents during the same period, with the majority of these residents located in the Santa Fe urban area. The 2010 Census provides an average household size of 2.10 persons per household. Due to the previously noted demographics shifts in Santa Fe, SWP shifted this number down for use as a 2020 estimate for the purposes of this study for the following reasons:

1. The population of Santa Fe is aging, and older people rent at higher rates than younger people.
2. The average median income in Santa Fe is rising in part due to an increase in young professionals. These professionals prefer to rent to maintain their mobility.
3. The average household size in Santa Fe has been declining, and dropped from 2.3 in 2000 to 2.1 in 2010.

Based on the above-listed reasons, SWP used an average household size of 2.0 (extension of the existing long-term trend) to estimate new housing demand by 2020. By comparing the population growth to new housing demand, SWP estimated a demand for 4,578 new dwelling units by 2020. According to the 2013 Housing Needs Assessment Update, 42% of Santa Fe residents rent. In 2013, SWP shifted that percentage upwards to 47% based on new supply and demographics changes in the area. In 2015, SWP has further shifted the percentage upward to 50% for the following reason:

1. National home-ownership rates continue to fall while the percentage of Americans who rent rises. While the census indicates that the trend for Santa Fe is the opposite of this, it is the result of city policy causing there to be more owner-occupied home construction as compared to new rental unit construction, and not the result of an actual decrease in demand for rental units as compared to owner-occupied units. National home-ownership levels decreased by 1% from 2013 to 2015.
2. SWP estimates an additional slight shift towards higher rental percentages based on demographics and home conversion trends.

Using these estimates, SWP estimates a demand for 2,289 new rental units between 2010 and 2020.

According to the 2013 Housing Needs Assessment Update, roughly 40% of total rentals are market rate units. After taking into account the effect of new supply (and assuming an 80% completion rate on the Las Soleras development by 2020), market rate units will represent a total of 43% of total rental units in 2020. Based on these numbers, SWP estimates that there will be a total new demand for 984 market rate rental units by 2020. When added to current demand of 931 units (2013 Housing Needs Assessment estimate), total estimated demand for market rate rental units (not counting new supply introduced between 2015 and 2020) by 2020 is estimated to be 1,915 units.

Assuming that the Las Soleras development is 80% complete by 2020, but excluding any market-rate construction between now and 2020, SWP anticipates that **total market rate rental unit unmet demand in 2020 will be 955 units**. Please note that a variety of factors can affect this estimate, most notably any potential changes in the SFHP ordinance.

Santa Fe Homes Program Background

The City Council voted in June, 2011 to temporarily reduce the affordability requirement for owner-occupied housing from 30% to 20%. Effective June 7, 2014 the City Council made permanent the 20% reduced affordability requirement (Ordinance 2014-10). The City Council has continued to maintain affordability requirement for apartments at the 15% level first established by the Santa Fe Homes Program Ordinance 2005-30 in 2007².

The City of Santa Fe first required that new developments provide affordable housing for both rental and ownership developments when it passed the Inclusionary Zoning Ordinance (1998-2) in December, 1998. This ordinance stipulated that new rental developments with more than 6 units provide anywhere from 11% to 16% affordable rentals. In October 2007 the City passed the Santa Fe Homes Program (SFHP, Ordinance Number 2005-30) with the overall goals of increasing the affordability of housing and having greater distribution of income groups in housing developments. This affordability ordinance revised the former ordinance, and required all market rate apartment developments with two or more units (i.e., those that are not 100% affordable,

² Ordinance 2005-30, passed on October 29, 2007 replaced the original Housing Opportunity Program created in 1987 with the Santa Fe Homes Program.

such as Housing and Urban Development Tax Credit properties) to provide a minimum of 15% affordable rental units as follows:

- Income Range 1: 5% of all units must be affordable to persons at or below 50% of Area Median Income (AMI)
- Income Range 2: 5% of all units must be affordable to persons between 50% and 65% of AMI
- Income Range 3: 5% of all units must be affordable to persons between 65% and 80% of AMI

The following chart shows different AMI levels and the associated maximum rental price affordable at those levels:

Monthly Rent by % AMI	
0-30% of AMI	\$468
31-50% of AMI	\$780
51-60% of AMI	\$936
61-80% of AMI	\$1,248
81-100% of AMI	\$1,560
More than 100% of AMI	\$1,560+

Context for Market Rate Apartments

The City of Santa Fe's 2013 Housing Needs Assessment Update provides a definition of the rental market as being rental housing sought by households making between 0% to 200% of the AMI. The Housing Needs Assessment Update also defines the market for market rate apartments as being households making between 50% and 80% of the AMI, but can also include households earning up to 200% AMI. The 2011 and 2013 SWPM Santa Fe Apartment Market Studies adjusted the low-end upward to 60% due to economic conditions and the perception of market rate rents held among local housing professionals. SWP will adjust the 2011/2013 definition of market rate rental housing further upward to being housing that is sought by households between 65% and 200% AMI for 2015. We have made the upward shift because of the following two factors:

1. Since 2013, both average rents across unit types and occupancy rates have increased.
2. The HUD affordable income levels have, concurrently, continued to decrease since 2011.

HUD INCOME LEVELS & OCCUPANCY				
1	\$ 22,900	\$ 21,850	\$ 36,600	\$ 34,950
2	\$ 26,150	\$ 25,000	\$ 41,800	\$ 39,950
3	\$ 29,400	\$ 28,100	\$ 47,050	\$ 44,950
4	\$ 32,650	\$ 31,200	\$ 52,250	\$ 49,900
5	\$ 35,300	\$ 33,700	\$ 56,450	\$ 53,900
		2013	2015	
Occupancy	94.3%		96.5%	

History

Between 2007 (when the SFHP ordinance was passed) and the time the 2011 SWP Santa Fe Apartment Market Study was delivered, the City of Santa Fe had issued 311 permits for multi-family housing, of which only 18 units were market rate, and 293 were priced to be affordable to persons at or below 80% of the AMI.

Our 2011 report found that the lack of new market rate apartment development was primarily the result of the SFHP ordinance. The report further found that the program had resulted in a market with an adequate supply of affordable units and a significant deficiency of market rate units.

Between 2011 and 2013 apartment construction increased significantly, with 235 new affordable rental units having been granted construction permits. This was a result of a spike in affordable housing resulting from an upswing in the national housing market, local policy changes, and ongoing trends in the local market; however, the Santa Fe apartment market remained imbalanced, in spite of new construction. This was in part due to the fact that new construction was almost entirely affordable units, with very little new supply to meet the unmet demand for market rate units.

Demand for Apartments

Demand for rental units in Santa Fe is currently highest at the ends of the rent pricing spectrum. Specifically, there is unmet demand for units priced below 30% of the AMI and for units priced to be affordable for people making 100% of the AMI and above.

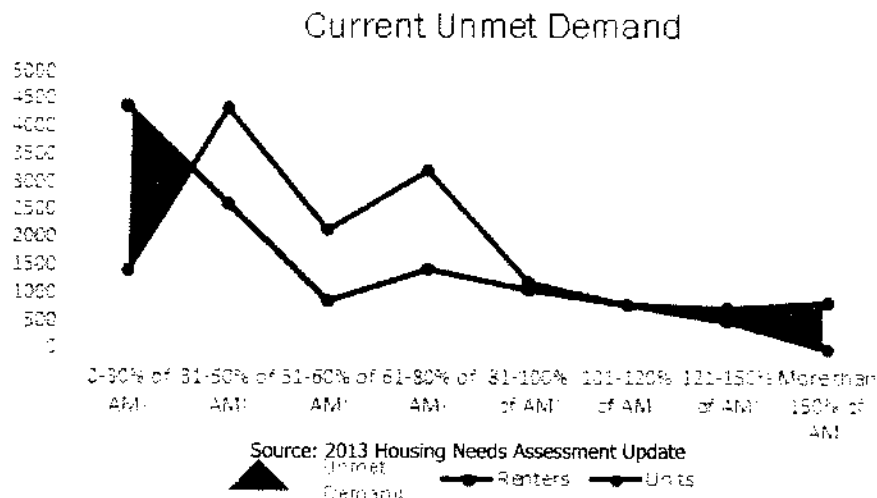
The 15% affordability requirement is one significant factor contributing to a deficiency of market rate apartments in the City of Santa Fe. The affordable housing requirement includes a provision that affordable units have similar construction/finishes and be interspersed with non-affordable housing. Effectively, affordable units in market rate developments will have similar overhead and construction costs to market rate units. As the quality of units goes up, the revenue generated on affordable units eventually becomes less than the costs of construction

and operation (or, alternatively, the return is too low to justify the investment). The difference has to be made up from the profit margin on the market rate units. As the market rate unit rents/costs increase, the incremental cost of the affordability requirement increases. It is worth noting that a fee-in-lieu of the affordability requirement would encourage development of market rate units. The fee-in-lieu would allow developers to more safely determine the potential profitability of a new market rate complex without having as many concerns over future changes in the market damaging profitability.

The additional cost of subsidizing affordable units for developments with more expensive rents has resulted in an oversaturation of the Santa Fe apartment market for market rate rents that are near the affordable housing requirement AMI rents, ranging from 50% to 80% AMI. The affordable housing requirement has resulted in unmet market demand for units with rents greater than the 100% AMI rents. As rents above 100% of AMI become more expensive, the unmet market demand as a percentage of total demand at that AMI level increases.

In addition to the unmet demand for higher-end market rents, the affordability requirement of the SFHP ordinance has indirectly resulted in unmet demand for units with rents at 30% AMI and less. As noted in the 2013 Santa Fe Housing Needs Assessment Update (SFHNA), "The greatest need in Santa Fe's market is for rental units priced less than \$500 per month, serving renters earning 30 percent of the AMI and less (incomes of less than \$20,000)".

The reason for the unmet demand at 30% and lower AMI rents is the result of the categories delineated by the SFHNA and the SFHP ordinance. The SFHNA uses both 0%-30% and 31%-50% AMI categories, while the SFHP ordinance only specifies 50% and less for the low income range. The chart below on the table below indicate is that developers are building rental units at the 50% upper limit of Income Range 1 of the SFHP ordinance in order to meet the requirement and are not building cheaper properties. The following table compares 2013 demand for rental units by households with various incomes to available units on the market.



The data needed to update the 2013 unmet demand chart will not be available until the city commissions another Housing Needs Assessment Update. That being said, demographic, economic, and policy changes indicate that the situation has become more imbalanced since 2013. First, occupancy rates and average rents have gone up since 2013. This demonstrates that the demand for units across income ranges has increased. While there has been new construction since 2013, the new units were primarily priced to be either market rate units or affordable housing between 50% AMI and 80% AMI, with only a small number of units introduced at the Stagecoach (around 12) being affordable to renters between 30% and 40% of AMI. Furthermore, no high-income luxury units were introduced during this period, due to the aforementioned conflict between overhead and the affordability requirement. Finally, the total population of Santa Fe continues to increase. The result of these forces is that the unmet demand at both ends of the previous chart has almost certainly increased.

Until a new Housing Needs Assessment is conducted, evidence supporting the previous analysis can be garnered from other sources rather than a direct unmet demand update. By comparing the percentage change in rents and occupancy levels of the most expensive MLS area with available data to the least expensive MLS area with data available, we can demonstrate that unmet demand has increased more steeply at the ends of the AMI spectrum.

Unmet Demand Analysis Statistics				
MLS Area	Reporting Date	Weighted-Average Rent	Occupancy	%Occupancy Change
2	2013	1033	95.68%	3.70%
	2015	1034	99.38%	
All MLS Areas	2013	788	94.3%	2.15%
	2015	817	96.5%	
Source: CBRE Apartment Market Surveys				

Because the MLS areas have mixed rental levels, it is difficult to perfectly estimate change in demand. The presence of affordable units in a higher-priced MLS area will dampen the impact demand for higher-priced units has on the overall occupancy for that MLS area. Nonetheless, the steep increase in occupancy levels for the highest rent MLS area compared to the slight decrease in occupancy levels for the lowest rent MLS area indicates that unmet demand for higher-priced rental units has increased more than the unmet demand for affordable rents covered by the Santa Fe Homes Program ordinance. Furthermore, the overall increase in demand without any new supply of sub-30% AMI rental units coupled with the lower AMI indicates that sub-30% AMI units has almost certainly increased. Finally, the overall increases in occupancy and rent levels during a time period that the AMI decreased indicates that, in spite of new construction, overall unmet demand at all AMI rents is increasing.

Conclusions

The Santa Fe rental market continues to have a significant amount of unmet demand for market rate units. This is a result of a few factors.

Rental demand has continued to increase as the City shifts to an older, wealthier population. Furthermore, the City's population is estimated to grow over the next decade. Based on demographic shifts, population growth, and rental preferences, SWP estimates a new demand for 984 market rate rental units by 2020. Added to existing demand, SWP estimates total demand for market rate apartment units in 2020 (not counting new supply) to be 1,915 units. After factoring in new supply, SWP estimates total unmet demand for market rate apartment units in 2020 to be 955.

The lack of any large-scale market rate developments in over a decade, along with the aforementioned increase of demand, has caused demand for market rate units to increase continually. The somewhat recent easing of the requirements for owner-occupied housing, coupled with a lack of a concurrent easing of the rental market requirements, has caused Santa Fe to become artificially balanced towards owner-occupied housing in recent years. For those residents who are renters, there is a significant lack of supply for units affordable to people making 100% of the AMI and more. The city has, as a result, unmet demand for units affordable to people making less than 30% of the AMI and for people making 100% and greater of the AMI.

As a result of positive market forces and policy changes, new apartment construction has significantly increased since 2011. Unfortunately, new units continue to be almost entirely affordable rentals. The fact that affordable rental and owner-occupied construction continues without any new market rate development continues to decrease market efficiency.

Works Cited

- Apartment Market Survey Summary*. Rep. Albuquerque: C.B. Richard Ellis, 2013. Print.
- Apartment Market Survey Summary*. Rep. Albuquerque: C.B. Richard Ellis, 2014. Print.
- Apartment Market Survey Summary*. Rep. Albuquerque: C.B. Richard Ellis, 2015. Print.
- City of Santa Fe Housing Needs Assessment*. Rep. Boulder: RRC Associates, 2007. Print.
- City of Santa Fe Housing Needs Assessment Update*. Rep. Denver: BBC Research & Consulting, 2013. Print.
- "FY 2014 Income Limits." *Hud.gov*. US Department of Housing and Urban Development, n.d. Web. 13 Apr. 2015.
- Krasnow, Bruce. "Business Beat: Homewise Offers Home Improvement Loans." *Santa Fe New Mexican* [Santa Fe] n.d.: n. pag. Print.
- National Housing Prices Raw Data. N.d. Raw data. U.S. Bureau of Labor Statistics, Washington, D.C.
- Santa Fe Association of Realtors MLS Statistics. N.d. Raw data. Sfar.com, Santa Fe.
- Santa Fe Building Permits Summary. N.d. Raw data. Santa Fe Building Permits Division, Santa Fe.
- "Santa Fe (city) QuickFacts from the US Census Bureau." *US Census Bureau QuickFacts*. US Census Bureau, 1 Apr. 2010. Web. 30 Sept. 2013.
- Santa Fe. Housing and Community Development. *Compilation of Santa Fe Homes Program Ordinance*. Santa Fe: n.p., 2008. Print.
- "SPDR S&P Homebuilders (ETF): NYSEARCA:XHB Quotes & News - Google Finance." *SPDR S&P Homebuilders (ETF): NYSEARCA:XHB Quotes & News - Google Finance*. N.p., n.d. Web. 30 Sept. 2013.
- Various Reports*. Rep. Albuquerque: Bureau of Business and Economic Research, n.d. Print.

Appendix I

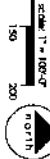
New Rental Supply 2013-2015						
2013	San Isidro	176	100% Tax credit apartments	Mixed 1-3 bedrooms	Mixed, averaging affordability for people making 60% AMI or less	Complete
2013	Stagecoach	60	100% affordable housing		Mixed, averaging affordability for people making 50% AMI or less	Complete
TBD, likely 2015	Tierra Contenta & Other Housing Trust	140	100% affordable housing	Mixed 1-4 bedrooms	Mixed, averaging affordability for people making 50% AMI or less	Incomplete
TBD, will vary	Las Soleras	~1200	Primarily market rate (no exact number available)		TBD, estimated lower end of market rate (60% to 100% AMI)	Incomplete
<p>Las Soleras: SF City Council met on May 21, 2015 to consider final approval of the first phase of Las Soleras. The first subdivision, Ross' Peak, will contain about 200 single-family homes for purchase.</p> <p>Housing Trust: 2016 new supply will include 70 units at Tierra Contenta and another 70 at yet-to-be determined locations</p>						

**GERHART
APARTMENT
COMMUNITY**
South Meadows Road
SANTA FE, NEW MEXICO

CONCEPT MASTER PLAN

WPP No. 1223

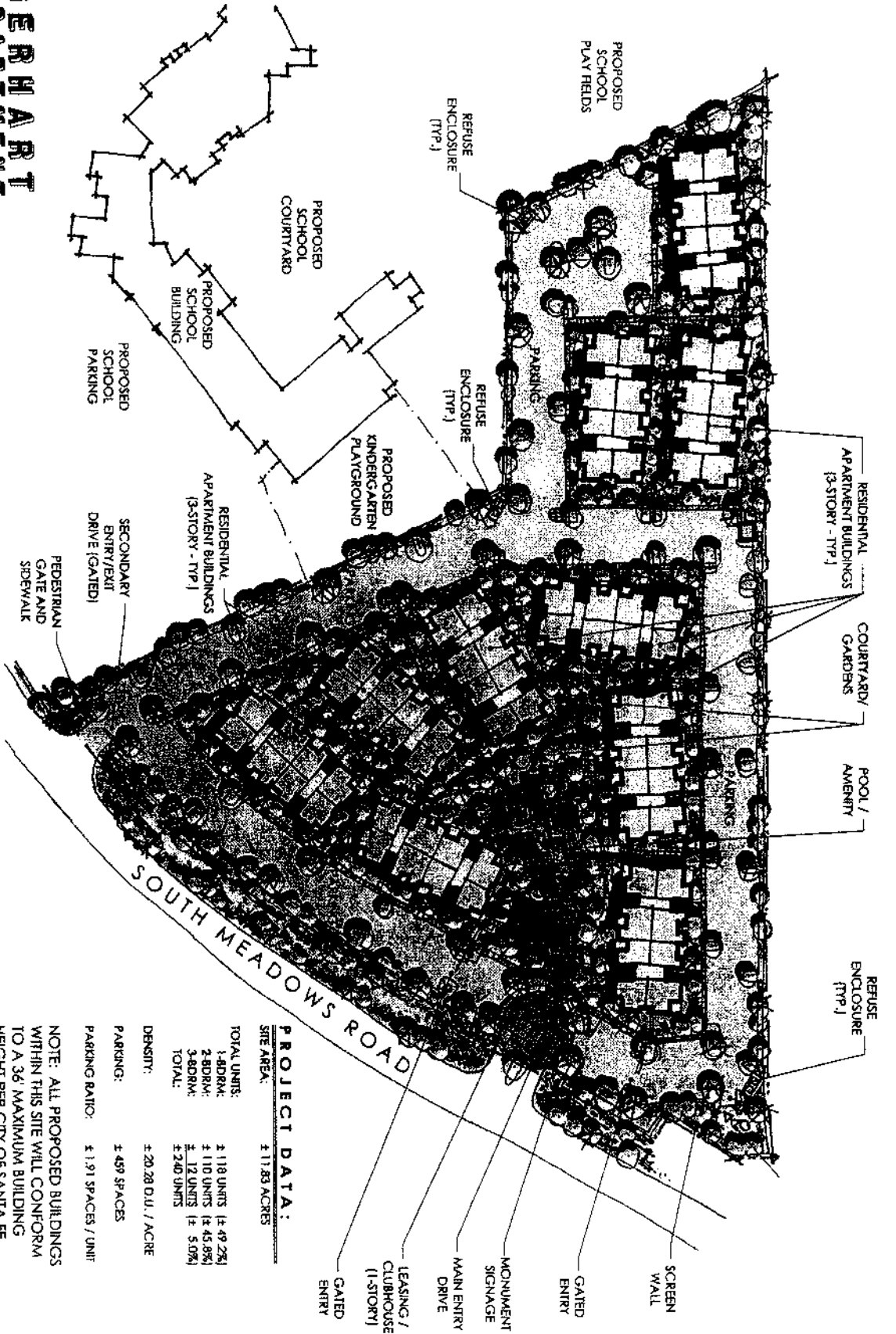
05-21-15

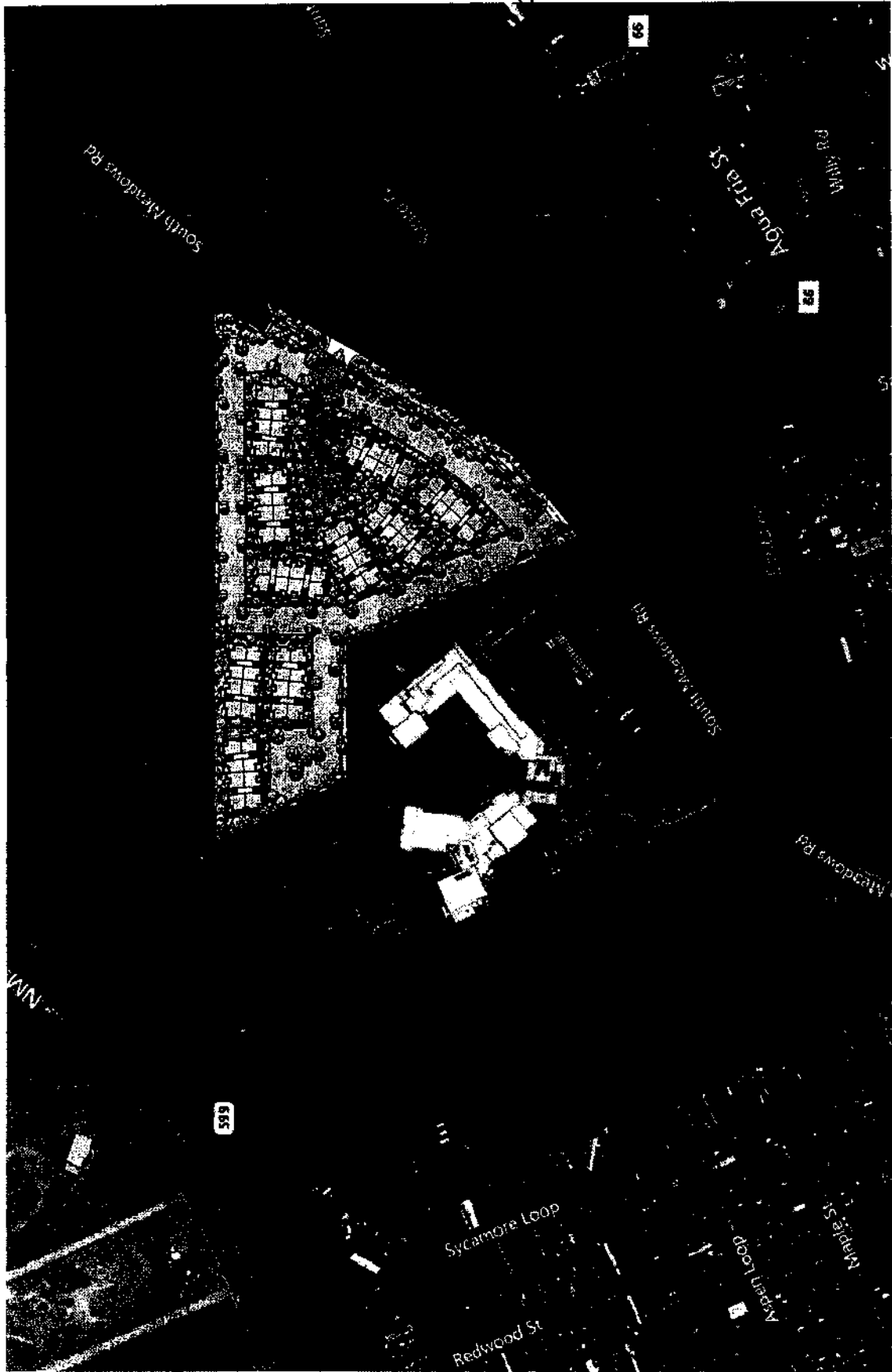


NOTE: ALL PROPOSED BUILDINGS
WITHIN THIS SITE WILL CONFORM
TO A 36' MAXIMUM BUILDING
HEIGHT PER CITY OF SANTA FE
GUIDELINES AND REQUIREMENTS

PROJECT DATA:

SITE AREA:	± 11.83 ACRES
TOTAL UNITS:	± 118 UNITS (± 49.2%)
1-BDRM:	± 110 UNITS (± 45.8%)
2-BDRM:	± 12 UNITS (± 5.0%)
TOTAL:	± 240 UNITS
DENSITY:	± 20.28 D.U. / ACRE
PARKING:	± 459 SPACES
PARKING RATIO:	± 1.91 SPACES / UNIT





**GERHART
APARTMENTS**
SANTA FE, NEW MEXICO

**PRELIMINARY
NOT FOR
CONSTRUCTION**

WHITNEYBELL PERRY INC
55 West Dodge Street, Suite 115
Chandler, Arizona 85225
(602) 265-1861



ARCHITECTURE AND PLANNING
31 West 1st Street, Suite 100
Chandler, Arizona 85225
(602) 265-1861

SHEET

3-2

GERHART APARTMENTS, PHASE 4C
31 West 1st Street, Suite 100
Chandler, Arizona 85225
(602) 265-1861

**PRELIMINARY
AERIAL SITE PLAN**

PRELIMINARY SITE PLAN



**GERHART
APARTMENTS**
SANTA FE, NEW MEXICO

**PRELIMINARY
NOT FOR
CONSTRUCTION**

WHITNEYBELL PERRY INC.
3100 10TH AVENUE, S.W.
ALBUQUERQUE, N.M. 87102
(505) 263-1801



ARCHITECTURE AND PLANNING

2.11

1983

GERHART APARTMENTS, SANTA FE, N.M.

**PRELIMINARY
BUILDING ELEVATION**



CONCEPTUAL ELEVATION

**PRELIMINARY
NOT FOR
CONSTRUCTION**

WHITNEYBELL PERRY INC
35 West Thirdy Boulevard, 5th Fl.
Chandler, Arizona, 85226
(602)269-1811



ARCHITECTURE AND PLANNING

3-4 **222**

1222
GOVERNMENT WILLING WITH 1 PERCENTAGE
10 JAN 2015

PRELIMINARY CONTEXT SITE PLAN



PRELIMINARY SITE PLAN

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2015-__

INTRODUCED BY:

Mayor Javier M. Gonzales

A RESOLUTION

~~ESTABLISHING POLICIES FOR GUIDING~~ **ADOPTING BEST PRACTICES AND
STANDARDS TO HELP GUIDE THE MANAGEMENT OF THE CITY'S FINANCES
AND FOR ASSISTING THE GOVERNING BODY AND CITY STAFF IN EVALUATING
CURRENT ACTIVITIES AND FUTURE PLANS.**

WHEREAS, the City of Santa Fe is responsible for a complex total annual budget of more than \$340 million that its citizens rely on to receive critical services; and

WHEREAS, the City of Santa Fe desires to manage its finances in the most prudent and transparent fashion; and

WHEREAS, the City of Santa Fe deems it necessary to adopt established best practices and standards to guide the management of its finances.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE that the Governing Body hereby established the following general principles and priorities regarding the financial management policies of the City of Santa Fe.

BE IT FURTHER RESOLVED that the City of Santa Fe's financial management

1 policies and basis for evaluating the financial performance of current activities and future plans
2 are the following:

3 **Guiding Principles**

4 The following five principles shall guide the direction given in this policy document:

5 1. Equitable

6 2. Consistent

7 3. Sustainable

8 4. Competitive

9 5. Full community participation.

10 **1. Budget**

11 A. Budget Preparation

12 The City Administration shall, prior to March 15, recommend to the Governing Body the
13 annual budget covering the next fiscal year. The budget including the General Fund, Special
14 Revenue Funds, and Enterprise Funds shall contain the following information:

15 1. The Governing Body, by resolution, shall adopt appropriate, general
16 principles and priorities for the upcoming budget; and

17 [1]2. A letter from the City Administration explaining the proposed financial plan
18 for the next fiscal year; and

19 [2]3. Budget summaries for the General Fund, Major Special Revenue Funds and
20 Enterprise Funds, including a beginning fund balance, estimated revenues,
21 operating expenditures, capital outlay and ending fund balance for each fund;
22 and

23 [3]4. Debt service expenditures, along with comparisons of estimated expenditures
24 to prior year actual expenditures; and

25 [4]5. Proposed revenues and expenditures, by source, for each department for the

1 budget year, with comparisons to prior year actual and current year revenues
2 and expenditures; and

3 ~~[5]~~6. Indication of proposed activity changes (additional staffing) including
4 operating and capital expenditures required supporting the additional
5 staffing.

6 B. Basis of Budgeting

7 Revenue and expenditures are budgeted on a cash basis with encumbrances (contractual
8 commitments to be performed) considered the equivalent of expenditures.

9 C. Budget Calendar and Roles and Responsibility

10 The City's budget ~~[is]~~ shall be developed on an annual basis with enough time and in a
11 fashion that allows for sufficient deliberation by the Governing Body and engagement with the
12 citizenry. The City's fiscal year begins on July 1 and ends twelve months later on June 30. The
13 development of the budget is done in a progressive and collaborative manner following the
14 direction that the Governing Body provides at the onset of the process:

- 15 1. No later than October 31, the Finance Director shall present a 5-year forecast
16 of revenues and expenditures, highlighting significant financial challenges
17 and decisions the City may be facing. The Finance Director shall also
18 recommend the key assumptions for developing the budget, including
19 inflation and other factors that may affect revenue and expenditures in the
20 new fiscal year; and

- 21 2. ~~[Departments submit their budget requests no later than November 30; and~~

- 22 ~~3. The City Administration and representatives of the Finance Department~~
23 ~~review the department budget proposals and make any necessary additions or~~
24 ~~deletions; and] There shall be an annual assessment of existing policy actions~~
25 ~~considered as unfunded mandates that have a recurring expenditure and a~~

determination if they should be amended or terminated; and

~~[4. The City Administration's recommended budget is submitted to the
Governing Body before February 1; and]~~

[5]3. Following submission of the budget to the Governing Body, at least two
public hearings for citizen comments are held between the months of April
and May. Following adoption by resolution, the budget is submitted
~~[by]before~~ May [30]31 to the New Mexico Department of Finance and
Administration to obtain interim approval; and

[6]4. At fiscal year-end, cash positions are established and the Governing Body
makes a final review and approves the final budget by resolution.

D. Budget Control System

The Finance Director is responsible for maintaining a budgetary control system to ensure
adherence to the adopted budget. On a monthly basis, the Finance Director will prepare summary
reports that compare actual revenues and expenditures to budgeted amounts and provides a year-
end performance projection for each department. These reports are presented to the Finance
Committee of the Governing Body with distribution all of its members to keep them all informed
of the City's budget performance.

A key aspect of budget control is the process for amending or adjusting the approved budget. No
changes can be made to either the capital or operating budget without a proper approval of a
formal request as follows:

1. Any increase in appropriation, whether in operations and maintenance or
capital improvement, requires approval by resolution of the Governing Body
2. Any single budget adjustment for more than \$50,000 or project modification
greater than \$50,000 in value requires approval by resolution of the
Governing Body

- 1 3. The City Administration has authority to approve budget adjustments within
- 2 a business unit or capital project not exceeding \$50,000 in the aggregate
- 3 within a fiscal year, and
- 4 4. The Finance Director has authority to approve adjustments up to \$5,000
- 5 within a business unit or capital projects.
- 6 5. In accordance with NMSA 6-6-11 and 6-6-12, appropriations expire at the
- 7 end of the fiscal year, and shall be carried forward only as re-appropriations
- 8 by the Governing Body as either part of the current year budget or as duly
- 9 approved budget adjustment requests.

10 E. Fiscal Notes

11 The Finance Department shall provide the Governing Body a fiscal impact statement for

12 all major policy decisions that may affect the City's finances. The fiscal notes shall include start-

13 up costs of a program/project and the associated operations costs for a minimum of five years.

14 These notes shall also include projected impact on the affected fund ending balance. Unbudgeted

15 items will require identification of savings necessary to fund needs. Fiscal notes for refunding

16 bond reimbursement resolutions shall require the fiscal impact to debt service both in real dollars

17 and tax rate for a minimum of five years.

18 F. Balance Budget Definition

19 All funds are required to reach at least a balance between current revenues and current

20 expenditures. Total anticipated revenues must equal the sum of budgeted expenditures for each

21 fund in the current fiscal year.

22 G. Performance Measures

23 Where possible, the City Administration will integrate performance measurement and

24 productivity indicators beginning in the City's published Fiscal Year (FY) 2017/2018 budget

25 document.

1 **2. Revenue Policies**

2 A. Revenue Diversification and Stabilization

3 The City will strive to attain a diversified and stable revenue system to shelter it from
4 short-run fluctuations in any one revenue source. Because it is highly influenced by economic
5 conditions out of the City's control, Gross Receipts Tax (GRT), which historically accounts for
6 the majority of the City's general fund revenue, tends to be volatile. Property tax, which accounts
7 for a much smaller percentage of the City's general fund revenue, is more stable. The City will
8 address its exposure to revenue volatility through a strategy of promoting economic development
9 and diversification to strengthen its overall economic base.

10 B. One-Time Revenues and Unpredictable Revenues

11 The City will use one-time or unpredictable revenues like the sale of land for capital
12 expenditures or for expenditures required by the revenue, and not for recurring personnel,
13 operational or maintenance costs.

14 C. New Revenues

15 The City will consider a set of established criteria for any proposed additional revenue:

16 ~~[1. Community acceptability]~~

17 ~~[2]~~1. Competitiveness – the revenue or tax burden of the City relative to
18 neighboring communities

19 ~~[3]~~2. Diversity – the balance of revenue sources that can withstand changes in the
20 business cycle

21 ~~[4]~~3. Efficiency – the cost of administering a tax or fee should bear a reasonable
22 relation to revenues collected, and any new tax or fee should have minimal
23 effect on private economic decisions, and

24 ~~[5]~~4. Fairness – the distribution of the City's revenue burden as measured by
25 ability to pay, the benefits received, or the community's definition of the

resident's fair share of the revenue burden.

[6]5. Alignment – taxes and fees shall bear a reasonable [resemblance] association to the costs for the [associated] service they are intended to fund.

D. Existing Revenues

The City shall conduct a periodic systematic review of all existing revenues including, but not limited to, fees, charges and tax rates to determine if their original intent is still current and desirable.

[D]E. Revenue Estimates

To maintain a stable level of services, the City shall prepare revenue estimates through a conservative, objective, and analytical approach. There shall be an analysis of probable economic changes and their impacts on revenues, historical collection rates, and trends in revenues. The objective should be to reduce the likelihood of actual revenues falling short of budget estimates during the year and avoid mid-year service reductions.

[E]F. User Fees

[City services and facilities that provide direct and identifiable benefits to citizens are generally to be funded through user fees.] The City will seek to recover the full cost of services provided directly to citizens, unless a City interest is identified and approved by the Governing Body to reduce a specific fee. Full cost is defined to include all direct costs to provide the service and appropriate related indirect cost.

Fees assessed at less than full cost are established to achieve an objective related to a user group, such as providing easier access to programs or encouraging participation by certain targeted groups such as youth or lower income individuals. The Governing Body shall explicitly approve any fee that is designed to recover less than the full cost of the respective service.

Each department [will periodically] shall, on an annual basis, identify all program costs and develop fee recommendations [to the City administration and the Governing Body] for

1 consideration in the upcoming budget following the policy direction given by the Governing
2 Body at the start of the budgeting process as established in Section 1(C) of this Resolution.

3 The City shall assess a fee to all of its Enterprises for the use of City-owned Right-of-
4 Way based on fair market value.

5 **3. Expenditure Policy**

6 The City will maintain a level of expenditures that will provide for the health, safety and
7 welfare of the residents of the City of Santa Fe.

8 A. [Employee] Efficiency

9 The City will [invest in technology and other efficiency tools to maximize staff
10 productivity] utilize every means necessary to maximize the efficiency and productivity of
11 government operations.

12 B. Maintenance of Capital Assets

13 Within the resources available each fiscal year, the City shall maintain capital assets and
14 infrastructure [at a sufficient level] so as to protect the City's investment, minimize future
15 replacement and maintenance costs, and sustain service levels.

16 **4. Fund Balance and Reserve Policy**

17 The General Fund's principal revenue source is GRT, which tends to be volatile. This
18 calls for an adequate General Fund balance level to ensure liquidity in all cases and demonstrate
19 the City's financial strength to the independent rating agencies.

20 The New Mexico Department of Finance and Administration, Local Government
21 Division regulations mandates that all municipalities maintain a minimum general fund balance
22 of 1/12th (8.3%) of general fund operating expenditures. To ensure this requirement is always
23 met, the City shall establish a contingency reserve above the state-mandated minimal level of
24 total fund balance.

25 The City's goal shall be to establish and maintain a total General Fund [balance] reserve

1 of not less than ten percent (10%) [~~nor greater than twenty percent (20%)~~] of General Fund
2 operating expenditures.

3 Unreserved fund balances in excess of what is required shall be used to fund capital items
4 in the operating and capital budget. However, if projected revenue in future years is not sufficient
5 to support projected requirements, a higher unreserved ending balance may be budgeted to
6 achieve long-term structural balance.

7 **5. Capital Improvement Plan**

8 The City shall adopt a capital budget to serve as a long-term planning tool that allows for
9 prioritization, financing coordination, and timely technical design and application of capital
10 projects and programs. To ensure the capital budget effectively reflects the priorities and
11 conditions of the times, it shall be a five-year plan that is updated and approved annually before
12 May 31. It shall contain a balanced mix of financing for funding capital project, including pay-
13 as-you-go, grants, and debt, without excessive reliance on any one source. It shall be developed in
14 coordination with the operating budget, projecting operating costs associated with new capital
15 improvements and incorporating the economic and fiscal forecasts used to develop the operating
16 budget.

17 **6. Procurement**

18 The City shall adopt a procurement policy that shall be reviewed by the Governing Body
19 every two years to ensure it complies with all current applicable laws, incorporates best practices,
20 and aligns with the City's priorities and related policies.

21 A. The Chief Procurement Officer

22 The City Administration shall [appoint] assign the role of a Chief Procurement Officer to
23 a qualified staff person who shall be responsible for the fair and efficient application of [this] the
24 procurement policy. The City's procurement policy shall establish the duties and responsibilities
25 of the Chief Procurement Officer, which shall include keeping [this] the procurement policy up to

1 date.

2 B. Procurement Planning

3 Each department shall prepare an annual procurement plan that discloses all of the
4 significant purchases of goods and services contemplated during the fiscal year. The collection of
5 all the departments' procurement plans shall comprise the City of Santa Fe's Annual Procurement
6 Plan. The Chief Procurement Officer shall be responsible for coordinating the development,
7 updating, and making this plan accessible to the public.

8 **7. Accounting and Annual Audit**

9 The City's accounting practices will always conform to generally accepted accounting
10 principles as set forth by the authoritative standard-setting body for units of local
11 government.

12 An annual audit will be performed by an independent certified public accounting firm
13 and an official comprehensive annual financial report (CAFR) shall be issued no later than 6
14 months following fiscal year-end. The independent certified public accounting firm shall present
15 to the Audit and Finance Committees the results of the annual audit no later than 60 days
16 from the issuance of the City's CAFR.

17 **8. Debt Management Policy**

18 The City shall limit its debt to a level that is competitive with comparable cities in its
19 rating class as reported by Standard & Poors and Fitch rating agencies.

20 The City shall follow the accepted parameters and practices established by the market to
21 plan, issue, manage, continually evaluate, and report on all its debt obligations in conjunction
22 with the City of Santa Fe Debt Management and Post Issuance Policy #13-1185 ~~[(December 11,~~
23 ~~2013)]~~. This policy shall be brought forward for review and approval annually. The salient points
24 in this policy are reiterated below to facilitate a broader overview and context for the City's
25 annual budget.

1 A. Use of Long-term Debt Financing

2 Long-term debt financing will not be used for a recurring purpose, such as current
3 operating and maintenance expenditures. The City will use long-term debt financing only for
4 one-time capital improvement projects and major equipment acquisitions included under the
5 following circumstances:

- 6 1. When the project is included in the City's five-year capital budget
7 2. When it is a project mandated immediately by state or federal requirements
8 3. When it is a project for which grant money has been offered and the matching
9 funds are not readily available from other sources; and
10 4. When the project is the result of growth within the community that requires
11 unanticipated and unplanned infrastructure or capital improvements by the City.

12 ~~[B. Workforce Accounts~~

13 ~~*Unless the Governing Body certifies that the necessary practices, processes, and controls*~~
14 ~~*are in place to appropriately account for employee time spent on capital projects, the City shall*~~
15 ~~*not use City workforce accounts to complete debt funded projects and shall use only private*~~
16 ~~*contractors to implement capital projects funded through bonds.]*~~

17 Unless explicitly directed otherwise by the Governing Body, City workforce accounts
18 may be used only for projects and/or work orders funded with operating revenues or reserves.

19 C. Types of Debt

20 Debt financing may include general obligation bonds, revenue bonds, lease/purchase as
21 well as public improvement district bonds, special assessment bonds, and tax increment financing
22 (TIF) Bonds. Loans may also be used when the terms are more financially attractive than
23 alternative financing or for specific programs such as may be offered through the New Mexico
24 Finance Authority

25 D. Project Life

1 Only capital assets or projects with an economic value lasting more than five years shall
2 be financed using debt.

3 E. Refunding Policy

4 The Finance Department and the City's financial advisor will monitor the municipal bond
5 market for opportunities to obtain interest savings by refunding outstanding debt. As a general
6 rule, the present value savings of a particular refunding should exceed 3%, with certain
7 exceptions, such as bonds to be refunded have restrictive or outdated covenants, or restructuring
8 debt is deemed to be desirable.

9 F. Limitations on Maturity

10 The City normally will issue bonds with maturities of no less than 10 years for general
11 obligation bonds and 12 years for revenue bonds except for refunding bonds.

12 G. Debt Structure and Annual Debt Burden

13 The City will seek to structure each debt issue with level principal and interest payments
14 over the life of the debt.

15 In compliance with the terms of the City's bond ordinance, the City will seek to structure
16 expenditures and any other GRT-supported debt service so it does not aggregately exceed the
17 amount of the GRT received annually over the life of the debt.

18 H. Statutory Limitation

19 The Constitution of the State of New Mexico limits the amount of outstanding general
20 obligation bonds to 4% of the assessed value of taxable property within the City.

21 I. Credit Enhancements

22 Credit enhancement (letters of credit, bond insurance, etc.) may be used, but only when
23 net debt service on the bonds is reduced by more than the costs of the enhancement.

24 J. Investment of Bond Proceeds

25 All general obligation and revenue bond proceeds shall be invested as part of the City's

1 cash pool unless otherwise specified by the bond legislation. Investments will be consistent with
2 those authorized by existing city ordinance, state law and by the City's investment policies.

3 K. Sale Process

4 The City will generally conduct financings on a competitive basis. However, negotiated
5 financings may be used due to market volatility or the use of an unusual or complex financings or
6 security structure.

7 L. Professional Services

8 The City may employ outside financial specialists to advise it in developing a bond
9 issuance strategy, preparing bond documents, and marketing bonds to investors. The key
10 financial advisors include its financial advisor, bond counsel, underwriter (on a negotiated sale),
11 external investment advisor, and in some instance a disclosure counsel. Other outside firms, such
12 as those providing paying agent/registrar services, trustee, credit enhancement, auditing, or
13 printing services, are retained as required.

14 M. Bond Rating Goals

15 The City will seek to maintain and, if possible, improve the current ratings to minimize
16 borrowing costs and preserve access to credit.

17 N. Disclosure

18 The City is committed to continuing disclosure of financial and pertinent credit
19 information relevant to the City's outstanding securities and will abide by the provisions of
20 Securities and Exchange Commission (SEC) Rule 15c2-12 concerning primary and secondary
21 market disclosure.

22 O. Post Issuance Compliance

23 The City shall comply with IRS regulations governing post issuance compliance for
24 municipal tax-exempt debt. The City shall also comply with the terms of the Tax Certificate
25 issued with each bond issue to maintain and preserve the City's tax-exempt status.

1 P. Rating Agency Relations

2 Full disclosure of operations and open lines of communication shall be made to the rating
3 agencies. City staff, with the assistance of the financial advisor, shall prepare the necessary
4 materials and presentation to the rating agencies. Two credit ratings will be sought from Standard
5 & Poor's, Fitch and/or Moody's as recommended by the City's financial advisor.

6 **9. Investment Policy**

7 The guiding principles for City's investment of its funds shall be the maximization of the
8 safety of principal and ensuring that sufficient funds are available to meet its operating needs and
9 unanticipated cash demands while earning the highest possible return within the parameters
10 established in the City of Santa Fe Investment Policy #14-0383 ~~[(May 28, 2014)]~~. This policy
11 ~~[is]~~shall be reviewed and approved annually. Cash management and investment items of major
12 importance are reiterated below to facilitate a broader overview and context for the City's annual
13 budget.

14 A. Scope

15 Unless otherwise noted, this policy applies to all financial assets over which the City has
16 direct control as well as those funds that the City is responsible for as custodian, trustee or fiscal
17 agent.

18 B. Delegation of Authority

19 Pursuant to City of Santa Fe City Code, Section 11-8c, the Governing body has
20 authorized the City Administration to ~~[appoint an]~~assign the role of Investment Officer to invest
21 money not immediately needed for operation of the City government. To the extent permitted by
22 law, any authority granted in State statute shall be secondary to lawfully enacted ordinances of
23 the City. The Cash Management and Investment Officer shall be responsible for all transactions
24 undertaken and, in conjunction with the Finance Director, shall establish a system of controls to
25 regulate the investment activities of subordinate officials.

1 The Cash Management and Investment Officer shall carry out established written
2 procedures and internal controls for the operation of the investment program consistent with this
3 ordinance. Procedures should include references to: safekeeping, delivery versus payment,
4 investment accounting, repurchase agreements, wire transfer agreements, collateral/depository
5 agreements, and banking services contracts.

6 No person may engage in an investment transaction except as provided under this
7 ordinance and the procedures established by the Cash Management and Investment Officer.

8 C. Prudence

9 Investments shall be made with judgment and care, under circumstances then prevailing,
10 which a person of prudence, discretion and intelligence would exercise in the management of
11 their own affairs, not for speculation, but for investment, considering the probable safety of their
12 capital as well as the probable income to be derived.

13 D. Authorized Investment Advisor and Financial Institutions

14 The City uses an external investment advisor to assist with selecting appropriate
15 investments, executing trades, annually reviewing the investment policy, and other tasks as
16 defined in the investment advisor professional agreement. The investment advisor agreement is
17 bid every four years per purchasing regulations. The selected investment advisor will provide
18 annual certification of having read and understood the Investment Policy and will verify that all
19 registrations and investment certifications are current. The investment advisor will also provide
20 an annual list of broker dealers that have been fully vetted for use in purchasing City investments.

21 All financial institutions conducting banking and investment business with the City are to
22 provide annual financial statements and annual certification that they have read and understood
23 the Investment Policy.

24 E. Internal Controls

25 The City Administration shall assign the role of Cash Management and Investment

1 Advisor to a qualified staff person who shall establish and maintain an internal control structure
2 designed to ensure that the assets of the City are protected from loss, theft or misuse.
3 Investments, policies and procedures will be reviewed annually by an external auditor as part of
4 the Comprehensive Annual Financial Report. The internal controls shall address the following,
5 as well as any other items the external auditor deems important:

- 6 1. Control of collusion
- 7 2. Completeness and accuracy of accounting and record keeping for all
8 investment transactions
- 9 3. Custodial safekeeping
- 10 4. Avoidance of physical delivery of securities
- 11 5. Clear delegation of authority to subordinate staff members
- 12 6. Written confirmation of telephone transactions for investments and wire
13 transfers,
- 14 7. Existence of a fiscal agent agreement and a collateral agreement with the
15 fiscal agent and third party custodian, and
- 16 8. Collateral verification and reconciliation.

17 F. Delivery vs Payment

18 All trades, where applicable, will be executed by delivery versus payment. This ensures
19 that securities are deposited in the eligible financial institution prior to the release of funds.
20 Securities will be held by a third party custodian as evidenced by safekeeping receipts.

21 G. Suitable and Authorized Investments

22 The following types of investments are authorized:

- 23 1. U.S. Government obligations, U.S. Government agency obligations, and U.S.
24 Government instrumentality obligations
- 25 2. Repurchase agreements

3. Certificates of deposit
4. Investment grade obligations of state and local government and public authorities
5. The New Mexico State Treasurer's Local Government Investment Pool
6. Government money market mutual funds, and

The following types of investments are prohibited:

1. Derivative instruments, collateralized mortgage obligations or equity securities
2. Investment purchases on margin or short sale
3. Any investment instrument not authorized by the Council Approved Investment Policy.

H. Collateralization

Bank deposits, certificates of deposit and repurchase agreements shall be collateralized by securities of the United States and the State of New Mexico, including surety bonds as provided in NMSA 6-10-15 at 102% of market value of the City's deposited principal. ~~[If the depository presents a]~~ A letter of credit for at least 50% of the deposited principle combined with a portfolio of current performing loans in Santa Fe County for at least 60% of the deposited principle ~~[then the level of collateralization may be at 100%]~~ may serve as an alternative form of collateralization.

I. Investment Parameters

1. Diversification. The City will diversify its use of investment instruments to avoid incurring unreasonable risks inherent in over-investing in specific instruments, individual financial institutions or maturities.
2. Maximum Maturities.
 - a. To limit the city's exposure to the possibility of loss due to interest rate fluctuations, the City will not commit any funds, with the exception of trust and bond funds, to maturities longer than five years from the date of purchase.

- 1 b. On investments made as legal reserves for bonded indebtedness, the maturity
2 date will not exceed the final maturity date of the bond issue to which they are
3 pledged.
- 4 c. Because of inherent difficulties in accurately forecasting cash flow requirements,
5 a portion of the portfolio should be continuously invested in readily available
6 funds such as bank accounts, overnight repurchase agreements, the New Mexico
7 Local Government Investment Pool, or money market mutual funds to ensure
8 that appropriate liquidity is maintained to meet ongoing obligations.

9 J. Reporting

- 10 1. Methods. The Cash Management and Investment Officer shall prepare for the
11 Governing Body and City Administration an investment report, at least quarterly.
- 12 2. Performance Standards. The investment portfolio should obtain a market
13 average rate of return during a market/economic environment of stable interest
14 rates. The portfolio will be managed such that no risk exists of having to sell
15 securities at a loss to meet liquidity needs.
- 16 3. Marking to Market. The portfolio will be marked to market as of June 30 each
17 fiscal year. Changes in the financial market will be monitored and mark to
18 market reports may be issued more often than annually as appropriate.

19 10. [Transfers]Excess Revenue from Enterprise Funds

20 Net Revenue is the balance of recurring revenue after deducting costs for operations and
21 maintenance, including fair market value for the use of the City's extensive rights-of-way, and
22 debt service. Net revenue generated by the City's enterprise funds shall be used for (a) capital
23 investment, (b) repair and replacement, (c) debt management, (d) revenue stabilization, and (d)
24 working capital within that fund and not be relied on to balance other funds. Only the revenue
25 that remains after these needs are satisfied and a working capital reserve of 12% of operating

expenditures is built up shall be deemed excess revenue subject to appropriation by the
Governing Body.

~~[After meeting the affected enterprise's needs enumerated above, excess revenue may be
transferred to an Environmental Stabilization Fund to protect the natural environment for the
benefit of future generations of Santa Feans].~~

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2015.

JAVIER M. GONZALES, MAYOR

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

KELLEY A. BRENNAN, CITY ATTORNEY

ITEM #15

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, NOVEMBER 9, 2015**

ITEM 12

REQUEST FOR APPROVAL OF A RESOLUTION ESTABLISHING POLICIES FOR GUIDING THE MANAGEMENT OF THE CITY'S FINANCES AND FOR ASSISTING THE GOVERNING BODY AND CITY STAFF IN EVALUATING THE CURRENT ACTIVITIES AND FUTURE PLANS (MAYOR GONZALES) (OSCAR RODRIGUEZ)

PUBLIC WORKS COMMITTEE ACTION: Approved

FUNDING SOURCE:

SPECIAL CONDITIONS / AMENDMENTS / STAFF FOLLOW UP:

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON TRUJILLO			
COUNCILOR BUSHEE	Not Present		
COUNCILOR DIMAS	X		
COUNCILOR DOMINGUEZ	X		
COUNCILOR IVES	X		

Exhibit "14"



CITY COUNCIL MEETING OF
November 10, 2015
BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION
BY MEMBERS OF THE GOVERNING BODY

Mayor Javier Gonzales		
Co-Sponsors	Title	Tentative Committee Schedule
Dominguez Lindell Trujillo Bushee Dimas	A RESOLUTION RELATING TO SCHOOL BULLYING; REQUESTING THE CITY OF SANTA FE AND THE SANTA FE PUBLIC SCHOOLS DEVELOP AND IMPLEMENT A COMPREHENSIVE REPORTING SYSTEM TO TRACK INCIDENTS OF BULLYING, ADMINISTRATIVE RESPONSES TO INCIDENTS, AND A SUBSTANTIVE PROGRAM TO EDUCATE YOUTH, PARENTS, AND CITY AND SCHOOL STAFF ON THE PREVENTION OF BULLYING.	Children and Youth Commission - 11/18/15 Finance Committee - 11/30/15 City Council - 12/9/15
	A RESOLUTION SUPPORTING THE STATE OF NEW MEXICO PROVISIONS FOR ENFORCEMENT OF THE INDIAN ARTS AND CRAFTS SALES ACT BY THE NEW MEXICO ATTORNEY GENERAL AND NEW MEXICO DISTRICT ATTORNEYS OFFICES; AND REQUESTING THAT STAFF WORK WITH DOWNTOWN MERCHANTS AND THE ATTORNEY GENERAL'S OFFICE TO SUPPORT ENFORCEMENT OF THE INDIAN ARTS AND CRAFTS SALES ACT.	Finance Committee - 11/30/15 City Business Quality of Life Committee - 12/9/15 City Council 12/9/15
	A RESOLUTION TO CREATE THE SANTA FE FILM COMMISSION; AND TO SUPPORT ECONOMIC DEVELOPMENT AND JOB CREATION IN FILM AND DIGITAL MEDIA.	City Business Quality of Life Committee - 12/9/15 Finance Committee 1/4/16 City Council - 1/13/16
Ives	A RESOLUTION TO REALLOCATE FUNDING FROM THE COMMUNITY HOSPITAL AND HEALTH CARE STUDY GROUP IN PURSUIT OF OVERALL COMMUNITY WELLNESS AND A COMPREHENSIVE APPROACH TOWARDS A HEALTHIER COMMUNITY; AND TO POSTPONE THE COMMUNITY HOSPITAL AND HEALTH CARE STUDY GROUP AND REEVALUATE ITS PURPOSE AND SCOPE IN THE SPRING OF 2016.	Finance Committee - 11/30/15 Sustainable Santa Fe Commission - 12/15/15 City Council 1/13/16

Councilor Patti Bushee		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION TO SUPPORT COMMUNITY EFFORTS TO DEVELOP A GRAND UNIFIED TRAIL SYSTEM (GUTS) THAT ALLOWS NON-MOTORIZED USERS TO TRAVEL IN A LOOP AROUND THE CITY OF SANTA FE, BETWEEN POPULAR NATURAL-SURFACE TRAIL NETWORKS, AND BETWEEN THE CITY CENTER AND THE PERIPHERY, AND DIRECTING CITY STAFF TO WORK WITH PUBLIC AND PRIVATE SECTOR PARTNERS TO HELP ACHIEVE THE "GUTS" VISION.	Bicycle and Trails Advisory Committee - 11/18/15 Finance Committee - 11/30/15 Public Works Committee - 12/7/15 City Council - 12/9/15
Councilor Bill Dimas		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION CONTRIBUTING PROPERTY AND RESOURCES TO SANTA FE COMMUNITY HOUSING TRUST (THE "HOUSING TRUST") FOR THE DEVELOPMENT OF THE SOLERAS STATION LOW INCOME HOUSING TAX CREDIT PROJECT (THE "PROJECT") PURSUANT TO THE AFFORDABLE HOUSING ACT.	Public Works Committee - 12/7/15 City Business Quality of Life Committee - 12/9/15 Finance Committee - 1/4/16 City Council 1/13/16
Councilor Carmichael Dominguez		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Peter Ives		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION DONATING A LEASEHOLD INTEREST AND FEE WAIVERS TO THE SANTA FE CIVIC HOUSING AUTHORITY ("SFCHA"), PURSUANT TO THE AFFORDABLE HOUSING ACT, FOR THE REHABILITATION OF THE PASA TIEMPO HOUSING SITE TO MAXIMIZE POINTS AWARDED UNDER THE LIHTC APPLICATION.	Public Works Committee - 12/7/15 City Business Quality of Life Committee - 12/9/15 Finance Committee - 1/4/16 City Council 1/13/16
	A RESOLUTION DONATING A LEASEHOLD INTEREST AND FEE WAIVERS TO THE SANTA FE CIVIC HOUSING AUTHORITY ("SFCHA"), PURSUANT TO THE AFFORDABLE HOUSING ACT, FOR THE REHABILITATION OF THE VILLA HERMOSA HOUSING SITE TO MAXIMIZE POINTS AWARDED UNDER THE LIHTC APPLICATION.	Public Works Committee - 12/7/15 City Business Quality of Life Committee - 12/9/15 Finance Committee - 1/4/16 City Council 1/13/16

Councilor Ives - continued		
	A RESOLUTION DIRECTING PUBLIC UTILITIES DEPARTMENT STAFF TO IDENTIFY AND APPLY FOR FEDERAL AND STATE FUNDING SOURCES FOR WATER, WASTEWATER AND OTHER WATER RELATED PROJECTS.	Public Utilities - 12/2/15 Finance Committee - 12/14/15 City Council - 1/13/15
	AN ORDINANCE ESTABLISHING AN INDEPENDENT SALARY COMMISSION TO SET THE MAYOR'S SALARY EFFECTIVE AS OF MARCH 12, 2018.	Audit Committee - TBA Finance Committee - 12/14/15 City Council (request to publish) - 1/13/16 City Council (public hearing) - 2/10/16
	A RESOLUTION PROVIDING GUIDANCE ON RESOLVING SANTA FE'S BUDGET DEFICIT AND CERTAIN REPORTING REQUIREMENTS	Public Works Committee -12/7/15 Finance Committee - 12/14/15 City Council - 1/13/16
Councilor Signe Lindell		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Joseph Maestas		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Chris Rivera		
Co-Sponsors	Title	Tentative Committee Schedule
	AN ORDINANCE AMENDING SECTION 24-2.6 SFCC 1987 TO EXTEND THE TRUCK AND OTHER LARGE VEHICLES TRAFFIC RESTRICTION ON JAGUAR ROAD FROM NM 599 (VETERANS MEMORIAL HIGHWAY) TO CERRILLOS ROAD.	Public Works Committee - 12/7/15 City Council (request to publish) 12/9/15 Finance Committee 12/14/15 City Council (public hearing) 1/13/16
Councilor Ron Trujillo		
Co-Sponsors	Title	Tentative Committee Schedule

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, jbg Guillen@santafenm.gov or Rebecca Seligman at (505) 955-6501, rxseligman@santafenm.gov.

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2015-__

3 INTRODUCED BY:

4
5 Councilor Chris Rivera

6
7
8
9
10 AN ORDINANCE

11 AMENDING SECTION 24-2.6 SFCC 1987 TO EXTEND THE TRUCK AND OTHER LARGE
12 VEHICLES TRAFFIC RESTRICTION ON JAGUAR ROAD FROM NM 599 (VETERANS
13 MEMORIAL HIGHWAY) TO CERRILLOS ROAD.

14
15 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

16 Section 1. Section 24-2.6 SFCC 1987 (being Ord. #2006-14, §26, as amended) is
17 amended to read:

18 24-2.6 Restricted Traffic.

19 A. Trucks, truck trailers and other large vehicles with a gross vehicle weight of five (5)
20 tons or more are prohibited from traveling on the following streets except as set forth in paragraphs B.
21 and C. below:

22 (1) Agua Fria Street, between Siler Road and Guadalupe Street except those
23 vehicles making pickups or deliveries to addresses on adjacent dead end streets;

24 (2) Alamo Drive;

25 (3) Apache Street;

- 1 (4) Armenta Street;
- 2 (5) Arroyo Chamiso, Botulph and beginning at the eastern boundary of Zia
- 3 Road;
- 4 (6) Calle Angelina;
- 5 (7) Calle Atajo;
- 6 (8) Calle La Resolana;
- 7 (9) Calle Sotero;
- 8 (10) Camino Carlos Rael between West Alameda Street and the city limits;
- 9 (11) Camino Carlos Rey between Calle de Oriente Norte and Zia Road;
- 10 (12) Camino Consuelo;
- 11 (13) Camino de las Crucitas;
- 12 (14) Camino Encantado;
- 13 (15) Camino Lejo between Old Pecos Trail and Old Santa Fe Trail;
- 14 (16) Canyon Road;
- 15 (17) Catron Street;
- 16 (18) Circle Drive between Bishops Lodge Road and Camino Encantado;
- 17 (19) Escalante Street;
- 18 (20) Espinacitas Street between St. Michael's Drive and Jay Street;
- 19 (21) Fifth Street between St. Michael's Drive and Cerrillos Road;
- 20 (22) Fourth Street between Jay Street and Quapaw Street;
- 21 (23) Galisteo Street between Paseo de Peralta and St. Michael's Drive;
- 22 (24) Gonzales Road, between East Alameda and Hyde Park Road;
- 23 (25) Gonzales Road, north of Hyde Park Road;
- 24 (26) Governor Miles - those portions located within the city limits as follows:

1 (a) From just west of Chamisa Path Road to east of Dancing Ground
2 Street; and

3 (b) From west of Nizhoni Drive to the terminus of Governor Miles Road
4 located east of Camino Carlos Rey.

5 (27) Hillside Avenue;

6 (28) Hopewell Street between Second Street and Sixth Street;

7 (29) Jaguar Drive between [~~Country Club Road~~] NM 599 (Veterans Memorial
8 Highway and Cerrillos Road;

9 (30) Jay Street;

10 (31) Jefferson Street;

11 (32) La Cieneguita;

12 (33) Lujan Street;

13 (34) Maez Road;

14 (35) Mann Street from Sixth Street to its terminus;

15 (36) Morelia Street between Cordova Road and Alta Vista Street;

16 (37) Navajo Street south of Taos Street;

17 (38) North El Rancho Road between West Alameda Street and Paseo De Vista;

18 (39) Osage Avenue;

19 (40) Placita de Oro;

20 (41) Quapaw Street;

21 (42) Richards Avenue between James Street and Siringo Road;

22 (43) Rio Vista Street;

23 (44) San Mateo Road from St. Francis Drive to Old Pecos Trail;

24 (45) Solana Drive;

25 (46) South Meadows to Camino Cesar E. Chavez (formerly Airport Road);

1 (47) Staab Street;

2 (48) Third Street between Hopewell Street and Jay Street;

3 (49) Valley Drive between Bishop's Lodge Road and Vallecita Drive;

4 (50) Via Antigua;

5 (51) Vitalia Street;

6 (52) West Alameda Street west of the landfill road to the city limits except those
7 vehicles making pickups or deliveries to addresses on adjacent dead end streets; and

8 (53) Zia Road.

9 B. Trucks, truck trailers and other large vehicles with a gross vehicle weight of
10 five (5) tons are not prohibited provided the following are met:

11 (1) The vehicle is making pick-up and deliveries or providing services to
12 addresses on the specific streets or to addresses on adjacent streets served only by that
13 specific street(s); or

14 (2) The vehicle is traveling to or from such addresses for the purposes of
15 locating permanently or temporarily at such addresses provided they are in compliance with
16 any other applicable city code.

17 C. Authorized emergency vehicles; any government or utility maintenance, service and
18 transportation vehicles; and school buses, with a gross vehicle weight of five (5) tons or more, are
19 permitted to travel on the streets specified above.

20
21 APPROVED AS TO FORM:

22
23 _____
24 KELLEY A. BRENNAN, CITY ATTORNEY

25 *M/Legislation/Bills 2015/Truck Ban – Jaguar Drive*

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

2 **RESOLUTION NO. 2015-__**

3 **INTRODUCED BY:**

4
5 Councilor Peter N. Ives

6 Councilor Joseph M. Maestas

7
8
9
10 **A RESOLUTION**

11 **DONATING A LEASEHOLD INTEREST AND FEE WAIVERS TO THE SANTA FE CIVIC**
12 **HOUSING PURSUANT TO THE AFFORDABLE HOUSING ACT, FOR THE**
13 **REHABILITATION OF THE PASA TIEMPO HOUSING SITE TO MAXIMIZE POINTS**
14 **AWARDED UNDER THE LIHTC APPLICATION.**

15
16 **WHEREAS,** The City of Santa Fe is committed to providing decent safe and sanitary
17 affordable housing for the residents of the City of Santa Fe; and

18 **WHEREAS,** the City of Santa Fe supports the Santa Fe Civic housing Authority in its
19 application for a tax credit award for the Pasa Tiempo project and understanding that additional points
20 for local contributions to the project could be achieved through permanent donation of the leasehold
21 interest in the land and cash related to the Pasa Tiempo development by the City of Santa Fe; and

22 **WHEREAS,** the City of Santa Fe owns the land at 650-670 Alta Vista, Santa Fe, New
23 Mexico and intends to donate a leasehold interest in the land to the Pasa Tiempo development; and

24 **WHEREAS,** the City of Santa Fe agrees to permanently contribute cash to the Pasa Tiempo
25 development to pay for predevelopment costs; and

Exhibit "17"

1 **WHEREAS**, the City of Santa Fe agrees to waive eligible construction permit and
2 construction permit review fees in accordance with Chapter 14.8.11(G)(2); and

3 **WHEREAS**, the City of Santa Fe certifies to New Mexico Mortgage Finance Authority
4 (MFA) that the Pasa Tiempo project and contribution has been analyzed by the City of Santa Fe and
5 the contribution meets the requirements of the Affordable Housing Act and Rules Section 5.4; and

6 **WHEREAS**, the City of Santa Fe will require review and approval of a housing grant project
7 budget by the City of Santa Fe and/or the MFA before any expenditure of grant funds or transfer of
8 granted property; and project budget will be provided at application (1/31/2016) and can be approved
9 prior to May 2016; and

10 **WHEREAS**, the City of Santa Fe will require that a condition of grant or loan approval be
11 proof of compliance with all applicable State and local laws, rules, and ordinances; and

12 **WHEREAS**, the definitions for “low income and moderate income” and setting out
13 requirements for verification of income levels are defined within the MFA 2016 Qualified Allocation
14 Plan (QAP) guidelines; and

15 **WHEREAS**, the City of Santa Fe has entered into a contract (land lease) with the Qualifying
16 Grantee which includes remedies and default provisions in the event of the unsatisfactory
17 performance by the Qualifying Grantee and which contract shall be subject to the review by the MFA
18 in its discretion.

19 **NOW THEREFORE BE IT RESOLVED BE IT RESOLVED BY THE GOVERNING**
20 **BODY OF THE CITY OF SANTA FE** that the Governing Body hereby authorizes the donation of
21 the leasehold interest transfer, cash and fee waivers for predevelopment costs for a sum total donation
22 value of up to \$1,350,000 to the Pasa Tiempo development to make it possible to achieve points to be
23 awarded under the LIHTC application, contingent upon the successful award of 2016 tax credits. All
24 contributions of leasehold interest and cash shall be permanent, as defined in the 2016 Qualified
25 Allocation Plan.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

JAVIER M. GONZALES, MAYOR

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

KELLEY A. BRENNAN, CITY ATTORNEY

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

2 **RESOLUTION NO. 2015-__**

3 **INTRODUCED BY:**

4
5 Councilor Peter N. Ives

6 Councilor Joseph M. Maestas

7
8
9
10 **A RESOLUTION**

11 **DONATING A LEASEHOLD INTEREST AND FEE WAIVERS TO THE SANTA FE CIVIC**
12 **HOUSING AUTHORITY, PURSUANT TO THE AFFORDABLE HOUSING ACT, FOR THE**
13 **REHABILITATION OF THE VILLA HERMOSA HOUSING SITE TO MAXIMIZE POINTS**
14 **AWARDED UNDER THE LIHTC APPLICATION.**

15
16 **WHEREAS,** The City of Santa Fe is committed to providing decent safe and sanitary
17 affordable housing for the residents of the City of Santa Fe; and

18 **WHEREAS,** the City of Santa Fe supports the Santa Fe Civic Housing Authority (SFCHA)
19 in its application for a low income housing tax credit (LIHTC) award for the Villa Hermosa project
20 and understanding that additional points for local contributions to the project could be achieved
21 through permanent donation of the leasehold interest in the land and cash related to the Villa Hermosa
22 development by the City of Santa Fe; and

23 **WHEREAS,** the City of Santa Fe owns the land at 1510-1520 Luisa Street, Santa Fe, New
24 Mexico and intends to donate a leasehold interest in the land to the Villa Hermosa development; and

25 **WHEREAS,** the City of Santa Fe agrees to permanently contribute cash to the Villa Hermosa

Exhibit 18

1 development to pay for predevelopment costs; and

2 **WHEREAS**, the City of Santa Fe agrees to waive eligible construction permit and
3 construction permit review fees in accordance with Chapter 14.8.11(G)(2); and

4 **WHEREAS**, the City of Santa Fe certifies to New Mexico Mortgage Finance Authority
5 (MFA) that the Villa Hermosa project and contribution has been analyzed by the City of Santa Fe and
6 the contribution meets the requirements of the Affordable Housing Act and Rules Section 5.4; and

7 **WHEREAS**, the City of Santa Fe will require review and approval of a housing grant project
8 budget by the City of Santa Fe and/or the MFA before any expenditure of grant funds or transfer of
9 granted property; and project budget will be provided at application (1/31/2016) and can be approved
10 prior to May 2016; and

11 **WHEREAS**, the City of Santa Fe will require that a condition of grant or loan approval be
12 proof of compliance with all applicable State and local laws, rules, and ordinances; and

13 **WHEREAS**, the definitions for "low income and moderate income" and setting out
14 requirements for verification of income levels are defined within the MFA 2016 QAP guidelines; and

15 **WHEREAS**, the City of Santa Fe has entered into a contract (land lease) with the Qualifying
16 Grantee which includes remedies and default provisions in the event of the unsatisfactory
17 performance by the Qualifying Grantee and which contract shall be subject to the review by the MFA
18 in its discretion.

19 **NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE**
20 **CITY OF SANTA FE** that the Governing Body hereby authorizes the donation of the leasehold
21 interest transfer, cash and fee waivers for predevelopment costs for a sum total donation value of up
22 to \$1,350,000 to the Villa Hermosa development to make it possible to achieve points to be awarded
23 under the LIHTC application, contingent upon the successful award of 2016 tax credits. All
24 contributions of leasehold interest and cash shall be permanent, as defined in the 2016 Qualified
25 Allocation Plan.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

JAVIER M. GONZALES, MAYOR

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

KELLEY A. BRENNAN, CITY ATTORNEY

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

2 **RESOLUTION 2015-__**

3 **INTRODUCED BY:**

4
5 Councilor Peter Ives

6
7
8
9 **A RESOLUTION**

10 **DIRECTING PUBLIC UTILITIES DEPARTMENT STAFF TO IDENTIFY AND APPLY**
11 **FOR FEDERAL AND STATE FUNDING SOURCES FOR WATER, WASTEWATER AND**
12 **OTHER WATER RELATED PROJECTS.**

13
14 **WHEREAS**, municipal water systems and wastewater systems must take significant
15 investments to install, upgrade or replace infrastructure; and

16 **WHEREAS**, adequate water and wastewater facilities, in addition to protecting public and
17 environmental health, enable communities to grow and attract businesses; and

18 **WHEREAS**, through the adoption of Resolution No. 2015-__, the Governing Body
19 established certain water project priorities for consideration by the 52nd Legislature, 2nd session,
20 2016; and

21 **WHEREAS**, there is an ongoing need for the City of Santa Fe to obtain funding for water
22 and wastewater projects.

23 **NOW, THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE**
24 **CITY OF SANTA FE** that Public Utilities Department staff are directed to:

- 25 1. Identify, by way of example and not limitations, water, wastewater, water

1 conservation, water treatment, water recycling, water reuse, water storage, water
2 conveyance, water delivery, flood prevention, watershed restoration, watershed
3 management, and other similar projects ("Projects") priorities and research and
4 identify potential Federal and State funding sources for such projects.

- 5 2. Apply for funding and bring specific agreements for such Projects back through
6 committee review and approval by the Governing Body.
- 7 3. Identify a State Legislative priority list of Projects for presentation to the City's State
8 Legislative Delegation.
- 9 4. Submit an application to the New Mexico Water Trust Board, in compliance with
10 New Mexico Water Trust Board policy, for financial assistance from the New
11 Mexico Water Project Fund for all project types eligible for consideration, including
12 but not limited to:
- 13 a) Water conservation, treatment, recycling, and reuse projects;
 - 14 b) Flood prevention projects;
 - 15 c) Endangered species act (ESA) collaborative projects;
 - 16 d) Water storage, conveyance and delivery projects;
 - 17 e) Watershed restoration and management projects.

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

20 _____
21 JAVIER M. GONZALES, MAYOR

22 ATTEST:

23 _____
24 YOLANDA Y. VIGIL, CITY CLERK
25

1 APPROVED AS TO FORM:

2
3
4 KELLEY A. BRENNAN, CITY ATTORNEY

1 CITY OF SANTA FE, NEW MEXICO

2 RESOLUTION NO. 2015-__

3 INTRODUCED BY:

4
5 Councilor Patti J. Bushee

6
7
8
9
10 A RESOLUTION

11 TO SUPPORT COMMUNITY EFFORTS TO DEVELOP A GRAND UNIFIED TRAIL
12 SYSTEM (GUTS) THAT ALLOWS NON-MOTORIZED USERS TO TRAVEL IN A
13 LOOP AROUND THE CITY OF SANTA FE, BETWEEN POPULAR NATURAL-
14 SURFACE TRAIL NETWORKS, AND BETWEEN THE CITY CENTER AND THE
15 PERIPHERY, AND DIRECTING CITY STAFF TO WORK WITH PUBLIC AND
16 PRIVATE SECTOR PARTNERS TO HELP ACHIEVE THE "GUTS" VISION.

17
18 WHEREAS, the City of Santa Fe's Dale Ball, La Tierra, Dorothy Stewart, and Sun
19 Mountain Trails, along with various other city trails found in open spaces, parks, and residential
20 subdivisions, provide a network of over 60 miles of multi-use, natural-surface trails that are
21 enjoyed by hikers, mountain bikers, and equestrians; and

22 WHEREAS, Santa Fe County's open space and trail network, including Arroyo Hondo
23 Open Space Trails, the La Piedra Trail, the Little Tesuque Trail, the Talaya Hill portion of Dale
24 Ball Trails, the County Rail Trail and Spur Trail, and the El Camino Real Retracement Trail,
25 currently under design, represents a vast additional resource that complements and connects out

1 from City trails; and

2 **WHEREAS**, natural-surface trails belonging to the Santa Fe National Forest and various
3 public trail easements on private land in our area, provide further connections, and opportunities
4 to connect, to City and County trails and to the communities served by these trails; and

5 **WHEREAS**, over 20 miles of urban paved trails belonging to the City and County play
6 important recreation and transportation functions in and around developed parts of Santa Fe, and
7 are accessible to residents and visitors of various levels of ability; and

8 **WHEREAS**, voluntary organizations and individuals who use and work on trails have a
9 proven ability to work with public agencies to design, build, and maintain natural-surface trails in
10 the Santa Fe area at little or no cost to those public agencies that own and manage open space and
11 trails; and

12 **WHEREAS**, significant gaps remain to fully connect City trails, County trails, and forest
13 trails to each other, and to other desirable destinations for trail users; and

14 **WHEREAS**, connectivity between trail systems enhances safety, recreation,
15 transportation, and the overall value and allure of the trail system; and

16 **WHEREAS**, the Santa Fe Metropolitan Bicycle Master Plan, the City's La Tierra Trails
17 Master Plan, and the County's Sustainable Growth Management Plan call for the development of
18 trail connections from the city center to its periphery and beyond; and

19 **WHEREAS**, an inter-connected trail system is a desirable way to improve economic
20 development, health, and preservation and education around natural and historic resources in our
21 area; and

22 **WHEREAS**, the bicycling environment in the Santa Fe area has been recognized at the
23 "silver" level by both the League of American Bicyclists and the International Mountain Biking
24 Association, and in both cases efforts are underway to improve the level of recognition to the
25 "gold" level; and

1 **WHEREAS**, the City and County of Santa Fe have embraced the promotion of outdoor
2 “adventure” tourism and outdoors-related businesses as an important area of economic strategy,
3 and wish to build on our area’s recognition at the national level as a top destination for trail
4 runners, hikers, and mountain bikers; and

5 **WHEREAS**, planning toward a Grand Unified Trail System (GUTS) is being undertaken
6 at no cost to the City by private and public partners including the Santa Fe Fat Tire Society, the
7 Santa Fe County Horse Coalition, the Trails Alliance of Santa Fe, The Nature Conservancy, The
8 Commonweal Conservancy, the Santa Fe Conservation Trust, Bicycle Technologies International,
9 the New Mexico Department of Health, and the National Park Service’s Rivers, Trails and
10 Conservation Assistance (RTCA) program,

11 **WHEREAS**, these private and public partners are expressing their commitment to the
12 GUTS effort by signing a GUTS Partnership Agreement; and

13 **WHEREAS**, the private and public partners of the GUTS effort request City support of
14 the GUTS concept and volunteer efforts, but are not specifically requesting City funding.

15 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
16 **CITY OF SANTA FE** that the Governing Body is in strong support of the effort to provide a
17 Grand Unified Trail System in and around Santa Fe through a loop of interconnecting existing
18 and proposed trails in the center and extending to the periphery of the city.

19 **BE IT FURTHER RESOLVED** that the City shall support the GUTS Initiative, and that
20 City staff is directed to work with private and public sector partners to help achieve the GUTS
21 vision of an interconnected trail system that allows non-motorized users to travel in a loop around
22 the greater Santa Fe area as well as between the city center and the periphery.

23 **PASSED, APPROVED AND ADOPTED** this ____ day of _____, 2015.
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

JAVIER M. GONZALES, MAYOR

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

KELLEY A. BRENNAN, CITY ATTORNEY

1 CITY OF SANTA FE, NEW MEXICO

2 RESOLUTION 2015-__

3 INTRODUCED BY:

4
5 Councilor Bill Dimas
6
7
8
9

10 A RESOLUTION

11 CONTRIBUTING PROPERTY AND RESOURCES TO SANTA FE COMMUNITY
12 HOUSING TRUST FOR THE DEVELOPMENT OF THE SOLERAS STATION LOW
13 INCOME HOUSING TAX CREDIT PROJECT PURSUANT TO THE AFFORDABLE
14 HOUSING ACT.
15

16 WHEREAS, it is the intent of the parties that the contribution from the City of Santa Fe to
17 the Project meet the requirements of the Affordable Housing Act and Rules Section 5.4;

18 WHEREAS, the proposed donation conforms to the City of Santa Fe Five-Year Strategic
19 Housing Plan "Affordable Housing Element" adopted in conformance to the Affordable Housing Act
20 identified a housing shortage of 805 units particularly acute for households earning below 50% of the
21 annual median income (AMI) because Soleras Station will serve households earning from 30% to
22 80% of median income; and

23 WHEREAS, this Project is consistent with Five Year Strategic Housing Plan lawfully
24 adopted by Ordinance No. 2007-23 pursuant to the express statutory authority conferred upon
25 municipalities to enact a housing code pursuant to Section 3-1 7-6A(8) NMSA 1978; to enact

ordinances pursuant to its police power, Section 3-17-1 B NMSA 1978; to provide for affordable housing pursuant to subsections E and F of Art. 9, §14, of the N.M. Constitution and the Affordable Housing Act (§§ 10 6-27-1 through 6-27-8 NMSA 1978) and in particular to provide a portion of the cost of financing and/or authorizing housing assistance grants for the purpose of affordable housing pursuant to Section 6-27-5 NMSA 1978 (2007), and pursuant to any and all such other authority as may be applicable including but not limited to the city's recognized authority to protect the general welfare of its citizens; and

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

WHEREAS, the City has agreed to accept the donation of at least \$1.4 million from Pulte Homes consisting of a 4.5 acre parcel of land along with additional cash, goods and services, proffered in compliance with that certain Santa Fe Home Program Agreement dated _____, 2015 and attached hereto as well as the City's inclusionary zoning implementation of the Pulte Homes subdivision in Las Soleras Masterplanned Community; and

WHEREAS, the City will also provide additional donation of City development fee/water waivers and other valuable incentives to the Project; and

WHEREAS, the above referenced donations will be contributed to the Santa Fe Community Housing Trust for the Project without debt or interest pursuant to the terms of a land use regulatory agreement; and

WHEREAS, the Project will meet the City goals for creating housing that avoids common illness triggers, uses less energy, and saves on utility and maintenance costs-all while using eco-friendly materials and strategies pursuant design of the Soleras Station as a Pilot Multifamily Project by the WELL Build Institute for creation of a national healthy multifamily residential building certification process by the United State Green Building Coalition (USGBC) and in the project's

1 LEED building certification; and

2 **WHEREAS**, major partners in the development of the Project now include the City of Santa
3 Fe, The Housing Trust; the New Mexico Coalition to End Homelessness and Pulte Homes, only the
4 Housing Trust will have any ownership interest in the Project after the development is completed; and

5 **WHEREAS**, the City will provide 10% of the development costs for a competitive LIHTC
6 application for the Project by the Housing Trust as a direct grant to the Project subject to the terms of
7 a land use regulatory agreement requiring and affordability period of 45 years running concurrently
8 with requirements imposed by the New Mexico Mortgage Finance Authority; and

9 **NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE**
10 **CITY OF SANTA FE** that a substantial contribution to the Project with cash and measures to lower
11 development costs of the property by waiving building permit fees, providing water rights to the
12 Project, reducing the cost of extending the utility lines and meter charges for a total of approximately
13 \$2 million. The donation shall be made in the form of a grant subject to the terms of a land use
14 regulatory agreement specifying the requirement for consistency with the Low Income Housing Tax
15 Credit program requirements serving targeted low income clientele.

16 **BE IT FURTHER RESOLVED** that the City Council of the City of Santa Fe supports The
17 Housing Trust's LIHTC application for the Project.

18 **BE IT FURTHER RESOLVED** that the City Council of the City of Santa Fe hereby directs
19 the City Clerk to provide an executed copy of this resolution to Santa Fe County.

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

21
22
23 _____
24 JAVIER M. GONZALES, MAYOR
25

1 ATTEST:

2

3

4 YOLANDA Y. VIGIL, CITY CLERK

5 APPROVED AS TO FORM:

6

7

8 KELLEY A. BRENNAN, CITY ATTORNEY

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25 *M/Legislation/Resolutions 2015/Housing Trust Soleras Station*

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2015-__

INTRODUCED BY:

Mayor Javier M. Gonzales

Councilor Peter N. Ives

Councilor Carmichael A. Dominguez

Councilor Signe I. Lindell

Councilor Ronald S. Trujillo

Councilor Patti J. Bushee

Councilor Bill Dimas

Councilor Joseph M. Maestas

A RESOLUTION

RELATING TO SCHOOL BULLYING; REQUESTING THE CITY OF SANTA FE AND THE SANTA FE PUBLIC SCHOOLS DEVELOP AND IMPLEMENT A COMPREHENSIVE REPORTING SYSTEM TO TRACK INCIDENTS OF BULLYING, ADMINISTRATIVE RESPONSES TO INCIDENTS, AND A SUBSTANTIVE PROGRAM TO EDUCATE YOUTH, PARENTS, AND CITY AND SCHOOL STAFF ON THE PREVENTION OF BULLYING.

WHEREAS, the Governing Body of the City of Santa Fe adopted Resolution 2013-84 that affirmed the City's commitment to equality and freedom, and condemned bullying, harassment and intimidation in schools; and

WHEREAS, the Santa Fe Public Schools Board of Education adopted Policy 331 that affirmed the Board's commitment to providing an educational environment free from bullying, harassment, hazing and intimidation; and

WHEREAS, the Governing Body of the City of Santa Fe adopted Resolution 2014-23 that directed staff to develop a plan to establish a "safe place" program to benefit young people who are in crisis in the Santa Fe community; and

1 **WHEREAS**, the Santa Fe Public Schools has established safe zones in all of its secondary
2 schools for students to go if they are in a crisis situation, and has trained staff how to support
3 students who have been targeted; and

4 **WHEREAS**, the City of Santa Fe and Santa Fe Public Schools both have policies and
5 procedures in place for addressing incidents of bullying at their sites and facilities; and

6 **WHEREAS**, Santa Fe Public Schools has developed a comprehensive Bullying Prevention
7 Program which includes the following components:

- 8 (1) Bullying prevention education for all students K-12;
- 9 (2) Student leadership training to implement peer education;
- 10 (3) Staff training on bullying prevention and response;
- 11 (4) The Safe Zones Program at secondary schools;
- 12 (5) Technical assistance for staff on prevention and response;
- 13 (6) The Stand Up for Kindness Initiative, and Kindness Crews; and

14 **WHEREAS**, in spite of policies, procedures, programs, education, and training implemented
15 by the City of Santa Fe and Santa Fe Public Schools, bullying continues to be a problem in our
16 schools and our city; and

17 **WHEREAS**, 2015 New Mexico Senate Bill 393 (Safe Schools for All Students Act),
18 sponsored by Senator William Soules (District 37 – Doña Ana) would have established a
19 comprehensive program to monitor, track and report incidents of bullying, and provide regular
20 training to staff that are in regular contact with students on how to handle incidents of bullying; and

21 **WHEREAS**, the City of Santa Fe and Santa Fe Public Schools would provide great
22 assistance to youth and their families by establishing a similar, locally based program to address the
23 issue of bullying in the schools and within the community; and

24 **WHEREAS**, Santa Fe Public Schools, through its Office of Student Support Services, is
25 developing a system to consistently document incidents of bullying to better understand and address

1 the scope of bullying incidents that occur in individual schools; and

2 **WHEREAS**, to ensure City of Santa Fe and Santa Fe Public Schools staffs are trained, not
3 only in policy and procedures, but also in the implementation of a results-based system to prevent,
4 address and resolve the issues of bullying; and

5 **WHEREAS**, youth that are victims of bullying often experience difficulty succeeding in
6 school, limiting their options later in life, and in some cases causing incidents with law enforcement
7 officers;

8 **WHEREAS**, the City of Santa Fe and Santa Fe Public Schools can and should provide more
9 assistance to victims of bullying; and

10 **WHEREAS**, the City of Santa Fe and Santa Fe Public Schools should also initiate an
11 intervention program for those youth doing the bullying, aimed at identifying and rectifying the
12 environmental and social causes for such behavior; and

13 **WHEREAS**, parents and guardians also need education and training on the prevention of
14 bullying, and policies and procedures in place to address bullying within our schools and city
15 facilities; and

16 **WHEREAS**, efforts to combat bullying will not be an immediate and total success, but
17 determination to improve the educational and social environment for all youth should be seen as the
18 overall object of such an initiative; and

19 **WHEREAS**, all written material and education sessions related to bullying should be
20 available in both English and Spanish, thereby ensuring the reach of the initiative to all residents of
21 the City of Santa Fe.

22 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
23 **CITY OF SANTA FE** that relevant staff is directed to work with Santa Fe Public Schools to develop
24 and implement a comprehensive reporting system to track incidents of bullying, administrative
25 responses to incidents, and a substantive program to educate youth, parents, and city and school staff

1 on the prevention of bullying.

2 PASSED, APPROVED and ADOPTED this ____ day of _____, 2015

3
4
5 _____
6 JAVIER M. GONZALES, MAYOR

7 ATTEST:

8 _____
9 YOLANDA Y. VIGIL, CITY CLERK

10
11 APPROVED AS TO FORM:

12
13 _____
14 KELLEY A. BRENNAN, CITY ATTORNEY

15
16
17
18
19
20
21
22
23
24
25 *M/Legislation/Resolutions 2015/Bullying Initiative*

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

2 **RESOLUTION NO. 2015-__**

3 **INTRODUCED BY:**

4
5 Mayor Javier M. Gonzales
6
7
8
9

10 **A RESOLUTION**

11 **SUPPORTING THE PROVISIONS FOR ENFORCEMENT OF THE FEDERAL INDIAN**
12 **ARTS AND CRAFTS ACT BY THE UNITED STATES ATTORNEY'S OFFICE AND**
13 **THE UNITED STATES FISH AND WILDLIFE SERVICE; AND REQUESTING THAT**
14 **THE NEW MEXICO ATTORNEY GENERAL WORK WITH DOWNTOWN**
15 **MERCHANTS AND CITY STAFF TO SUPPORT GREATER ENFORCEMENT OF THE**
16 **NEW MEXICO INDIAN ARTS AND CRAFTS SALES ACT, SECTION 30-33-1 NMSA**
17 **1978.**

18
19 **WHEREAS**, on October 28, 2015, federal agents raided several jewelry stores in
20 downtown Santa Fe and throughout the state of New Mexico; and

21 **WHEREAS**, these stores are accused of selling items falsely labeled as Indian-made in
22 violation of the Federal Indian Arts and Crafts Act, jeopardizing the livelihood of Native
23 American artists who are unable to compete with mass-produced, fake jewelry; and

24 **WHEREAS**, the purpose of the Indian Arts and Crafts Sales Act (Section 30-33-1
25 NMSA 1978) is to protect the public and the Indian craftsman under the police powers of the

1 state from false representation in the sale, trade, purchase or offering for sale of Indian arts and
2 crafts; and

3 **WHEREAS**, under the Act (Section 30-33-6), it is the duty of every person selling or
4 offering for sale a product that is represented to be authentic Indian arts or crafts to make due
5 inquiry of his suppliers concerning the true nature of the materials, product design and process of
6 manufacture to determine whether the product may be lawfully represented as authentic Indian
7 arts or crafts; and

8 **WHEREAS**, in accordance with the Act, it is unlawful to barter, trade, sell or offer for
9 sale or trade any article represented as produced by an Indian unless the article is in fact
10 produced, designed or created by the labor or workmanship of an Indian; and

11 **WHEREAS**, the Governing Body agrees that violations of the New Mexico Indian Arts
12 and Crafts Sales Act should be punishable to the full extent allowed by New Mexico law.

13 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
14 **CITY OF SANTA FE** that the Governing Body supports enforcement of violations of the
15 Federal Indian Arts and Crafts Act by the United States Attorney's Office.

16 **BE IT FURTHER RESOLVED** that the New Mexico Attorney General is requested to
17 work with downtown merchants and City staff to support greater enforcement of existing
18 regulations provided for in the New Mexico Indian Arts and Crafts Sales Act, Section 30-33-1
19 NMSA 1978.

20 **BE IT FURTHER RESOLVED** that the City Clerk is directed to send a copy of this
21 resolution, to the New Mexico Attorney General, the Director of the New Mexico Administrative
22 Office of the District Attorneys, and the Secretary of New Mexico Indian Affairs Department.

23 **PASSED, APPROVED, and ADOPTED** this ____ day of _____, 2015.
24
25

1
2 JAVIER M. GONZALES, MAYOR

3 ATTEST:

4
5
6 YOLANDA Y. VIGIL, CITY CLERK

7
8 APPROVED AS TO FORM:

9
10
11 KELLEY A. BRENNAN, CITY ATTORNEY

1 **CITY OF SANTA FE NEW MEXICO**

2 **RESOLUTION NO. 2015-____**

3 **INTRODUCED BY:**

4
5 Mayor Javier Gonzales
6
7
8
9

10 **A RESOLUTION**

11 **TO CREATE THE SANTA FE FILM COMMISSION; AND TO SUPPORT ECONOMIC**
12 **DEVELOPMENT AND JOB CREATION IN FILM AND DIGITAL MEDIA.**
13

14 **WHEREAS**, New Mexico is a competitive destination for filmmakers, producers and actors
15 looking for opportunities; and

16 **WHEREAS**, Moviemaker Magazine has named Santa Fe, New Mexico as one of its top five
17 towns for film and production in America; and

18 **WHEREAS**, Santa Fe possesses unique sets of assets for production that include:

- 19
- 20 • Well-established tax credits administered by the State of New Mexico
 - 21 • Low permitting fees and straightforward permitting process
 - 22 • Robust infrastructure including studios, equipment, and business support services
 - 23 • Diverse and scenic locations with an average of 300 sunny days per year
 - 24 • Extensive local crew and talent
 - 25 • Easy access to and from Los Angeles

Popularity with key decision makers (e.g. directors, producers, actors, writers, location

Exhibit "24"

1 managers); and

2 **WHEREAS**, the City Film Liaison has issued approximately 60 permits per year for the last
3 three years creating not only jobs, sales and rentals, but millions of dollars of free publicity that has
4 propelled Santa Fe to new heights of international recognition while maintaining a cordial
5 relationship and respect for the businesses and neighborhoods where the filming was permitted; and

6 **WHEREAS**, in 2013 Santa Fe County received 16 permits for film and TV productions, and
7 under those permits, payroll exceeded \$20 million for local hires; and

8 **WHEREAS**, in 2013, direct spending from major productions totaled over \$50 million with
9 more than 200 local businesses providing services to the film industry, for an overall estimated
10 economic impact of \$160 million; and

11 **WHEREAS**, the State of New Mexico released a Film Production Tax Incentive (FPTI)
12 Study in July 2014 which found that between 2010 and 2014:

- 13 • Total economic output generated by productions was \$1.53 billion
- 14 • Gross State Product (GSP) generated from production spending was \$968.9 million
- 15 • Total revenue from state and local taxes on production reached \$103.6 million

16 **WHEREAS**, economic development efforts are focused on growing a film economy that
17 employs people in a range of positions; and

18 **WHEREAS**, Shoot Santa Fe has brought together a significant regional coalition of local
19 governments, studios, labor representatives, non-profits, filmmakers and more to do marketing and
20 outreach in the industry; and

21 **WHEREAS**, local film festivals are growing and enhancing the film community and
22 branding for Santa Fe; and

23 **WHEREAS**, workforce development partnerships could be formed with local educational
24 institutions to build a skilled workforce and;

25 **WHEREAS**, increasing film and digital media could enhance the local economy by:

- Recruiting a greater number of productions to Santa Fe and Northern New Mexico
- Facilitating the development of homegrown productions
- Facilitating improved crew training, apprenticeship and internships
- Increasing production spending at local businesses
- Diversifying the industry by fostering digital application development, gaming, post production and other complementary segments of the industry.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE that the Santa Fe Film Commission is hereby created.

Section 1. NAME: the commission shall be called the Santa Fe Film Commission ("SFFC").

Section 2. PURPOSE: The Santa Fe Film Commission shall review and make recommendations to the Governing Body and City staff as it relates to film production in and around the City of Santa Fe.

Section 3: DUTIES AND RESPONSIBILITIES: The Santa Fe Film Commission shall establish priorities in its operation that work towards the following goals:

- Enhance recognition as a desirable filmmaking destination, and increase production in Santa Fe.
- Increase post-production and other digital media business as a sustainable industry in Santa Fe
- Diversify the industry base by growing local productions and other complimentary businesses in Santa Fe.
- Foster a sustainable year-round industry, that employs a skilled workforce in high-wage jobs.
- Facilitate increased production spending at local businesses.

- Evaluate potential areas of investment and resource allocation and make recommendations on priorities.

Section 4: MEMBERSHIP; OFFICERS:

A. *Membership.* The Commission is comprised of the following membership appointed by the mayor with the approval of the Governing Body:

- Four local industry leaders
- Two film crew representatives
- Three representatives from educational institutions with programs producing talent in the industry
- Two representatives from digital media businesses (video game development and production, alternative/virtual reality, post production, etc.)
- Two representatives from non-profits working in the industry
- One representative from the County of Santa Fe as chosen by the Santa Fe County Commission
- Two at-large members

B. *Officers.* The mayor shall select the chairperson from the appointed members. The chairperson shall designate the vice chairperson.

Section 5. TERMS:

A. *Chair.* Upon being named by the mayor, the chairperson shall serve for a period of one year. Following one year of service, the mayor shall appoint (or re-appoint) the Chair.

B. *Members.* Of the initial appointments, seven of the members shall be appointed for one year terms and the rest shall be appointed for two year terms. Subsequent terms shall be for two years to maintain staggering of terms. Members may serve a

1 maximum three terms. After three consecutive unexcused absences a commission
2 member shall be automatically removed and notified thereof by the chairperson.

3 **Section 6. VACANCIES:** Vacancies on the Commission shall be filled in the same
4 manner as initial appointments and shall be for the remainder of the unexpired term. Any member of
5 the commission may be removed by the mayor with the approval of the Governing Body, with or
6 without cause.

7 **Section 7. MEETINGS:** A quorum shall be a majority of the whole membership. The
8 Commission shall meet at least once per month and shall conduct public meetings in accordance with
9 the Open Meetings Act and adopted city policies and procedures.

10 **Section 8. STAFF LIAISON:** The Economic Development Department Director, or his
11 or her designee, shall serve as the primary liaison to the Santa Fe Film Commission. The Director
12 may appoint another staff member to assist with operation of the Santa Fe Film Commission.

13 **BE IT FURTHER RESOLVED,** The Santa Fe Film Commission shall prioritize tasks and
14 develop a plan for carrying out its Purpose, and Duties and Responsibilities as set forth in Sections 2
15 and 3, and cost estimates within six months of being appointed by the Governing Body. The
16 Commission shall oversee the implementation of the work-plan and provide guidance, strategy,
17 identify connections in the industry, and other relevant and pertinent priorities.

18 **BE IT FURTHER RESOLVED,** that six (6) and twelve (12) months from appointment, the
19 Commission will report to Governing Body on the progress made, lessons learned, and
20 recommendations for next steps.

21 **BE IT FURTHER RESOLVED** that \$50,000 shall be the initial budget for the Santa Fe
22 Film Commission to recommend allocating in targeted areas in order to execute its mission

23 PASSED, APPROVED, and ADOPTED this ____ day of _____, 2015.
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

JAVIER M. GONZALES, MAYOR

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

KELLEY BRENNAN, CITY ATTORNEY

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

2 **RESOLUTION NO. 2015-__**

3 **INTRODUCED BY:**

4
5 Mayor Javier M. Gonzales

6 Councilor Peter N. Ives
7
8
9

10 **A RESOLUTION**

11 **TO REALLOCATE FUNDING FROM THE COMMUNITY HOSPITAL AND HEALTH**
12 **CARE STUDY GROUP IN PURSUIT OF OVERALL COMMUNITY WELLNESS AND A**
13 **COMPREHENSIVE APPROACH TOWARDS A HEALTHIER COMMUNITY; AND TO**
14 **POSTPONE THE COMMUNITY HOSPITAL AND HEALTH CARE STUDY GROUP**
15 **AND REEVALUATE ITS PURPOSE AND SCOPE IN THE SPRING OF 2016.**

16
17 **WHEREAS**, on February 26, 2014 the Governing Body adopted Resolution 2014-19 that
18 authorized the establishment of a Community Hospital and Health Care Study Group; and

19 **WHEREAS**, Santa Fe County currently has an existing Health Policy and Planning
20 Commission that, among other duties, establishes a region-wide health planning initiative that
21 coordinates the efforts with other public and private entities; and

22 **WHEREAS**, Santa Fe's community hospital, Christus St. Vincent has recently
23 undergone a management change; and

24 **WHEREAS**, it is the desire of the Governing Body to work towards the overall health of
25 the community through a comprehensive approach towards overall community wellness; and

WHEREAS, the Sustainable Santa Fe Commission is mandated to develop a sustainable Santa Fe plan that focuses on the overall health of the City, its residents, and the environment in which they reside; and

WHEREAS, the Sustainable Santa Fe Commission has an opportunity to leverage funding towards these goals.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SANTA FE that Resolution 2014-19 authorizing the establishment of a Community Hospital and Health Care Study Group is hereby amended to focus on the following benchmarks of community health:

BE IT FURTHER RESOLVED that the \$50,000 allocation for the Community Hospital and Health Care Study Group shall be reallocated to the Sustainable Santa Fe Commission for work dedicated to improving the overall health of the community.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2015.

JAVIER M. GONZALES, MAYOR

ATTEST:

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

KELLEY A. BRENNAN, CITY ATTORNEY

M/Legislation/Resolutions 2015/Health Care Study Group Changes