



# Agenda

CITY CLERK'S OFFICE

DATE 8/29/16 TIME 2:20 P.M.

SERVED BY Guadalupe Gutierrez

RECEIVED BY John By

AMENDED

**PLANNING COMMISSION**  
**Thursday, September 8, 2016 - 6:00pm**  
**City Council Chambers**  
**City Hall 1<sup>st</sup> Floor - 200 Lincoln Avenue**

- A. ROLL CALL**
- B. PLEDGE OF ALLEGIANCE**
- C. APPROVAL OF AGENDA**
- D. APPROVAL OF CONSENT AGENDA**
- E. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS**

**MINUTES: August 4, 2016**

**FINDINGS/CONCLUSIONS:**

**Case #2016-72. Kachina Ridge Phase III Preliminary Development Plan.**

**Case #2016-73. Kachina Ridge Phase III Preliminary Subdivision Plat.**

**Case #2016-51. Haciendas del Mirasol, 700 Hyde Park Road, Preliminary Subdivision Plat.**

**Case #2016-64. Las Soleras Amendment to Master Plan – R-6 and R-12 Height and Side Yard Standards.**

**F. CONSENT**

- 1. **Case #2016-82. 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 at 4501 San Ignacio Road. The August 17, 2016 expiration would be extended to August 17, 2017. Sommer Karnes & Associates LLP, agents for BRT Realty Operating Partnership. (Donna Wynant, Case Manager)

**G. OLD BUSINESS**

**H. NEW BUSINESS**

- 1. An ordinance amending the Land Development Code to update land-use categories, table of permitted uses to add agricultural uses; amending Subsection 14-6.2(h) of the Land Development Code to prohibit animal production and slaughterhouses, and providing for agricultural uses; creating a new Subsection 14-6.3(d)(4) of the Land Development Code to allow for agricultural home occupation exceptions; amending Section 14-8.7 of the Land Development Code to waive architectural design review of agricultural related structures by the Land Development Director; and amending Subsection 14-12 of the Land Development Code to include definitions for terms relating to urban agriculture. (Mayor Gonzales and Councilor Ives) (John Alejandro)
  - a) A resolution creating the City Of Santa Fe Procedures and Guidelines For Urban Agriculture Activities and Uses. (Mayor Gonzales and Councilor Ives) (John Alejandro)  
**(POSTPONED FROM JULY 7, 2016 AND AUGUST 4, 2016)**

2. An Ordinance Relating to the Land Development Code, Chapter 14 SFCC 1987, Creating a New Subsection 14-5.5(D) Entitled the "Midtown Local Innovation Corridor Overlay District" (Midtown LINC Overlay District) and Establishing Permitted Uses, Definitions, Standards, and Incentives for Qualifying Projects within the District; Amending the following Articles to add Provisions for Qualifying Projects within the District: 14-3.8(B) Development Plan Approvals, Table 14-6.1-1 Special Use Permits, 14-6.2(A)(7) Dwelling Units within C-2 and SC Districts, 14-8.6(B)(4) Reduction of Required Parking Spaces, Table 14-8.7-2 Architectural Design Standards and Point Allocations, 14-8.13(E) Development Water Budget Criteria, 14-8.14(D) Impact Fees; Relating to the Building and Housing Code, Chapter 7 SFCC 1987, Amending Subsection 7-1.10 Application of the International Existing Building Code; Relating to the Sewer Code, Chapter 22 SFCC 1987, Amending Subsection, 22-6.6 Exhibit A Section 7 Wastewater Utility Expansion Charge; Relating to the Water Code, Chapter 25 SFCC 1987, 25-4.2 Exhibit B Rate Schedule 8 Utility Expansion Charge; and Making Such Other Changes that are Necessary to Carry Out the Purpose of this Ordinance. (Mayor Gonzales) (Matthew O'Reilly)
3. **Case #2016-70. Alma Dura Preliminary Subdivision.** JenkinsGavin Inc. agent for Vallecita, LLC, requests preliminary subdivision plat approval for 9 lots on +/- 10.73 acres. The property is located south of the intersection of Valley Drive and Vallecita Drive and is zoned R-1 (Residential, one dwelling unit per acre). (Dan Esquibel, Case Manager)

**I. STAFF COMMUNICATIONS****J. MATTERS FROM THE COMMISSION****K. ADJOURNMENT****NOTES:**

- 1) Procedures in front of the Planning Commission are governed by the City of Santa Fe Rules & Procedures for City Committees, adopted by resolution of the Governing Body of the City of Santa Fe, as the same may be amended from time to time (Committee Rules), and by Roberts Rules of Order (Roberts Rules). In the event of a conflict between the Committee Rules and Roberts Rules, the Committee Rules control.
- 2) New Mexico law requires the following administrative procedures to be followed by zoning boards conducting "quasi-judicial" hearings. By law, any contact of Planning Commission members by applicants, interested parties or the general public concerning any development review application pending before the Commission, except by public testimony at Planning Commission meetings, is generally prohibited. In "quasi-judicial" hearings before zoning boards, 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.
- 3) The agenda is subject to change at the discretion of the Planning Commission.  
**\*Persons with disabilities in need of special accommodations or the hearing impaired needing an interpreter please contact the City Clerk's Office (955-6520) 5 days prior to the hearing date.**



# Agenda

CITY CLERK'S OFFICE

DATE 8/22/16 TIME 11:25a

SERVED BY Richard Quintero

RECEIVED BY JSS

**PLANNING COMMISSION**  
**Thursday, September 8, 2016 - 6:00pm**  
**City Council Chambers**  
**City Hall 1<sup>st</sup> Floor - 200 Lincoln Avenue**

- A. ROLL CALL**
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**SUMMARY INDEX**  
**PLANNING COMMISSION**  
September 8, 2016

ITEM	ACTION TAKEN	PAGE(S)
A. Roll Call	Quorum Present	1
B. Pledge of Allegiance	Recited	
C. Approval of Agenda	Approved as amended	2
Mayor's Statement	Presentation	2-4
D. Approval of Minutes & Findings and Conclusions		
Minutes: August 4, 2016	Approved as amended	4
Findings of Fact & Conclusions of Law	Approved as amended	4-7, 46
E. Consent		
1. <u>Case #2016-82</u> , San Isidro Apartments Development Plan Time Extension	Approved	7
F. Old Business	None	7
G. New Business		
1. Ordinance to establish urban agricultural activities and uses for commercial purposes Resolution adopting the City of Santa Fe policies, procedures and guidelines for Urban Farms a. Resolution on Procedures and Guidelines for Urban Agriculture Activities and Uses	Recommended to Governing Body	42-45
2. Midtown Local Innovation Corridor Overlay District Ordinance	Recommended to Governing Body	31-42
3. <u>Case #2016-70</u> , Alma Dura Preliminary Subdivision Plat.	Approved with conditions	7-31
H. Staff Communications	Discussion	45-46
I. Matters from the Commission	None	46
J. Adjournment	Adjourned at 11:45 p.m.	46

**PLANNING COMMISSION**  
**Thursday, September 8, 2016 - 6:00pm**  
**City Council Chambers**  
**City Hall 1<sup>st</sup> Floor - 200 Lincoln Avenue**

**CALL TO ORDER**

A regular meeting of the City of Santa Fé Planning Commission was called to order by Vice-Chair Brian Gutierrez on the above date at approximately 6:00 p.m. in the Council Chambers at City Hall, 200 Lincoln Avenue, Santa Fé, New Mexico.

**A. ROLL CALL**

Roll Call indicated the presence of a quorum for the meeting.

**Members Present**

Commissioner Brian Patrick Gutierrez, Vice-Chair  
Commissioner Roman Abeyta  
Commissioner Justin Greene  
Commissioner Stephen Hochberg  
Commissioner Piper Kapin  
Commissioner Sarah Cottrell Propst

**Members Absent**

Commissioner Vince Kadlubek, Chair [excused]  
Commissioner John B. Hiatt, Secretary [excused]  
Commissioner Mark Hogan [excused]

**Others Present:**

Ms. Lisa Martinez, Land Use Department Director  
Mr. Greg Smith, Current Planning Division Director and Staff Liaison  
Mr. Zach Shandler, Assistant City Attorney  
Mr. Carl Boaz, Stenographer

**NOTE: All items in the Committee packet for all agenda items are incorporated herewith by reference. The original Committee packet is on file in the Planning and Land Use Department.**

**B. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

### **C. APPROVAL OF AGENDA**

Ms. Martínez requested changes to the agenda; first to give Mayor Gonzales an opportunity to speak regarding the St. Mike's Overlay Plan as well as the Urban Agriculture Ordinance being proposed. Because his time is limited, she requested that the Commission give him an opportunity to speak to both of those proposals. She also requested to reorder the action items by hearing first Case #3, the Alma Dura Subdivision, and then a final presentation by Mr. O'Reilly on the St. Mike's Corridor Plan (Case #1) and then consider the Urban Agriculture Ordinance (Case #2).

**Commissioner Propst moved to approve the agenda as amended. Commissioner Kapln seconded the motion and it passed by unanimous voice vote.**

### **STATEMENT OF MAYOR JAVIER GONZALES:**

Mayor Gonzales made his statement as follows:

Good evening Mr. Chairman, members of the public. Thank you for allowing me to address the Planning Commission on two critical issues. And of course, will make it as brief as possible because as the agenda was amended, we want to make sure that individuals that are here are able to participate in the public dialogue so they will be able to get home before it gets too dark.

Mr. O'Reilly will be presenting on his months' long work on trying to begin to develop policy around delivering housing into our City, particularly around the St. Mike's corridor, which for several years has been designated by the City Council as a place to repurpose; to serve as a place where we can actually bring our community together as opposed to what it serves as right now which is as it was originally built, which is a 5 to 7 Lane Road, largely dividing the southern part of the City from the eastern part of the City. We believe that with the new overlay that you will be considering tonight, that for the first time in our City will be an opportunity to repurpose an area that truly brings our community together and addresses some critical needs our City is facing.

If we just left at the 30,000-foot level, we know we have systemic issues in our City that are creating challenges for our future. More than 50% of our workforce is over the age of 55. Approximately 60% of our workforce live somewhere other than the City of Santa Fe. So that means that when you look to our future, this idea of creating accessible housing is critical to meeting the demands of an economy that needs to be available to everybody. And, if you can't access housing, it's going to be very difficult to participate in the economy.

So when you look at the overlay district tonight, you'll see a proposal that actually incentivizes private property owners to repurpose their property. St. Michael's Drive today, when you look at the entire surface, 70+% of it is parking lots. And the only property that's been repurposed is a property that use to sell automobiles to now pay gasoline station. We know that those properties can serve a better purpose for our community in meeting our housing and economic goals. So tonight, you'll see incentives that will promote density, that will require mixed use development, particularly in the areas of multi-family housing and first chance to create a design that we can truly be proud of by reading some of the land use rules that restrict

what design looks like from color, all the way to architecture. So it gives us an opportunity to explore the innovative side and create an exciting part for Santa Fe.

Why is it needed? We know. We've seen the data over the last five years because there hasn't been any new supply of housing. Rental prices have gone up 19%. Average wages have actually stayed stagnant. So when you take that into account, with the cost of living adjustments, are working families have actually seen a decrease of dollars in their pockets. And we need to reverse that trend and part of it is to make rental housing more available.

It's not to say what you are going to see tonight is perfect and does require more participation with the neighborhoods, particularly, that are going to be affected in that area. Mr. O'Reilly has begun those conversations through an ENN process, and we will continue to have more as this moves forward. But, if we don't do it, I fear that we are going to continue to see some of the divisions that have occurred throughout this city over the past several years. And just in front of this Commission over the last few years, the issue of the Gearhart Apartments - the issue of the apartments on Agua Fria and Siler - those are just two primary examples of where our neighborhoods were under siege, really. And we struggled because we knew we needed to see some housing go forward. So those were ultimately denied. This is in response to that of finding a place that does make some sense for high density urban infills.

Please consider that and allow for it to go forward so that we can continue to work with the neighborhoods and the Council can deliver it.

The second part really goes back to our earliest roots as a community, our urban ag ordinance. We know that Santa Fe, even when you think about the indigenous culture, this was a place where farming was part of the main economic commerce. And over time, as our city grew, our agricultural fields turned to lots for homes and we lost some of those agricultural fields. We also recognize that we are under a great threat of climate change and the need to address our food security. It's critical. Part of addressing our food security is creating a safe and healthy environment for locally growing food in our community. But our city code does not really address the rules around how you develop some agriculture use space. And so we spent the last year and a half and later on tonight, John will go through some of the groups that we've met with to develop an urban ag ordinance that really promotes the growth of locally sourced food. The key point for you and the City Council is to make sure the balance is in place between the neighborhoods and some of the homes where they would like to actually begin to produce local agriculture. So, concerns that have come back regarding the height of greenhouses, the width, the sizes - those are all areas that I'm anxious for you to deliberate on and to consider and make recommendations. This is not meant to provide infill greenhouses. It's meant to make sure that if somebody has a parcel of land on their property and would like to grow food on their land but they can't. If they want to use it as a source of income, they can do that also and do so in a way that adds to the productivity and the livelihood of their families. There are a number of factors that led to having to cease what they were doing in the community gardens but it struck a chord in our community that we have to find a way to allow for locally sourced food to be generated. Also have to find ways in this new economy for ways that local families can produce new sources of income. And this may be an exciting and fun way to make that happen.

I ask that you weigh in and provide some consideration and mold it in a way that is reflective on the needs of our community. What we need to do is, we need drive to a conclusion on it. Because minus it,



there are a number of people who cannot begin to look at ways to be able to produce food locally. So we need a vehicle today to allow for that to happen, whatever it looks like. It will go through community process and really take the input. Those are two critical areas that I believe tonight as you consider them, you will see that when you think about the future of Santa Fé, addressing the threats of climate change as critical and making sure that we have a city where housing is accessible to everyone, especially people that are just entering our work force, is a critical need that we have. And if we don't address it, we will continue to export hundreds of millions of dollars into the Albuquerque and Rio Rancho economies where that is basically served – those economies have served – as the affordable housing component for our city, because that is where our workers have gone to.

Thank you for the time, Mr. Chairman, and thanks to the members of the Planning Commission for the work that you do on this. I think you will find Matt and John capable of answering in great depth the details of the proposal that will be before you. And I am looking forward to see these proposals be able to get through the Planning Commission with recommendations to the Council that make sense for our City.

#### **D. APPROVAL OF CONSENT AGENDA**

**Commissioner Kapin moved to approve the Consent Agenda. Commissioner Propst seconded the motion and it passed by unanimous voice vote.**

#### **D. APPROVAL OF MINUTES AND FINDINGS/CONCLUSIONS**

##### **1. MINUTES: July 7, 2016**

Mr. Smith said there were no changes from Staff for the July 7, 2016 minutes.

Commissioner Propst noted the agenda should have said August 4, 2016 minutes. She pointed out that the Commission has already approved the July 7<sup>th</sup> minutes.

Mr. Smith agreed and said there were no changes from Staff for the August 4<sup>th</sup> minutes.

**Commissioner Kapin moved to approve the minutes of August 4, 2016 as presented. Commissioner Propst seconded the motion and it passed by unanimous voice vote.**

##### **2. FINDINGS/CONCLUSIONS:**

**Case #2016-72. Kachina Ridge Phase III Preliminary Development Plan.**

**Case #2016-73. Kachina Ridge Phase III Preliminary Subdivision Plat.**

A copy of the Findings of Fact and Conclusions of Law for Case #2016-72 and Case #2016-73 is attached to these minutes as Exhibit 1.

Mr. Shandler said there are no changes from Staff for either of these cases.

**Commissioner Abeyta moved to approve the Findings of Fact and Conclusions of Law for Case #2016-72 and Case #2016-73 as presented. Commissioner Hochberg seconded the motion and it passed by unanimous voice vote.**

**Case #2016-51. Haciendas del Mirasol, 700 Hyde Park Road, Preliminary Subdivision Plat.**

A copy of the Findings of Fact and Conclusions of Law for Case #2016-51 is attached to these minutes as Exhibit 2.

Commissioner Greene recused himself from consideration of the Findings and Conclusions for Case #2016-51.

Mr. Shandler reported that the applicant requested two changes. In Finding 14 A-1, striking the last sentence. He confirmed with Historic Preservation Staff that the statement was unnecessary. And 14-B little 3, to add the sentence, "except as permitted by City Code."

He said he put on the Commissioners' desks a document from members of the Llano Library Neighborhood and he asked the Commissioners to read that statement.

Commissioner Abeyta said he read it earlier.

Each Commissioner said they have read it.

Mr. Shandler recommended approval of the Findings of Fact and Conclusions of law for Case #2016-51 with the 2 amendments.

**Commissioner Abeyta moved approval of the Findings of Fact and Conclusions of law for Case #2016-51 with the 2 amendments. Commissioner Kapin seconded the motion and it passed by unanimous voice vote.**

**Case #2016-64. Las Soleras Amendment to Master Plan – R-6 and R-12 Height and Side Yard Standards.**

A copy of the Findings of Fact and Conclusions of Law for Case #2016-64 is attached to these minutes as Exhibit 3.

Mr. Shandler said the applicant asked for three minor amendments that were emailed to the Commissioners. The first was in finding #14 to strike the phrase "of a sidewall" and replace it with "distance between buildings on sidewalls." That would clarify there is ten feet between the buildings. Finding #22, insert Exhibit B amended conditions of approval matrix before the phrase, "Table H" to

clarify to a future reader where Table H is in the exhibit record. And thirdly, in Finding 23-A – insert the word, “voluntarily” before “choose.” This clarifies that it is a voluntary, not mandatory condition of approval.

Commissioner Propst recused from this vote because she was not at the meeting when it was discussed.

Commissioner Hochberg asked Mr. Shandler “how you have a finding that voluntary?” “What does that mean? Is this a wish list?”

Mr. Shandler said it is a voluntary – “I guess you could call it a request but not a mandatory condition that Mr. Greene made at the last meeting.”

Commissioner Hochberg asked if Staff accepts that or has no opinion.

Mr. Shandler recalled there was some debate about that issue and he advised Member Greene that it could only be a permissible item but was kind of part of a voting item – a voting action so he decided he should include it.

Commissioner Kapin asked to recuse herself because she was absent from the last meeting.

Mr. Shandler said, “Mr. Chair, it is not a mandatory requirement when you miss a meeting, not to vote on the Findings. If you wish, I won’t twist your arm but it would be best that there be no question about having five affirmative votes.”

Commissioner Kapin said she was personally not comfortable voting on it.

Mr. Shandler said that was okay. He added that “There is a series of law that says when you recuse, it counts toward the majority. It is a disputed point that between the 20 and administrative lawyers in the State, so do what you feel is comfortable and it will be okay.

Chair Gutierrez asked if the Commission would still have a quorum.

Mr. Shandler said, Mr. Chairman, you’ll be fine. With two commissioners, if that’s how they feel, they should vote that way.”

Commissioner Kapin said it was controversial and she was not going to vote on it.

**Commissioner Abeyta moved for approval of the Findings of Fact and Conclusions of Law for Case #2016-64 with the amendments. Commissioner Greene seconded the motion.**

Commissioner Greene said this is on the Soleras project. I haven’t been recused so I will second it.

**The vote resulted in a voice vote of two in favor and one opposed. (Commissioner Hochberg**

dissented.)

Chair Gutierrez asked for a roll call vote.

**The roll call vote was: Commissioner Greene in favor, Commissioner Kapin recused, Commissioner Propst recused, Commissioner Abeyta in favor, Commissioner Hochberg opposed.**

Mr. Boaz stated that the motion failed.

Mr. Shandler said, "Mr. Chairman, I will hold this over until I could get a quorum. It was not what I was expecting so I need a little time to work through this. Let's get to some other agenda items."

Chair Gutierrez asked if they should move to consider it at a date certain.

Mr. Shandler advised them to pass over this item for now.

[STENOGRAPHER'S NOTE: Mr. Shandler had stated earlier that recused members were counted with the majority of voters which meant the motion did pass. This was reconsidered later in the meeting.]

#### **E. CONSENT**

1. **Case #2016-82. 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 at 4501 San Ignacio Road. The August 17, 2016 expiration would be extended to August 17, 2017. Sommer Karnes & Associates LLP, agents for BRT Realty Operating Partnership. (Donna Wynant, Case Manager)

A copy of the report for Case #2016-82 is attached to these minutes as Exhibit 4.

**Commissioner Abeyta moved to approve Case #2016-82. Commissioner Kapin seconded the motion and it passed by unanimous voice vote.**

#### **F. OLD BUSINESS**

There was no Old Business

#### **G. NEW BUSINESS**

3. **Case #2016-70. Alma Dura Preliminary Subdivision.** JenkinsGavin Inc. agent for Vallecita, LLC, requests preliminary subdivision plat approval for 9 lots on +/- 10.73 acres. The property

is located south of the intersection of Valley Drive and Vallecita Drive and is zoned R-1 (Residential, one dwelling unit per acre). (Dan Esquibel, Case Manager)

Mr. Esquibel presented the staff report for this case. A copy of the Staff Report for Case #2016-70 is attached to these minutes as Exhibit 5.

Mr. Esquibel listed the DRT members who would speak to the conditions.

He showed the vicinity map showing the subject property at Valley Drive. This property is zoned R-1. Adjacent is R-2, PRC to the west and R-5. He showed what the densities look like as included on page 2 of the report and calculated the adjacent densities.

The Subdivision density could be seen from the pattern. It fits in that for area development. It is partially within the escarpment overlay. Conditions are imposed for that. The applicant agreed to build only outside the escarpment area. That will be presented in the final subdivision plat.

The buildable areas were shown in purpose in relation to the escarpment. One major drainage is Arroyo de las Piedras at the north edge of the property. Open space is there and just north at the entrance to the property. It is in mountainous terrain and 25% has slopes that are 20% or greater. The map showed the slopes and where the buildable areas are located.

For utilities, the sewer runs through the property and water is available to them. All utilities will be there. One fire hydrant exists and the Fire Marshal provided his review in Exhibit B.

In conclusion, the application was submitted on March 31; the ENN was held on May 12 and was well attended. Some DRT members can give the concerns of the community. One was the condition of the sewer system. The second was how far back it will be from the flood zone and that was answered with the application. Jon Griego can talk to the land use itself.

Mr. Stan Holland spoke to the sewer conditions. He was informed earlier about neighbor concerns and major sewer backups that had occurred at Bishops Lodge Road in the past. That would have been before 1998. There were some very serious backups and that was from roots that caused a lot of damage.

With the CIP 654 project in 1998, the sewer up to Valley Drive was completely replaced. A pipe burst and a brand new line put in. He believed that issue has been taken care of. Since 2009, sewer records show no backups occurred in that area.

He admitted there are a lot of trees on Valley Drive and he would like to see a lot of the Elms disappear. Up Valley Drive is a 10" PVC line that is in pretty good shape. He checked the flow this morning and found that pipe about 1/4 full at this time. So it is able to handle this project. Backups are always a concern and that is why have maintenance teams out there.

The sewer lines up Valencia is where the major developments are going in on big lots but this is a ten-inch line and has plenty of capacity for this development and future ones upstream.

Commissioner Kapin asked if there is a schedule for maintenance on these lines.

Mr. Holland agreed. We divide the City into maintenance areas. They try to cover all downtown lines (and this would be one of them) at least once every five years.

Commissioner Kapin knew that Elms grow fast. In five years, she asked if there have been any breaches from roots in that area.

Mr. Holland said there were none that he was aware of. The City is starting to use more root control methods. We realize that not only in the service lines but also in the manholes - so using root control is good to give Staff a three-year period with chemicals to knock the roots back.

Commissioner Kapin asked if he saw Elms on that property.

Mr. Holland said he didn't walk up into the property.

Commissioner Kapin asked if he would want that as a condition of approval.

Mr. Holland said Elms are his personal favorite because they have nasty roots but Cottonwoods and Pine trees are also problematic.

Commissioner Greene asked how many more than the 9 units proposed would be able to tap into this line upstream.

Mr. Holland thought 1,500 to 2,000 could be handled. But there are probably less than 300 lots tied in now. Not all of them have residences on them.

Commissioner Greene said there was a sewer line a previous project and asked if this would connect with that one.

Mr. Holland clarified that it is a separate sewer line.

Commissioner Greene asked if it would be better for them to tie in to the new one.

Mr. Holland said they couldn't because of the distance involved. That other line is also 10" line. That line was put in for the Matador Apartments. They anticipated more homes up there than had been approved.

There were no other questions regarding the sewer system.

Mr. Reynaldo Gonzales, Fire Marshall, reported next.

Marshal Gonzales said they placed the hydrant as requested. It is not a dead end so no turnarounds are needed for this project. And the sprinklers depend on the size of the structures.

Commissioner Greene asked if there was any discussion to provide access through here to adjacent properties.

Marshal Gonzales said they discussed it but that is for the adjacent development to determine.

Commissioner Greene asked if the City granted access at that location.

Marshal Gonzales agreed - through La Madera.

Commissioner Greene asked if the Fire Department could secure the access on the back side or if that was a done deal. The City could have asked for a dedicated twenty-foot fire easement along the back side.

Marshal Gonzales said they cannot require it of a subdivision that is not in the planning process.

Commissioner Greene asked if he could require access along the arroyo.

Marshal Gonzales didn't know if it is a buildable surface.

Commissioner Greene noted that it is open space.

Marshal Gonzales explained that each one will have their own egress and access point.

Commissioner Greene suggested that when they had all three developments together they could have a had a coordinated master plan but one of them had refused to submit a plan.

Marshal Gonzales replied with an inaudible statement.

Commissioner Greene said in the previous case, there was expressed a desirability to master plan all three. If they are talking about it, we have an obligation to determine that they have fire access. They could close off access for future development.

Mr. Esquibel said he did look at all the connectivity in this area. When we talked with Marshal Gonzales, they said they have adequate service from Station #1 without the need for an additional access point. The potential subdivision, because there was no need to build through that terrain, the individual agreed to run access over to the west with respect to the same access point at Hyde Park Road. So we looked at all access points and the results. Staff is okay with what is proposed. Certainly the Commission can require other access. All the DRT members found the subdivision met the Chapter 14 requirements and City code.

Commissioner Hochberg asked Marshal Gonzales if the application before the Commission meets the fire code.

Marshal Gonzales agreed.

There were no other questions for the Fire Marshal.

Sandra Kassens came forward for the Traffic Division. She explained that this subdivision does not require a traffic study, based on the criteria for that and the applicant did a small traffic study on their own volition and confirmed that no study is needed.

Regarding the bridge on the Vallecitas Road, which is actually a box culvert, the design meets the standards. She had nothing else to add unless the Commission has questions.

Commissioner Hochberg asked if she didn't hear the testimony from the previous hearing.

Ms. Kassens agreed.

Commissioner Hochberg said at that time, the Commission was given the impression that for that development they went day and night for the traffic study.

Ms. Kassens agreed.

Commissioner Hochberg asked why she said it was small, then, if it was done night and day.

Mr. Esquibel explained that study was for a different area. This study was for Valley Drive and with only nine lots, did not warrant a traffic study. The study she is referring to was done by the applicant.

Commissioner Hochberg reasoned that were there two studies.

Mr. Esquibel agreed and this one is different.

Commissioner Propst understood that large study was for an entirely separate road and had a lot more lots. So that study was required because it was Hyde Park Road.

Ms. Kassens said there are only eight houses but includes one that is adjacent. It was something that we recommended they do.

Commissioner Kapin said the entrance location is in proximity to Valley and Vallecitas. She was surprised with that location of the access road being allowed. It is right on a bend at a key intersection. There is not a lot of traffic there but asked if Ms. Kassens could address that.

Ms. Kassens said they looked at the site distance and found there is not a problem and the distance from the other intersection. That is about the only place they could access it.

Commissioner Kapin asked if they could not access it from Valley Drive.

Ms. Kassens said that is correct.



Commissioner Greene asked if Valley Drive is at capacity for traffic.

Ms. Kassens couldn't answer that but the study showed it would not exceed capacity. She didn't think it is over capacity now.

Commissioner Greene asked if this development has trails or bike lanes to get people to recreation sites or downtown.

Ms. Kassens said she couldn't answer that.

Commissioner Greene asked if there are any traffic problems with Valley Drive at Bishops Lodge.

Ms. Kassens said no.

Commissioner Greene said he was more concerned with existing problems.

Ms. Kassens said she would have to research that.

Commissioner Greene asked if there is a speeding problem on Valley Drive.

Ms. Kassens didn't know.

Commissioner Kapin was trying to see how it is oriented. It looks like the corner goes right to the intersection of Valley and Vallecitas. She asked if there was any talk about a roundabout to make it all work together rather than a stop out. She asked if that is relevant.

Ms. Kassens said a roundabout is not warranted for this project. There is not enough traffic to cause us to look at it and the intersection is not failing.

Commissioner Kapin thought it would be a potential for future. She asked if there was any projected estimate about when it might fail. She was just thinking of money set aside for that in the future.

Ms. Kassens didn't know of any study to predict when it might fail based on future developments up the road.

Commissioner Kapin said it would be good to have that information.

Ms. Kassens said she would make a note of that.

Mr. Esquibel said there are no trails out there now but the City would require trail linkages.

Commissioner Greene said the arroyo is there.

Mr. Esquibel pointed out that it is open so anyone could hike there. The arroyo will continue to be

open there.

Commissioner Greene didn't know if there were any gabions or a six-foot wall.

Mr. Esquibel said the applicant could address that issue. Jon Griego is here to speak on terrain management.

Commissioner Greene asked if there is any connection to Valley Drive for sidewalk or anything besides just an entrance.

Mr. Esquibel said Valley Drive has some sidewalks so not much is needed. And if Mr. Griego doesn't know, the applicants do.

Mr. Griego said this was assigned to him at the last minute but based on his review, there were - concerns raised on flood plain and terrain management.

Commissioner Hochberg asked if there are any issues at all left for escarpment.

Mr. Griego said the concerns have all been addressed by reconfiguring buildable areas.

Commissioner Hochberg asked if no variance is needed.

Mr. Griego said there are none to his knowledge.

Commissioner Greene was there any assessment done to analyze the impact. "Were all of these houses clustered outside of the Foothills or Ridgetop subdivisions."

Mr. Griego said there are four lots that have escarpment on them but one is just a sliver. They did configure two lots to be totally outside the ridgetop area and they will have to address that.

Commissioner Greene asked if they could have avoided Foothills altogether but some are in the Foothills.

Mr. Griego said they have two lots in the overlay.

Mr. Esquibel agreed. Two lots entirely within the escarpment area and Somie Ahmed met with them and they agreed to reconfigure the buildable areas. She agreed with that configuration for buildable areas.

In the next submittal, the applicant will show those buildable areas to not be in the foothills so no building will affect the escarpment at all.

Commissioner Greene pointed out that those two lots have access points subject to slope through 30% slopes just for the driveway. Isn't that part of the review to make sure they have legitimate access?

Mr. Griego said they are allowed to have three disturbances per thousand square feet.

Commissioner Greene asked if that is for each lot.

Mr. Griego didn't know if it applies to each individual lot but he believed it is per lot.

Mr. Smith said the applicant's engineer will provide details on that.

Commissioner Kapin asked if those two might need variances.

Mr. Esquibel clarified that no variances are requested for the subdivision at all. All of it will meet Chapter 14 requirements for development and driveways over escarpment areas and 30% slopes.

Mr. Esquibel said Alexandra Ladd is reporting for Affordable Housing.

Ms. Ladd said this project falls under the simplified program and the applicant is able to provide a fee instead of providing lots because it is fewer than ten lots.

#### Applicant's Presentation

Present and sworn were Ms. Jennifer Jenkins 130 Grant Avenue, Ms. Colleen Gavin, 130 Grant Avenue, Ms. Orallynn Guerrerortiz, Civil Engineer, and Mr. Rustin Blankenship, Property Owner.

Ms. Jenkins had a brief presentation and would answer the questions that were raised. For background, she pointed out the subject property and Amber Hills to the northeast. It was divided in 1982 and the subject property was to be phase 2 of Amber Hills. they have a utility easement for Phase One where water and sewer were constructed through the subject property. Phase 2 was never subdivided; just sewer and road improvements in the early 1980s.

Now they are here with a request for approval. The lot sizes range from 0.8 acre to 1.4 acres and sizes are very consistent with the adjacent subdivision.

Ms. Jenkins showed several photos of the site to give a sense of context and conditions. The intent was always that Vallecita was the access point into this property. The roadway was shown for water and sewer mains and the disturbed area for utility improvements. Most of the mature vegetation will be undisturbed as well as vegetation in the arroyo. The only elms are in the arroyo and they won't touch the arroyo. The rest is shrub and evergreens. She showed the open space corridor to Amber Hills, the fire hydrant, and more of the roadway.

Due to its small size, no traffic analysis was required. In order to address concerns of neighbors, they addressed the intersections at Valley Drive and Bishops Lodge Road with a 48-hour traffic count. They discovered the peak hour for afternoon will generate 9 vehicles and there are no more than 48 vehicles through the day in either direction so Valley Drive is not over capacity. And this is a "drop in

the bucket" affect.

Regarding Commissioner Kapin's concern on the access point, she showed an aerial and the topography. We have no access to Valley as it is separated by a significant arroyo. She showed the only access to a public way. It works quite well with minimum traffic.

Regarding emergency access, Hacienda del Sol proposed and got it approved at the last meeting. There is a stub-out road for future development and shared access to Hyde Park Road. When that is developed, they will share access with Hacienda del Sol. The Fire Chief is satisfied with the access. Williams Street serves as the secondary access. That open space has never been subdivided. Williams dead ends into that property. When they met with Staff and they agree it is an excellent access to the fire station. So there didn't seem to be need for additional access to the subject property.

Also at the Vallecita access point, the arroyo is a hundred-year flood plain and there is not enough room for a roundabout with the bridge and culverts that would have to be built.

Traffic signals require a minimum volume. Roundabouts are very similar in warrants. So here, it would not be warranted on sheer traffic volumes and the right of way available there and the homes already existing.

Ms. Jenkins mentioned a couple of detention ponds next to the arroyo that exist and they will be left alone.

Regarding the escarpment, lots 3, 4, 5, 6 have a small part of escarpment in the Ridgetop. There is no prohibition of development in the Foothills but there are restrictions in height and to be located as far from the view line as possible. We need to demonstrate that each lot has at least 2,000 square feet of buildable area that don't disturb 30% slopes. That restriction is met with this plan. We have a couple that lie completely in the escarpment. As these homes are permitted, there were concerns. Prior to applying for a building permit, we have to demonstrate that we are at the lowest point on the site. A view analysis is presented and we are not yet at the point of presenting that to the City. The feasibility is shown with a bubble on each lot. The driveways shown demonstrate that feasibility from the main road.

Chapter 14 and the escarpment provisions provide that if unavoidable, a small part of 30% can be disturbed for driveways and utility extensions. The City will review and confirm that the design is in accord with provisions of the code.

Lastly, Rustin Blankenship, owner, would like a few words and she reserved rebuttal prior to close of the public hearing.

Mr. Blankenship said he is a small business owner and was excited to have the opportunity to build this small subdivision.

Commissioner Propst asked how he decided on the number of lots.

Mr. Blankenship said he wanted ten but decided to go with nine.

Mr. Esquibel added that the density is based on a number of factors. They subtract the floodway area from the acres and multiply that times the density factor, which is one in this case, and from that point forward, they multiply times the mountainous and difficult terrain factor which results in 75% and the 50% bonus for Affordable Housing bonus which means nine is the maximum number of lots the City would allow for this property.

Commissioner Propst asked Mr. Esquibel if the City would not have allowed 10 lots.

Mr. Esquibel agreed.

Chair Gutierrez gave each speaker three minutes for their comments.

#### Public Hearing

Present and sworn was Ms. Hannah Folkes, 120 Valley Drive who said, "I am here to speak as a long-term resident. I've lived on Valley Drive for many years. And I think that the traffic impact that has been discussed is not my experience in living here at all. I think that 9 homes are going to have a lot more than 9 vehicles going up and down Valley Drive. The child will probably have three or maybe four vehicles going up and down three times a day. That's almost 300 cars going up and down in front of my house. Valley Drive, as you know, was built in the 50's to be a dead end. It was built with the cul-de-sac for about 30 houses as a small residential neighborhood. In the 1990s it was opened up officially by the City with a bridge over the arroyo and for 30 years we have been subjected to development traffic that goes all the way from Bishops Lodge Road to Gonzales Road. All day long we are subjected to dump trucks, cement trucks, construction vehicles for the construction that has gone on for 30 years and on top of that, there are SUVs speeding down the road all day long. That's what I see outside my window every day. There are toddlers on our street and teenagers who would like to ride bikes and skateboards and young adults learning to drive. But they can't that street because there are blind curves and the City knew that street was not built to be a public thoroughfare with hundreds of houses because they put in speed humps and they put in chokers which have only served to make it with dangerous because it is difficult to pass. And when someone is coming at you, speeding down the street at 60 miles an hour, you have to pull off. People cannot cross that street safely and speed humps have harmed foundations and plaster because trucks weighing over five tons, which is over the weight limit, go over those humps daily. And that construction is not going to stop. So on top of that, another 9 houses with the potential for connection to the other space. It is potentially hundreds of cars added to Valley Drive which is already maxed out – way over what it was intended to be."

Present and sworn was Mr. Bryan Stuppy, 3144 La Paz Lane, who said he has lived on Valley Drive with his family that was adopted, taken in in the late 1950's when there were just a couple of houses and had watched what has happened in the last couple of years and it is sad to see. I would recommend a severe traffic study, not this vague what I've heard. There is a lot. I'm thinking about my

family - there is a toddler that is like two years old who was playing – Andre - on the road.

I remember years ago that your father had to put in that speed bump and narrowed the street because it was crazy about 10 or 20 years ago. I don't know what year was. As far as the sewer, I remember your house like exploded because of the sewer and that's on Valley Drive.

So I hope you think about what is going on because this congestion in this development is too much.

Present and sworn was Mr. Fred Pierce, 164 Valley Drive on the dirt road section above the bridge, said, "I have the first house that sits up on the hill and almost every night at this time of year, my wife and I will eat dinner out on our side porch and I see the bridge and I'm totally amazed that there are only 48 vehicles going down to that way coming off of Bishops Lodge Road. It blows my mind. I see traffic there that gets kind of messy and it's actually a dangerous spot coming across that bridge. There is vegetation on Valley just on the south side of the bridge that rarely gets properly cut and trimmed by the City. And I call every year, sometimes two and three times. And the only department that has come out before, and then a really fine job is the Parks Department. With come out and then the work. Called me and asked me what I thought and I told them it was a fantastic job. The Roads Department comes out and kind of whacks the stuff down a little and down in the arroyo. That's about it. There is a blind spot there with the vegetation. As you coming up Valley Drive and coming across the bridge and there has been more than one almost accident of cars coming up that way and turning and not stopping. And, not stopping of course, is a problem there. I just wanted to let you know there is a lot of traffic. And as we mentioned the reconstruction traffic. I don't know what all is being built on top of the hill but there are heavy, heavy vehicles crossing the bridge and up Vallecita every day.

The only other thing I really would like to say is that because of that intersection and because of the other situation with the neighborhood, seconded the motion and it passed by unanimous voice I first mentioned is that it would be very nice if the approach to and from this housing area would be right off of Artist Road. As you go down Artist Road - and I did this one time back just to see. As you go down Artist upward in that section behind where this development is going to go, you don't see into the houses across the road on the southeast side - nothing. You don't see anything. And that, to me, would be the best place to have the approach to and from this area right up to that road and then up and down from there.

Present and sworn was Ms. Sandra Green, 611 Gonzales Road, who said, "Thanks for hearing us and I'll try to be very brief today. I'd like to point out a few aspects of the Alma Dura Development that should be addressed in order to have a holistic and also a good development for the neighborhood in Santa Fé. I'm not against development. But we need some nice developments. First, the Alma Dura Development should be part of the Master plan for the whole neighborhood. That includes the Haciendas, the nearest sub project. It is not part of the 1981-3 Ordinance and it doesn't have to be developed together. But as far as the development process that our community needs, and you Commissioners fight for that, the Alma Dura should be part of the bigger picture. I'm talking about traffic and access. Last time we heard that only eight houses down Tract 30 because there are no impacts. Now we have 9 more houses and it follows the same thinking. So we're done with Tract 30.

However, we are already talking about having 17 houses combined with their guest houses. If this development is done without a master plan, we will have problems in the future. All the related developments should have a Master Plan. It is the same thing about drainage and terrain management. Each house may not be affecting anything. But 17 maybe and, in the future, another 39.

She showed a picture with 39 properties and 9 more - about 5 with guest houses and it would be potentially 112 houses. It will impact our neighborhood. I'm not asking you to reject the project but to ask the developers to go back and develop it in a holistic way, including Cody North, Ernie Romero, this one and our neighborhood. The developers finish their job and then leave and go on to the next. The Commissioners approve the projects and move on but we, as neighbors, cannot move on. We live there. We are the most impacted and if not addressed today, we have no way in the future. It is also not fair to the new homeowners who don't know what they have to deal with. So I ask for more time and a real study carefully for all who are impacted including traffic, drainage, terrain management and probably other issues too.

Present and sworn was Mr. John Gibbs, 133 Valley Drive, who said, "I am the very nearest house to this proposed development and I will try not to repeat things that were already said but I would like to add to a couple of those. And partially, what Sandra said. When you talk about these numbers of houses, but until she said it, I have not heard anyone say this is 16 houses since every single one of them can have a guest house. I really do think that is the only honestly talk about traffic and everything else, sewage and runoff. I haven't heard much talk about flood. That Arroyo looks like the Colorado River when it rains hard. It is really raging. There is another major drainage that comes down through their and hits right at the intersection. That concerns me as well, but I won't go into that because I'm not an expert in that."

"But I want to give you some history. In 1991, or a few years before that, there actually was an illegal ramp across the arroyo without permission. That was when the neighborhood - only a few of us remain from those days - objected to it. We came to meetings like this that went late into the night or a long time. As a matter of fact, one of the City arguments to leave that illegal ramp open was all about fire access. They didn't want one way in and one way out. I'm hearing now tonight on this one; the Fire Department says that is just fine. I would suggest that we look back in a few years if this is proposed and accepted and see if then the City is asking for another way out of this subdivision for the same reason they did back in 1991.

"A little bit more history: The neighborhood had a lawsuit against the City from this. It came down to that. We couldn't get any agreement. And we asked for a locked gate that the fire department could get through but we couldn't sell that. A few days before the court case was to be heard, we walked with the City Attorney, and he said, 'I think there is a good chance that we will win. But if you do, the City could condemn it and did whatever we want. So how far do you want to go? How much money do you want to spend on this?' And we dropped the case at that time. But part of the promise from City - and of course not one Commissioner remains nor the mayor that made these promises - but the promise was that we are going to limit the traffic on Valley Drive. Then we would limit traffic on Valley Drive. We have already platted all of Vallecita and Paseo del Sur, Gonzales, everything else is flooding down on to you, platted legal dead end streets. And we're going to limit the weight limit on that bridge that crosses and speed humps. That promise was made by the City. No one is here now to say

that they remember it. The only ones who remember that are the ones who live on the street there. There are a lot more things that I could say but I know those are the most important ones.

Present and sworn was Ms. Pamela Burnham, 115 Valley Drive, who said, "I've lived in Santa Fe for thirty years and I've lived on Valley Drive for 18 years. And in that amount of time that I've been on Valley Drive, the traffic has increased exponentially from all the development that is further up the road off of Hyde Park Rd. in Gonzales Road. So the commuters and people who work on these properties come in from Bishops Lodge. They go down Valley Drive, up Vallecita to Gonzales and up to other avenues or streets up in the developments that are higher up. I live exactly at the first narrowing - a choke. I live exactly just prior to that. I'm retired and I work in my garden. I'm outside a lot. I'm a bike rider. I don't see cars stop to slow down to grow over the speed bump. They don't. They go faster. I was out this morning with Ann and we were standing there talking and an SUV went by us. I can't say how fast they were going they certainly were not going 20 miles an hour or even 30 mph. It is like reckless abandon to get from one place to another and we have become the short cut.

"On this Commission, I would request that you please ask for a formal traffic study, please. It is much more severe than what was presented."

Present and sworn was Ms. Karen Heldmeyer, 325 East Berger, speaking for the Neighborhood Network. "We're not going to speak on the specifics because we think the neighbors can do that very eloquently themselves. But I wanted to bring up two issues that have been brought up by multiple neighborhoods to the Network. Number one is that the packets, not just for this case, but for the two that follow were not available Tuesday afternoon. They are up now which is Thursday. But, people who wanted to study them over the weekend, they were not available. The Commission gets them on Friday; the public should also get them on Friday.

"Secondly, what we've heard from a lot of people is that this whole area with a very difficult terrain should be master planned to address some of the issues that you yourself have brought up tonight about drainage, about sewage, about traffic. Downhill neighbors have already suffered from the effects of those things from the development that is already there. But what you've done is a bunch of piecemeal developments. Each one says theirs is not so bad. And what you get is death by a thousand cuts. They all need to be looked at in a more comprehensive way.

"Lastly, from a personal point of view, not the Neighborhood Network, but as a member of the escarpment task force is the issue of buildable lots. What we found on the Task Force is that people who buy this type of property usually want to build - they are expensive pieces of property - they want to build high end homes. Many of them want to build something much bigger than 2,000 sq. ft. We get variances at this point, if any other developments are any indication they are. We will get variance requests because people want 3000 or 4000 square foot sized homes. And that's going to go outside the buildable lot area. You have the power tonight to limit on the subdivision plat to the buildings that are within the buildable lot area listed on that plat. I would urge you to do so.

Present and sworn was Ms. Jennifer Johnson, 605 Sunset Street, who said she had three points to bring up. "We are - where I live is next to Williams Street. And I think as Ms. Jenkins talked about, they can count on secondary access from Williams Street. This goes back to ask planning. It goes back to,



actually, what I just like to read quickly from your memo from August 4, Staff analysis has identified several significant issues. This is regarding the Haciendas del Mirasol, and one of them says the PRC district regulations require a phasing program for roads, emergency access, and other infrastructure for both tract one and tract two. Coordination with the infrastructure for a third vacant parcel located east of tract two on Vallecita Drive – and that is Alma Dura. That's what we're talking about right now. It is outside the PRC but it said it is desirable and a preliminary subdivision [was put together but that they would like to see ... It would be desirable to see it laid out for the roads and the infrastructure in the beginning. And I think that is what people have talked to this already but I think it is a little suspicious that as Ms. Jenkins said, Ernie Romero was her client but had not heard anything about the development. He came to us as a neighborhood Association and spring. And he and Cody North came together to talk about the development's phase 1 and phase 2. And then the next thing we know it was split up. And it's like we don't have anything to do with each other. We're not really developing that. It is a divide and conquer strategy and a way to get through you get your planning through without having to take into accountability these access roads. It will default on us if the Hacienda del Marisol and the Alma Dura are finished and under construction and approved, once Ernie Romero comes with his other 40 acres. There would be no way for him to get in there. An access is going to fall on us and our small streets instead of a master plan just for the infrastructure. If you could just give us 60 days and create a date certain - 60 days out in November to not just look at all of it together and just get the roads in - just figure out the access before there are no other options.

"And then that brings me to one other thing. We talked about the cluster away from the ridges on the two lots. I think they are lots 4 and 5 in Alma Dura. It cost about - I think Ms. Jenkins spoke to two lots in the escarpment - that there were no other options except to build on the escarpment. And my question is really? There is no other option? Is it the option not to build there at all? And I think we take a lot of things for granted like this and there really are other options. And I don't like it being framed in that manner. I hope that is considered as we go forward. I'd really like to talk about the master plan again. Let's figure out especially the fire access - how we are getting in and out and cannot that same road serve for construction of all of these projects off of Hyde Park which is a highway' which is a state road."

Present and sworn was Mr. Roger Riveraque, who said, "I've seen a lot of developments. This is not a bad development. It could end up a lot worse. So be careful."

Present and sworn was Mr. Rick Martinez, 725 Mesilla Road, who said, "I do want to mention one thing that I feel is very ironic. A project like this gets a credit for doing affordable housing, yet they don't have to build an affordable house. They give the money to the City to avoid building house. The whole idea is to bring affordable housing to more parts of the city and once again, we are losing that. They get a bonus density and not an affordable house in an area that is really needed to."

Present and sworn was Mr. Richard Folkes, 119 Valley Drive and President of the Greater Callecita Neighborhood Association. He provided a couple of handouts for Commissioners on behalf of the Greater Callecita Neighborhood Association. He said, "I love to stand up and scream about traffic because I grew up on Valley Drive. I raised my two daughters on Valley Drive and now watching out for my grandson who lives there. So I can talk about the history forever. I can also talk about the sewage from my personal experience. It was my house that was flooded with sewage in 1995. It was a

five-inch pipe that was expanded and replaced by 8" pipe, not a 10-inch pipe. The person who would know is Matt O'Reilly, who was the engineer on the Los Vecinos project. I remember him calling me and talking to me about the pipe that was replacing - the larger pipe that was replacing the old sewer pipe. Anyway, it was my house that was flooded. It cost the City about \$300,000 to repair my house and my neighbor's house. So is good to pay attention to the sewage issue.

Also, I thought that a traffic study was due before preliminary approval. And when I got the hard copy of the Staff Report, there was no traffic study. It might be my misunderstanding.

I want to talk touch on something that Jennifer Johnson talked about and so did Ms. Greene - and that is about the lack of a Master Plan. The Staff Report that preceded the Haciendas del Mirasol last month, August 4<sup>th</sup>, the Cody North development. Staff was already looking at what is commonly called tract one and tract two. Cody North's property was tract one. Ernie Romero's property was tract two. That was presented like that at every meeting with the neighbors; at the ENN meeting it was tract one and tract two. It was phase 1 and phase 2 and it was Cody North's development and Romero's development. First they worked together and then they were not. These are part of the PRC. We were part of the original Estancia Primera Ordinance 1981-3. 81-3 governs what goes on on the north side of Hyde Park Road. It also governs, and we can argue to what degree, what these two tracts are touching. You could call it tract 3 or you can call it the Alma Dura development. And if I could direct you to page 5, and I just want to read for the record. But on page 5 of the Staff Memo of July 28 for the August 4 meeting when the Haciendas del Mirasol was approved. It says, *no plans have yet been submitted to indicate how tract two will be developed*. And if I could pause there; There have been plenty of preliminary drawings that have been presented at neighborhood meetings and at the ENN meeting showing plans with several houses and cluster houses on Ernie Romero's Tract 2. So I don't understand why the agent has not seen those. *The various unofficial versions of the expired master plan all show access to tract one via a dead-end private road or driveway. Access to tract two shown in various combinations of road and driveway extensions from the intersections with Hyde Park Road from Williams Street and from a stubbed out connection to the Alma Dura parcel.*

So the Staff has clearly been looking at this as three3 pieces - the three same connected pieces - as they should be. That would be the Master Plan. The problem is, these things are being approved or considered separately piecemeal. That is a classic serial development. It is prohibited by the code, 14-3.7A -5 - Common Promotional Plans. *A plan or scheme of operation undertaken by a single applicant or a group of applicants acting in concert to offer for sale or lease, lots for the land that is either contiguous or part of the same area of land or is known, designated, or advertised as a common unit or by a common name, shall constitute a single subdivision plat.* We believe they have to look at this - they being the Commission and the Council. They have to look at this as one.

"These are governed by 81-3. And it is already a mixed message; it is confusing. The Staff looks at it as tract 1 and tract 2 and they are talking about access on Williams Street or connections on Alma Dura. That is crossing Tract 2. That's Ernie Romero's property. Tract 2 can't be anything. It is landlocked without accessing Williams Street for Alma Dura. This has to be looked at as one big development. And if it is, all of the conditions of the code, 1981-3 are that this is one. That is the Master Plan and that is what it is supposed to be. This piecemeal thing where you approve the Hacienda del Mirasol once and then you approve or disapprove Alma Dura and then wait around for

Ernie Romero to come in and say he needs access for fire truck or something. Alma Dura or Williams Street - that is piecemeal - a classic serial development. And it's not legal in this City. So I urge you to tread on this carefully and I do agree with Jennifer Johnson. If you table this, I think we can get all the parties together. We can hash something out quickly and save everybody a lot of time and money.

Present and sworn was Mr. Raymond Herrera, 379 Hillside avenue, who said, "I don't know any of you and most of you don't know me. Most of you were not even born when I was at City Hall for the last 30 years addressing developments. I am part of the Historic Hillside Neighborhood Association that was formed because of Estancia Primera 35 years ago. That created Ordinance 1981-3 because of what was happening and because there was nothing to protect neighborhoods back then. And it was left up to us to form our own organization and to force the City to comply with the ordinance that we created. This development falls under that ordinance and I wish you would study it and make sure that it complies with the ordinance.

"Also, I would like to thank the people who have spoken tonight. I think that they gave great presentations on the half of their neighborhoods. It is amazing how small neighborhoods like this have been destroyed in the last 30 years because of piecemeal developments like this without a master plan. It is frustrating to be here once more addressing those things that shouldn't be an issue.

Present and sworn was Ms. Suby Bowden 333 Montezuma, who said, "Commissioners, I spoke to you before on behalf of the Greater Callecita Neighborhood Association regarding the Haciendas del Mirasol application. I simply wanted to say that we were given dominance of the report. I wanted to Clarify two points that you have not heard tonight. One of them is that the Staff was very helpful in getting us information in the process of Mirasol. But there were certain documents that were not released to the Greater Callecita Neighborhood Association until 3 hours before the meeting and in that process, it was only discovered after the meeting that Alma Dura was spoken about as tract 3 and also spoke about that all three should be studied.

"I came in late for the presentation and the image on the screen showed tract 2 roadways connecting to Alma Dura. So that was on the screen and talked about by Agent Jennifer Jenkins' presentation. I heard her speak about that connection so it was both visually on the screen tonight and it was also talked about tonight.

Present and sworn was Ms. Marg Veneklaussen, 205 Williams Street, who said, "you know what? I'm not against development and I'm not a person who doesn't know that Santa Fe needs change. I know that. I'm a realtor, for God's sake. I'm not against this. But what I want you to do is just take a little time - 660 days and put together a Master Plan. I know Cody North personally and I think he is a wonderful guy. I don't know Mr. Blankenship too well but I know Mr. Romero. And I don't think any of them wants to hurt Santa Fe. So I think you need to sit down and come up with something great and slap each other on the back and say Look at what we did.

There were no further speakers from the public regarding this case and Vice-Chair Gutierrez closed the public hearing.

Mr. Esquibel asked to clarify some things for the record. One of the things that was directed to us from the Land Use Director was to make sure that we always, no matter who comes in, provide information on whatever project that we get. Anyone can come in and look at the file. If they want a digital copy, we are directed to do that without hesitation from the day submitted to the day it is heard in the public hearing. Our office is open for all of it.

Ms. Jenkins wanted to make a few brief comments.

Mr. Shandler asked for a clarification for the record. One of the speakers had a last name of Greene. He asked if she was any relation to any of the Commissioners.

Commissioner Greene agreed that she is his wife.

Mr. Shandler said that may be a problem and he would thank about that.

Ms. Jenkins had a few items to address. Interestingly, there has been some discussion this evening regarding Master Plan. She said, "I could go into and quote title and verse when a Master Plan is required in the City Code. This is not one of those times. When you have three separate pieces of properties owned by three separate people doing separate projects doesn't meet the standard or a master plan. The Common Promotional Plan I am very familiar with that code provision as well. This is not. This property, based upon the... This property was already master planned in 1982 as phase 2 of the Amber Hills Subdivision. It is zoned R-1 and it happens to back up to Hacienda. It has separate access via Valley Drive and Vallecita. Ergo, we platted access. The PRC zoning district we happened to be next door to is a separate item. It has been planned in the past. The plan has changed; different applications are coming before you. That access is from Artist Road. This has already been done.

But Ms. Bowden was referring to is this utility easement. Because the City requires that utility easements for water and sewer extensions extend to the furthest property lines. This is not a planned roadway connection. It's a utility easement. City Staff did contact us and said it did not make sense and urged us to look at the possibility of some roadway connectivity between this project ...

We are not adjacent to the Mirasol project - not by a longshot. She pointed out the location on the area map. It was referenced that Mr. Romero's property would be landlocked. That is inaccurate statement. As I stated, a stub out through Hacienda is being provided to tract two. Williams Street is a potential emergency access. It is a public way. Staff did their due diligence. They were very conscientious. They called Mr. North with Hacienda and Mr. Romero. We all went to a meeting. Mr. Zach Shandler was there and Mr. Greg Smith was there. Dan Esquibel was there and we looked at this holistically - what makes sense. There were not emergency access issues. Mr. John Romero, the City's Traffic engineer attended the meeting as well and Rey Gonzales attended too. It was a packed room. This was senior staff addressing these issues and we were all in the room together. Due diligence was done. It was determined there was no benefit to creating any kind of connections from Alma Dura into Tract 2. There was no benefit. We are a private land of 9 homes. I don't know what is planned in Tract 2 nor the timing of it. And that will have to be addressed then.

We had a lot of dialog with the City on these issues. The reason a connection is not shown from

Alma Dura to Tract 2 is because the City Traffic engineer opposed it and Fire Marshal said it was not necessary. So this was addressed. There are staff people here in the room who were there and can address it too. This is a separate property, separate owner, and there is no collusion here.

#### Questions to the Applicant

Commissioner Propst had a couple of questions in reference to guest houses. She asked if guest houses anticipated, restricted, or left up to the developers.

Ms. Jenkins anticipated there could be but probably not every house because of the terrain. So you might see one or two but there is no plan to build guest houses. The homeowners make the choice.

Commissioner Propst asked if she could walk the Commission through the project and address what the maximum size home could be built without coming in for a variance. She agreed that this is a high end part of town and she didn't think anyone would propose a 2,000 square foot home.

Ms. Jenkins said on lot 3, a vast majority of the lot is buildable. Lot 3 is the smallest lot and is 8/10 of an acre. A half-acre is over 20,000 square feet of building able area. So Lot 3 is 20,000 square feet. Lot 4 is a little more. So the buildable areas well exceed the 2,000 minimum buildable area.

In Casa Solana, most lots are about 6,000 square feet. You could easily put a 2,000 square foot house on them. These lots are much bigger and most have 50% buildable area. We are not anticipating any need for a variance to comply with the escarpment regulations.

Commissioner Kapin asked Mr. Esquibel what potential number of houses that would trigger a traffic study.

Mr. Esquibel deferred to Ms. Kassens -

Ms. Kassens said there are guidelines but nothing is set as standard. Some developments may appear not to need a traffic study and there are others that do. But there is no set amount of traffic volume to trigger it. If there are over 25 cars in peak hour it would likely need a traffic study.

Commissioner Hochberg said regarding traffic, that he heard in public comment. That it seems to be not the nine houses that would potentially denigrate it but a question of incremental increase. The testimony from those who live there under oath that there is through traffic that they can't stop. So it isn't that the 9 new homes suddenly create a terrible situation but is the straw that breaks the camel's back. Some place, someone has to say it is a lot of traffic - too much, and we anticipate even more from other developments. This looks like a nice project and there are people who say a solution could be worked out. He just wanted to understand if the Commission is predisposed to grant a 60-day wait, id anyone could generate a traffic study either by the applicant or the neighborhood that finds this so difficult about what kind of vehicles or the speeds are. Somebody should be doing the study.

Ms. Kassens said they did a 48-hour study. That is factored in with how many this development is producing. She got a lot of comment about cut-through traffic from Vallecita and she didn't know what can be done with that. Speeding is not normally addressed in a traffic study.

Mr. Smith said the Traffic engineering division has dealt with this. And the neighbors could initiate a study.

Commissioner Kapin asked if there has been a record of accidents at Valley and Vallecita - any record of that.

Ms. Kassens said the study by the applicant didn't cover that. But it could be done. The Staff could investigate the accidents, if the Commission wants.

Commissioner Kapin said the applicant did a 48-hour study. She asked what a normal traffic study the City would do in comparison with the one that was done.

Ms. Kassens said they did two counts. The City could have a person out counting traffic, including pedestrians and bikes. Typically for developments, the applicant hires someone to do traffic counts. We would count for at least two hours during peak hours three times each day and determine the level of service and the capacity.

Commissioner Kapin asked if the Traffic Division would use their study.

Ms. Kassens agreed.

Commissioner Abeyta asked Mr. Esquibel if there are other vacant tracts along Valley Drive.

Mr. Esquibel said he didn't look at that and would have to go look at it.

Commissioner Abeyta understood the concern for traffic and that made him a little hesitant about this development. He would like to see what other connections were on Vallecita. He was not confident that all the traffic has been addressed.

Mr. Esquibel said he could find out if others were done in about 5 minutes.

Vice-Chair Gutierrez said the Commission should keep going and Mr. Esquibel could look for the answer.

Mr. Esquibel said he would print a larger area and try to bring that out so the Commission can see the road network and the vacant areas.

Commissioner Kapin said in the public comment a lot came up about how it looks for a Master Plan. She asked how that gets started and if it is something the Commission should look at for this area. The idea of connectivity is important. How does it start?

Mr. Smith said that tract 1 and tract 2 are parts of a PRC zone adopted for sav hundred acres back in 1981. Those are the only large vacant parcels from that original PRC Master Plan district. As explained a little, with Mirasol. Alma Dura is outside the boundaries so the ordinance does not require all three to be done simultaneously. Hacienda planned for emergency and functional access with the stub out to Hyde Park Road. Ms. Jenkins pointed out the meeting we have had on access. His understanding was that in that meeting, Traffic determined no functional benefit for connections between Alma Dura and Tract 2. There was no benefit to do that.

Mr. Shandler said in the Master Plan section of the code on applicability, he first thought it would say something like 20 acres or a certain population would require a master plan. But in Section 14-3.9B- applicability, it says that a master plan is required in conjunction with rezoning applications and may be required in conjunction with specific annexation applications. But for a development plan may be submitted in lieu of a master plan.

Ms. Martinez added that it is interesting that in the last 18 months, development in particular areas of town and seem to be coincidental. There has been one after another show up on the West River corridor or, coincidental that a project last month showed up in this particular area of Hyde Park Road, and then this project comes forward next. We didn't plan it that way. We don't try to time those things. It just happened that way.

Certainly important issues have been brought forward this evening but I think we should probably start having some preliminary discussions of those issues with the Long Range Planning Sub Committee and the Long Range Planning Staff to see what can be done to better address what comes forward. She will address that with them.

Commissioner Kapin thought that should happen before these applications stack up on top of each other. There might be a way to start thinking about the City's part in it.

Mr. Smith said regarding specific meetings on this tract of land, that Mr. Romero was given every opportunity to make specific proposals about how he would attempt or not to coordinate access to his tract of land for future development. He has chosen not to make any formal application on a submittal. In terms of minimum criteria for access and fire code for emergency access, a stub out will provide minimal development whether an emergency is done.

Commissioner Hochberg asked if they were not now actually looking at four issues and have a living, breathing applicant in front of the Commission by himself who wants to go forward with this project and it complies with everything the City requires. We have an obligation to the community but also to the applicant. So aren't we supposed to address the application?

Mr. Smith agreed. Staff has recommended and the Fire Marshal and the Traffic Division that it does meet the minimum standards. The Planning Commission could require stub outs of streets to adjoining properties but it is not required by code on this property.

Commissioner Propst thought the Commission would not require it to connect to adjacent developments. She said she is familiar with it because she lives up that way. She appreciated the

traffic concerns and short cuts of people going down that way. She wished there was a greater traffic study in front of the Commission. She didn't know at what point, but it probably should occur before the preliminary is approved. She didn't think it should connect up with other developments and secondly, she asked if the Commission could get a more detailed traffic study.

Commissioner Greene asked regarding the escarpment if Ms. Jenkins had said there was no other choice for citing these buildings in the Foothills subdistrict.

Ms. Jenkins explained as they laid out the subdivision that in accordance with the permissible density there are lots that sit wholly within the Foothills subdistrict and they don't have any buildable area outside the escarpment.

Commissioner Greene understood but said they could have kept it as open space.

Ms. Jenkins agreed they could have been and was happy to have him clarify that. They chose to keep the lots at that size to be consistent with the neighboring lots.

Mr. Esquibel distributed a map of the larger area. A copy of the map is attached to these minutes as Exhibit 5.

Commissioner Greene said he tended to remember from historic documents that there were some areas of 30% slopes and that there are two tiers to that property. There is the upper tier and a lower tier that Alma Dura is a portion of. He asked Ms. Jenkins if she was sure that they could gain access from Artist Road down to the lower tier without disturbing 30% slopes.

Ms. Jenkins said she was not because she had not seen those documents. The adjacent property was not her project. But she would expect that Mr. Romero would ensure that his property has adequate legal access. That is what she would anticipate that she has not studied that.

Commissioner Greene said that adequate legal access could be from Alma Dura or from Williams Street.

Ms. Jenkins agreed.

Commissioner Greene said he wanted to be clear about that. In 1981-3 it says all infrastructure on-site and off-site should be addressed in this and those connections would sort of say should have been planned with connections previously all, including potentially, bringing all the traffic off of Alma Dura onto Hyde Park Road.

Ms. Jenkins said, "I think that is the desire that through a master planning process we would not have access to Vallecita. We have not easement or right of access to tract 2. Our only point of legal access is to Vallecita.

Commissioner Greene said, "But it could be master-planned.



Ms. Jenkins said, "Anything can be master planned but that would require consent of property owners."

Commissioner Greene asked if she would consent.

Ms. Jenkins asked what he was asking her to consent to.

Commissioner Greene asked if she would you agree to master planning and up to 60 days to talk with the neighbors and bring the neighbors in. If three developers of the City were having a meeting to coordinate or not coordinate or choose not to coordinate, at that same meeting should have been representatives of the public, a representative of the public of the neighbors who said, "Wait a minute. We think that this should go through. We think that this could help our neighborhood. This road connecting to Hyde Park Road could actually alleviate a lot of traffic on Valley Drive. It would cut through your neighborhood but it could actually draw a lot of traffic that was going down Valley Drive that had to go around."

Ms. Jenkins said, "Maybe. I don't know."

Commissioner Greene said, "A comprehensive network traffic study might identify that and was probably required at the last case. How are you getting ... Is Alejandro ... Is Alexandra ... Is Ms. Ladd here at this point? How are they... How is this case eligible for both an affordability bonus or a density bonus by shifting the sites off? Can you take in lieu and still get the bonus?"

Ms. Jenkins said the Affordable Housing Ordinance was amended a few years ago to make different allowances for small projects (ten dwelling units or less). The density bonus is an entitlement by right for any project that complies with the Santa Fe Homes Program Ordinance. There is no prohibition. We are simply complying with the ordinance as it is written. The density bonus is 15%. Elsewhere in the ordinance, it talks about when you have to provide homes on site and when you are eligible to pay a fee based upon the size of the project. It does not say that only projects that provide a home on-site are entitled to a density bonus. We are in compliance with the ordinance and we did vet it with the City Attorney's office and the City Attorney can confirm that.

Commissioner Greene surmised that when the ordinance was changed a few years ago, it did not affect the density bonus section.

Ms. Jenkins said that section remains untouched.

Commissioner Greene asked, "Do you buy own the street frontage along Valley Drive? And do you have any frontage along Valley Drive?"

Ms. Jenkins said no. The arroyo runs along Valley and homes back up to Valley Drive so there is no direct frontage on Valley Drive.

Commissioner Greene asked if there were conditions of approval for Amber Hills that would carry forward to this phase.

Ms. Jenkins said there were none that she was aware of. On the vicinity map, Valley Drive is still shown as a dead end road and in Amber Hills, Vallecita would be dead end. But the City elected to connect the two.

Commissioner Greene asked which came first: the connection across the arroyo or if this was the establishing road for Vallecita.

Ms. Jenkins said "this" came first. They got access from the top, from Gonzales Road. She was sure people in the neighborhood were around at that time but she wasn't.

Commissioner Greene asked if there are any sidewalks for pedestrians or trails along that stretch of road that "you guys developed."

Ms. Jenkins said the sidewalks at Valley Drive stop short of the intersection and there are none on Vallecita Drive.

Commissioner Greene asked if she would be willing to connect those missing gaps.

Ms. Jenkins asked where.

Commissioner Greene said "all along this entire stretch of Vallecita that runs through Phase 1.

Ms. Jenkins asked him to clarify.

Commissioner Greene suggested- that could be brought up to code now for all who walk that area up there - to build some infrastructure and make it more livable.

Ms. Jenkins asked where the sidewalk was contemplated by Commissioner Greene.

Commissioner Greene said it is up Vallecita along Valley Drive.

Ms. Jenkins said they would not agree and she would need to confer with client. they would have to look at the cost of those.

Commissioner Propst asked if the applicant would agree to do a professional traffic study.

Ms. Jenkins said yes.

Commissioner Propst asked, regarding affordable housing, why they decided on 9 and not 8 or 7 lots.

Ms. Jenkins said there were a few elements involved. It is zoned R-1 which would be ten lots at one home per acre. But this is in a mountainous terrain overlay with slopes exceeding 20%. So they were only allowed 75% of the density. Then they had the density bonus per Santa Fé Homes

Ordinance and also had a flood plain and had to deduct a third of an acre that was in the flood plain. So with those elements, it was just math - not creativity. And that resulted in 9 lots. They would be entitled to 10 and with the density up to 11 and 75% is 8.625 and they are entitled to round it up to 9 lots.

Commissioner Propst asked Mr. Esquibel if Staff agreed with that.

Mr. Esquibel said Staff agrees.

Commissioner Hochberg asked, if the tract would have accommodated 15 lots and the developer chose to do 9, whether they would be entitled to the Affordable Housing bonus.

Mr. Smith said they would. It is based on the number they choose to build. The Planning Commission could say it is completely unsuitable and 5% would >>>> that is not what staff is recommending here.

Commissioner Hochberg reasoned that- they are actually maxing out this property.

Mr. Smith agreed.

#### Action of the Commission

**Commissioner Abeyta moved to approve Case #2016-70 subject to the staff conditions and the added condition to do another traffic study. Commissioner Propst seconded the motion.**

Commissioner Hochberg asked for a description of the traffic study to be performed.

Ms. Jenkins said the next level would address the level of service analysis at Valley Drive and Vallecita and the Valley Drive/Bishops Road intersections and the capacity of Valley Drive itself and would address source generation with actual on-the-ground counts.

**Commissioner Abeyta agreed to that description.**

Mr. Smith said that is a broad scope and asked if the Commission would like to see that added information.

Commissioner Hochberg said the Commission still wants to see it.

Commissioner Greene wanted a sidewalk for ADA compliance or bike lane.

Vice-Chair Gutierrez asked Mr. Shandler for comment.

Mr. Shandler said, based on the ethics code, Section 17-4 of the Judicial Code of Conduct 21-211, he advised that Commissioner Greene should recuse himself from the motion. He believed

Commissioner Green was trying to make an amendment.

Commissioner Greene said okay.

Commissioner Greene recused himself.

**The roll call vote resulted in a unanimous vote with Commissioner Kaplin, Commissioner Propst, Commissioner Hochberg and Commissioner Abeyta voting in favor and none voting against.**

The Commission recessed from 9:00 to 9:08 p.m.

- 2. An Ordinance Relating to the Land Development Code, Chapter 14 SFCC 1987, Creating a New Subsection 14-5.5(D) Entitled the "Midtown Local Innovation Corridor Overlay District" (Midtown LINC Overlay District) and Establishing Permitted Uses, Definitions, Standards, and Incentives for Qualifying Projects within the District; Amending the following Articles to add Provisions for Qualifying Projects within the District: 14-3.8(B) Development Plan Approvals, Table 14-6.1-1 Special Use Permits, 14-6.2(A)(7) Dwelling Units within C-2 and SC Districts, 14-8.6(B)(4) Reduction of Required Parking Spaces, Table 14-8.7-2 Architectural Design Standards and Point Allocations, 14-8.13(E) Development Water Budget Criteria, 14-8.14(D) Impact Fees; Relating to the Building and Housing Code, Chapter 7 SFCC 1987, Amending Subsection 7-1.10 Application of the International Existing Building Code; Relating to the Sewer Code, Chapter 22 SFCC 1987, Amending Subsection, 22-6.6 Exhibit A Section 7 Wastewater Utility Expansion Charge; Relating to the Water Code, Chapter 25 SFCC 1987, 25-4.2 Exhibit B Rate Schedule 8 Utility Expansion Charge; and Making Such Other Changes that are Necessary to Carry Out the Purpose of this Ordinance. (Mayor Gonzales) (Matthew O'Reilly)**

#### Staff Report

Mr. O'Reilly started with history of why we are here at this time. Back in 1999, the General Plan was adopted and part of it was the City classified St. Mikes 1.2 miles as a redevelopment corridor to be designed to provide an opportunity for redevelopment and reintensification and targeted for mixed use development.

In 2011, the Governing Body unanimously adopted the first of three resolutions on St. Mikes. Resolution 2011-18 recognized St. Michael's Drive as a major commercial corridor that extends through the geographic center of the City and also recognized the need for a form-based set of overlay standards and other implementation stuff for the corridor. That resolution also recognized "the potential for greater economic benefit and community living that can be achieved through a mix of uses, enhanced multi-modal options, pedestrian/bicycle-friendly corridors, establishing neighborhood gathering places and beautification of roadways themselves."

At that time, Staff was directed to produce form-based overlay standards that would develop a creative and cultural corridor on St. Michael's Drive that would include public enhancements of the St. Michael's Drive corridor that would include improvements for pedestrians, bicycles, and automobiles and encourage walkability; streetscape improvements including enhanced landscaping and lighting to create an attractive and inviting neighborhood to propose development standards based on form-based approaches, targeted at attracting new businesses, local artists, and entrepreneurs and creating a more vibrant community and to include a mix of housing, including a range of densities.

In 2011, the Long Range Planning Division produced a draft set of form-based standards intended to inform and be included in a future overlay district for St. Michael's Drive. That draft set of standards was approved by the City's Long Range Planning Subcommittee at that time.

In February, 2012, the Governing Body unanimously adopted another resolution about St. Michael's Drive and they wanted staff to initiate discussions with NMDOT about taking control of St. Michael's Drive itself, which is not a city street. St. Michael's Drive is a state highway.

Also in September, 2012, there was a grass-roots community effort that supported the redevelopment of St. Michael's Drive that culminated in a three-day event known as the "Re-Mike Demonstration Event." And produced a report with recommendations for the area.

Also in 2012 the UNM graduate school of architecture produced a study document as part of their community and regional planning advanced studio about St. Michael's Drive and that was presented to landowners, business owners, and SFAUD in November and December.

Related but separate from this, in January, 2013, the Governing Body unanimously approved, as did the Planning Commission, an Airport Road overlay district. That district covers about 560 acres that he pointed out in a graph.

Later in 2014, the Governing Body adopted unanimously the most recent resolution that directed Staff to mobilize one or more catalytic projects to jumpstart revitalization in the area that may include development of housing, residential, retail, commercial, green space and a slate of incentives which might include City investments, key waivers, and/or allocation of other City resources.

That resolution also directed Staff to procure another traffic study which was done and designed to analyze whether the St. Michael's Drive corridor – the roadway itself which is 7 lanes wide, six travel and one turn lane and 150 feet of right-of-way width, if it was reduced down to 5 lanes. The analysis showed changes could be implemented at the busiest traffic signals to help moderate the effects of a lane reduction and most locations would operate suitably. Added measures might be needed at Llano Street to improve traffic operations and there, St. Michael's Drive would likely need to remain at six lanes wide.

This proposed ordinance is an overlay ordinance and one of a number of overlay ordinances in this City, the biggest of which is the mountainous and difficult terrain zone and the most famous is the historic overlay that encompasses over 4,000 acres. This particular overlay area would connect and become the only commercial corridor which has not had an overlay. It would connect the Cerrillos road highway corridor overlay which is 913 acres and connect with the south central overlay which is 1,452 acres.

The overlay area accounts for about 372 acres or about 1.1% of the whole city, which is 33,600 acres. The overlay area would have 161 individual lots or less than one half of one percent of all the lots in the City. The overlay area as proposed, includes only commercial, industrial and institutional properties with 2 minor exceptions – an individual residential home at 2010 Piñon Street whose homeowner has lived there since 1954. And the other residential development is the Tres Santos Apartments behind McDonalds. Those are the only residential areas in the district. The overlay avoids existing residential neighborhoods. Intentionally. And creates a buffer for the neighborhoods to the north and the south of the district so it does not include some commercial properties near those neighborhoods.

Mr. O'Reilly discussed more buffering. A table showed the zones in table 1 and table 2 showed the amounts of land by use. A survey was done to count every commercial use in the district and presented in table 3. Most of it is retail and service and only one area for art.

The Midtown bill is made up of 11 sections with the first section creating the district. 14-5.5 is where it would be inserted. The public meeting was held on August 24 after the City sent out 1,000 letters; 5 signs on the borders, and informed the public of this meeting tonight. That announcement was sent out about a month ago and 75 people came to the meeting with good input and feedback. Some of concerns were that the proposed building heights were too high. The group had proposed 60' and that was adjusted down to 50' with more buffer on the edges by residential being reduced to 38' maximum heights.

Other comments were that boundaries were too close to residential neighborhoods. We wanted to leave some commercial outside the district and not push right up to residential. The geography made that difficult in some places such as on the north side of St. Michael's Drive where it is very close to residences on Quapaw. There was also a concern that new development on commercial lots would affect those residences. The concern with no design standards was not related well at the meeting, but they followed the Airport Road standards. There were also concerns with noise such as alarms that might go off.

There were concerns that it would lead to gentrification north and south and concerns that it is too big and that they should not consider land along Siringo Road. As proposed, it goes down to Siringo Road. There were concerns about tree spacing with a preference to cluster trees. There were also concerns about increased traffic on Siringo Road. We tried to modify the ordinance to address those concerns without disrupting the intent.

Other comments were submitted by email and from others that some street furniture standards were too much and by requiring fourth-story setbacks to meet percentages required for 221-B workforce funding. There was a concern to use tall walls at commercial developments that back up to adjoining residential areas and concerns about clustering trees to make signs more visible. We tried to incorporate those into the bill itself. He listed the sections in a slide.

The Purpose and Intent acknowledges current uses would be allowed to continue and not become nonconforming. Also buffering for residential is important and that pedestrian/bike amenities are important.

The ordinance requires all new development to comply. It recognizes that it might not be feasible to fully comply and gives the Land Use Director authority to make administrative deviations to accomplish the

purpose with things such as an addition for code-required restroom on the back.

The ordinance also discusses qualifying uses such as multi-family housing. While most uses continue to be allowed, the group wanted to make sure all sections of the district could have residential as an additional use. It would prohibit uses such as sexual oriented, scrap yards, etc. And, for the first time, it creates the concept of incentives for a qualifying project - those are new projects that can receive an incentive. It recognizes that large multi-family units will be created more slowly. Also qualifying non-residential projects for targeted uses. Office uses are not incentivized. The targeted uses are for low income.

In order to encourage housing density including affordable housing, workforce and multifamily, the ordinance is not applying a maximum density to qualifying projects. Right now, the maximum is 29 units per acre. In Albuquerque, there are projects that well over 40-50 per acre. Like Railyard Flats, it has a desire for smaller apartment units and you are penalized as a builder for that. For the streetscape, it has a maximum of five feet setback toward the street with architectural flexibility. Sidewalks are 15' wide. We want that vibrant public space for tables, chairs, bike parking, and pedestrian permeability between parking and sidewalk with vehicle access and loading at the rear of lots and transformers and trash at side or rear.

The Water Division allows backflow preventers to be inside buildings and here they must be.

Façades are to be parallel to the street. No vehicle doors would be allowed on the street but garage doors to open for customers would be. Rooftop equipment must be screened. There is no requirement for renewable energy but integrated into design. Signage is similar to the Airport Road corridor and there is flexibility in the sign ordinance. Color restrictions don't apply so more than three colors and illumination is intended. Outdoor lighting fixtures can be 10' above ground and pole mounted in parking lot areas is limited to 20'. Developments must use the Option B water budget but they can create their own water budget. They must use water saving facilities and Energy Star appliances and water harvesting for landscaping.

Mr. O'Reilly listed the fees and referred the Commission to the FIR in the packet. It made assumptions about what projects might happen. We don't know exactly or when. It shows the reduced fees match the increased revenue from GRT from these projects.

Mr. O'Reilly briefly highlighted the other sections.

### Public Hearing

Present and sworn was Mr. Calvin Davis, 6211 San Mateo Albuquerque, speaking on behalf of a project development company, who said they have had their eye on this for a while, first as UNM was looking at it. they read through the ordinance and commended the City for moving forward and supported the ordinance as written although they provided some comments on landscaping. They are looking at projects in the corridor and thought it would be worth coming to share them.

What they use to finance workforce is the HUD 221 G program. It is subject to very strict underwriting

and some of it might be a challenge with things like height. There are arguments for the City to reconsider height as it relates to workforce housing.

When you use HUD, the limit on amount of income you can gain from the commercial is capped at 15% so in a high rent district, when capped at 4 stories it becomes difficult to balance retail or a restaurant with income from residential units. The retail performs according to the market but the income is capped at 15% and square footage is also capped, (currently capped at 25%). Theoretically, you could build a 4-story mixed use building with this funding but it actually doesn't 'work out well. In 2015, it was 15% on gross commercial square feet and in January was raised to 25%. He urged the Commission to consider a 5-story height.

Present and sworn was Ms. Carla Romero, 2068 Calle Sombra, who said that twice in ten years she has had the opportunity to speak at the Commission in order to protect her neighborhood. My neighborhood may be affected by construction and it asks a lot from the neighborhood. Protecting neighborhoods is in the purpose section, which she quoted from.

Present and sworn was Mr. Robert Hake, 2068 Calle Sombra, said his home is close to St. Mikes on the other side of K-Mart. He said he sees every light there and hears every siren. He felt the time has come for this overlay district. But also it is time for support of neighborhoods. He supported the proposal with some suggestions including a 38' maximum height on all new developments within 150' of residential zoning. He supported 12' maximum height for lighting on walls abutting residential zoning. He asked for no distinction made between commercial and residential developments for impact on neighborhoods and residential zoning. He asked that no pole lighting be allowed in the rear yards of commercial developments in the buffer areas. He asked that access points, utility placements and equipment, including HVAC, be placed on the sides, not the rear, of any new development facing or abutting residential zoning. He asked that exceptions be made for solar installations that don't reflect into or shadow residential zoning. He asked that rear yard enclosures of 25' setback not include the 15 feet buffer so 40' total, not 25'. He asked that rear yards not contain access for vehicles and not allow gates on them.

He asked that fencing innovations in materials be allowed. "Don't build walls. Open it at the bottom. You have the power to make these changes - if no special use permits - you can do it for the 99% residential. Innovate by participation of developers, owners and staff."

Present and sworn was Ms. Mary Schruben, 2119 Rancho Siringo Road, said she attended the public information meeting held by city staff at a private business. It was noticed with three signs on St. Mikes that she could see. But most people were not able to read the signs. She lives in a neighborhood with an active neighborhood association and none of the members she polled had received notice. None of the letters sent by the City came to her neighborhood. She also asked residents on Lorca or Yucca or Pacheco Streets. So there has been little public notification and no official minutes were taken from the public information meeting at the private business. So any of that information should be excluded from staff presentations.

She requested that the Planning Commission and other committees of the Governing Body provide information meetings with official minutes in the style of an ENN meeting for all the neighborhoods to the north, south, west and east of this project so that everyone who considers this neighborhood their shopping



neighborhood, their business neighborhood, their commercial neighborhood - it is not a gap in the City but what we rely on. Everyone then has a chance to speak about the limitation and restrictions on traffic that will push it further south onto other streets. We also request traffic and transit departments get coordinated time schedules so people can change buses without waiting a half hour. We need more buses both ways.

"The buffer zones are not really buffers but exception zones. I would like to see the overlay zone exclude libraries and schools. I would like to see State properties excluded and that those properties around be labeled buffer zones so any development in those for the next 20 or 200 years be required to have public meetings for property values, etc. and no on-street parking anywhere on Llano or Lorca because it's much too difficult to navigate. And there is a lot of foot traffic by students who are not watching for cars up and down that street. It is very dangerous right now. If you allow parking on those side streets, it would be a disaster."

"I also want to be sure that we are not giving away the baby with the bathwater here and the exception to give away all the fees and give away all of the standards and incentivize people. If a property doesn't have a sufficient incentive to build and get a piece of property rezoned from a parking lot to a multi-family residential building now, I don't think we need to give away those fees by throwing away all the fees that could be collected on large developments, if they ever happen. It seems there is a better way for people at the City to make money by revitalizing the corridor for the people who live there to go to school or to stores and maintaining the quality of their life. If it changes so drastically that it is no longer useful to the neighborhood, that means the people are going to move out of the neighborhood and move to another town because there is no more space in this town for people to build affordable homes single family homes on small lots to raise their families. So I would really encourage you to consider a great deal more of requirement for a great deal more public input on this project."

"The committees don't all have public comment and not sufficient dialog on them. The party that happened a few years ago for input didn't apply to people who lived in the neighborhood. I didn't feel invited and the party atmosphere isn't what people who own property in the neighborhood deserve. I hope you consider some of these things so more people in Santa Fé can speak to the changes."

Present and sworn was Mr. Wayne Nichols, #1 Cole Lane, representing the Urban Land Institute of New Mexico, whose goal is to use the best practices in architecture and has 35,000 members in the nation. Our New Mexico District Council has studied it and strongly supports the concept. It is a strongly needed program and the effects won't be seen right away, but will over 20-30 years. It sets the groundwork for revitalization for a great deal of open space and parking and a tremendous opportunity for this community for us. With a medical cluster at the east and education at other end and for the very long term to see those generate a powerhouse to transform this area into an urban area that I hope my children can enjoy.

Present and sworn was Ms. Michelle Henry, 225 East DeVargas, attorney for land use and resources and member of Lambda Alpha International, an association for land economics. She said, "I am for land economics. We get excited when the Mayor says what he said. We've been watching this and give kudos to the Mayor and Councilor Ives for bringing this forward. It is exciting to make this change. Our members looked at the ordinance to see if it is implementable and our professional members feel it is comprehensive and well thought out. An amazing effort went into it. Mr. O'Reilly has amazing expertise. Our organization supports it and encourages you to support it, as well."

Present and sworn was Mr. Tomás Rivera, representing Chainbreaker Collective, and economic justice organization with over 500 dues-paying members and 2,000 active supporters, many of whom live in the Hopewell Mann neighborhood. We have some concerns, the bulk of which is not in the ordinance. A lot of what is here we support. We provide bicycles for people who cannot afford to buy them. We work on transportation policy and transit and expanding bus service and creating policy that helps affordable housing for people.

We are not opposed density or height restrictions or eye sores or traffic. But we are concerned about exposing the people in our neighborhood. When property values go up, incentives are there. We identified this as the poorest and most at risk neighborhood. You can get the full copy on our website. We want to see development without displacement. That comes about by policy. We need protections for our neighbors that this don't displace these families. We encourage as you move forward with it, to really include the idea of protecting current residents from displacement. We were instrumental to create a residential bill of rights resolution and many of those ideas are on our website also.

Present and sworn was Mr. Rick Martínez, 725 Mesilla Road, as a follow up as representative of the Neighborhood Network, said neighborhoods do need to be watched carefully and he thought Tomás Rivera was right. He agreed with Mr. O'Reilly to reduce the height to four stories. It is all four stories around the area. Keep it affordable and don't allow the "in lieu of payments" here. In the Railyard it is not allowed. Rentals lead to recycling as people move out. The most important part is protecting existing neighborhoods - don't destroy them.

Present and sworn was Ms. Karen Heldmeyer, of the Neighborhood Network, said they got almost no comments from the Neighborhood Network members on this. One comment was that people didn't know this information meeting was going on. Members of the press and Councilors didn't know what was going on so that needs better job because it is a big deal.

Whatever is done there is okay as long as it doesn't impinge on existing neighborhoods. Some of the original owners still live there and they have been threatened by this kind of development. As long as they can keep their homes and live there it is okay. What this means is more attention paid to buffering. A buffer of 15' could be 15' feet of petunias.

Section 3. talking about removing the requirement for special use permit, that applies to both residential properties within and the area abutting this district. Most of the residential property in this zone is owned by the City. So she asked at what cost they are given a pass.

They don't have to have a development plan but goes through the Land Use Director. She asked how big a development plan it would be and how it would impinge on existing development.

Regarding setbacks, she had heard about an entertainment district and people don't want to be next door to an entertainment district. That needs a little more thought and care. We want to protect those who are already there.

Present and sworn was Mr. Simon Brackley, Santa Fe Chamber of Commerce, who said the Chamber

supports this overlay district and were part of the original group to get input on it. We believe it will create jobs and small business opportunity and housing for working people and this project would help. We support that it gives opportunity for creative solutions - it needs planning desperately we are located on St. Mikes and it needs direction for the Governing Body and Planning Commission.

Present and sworn was Mr. Bryan Steele -339 Plaza Balentine, who said the St Mikes corridor has been near and dear to my heart -I was guest editor for Green Fire Times and I wanted to expand the idea to create a sustainable urban village - how to live affordably with one planet life style. This is the direction I believe the planet needs to go if it is as awesome as the architects' drawings - that it is going to gentrify - Santa Fé is such an amazing placing - how can we do it besides gentrification. There is no more Hispanics on east side because they got gentrified out. That is my experience and it won't be affordable because it is so awesome. the other challenge is the road - to make those streetscapes that would make people want to live there. It was like a 30-million-dollar road challenge. It seems like the road needs to be done sooner to attract residential. It has to be conducive to hanging out on. That is a big challenge and I'm in support of it for Santa Fé to lead nation on how to transform the urban life style.

There were no other speakers from the public regarding this case and Vice-Chair Gutierrez closed the public hearing portion.

#### Commission Discussion and Questions to Staff

Mr. O'Reilly was asked if he had anything else to add and he said, given the hour, he would just answer questions.

Commissioner Hochberg had a serious qualm at about packing so many units residential. When you get too small, you get slum-like conditions. So he asked if there are other safeguards that won't be removed so as to avoid overcrowding potential.

Mr. O'Reilly understood his point but wouldn't characterize zoning density as a safeguard. It is something we choose to do in one place and not another. There are units in Albuquerque four stories high at 50 units per acre and it is possible to build even more dense, depending on what the market will do or what the government will finance. People might create 200 per acre units but that is so expensive that it wouldn't happen.

Nothing in this ordinance changes anything in the inclusionary zoning. Affordable housing is still required and not all fees are waived - only qualified fees. They still have to provide parking. It is often parking that drives the density. Our code right now has a maximum 29 units per acre. You could get to 33 per acre if you have enough land. Only one has been built out in the history of the City since 1962.

He said he understand the concern and if there was not a height limit, you could get quite a few units packed in and that would be a concern. Right now we have 4-story residences and have not seen the kind of slums being mentioned. So existing code provisions also apply here. Only certain portions are changed. So he disagreed with the premise.

Commissioner Hochberg asked if he thought families or just singles or young couples would live in the small units. Families can't live in a 600 square foot studio.

Mr. O'Reilly saw a mix of different kinds of residential units. He just mentioned the trend right now for smaller units. He would expect a range of sizes but it won't penalize a builder for smaller units.

Commissioner Hochberg asked if he knew the smaller units tended to be gentrification.

Mr. O'Reilly didn't agree.

Commissioner Greene asked if there are any incentives for green space other than just sidewalks or any compensation for at least 50 sq. ft. of green space provided.

Mr. O'Reilly said the open space standards are still required in this area.

Commissioner Greene asked if that was 250 sq. ft.

Mr. O'Reilly was not sure.

Mr. Smith clarified that in the current districts for residential zones, there are not specific open space requirements now. It is not specific in the overlay district C-2 portions of overlay.

Commissioner Greene believed that should be provided.

Mr. O'Reilly added that most of them are not underlying residential zoning.

Commissioner Kapin asked if there are any provisions for parks in this district.

Mr. O'Reilly said one of the difficulties with this area is that there is not a lot of land owned by the city. Most is private land. The city does own the university property but leases it. Only two small parcels are outside the college property. If there was more owned by the city, it might be easier to accomplish some of these goals. It is very similar to what is happening on Siler Road. At this time there are no city plans to buy private property and put in a park. It could happen but this redevelopment will take years to happen.

He mentioned that he was one of original designers of Tierra Contenta. After 25 years it is still just 50% built out. Still, he wouldn't rule it out at some point

Commissioner Kapin said she was talking about higher density, etc. but green outdoor space is needed for those living in smaller spaces for things like walking the dog, etc. So she would love to see it contemplated more on the front end.

Mr. O'Reilly pointed out that there is a very large park on the border with Franklin at Siringo and Carlos Rey/

Commissioner Kapin asked how far that is from Llano and St. Mikes. She considered it is pretty far for

walking.

Mr. O'Reilly thought it would be a 10 or 15-minute walk.

Commissioner Propst thanked him for coming here. It is obvious he has spent a lot of work on it. It is really exciting to see. The parking was a concern. The Commission heard about it at the Railyard with garage structure that isn't available on St. Michael's. And neighborhoods are already worried about the impacts. Then there are the buffers. The Commission saw in the hospital project that if not worked out and maintained, it can be a huge bone of contention forever.

Some of the design things she had noticed recently included the big orange building. She asked how far we want to go with that flexibility. She just wanted to make sure there are no eyesores.

Mr. O'Reilly understood a lot of different feelings about that orange building. The intent was not that sort of thing but a little different. He would like to hear some thoughts about whether there are some colors that are too much.

Commissioner Propst felt accents are okay but not entire walls and no fluorescent colors. She hoped he understood what she meant.

Commissioner Abeyta asked about the public process forward and how many more public hearings there would be.

Mr. O'Reilly said there are six more committees which he listed. Based on what he heard here tonight, he thought it would be wise to schedule public hearings with all of them but at least at Public Works and Public Utilities meetings.

Commissioner Hochberg said he definitely was not going to be here when this is all finished. He asked if Mr. O'Reilly envisioned this being a long walking thoroughfare with open cafes and people able to congregate around benches outdoors a lot. Of course that would take a long time. But businesses like that would start to cluster. So he asked how he envisioned this wide street not being a separation. There are places where people do walk across wide streets. Would you continue to have the traffic like now? Then you would need a lot of bridgework. What is your dream? It is very innovative and a wonderful idea. If you came back 50 years from now, what are you going to see?

Mr. O'Reilly said that is a wonderful question. "I don't have a vision. The people who worked on it have a vision and the mayor has a vision and it is my job to work it out. What is intended by all the studies is a streetscape of buildings, wide sidewalks, landscaping and maybe one-day, parking at the street curb. In terms of the street being a barrier, it is absolutely now. I-25 is only 4 lanes - this is 7.

"There has been talk of bulb outs and intersections so pedestrians have less distance to travel. If the city got control of the street to make improvements, there would be refuges at the center, particularly for children to get across. It is by definition, a long linear corridor. With many people living there, it might be necessary to have a bridge to cross. But it is not likely to have that many people. Those buildings can be opened up and there are other kinds of things. And it will develop over a long period of time. There will be a

lot of openness to get to a very urban street scape."

Vice-Chair Gutierrez noted it is pushing 11:00 p.m. and the Commission has one more case.

Commissioner Kapin asked if the Commission could make affordable housing construction and no fee in lieu of as a part of this so that every single project has to build affordable housing.

Mr. O'Reilly said it has been discussed and thought about recently. That is one option. Another is potentially increasing the Affordable Housing Fee to only apply in this area. It might be possible to target additional fees in this area - targeted just to those neighborhoods.

Ms. Ladd said it wouldn't occur off the top of your head. The Affordable Housing subsidy is a good way to do multi-family, just to get some development going. That opens up to the subsidy because they can be much more affordable.

Commissioner Kapin felt a lot of developers just opt for the fee. One of the main purposes was to integrate Affordable Housing next door. It is just a suggestion. Secondly, she asked if underground garages were permitted in this area and if that would be possible.

Mr. O'Reilly agreed.

Commissioner Kapin, regarding signage, said she liked the proposal but didn't understand if no one can see the signs, what good they would serve. Is this a place where we would allow great pole signs? For the business that are set back, this doesn't solve that problem with a 4-story building up front.

Her last question was whether it is possible to have higher heights in certain areas where taller buildings could be done to allow some variation instead of all at the same height.

Mr. O'Reilly said when they first looked at it, they were trying for an ordinance that could be implemented. One issue with having it at 60' was that it might actually force a subterranean parking garage and that starts to get into affordability. In reducing the height to 50' and talking with architects, they felt 50 feet could work. He heard the neighborhoods loud and clear that they don't want buildings towering over them. He said he was happy to discuss that. The Mayor supported lowering it at 50 feet.

Commissioner Greene wondered, since there are exceptions for two residential units, if they should open it to others. He was not sure why the exception was included for the apartments. There are areas along San Mateo crossing Zia that could benefit. Along Siringo there is no buffer so you have taken that property. All the way up to Siringo and across is all residential and you have a buffer around those. Before going to Finance, he would like to hear how this affects the ownership of the University property and bring out who owns it and the lease agreement to hold academic courses and for how long. He asked if it is a long term lease exclusively for education or if they could walk away and it be turned into housing.

He heard Ms. Ladd say that affordable housing money could be used for a catalyst project in lieu of money to work with a land owner to get an Affordable Housing project right off the bat there.

Mr. O'Reilly explained the reason that Ms. Romero's house was granted is that it is right up against the corridor and she intends to stay there. The apartments are exempted because commercial could have happened on the bottom floor. In terms of who is excluded, he and Commissioner Greene had talked about that once before. The intent was to not go too far but stay close to St. Mike's Drive. There are uses north of San Mateo like self-storage that could be included and possibilities to shrink it at Siringo. The general intent was to not make it too big.

In terms of Siringo, there is a buffer there. Any properties within 150 feet would have the height at or below 38' so only three stories tall. Government buildings and schools are because we don't know what the state might want to do.

Commissioner Greene said there are places where two overlays overlap. He wondered which would take precedence and what would happen.

Mr. O'Reilly said the ordinance states that Midtown would supersede those other provisions.

Commissioner Greene reasoned that along St. Francis, they could go to 50 feet high.

Mr. O'Reilly said it would only include two properties and the McDonalds there and also on Cerrillos.

#### Action of the Commission

**Commissioner Propst moved to recommend to the Governing Body that the ordinance creating the Midtown Local Innovation Corridor Overlay District move forward, taking into account the issues the Planning Commission and the public have raised in this meeting. Commissioner Hochberg seconded the motion and it passed by unanimous voice vote.**

Director Martinez noted the lateness of time (11:12 p.m.) and pointed out the importance of the next agenda item. She was unsure how late people were willing to stay or if she should recommend postponement until the next Planning Commission meeting. The September 22<sup>nd</sup> meeting has been canceled but that could possibly be rescheduled. She also didn't know how many from the public want to speak on it as well.

Chair Gutierrez asked Mr. Alejandro how much time he needed for his presentation.

Mr. Alejandro asked for about three minutes.

The Commissioners decided to proceed.

- 1. An ordinance amending the Land Development Code to update land-use categories, table of permitted uses to add agricultural uses; amending Subsection 14-6.2(h) of the Land Development Code to prohibit animal production and slaughterhouses, and providing for agricultural uses; creating a new Subsection 14-6.3(d)(4) of the Land Development Code to allow for agricultural home occupation exceptions; amending Section 14-8.7 of the Land**

**Development Code to waive architectural design review of agricultural related structures by the Land Development Director; and amending Subsection 14-12 of the Land Development Code to include definitions for terms relating to urban agriculture. (Mayor Gonzales and Councilor Ives) (John Alejandro)**

a) A resolution creating the City of Santa Fe Procedures and Guidelines for Urban Agriculture Activities and Uses. (Mayor Gonzales and Councilor Ives) (John Alejandro)  
**(POSTPONED FROM JULY 7, 2016 AND AUGUST 4, 2016)**

Mr. Alejandro presented the staff report for this matter. A copy of the Staff Report is attached to these minutes as Exhibit 6. Please refer to Exhibit 6 for details regarding this staff report. He included the fact that for commercial purpose, there was nothing in the code now about urban agriculture. The ordinance would clarify the desire for agriculture to serve the needs for all people in appropriate ways and help reduce the 90% dependency on food not grown locally.

#### Public Comment

Mr. Smith clarified that this matter does not require sworn testimony.

Mr. Rick Martinez referred to Section 7 and said greenhouses on a roof was a concern and needs a better process including a need for setbacks and notification to neighbors. The glass can reflect the sun. It should have a setback with that and adding another story should be worked out with neighbors.

Ms. Mary Schruben pointed out that the water sources are not prioritized with wells and city water being last. It is contrary to conservation ordinances and sustainable growth and detrimental for wells that are grandfathered in. In her neighborhood that was primarily well-driven from the 1800's and some have lost any use of that water.

She said the compost setbacks and size should have the calculation based on the agriculture space, not total space. It doesn't include farm buildings, or the farm stand or the residence. She felt that compost production needs industrial zoning. Setbacks need to be much more than 4'. Our neighbors have suffered greatly from spraying, etc. home occupation worker congregates should have about 20' as a minimum setback.

She would like to have to have ENN notification for this kind of operation and home occupancy notification.

She would also like to know if there is any way to monitor the business licenses to prevent consumer fraud of produce really grown out of state and not on the property. It should not undermine legitimate farmers in our area and prohibit undercutting for non-local produce. Farm stands should not be on city streets but on the owner's property and monitored by the City.



Ms. Schruben said her main thing worry is priority on water sources. Water must be used wisely and to attempt to recharge without waste should apply to urban agriculture also and not be squandered.

Ms. Debora Byrne supported at least 20' for setback and Section 10 only talks about screening. You could have a 20' screen without buffering so that section needs some more work. Compost needs to say 10% of farming area. Also, the owners need to be in good standing with the City and have a structure that meets the fire code.

She said she lives in an area that has seen a lot of change. "My folks don't have water in their home and their well has gone dry."

Ms. Karen Heldmeyer, on behalf of the Neighborhood Network, would like to see the home occupation ordinance as a model with an inclusive process. Also, she said some people felt shut out of the meetings. They were not publicly noticed.

She had some concern about the unlimited size of urban farms. The bigger they are, the bigger the nuisance. She questioned having greenhouses on tops of buildings and whether it would fit in with the code. It is a source of light pollution. Some people might grow medical marijuana -. Some were concerned that using water m-from city water is not a good use.

Compost nuisances came up a lot by members. Composts have to be screened but how would you screen the smell.

It says in the ordinance that agriculture operations should not be a nuisance so in a nuisance law, who decides what is a nuisance and enforcement is hard. For instance - issues about noise of machinery - people were concerned because it is an outdoor commercial operation. It may not have the right kind of enforcement.

The Section that gives the Land Use Director a whole lot of discretion. People are concerned about giving waivers. If farms would get a waiver the neighbors might find that distressing. Those need to be thought about more.

There were no other speakers and the public hearing was closed.

Commissioner Propst thought this is a cool concept but needs a lot more work. There are definitions not in there like farm structure and agricultural home occupation and perhaps others. She agreed with the concern about greenhouses on roofs. The hours and noise and smell issues as well as lot size that could be covered with compost. those do need more work. Things related to public health are big issues. Water being applied to the landscape is a concern. So there are things that popped out at her and opened up things we don't really want in neighborhoods. So there are a few things left out.

Mr. Alejandro had heard from Council the issue of compost and water and they are working on prioritizing water uses and compost issues that they have heard about, including setback, smell., etc. Those are being addressed for an amendment. The same is true of greenhouse rooftops. The sponsor wants that section reconsidered.

He agreed to look at the definitions.

Commissioner Hochberg agreed regarding compost size. The percentage has to be of farm land. Are you going to say what can be sold at them? Could people make pie from their produce to sell?

Mr. Alejandro said sales are currently limited to horticultural products grown on the property. Products enhanced on the property are covered by other ordinances.

Commissioner Kapin was confused on Section H for prohibition of animal production.

Mr. Alejandro pointed out that agriculture could including things like fish production. The question came up with the City Attorney and her read on it was that livestock production is separate in nature. He agreed to revisit that.

Commissioner Kapin said she has been at farms with fish production and it pales with compost for smell. Using fish in a loop system is very different to what this speaks to so people won't be breeding fish with this. She thanked the public for their comments tonight. It is good to have them in the record. Use of pesticides and chemicals is important. Children and animals and people who are ill – that section needs good defining.

Commissioner Greene advocated that groundwater should not be allowed in large scale production. Groundwater is a critical thing. With a good well and they just want to pump, pump, pump and that is not a good use of groundwater.

He agreed regarding composting. Definitely, the spraying could affect neighbors and should have restrictions on windy days or prohibited - even better. He also commented regarding disturbing new land that they should preserve the untouched areas. The applications must also be subject to the provisions for overlay, escarpment, or historic districts.

#### Action of the Commission.

**Commissioner Kapin moved to recommend to the Governing Body this ordinance as stated in the caption with reflection on the comments made at this meeting. Commissioner Hochberg seconded the motion and it passed by unanimous voice vote.**

#### **H. STAFF COMMUNICATIONS**

Mr. Shandler went back to the Findings of Fact for Las Soleras and asked for a recount on the motion from each Commissioner.

Commissioner Greene said he passed and then voted no.

Commissioner Hochberg said the voluntary part was not his understanding.

Mr. Shandler requested a reconsideration of the motion.

Commissioner Hochberg moved to reconsider the Findings of Fact and Conclusions of Law for Case #2016-64. Las Soleras Amendment to Master Plan – R-6 and R-12 Height and Side Yard Standards. Commissioner Greene seconded the motion and it passed by unanimous voice vote.

Commissioner Abeyta moved to approve the Findings of Fact and Conclusions of Law for Case #2016-64. Las Soleras Amendment to Master Plan – R-6 and R-12 Height and Side Yard Standards as amended, deleting “voluntary.” Commissioner Greene seconded the motion and it passed by unanimous voice vote.

#### I. MATTERS FROM THE COMMISSION

There were no matters from the Commission.

#### J. ADJOURNMENT

Having completed the agenda and no further business to come before the Commission, the meeting was adjourned at 11:45 p.m.

Approved by:

  
Vince Kadlubek, Chair

Submitted by:

  
Carl Boaz for Carl G. Boaz, Inc.

Planning Commission  
September 8 , 2016

**EXHIBIT 1**

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

Case #2016-72

Kachina Ridge Phase III Preliminary Development Plan

Case #2016-73

Kachina Ridge Phase III Preliminary Subdivision Plat

Applicant's Name- SBS, LLC

Agent's Name- James W. Siebert & Assoc., Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on August 4, 2016 upon the application (Application) of James W. Siebert & Assoc., Inc., agent for SBS, LLC (Applicant).

The Applicant requests approval of a preliminary development plan and preliminary subdivision plan to create a nine lot subdivision on approximately 2.55 acres located on both sides of Kachina Ridge Drive and north of Shalako Way. The property is zoned R-21-PUD (Residential, 21 units per acre- Planning Unit Development). The Applicant requests approval of an innovative street design as part of the preliminary development plan. After conducting a public hearing and having heard from staff and all interested persons, the Commission hereby FINDS, as follows:

FINDINGS OF FACT

1. The Commission heard reports from staff and received testimony and evidence from the Applicant; there were no members of the public in attendance to speak.
2. Pursuant to Santa Fe City Code (Code) §14-2.3(C), the Commission has the authority to review and approve or disapprove development plans.
3. Code §14-3.8(B)(1) requires Early Neighborhood Notification (ENN), notice and a public hearing on development plans in accordance with the provisions of Code §§14-3.1(F), (H) and (I).
4. Code §14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) an ENN meeting [§14-3.1(F)(2)(a)( iv)] and (b) compliance with Code Section 14-3.1(H) notice and public hearing requirements [Code §14-3.1(H)(1)(a)-(d)].
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 June 9, 2016 at the GCCC, Classroom #1.
7. Notice of the ENN meeting was properly given.

8. The ENN meeting was attended by representatives of the Applicant, City staff and there were twelve interested persons present and the discussion followed the guidelines set out in Code Section 14-5.3.1(F)(6).
9. The Applicant's property is part of a PUD Planned Unit Development District and the Land Use Department requested the Applicant submit a preliminary development plan in accord with the general requirements for PUD Planned Unit Development District in Code § 14-5.7.
10. Pursuant to Code §14-3.8(C)(2)(d), an applicant may first submit an application for a preliminary development plan. If the preliminary development plan is approved, a separate application for a final development plan must be approved prior to the development of the property.
11. Code §14-3.8(C)(1) requires applicants for development plan approval to submit certain plans and other documentation that show compliance with applicable provisions of Code (the Submittal Requirements).
12. The Applicant has complied with the Submittal Requirements.
13. Code §14-3.8(D)(1) sets out certain findings that must be made by the Commission to approve a development plan, including:
  - a. That it is empowered to approve the development plan for the Project [§ 14-3.8(D)(1)(a)]. *The Commission has the authority under the section of Code Chapter 14 cited in the application to approve the development plan.*
  - b. That approving the development plan for the Project does not adversely affect the public interest [§14-3.8(D)(1)(b)]. *The Project will not adversely affect the public interest with the recommended conditions of approval, which will further stabilize the banks.*
  - c. That the use and any associated buildings are compatible with and adaptable to buildings, structures and uses of the abutting property and other properties in the vicinity of the Project [§14-3.8(D)(1)].
    - 1) *The property to the north, west and south of the project are already developed with single-family residences.*
    - 2) *The property to the east is undeveloped and zoned Residential—1 unit per acre.*
    - 3) *Creation of residential units on the subject property is consistent with those existing and future land uses.*
14. Code § 14-3.7(C) sets out certain findings that must be made by the Commission to approve a preliminary subdivision plat.
15. The Commission finds the following facts:
  - a. *In all subdivisions, due regard shall be shown for all natural features such as vegetation, water courses, historical sites and structures, and similar community assets that, if preserved, will add attractiveness and value to the area or to Santa Fe. The north fork of the Arroyo Chamiso runs through the project area and serves as the surface water drainage mechanism along with two existing detention ponds. Both ponds have overflow outlets that drain excess water directly to the arroyo. The ponds were constructed to serve earlier phases of the development and the new development would add additional flows to them. The recommended*

- conditions of approval will further stabilize the banks of the arroyo to provide due regard to all natural features.
- b. *The Planning Commission shall give due regard to the opinions of public agencies and shall not approve the plat if it determines that in the best interest of the public health, safety or welfare the land is not suitable for platting and development purposes of the kind proposed. The land to be platted is not within the floodplain and does not contain steep slopes except within the arroyo channel. The proposed subdivision will not endanger health, safety or welfare. The conditions of approval will further stabilize the banks of the arroyo making the land more suitable for platting and development.*
  - c. *All plats shall comply with the standards of Chapter 14, Article 9 (Infrastructure Design, Improvements and Dedication Standards). The proposed preliminary plat identified the location of existing water and sewer lines and new water and sewer main extensions, as is required at this stage. The application for the final plat is required to include both the water and sewer plans, which will include piping profiles and details.*
  - d. *A plat shall be not approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with the provisions of Chapter 14 unless a variance is approved concurrently with the plat. The application includes a request for approval of an innovative street design rather than a variance. The plat does not contain any other non-conformities.*
  - e. *A plat shall be not approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with the applicable provisions of other chapters of the Santa Fe City Code unless an exception is approved pursuant to the procedures provided in that chapter prior to approval of the plat. There are no existing non-conformities that exist on the subject property.*
16. The application includes a request for an innovative street design.
- a. Since the prior approvals were granted, the required street design metrics in City Code has changed.
  - b. The application includes a request to allow for the continuance of the street design used in the prior phases of the development.
  - c. The proposed change to the street design would be to allow a 3-foot planting strip between the curb and sidewalk instead of 5-foot strip.
  - d. The only remaining street to be developed in this phase is Paa Road.
  - e. Code §14-9.2(A)(4)(a) states that the "arrangement of streets in a development shall (a) provide for the continuation or appropriate projection of existing streets in surrounding areas."
17. Code § 14-9.2 sets out certain factors that must be considered for approval of innovative street design:
- a. The innovative street design provides adequate pedestrian and bicycle facilities, as well as necessary transit facilities. *The alternative roadway design only affects the planting strip between the curb and the sidewalk which does not affects the pedestrian, bicycle or transit facilities.*

18. 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) together with a recommendation that the preliminary development plan and preliminary subdivision plat be approved, subject to certain conditions (the Conditions or Exhibit A) set out in such report.
19. The information contained in the Staff Report is sufficient to establish that the Applicable Requirements have been met.

#### CONCLUSIONS OF LAW

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

##### General

1. The proposed preliminary subdivision plat was properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.
2. The Applicant has complied with the applicable pre-application conference and ENN procedure requirements of the Code.

##### The Preliminary Subdivision Plat

3. The Commission has the authority to review and approve the preliminary plat subject to conditions.
4. The Applicable Requirements have been met.

##### The Preliminary Development Plan

5. The Commission has the authority under the Code to approve the Development Plan for the Property.
6. The Applicable Requirements have been met.

#### **WHEREFORE, IT IS ORDERED ON THE 8th OF SEPTEMBER 2016 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 Preliminary Development Plan and Preliminary Subdivision Plat and Innovative Street Design for the Property are approved, subject to Conditions.

\_\_\_\_\_  
Vince Kadlubek  
Chairperson

Date: \_\_\_\_\_

FILED:

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

Date: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
Zachary Shandler  
Assistant City Attorney

Date: \_\_\_\_\_



Planning Commission  
September 8 , 2016

## **EXHIBIT 2**

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

Case #2016-51

Haciendas del Mirasol, 700 Hyde Park Road Preliminary Subdivision Plat

Owner's Name- 700 HPR, LLC

Agent's Name- Cody North

THIS MATTER came before the Planning Commission (Commission) for hearing on August 4, 2016 upon the application (Application) of Cody North as agent for 700 HPR, LLC (Applicant).

The Applicant seeks the Commission's approval of the preliminary subdivision plat for 8 lots on 28 acres to be accessed by a private driveway via a connector road off of Hyde Park Road. The property is zoned PRC (Estancia Primera Planning Residential Community).

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

FINDINGS OF FACT

1. The Commission heard reports from staff and received testimony and evidence from the Applicant and there were thirteen members of the public in attendance to speak.
2. Pursuant to Code § 14-2.3(C)(1), the Commission has the authority to review and approve or disapprove subdivision plats.
3. Pursuant to Code § 14-3.7(A)(1)(b) subdivision of land must be approved by the Commission.
4. Code § 14-3.7 (B)(1) requires applicants for preliminary plat approval to comply with the pre-application conference procedures of Code § 14-3.1(E).
5. Pursuant to Code § 14-3.1(E)(1)(a)(ii), pre-application conferences are required prior to submission of applications for subdivisions unless waived.
6. A pre-application conference was held on March 17, 2016 in accordance with the procedures for subdivisions set out in Code §§ 14-3.1(E)(2)(a) and (c).
7. Code § 14-3.7(B)(2) requires compliance with the early neighborhood notification (ENN) requirements of Code § 14-3.1(F) for preliminary subdivision plats and provides for notice and conduct of public hearings pursuant to the provisions of Code §§ 14-3.1 (H), and (I) respectively.
8. Code §§ 14-3.1(F)(4) and (5) establish procedures for the ENN.
9. The Applicant conducted an ENN meeting on April 11, 2016 at the Downtown Public Library in accordance with the notice requirement of Code § 14-3.1(H).
10. The ENN meeting was attended by the Applicant and City staff; there were fifty-nine members of the public in attendance and concerns were raised.

11. The subject property was rezoned in 1981 as part of the Estancia Primera Planned Residential Community ("PRC" or "Ordinance 1981-3"). The zoning requirements run with the land.
12. The overall PRC includes approximately 120 acres south of Hyde Park Road and 68 acres located north of Hyde Park Road.
  - a. This application is focused on the land north of Hyde Park Road.
  - b. Of the 68 acres north of Hyde Park Road, the subject 28 acre project site (Tract 1) and another 40 acre tract (Tract 2) were created by a lot split that was approved in 2012.
  - c. This application is for Tract 1.
  - d. The application is not for Tract 2.
  - e. The Applicant does not own Tract 2.
13. Code § 14-3.7(C) sets out certain findings that must be made by the Commission to approve a preliminary subdivision plat.
14. The Commission finds the following facts:
  - a. *In all subdivisions, due regard shall be shown for all natural features such as vegetation, water courses, historical sites and structures, and similar community assets that, if preserved, will add attractiveness and value to the area or to Santa Fe.* The land to be subdivided meets applicable standards and is eligible for the development purposes proposed. Due regard has been shown for vegetation, water courses, historical sites and structures and similar community assets.
    - i. An older archaeological report has been prepared for the subdivision. No archaeological or historical sites have been discovered within the boundary of the subdivision. The Applicant has agreed to prepare another, more recent archaeological report.
    - ii. Effort has been taken to minimize the removal of pinon trees including the location of the roadways and use of a low pressure system that allows for the sewer system to avoid trees wherever possible.
    - iii. There is minimal disturbance to the drainages within the subdivision.
    - iv. Existing check dams built during the depression in the 1930s will be restored and additional check dams will be constructed to reduce the existing arroyo bank erosion that is currently taking place.
    - v. The area has been used illegally for parking and partying by trespassers and as a living areas by transients (a/k/a Hobo Hill). The broken bottles, trash and temporary camp sites will be removed from the property.
    - vi. With the construction of road and utility improvements the area will not be occupied by transients illegally living on the property.
    - vii. Given the fire pits that are located at various places on the property the chance of wild fires taking place on the property will be eliminated.
    - viii. All significant trees will be replanted or replaced.
    - ix. A trail proposed along Hyde Park Road will be designated as a semi-public trail.
  - b. *The Planning Commission shall give due regard to the opinions of public agencies and shall not approve the plat if it determines that in the best interest of the public health, safety or welfare the land is not suitable for platting and*

*development purposes of the kind proposed.* The land to be subdivided meets applicable standards and is eligible for the development purposes proposed.

- i. The drainages on the property are not designated FEMA flood plains.
  - ii. The only disturbance to the drainage will be the repair of the existing check dams and controlling the erosion that is taking place on the main drainage.
  - iii. No construction will take place on slopes of 30 percent or greater.
  - iv. Extra-ordinary engineering measures have been proposed to ensure to storm water generated by the development of the property is adequately detained on the property.
  - v. Covenants have been provided to the City which mandate the maintenance of all storm water and erosion control structures and facilities on the property. This includes a schedule of inspection and repair as described on the engineering plans.
  - vi. The allowed density of the property, which is permitted by the underlying PRC zoning district, could develop at 2.8 dwellings per acre, but Applicant has proposed development at 1 dwelling per 3.5 acres.
  - vii. The significant reduction in density substantially reduces the impact on the terrain created by the development of the site, including roads, utilities and homes.
  - viii. The New Mexico Department of Transportation has reviewed the engineering report for Hyde Park Road and finds the Traffic Impact Study acceptable (although it was not warranted since the traffic generation does not trigger a Traffic Impact Study for this level of development).
- c. *All plats shall comply with the standards of Chapter 14, Article 9 (Infrastructure Design, Improvements and Dedication Standards).* The proposed plat complies with applicable standards of Chapter 14, Article 9.
- i. Exhibit B rebuts Ms. Bowden's allegation of Code violations.
  - ii. Exhibit D provides how the Applicant has met 1982 ordinance requirements.
  - iii. The City's Wastewater Engineer stated the subdivision will have a low pressure grinder pump system that has been used in other subdivisions in the city and is a reliable system with minimal odor.
  - iv. The City's Escarpment staff member stated the buildable sites are in the foothills district.
  - v. The City's Traffic Engineer stated the traffic study was done in January, which is during the busy ski season traffic.
  - vi. The City's Drainage Engineer stated the post-development drainage water will be two-thirds of the amount of the current status quo drainage water.
  - vii. The Applicant's Engineer stated currently there is 50.54 cfs drainage water at Hadisway Street, but after the project is completed there will be 33.92 cfs drainage water.
  - viii. The Applicant's Engineer stated there will be multiple steps for dealing with the drainage water including: (a) cisterns, (b) rock vanes, (c) re-seeding, (d) repair dams which will done without using on-site materials without heavy equipment.

- d. *A plat shall be not approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with the provisions of Chapter 14 unless a variance is approved concurrently with the plat. There is no aspect of the engineering or platting that is inconsistent or violates the provisions of Chapter 14. This evaluation is for Tract 1. The evaluation for Tract 2 will be done upon the application of Tract 2.*
  - e. *A plat shall be not approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with the applicable provisions of other chapters of the Santa Fe City Code unless an exception is approved pursuant to the procedures provided in that chapter prior to approval of the plat. The proposed plat will not create a nonconformity with any other chapter of the Santa Fe City Code.*
15. Code § 14-3.7(B)(3)(b) requires the Applicant to submit a preliminary plat prepared by a professional land surveyor, together with improvement plans and other specified supplementary material and in conformance with the standards of Code § 14-9 (collectively, the Applicable Requirements).
  16. 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) together with a recommendation that the preliminary subdivision plat be approved, subject to certain conditions (the Conditions) set out in such report.
  17. The information contained in the Staff Report, along with conditions in Staff's Exhibit, is sufficient to establish that the Applicable Requirements have been met.

#### CONCLUSIONS OF LAW

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

##### General

1. The proposed preliminary subdivision plat was properly and sufficiently noticed via mail, publication, and posting of signs in accordance with Code requirements.
2. The Applicant has complied with the applicable pre-application conference and ENN procedure requirements of the Code.

##### The Preliminary Subdivision Plat

3. The Commission has the authority to review and approve the preliminary plat subject to conditions.
4. The Applicable Requirements have been met.

**WHEREFORE, IT IS SO ORDERED ON THE 8th OF September 2016 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE**

That the Applicant's requests for preliminary subdivision plat is approved, subject to Staff conditions.

**[Signatures to Follow on Next Page]**

\_\_\_\_\_  
Vince Kadlubek  
Chair

\_\_\_\_\_  
Date:

FILED:

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

\_\_\_\_\_  
Date:

APPROVED AS TO FORM:

\_\_\_\_\_  
Zachary Shandler  
Assistant City Attorney

\_\_\_\_\_  
Date:

Planning Commission  
September 8 , 2016

## **EXHIBIT 3**

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

Case #2016-64

Las Soleras Amendment to Master Plan- R-6 and R-12 Height and Side Yard Standards  
Applicant's Name- Las Soleras Oeste, LTD., Las Soleras Center and Pulte Homes of NM Inc.  
Agent's Name-James W. Siebert & Associates, Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on August 18, 2016 upon the application (Application) of James W. Siebert & Associates, Inc., agent for Las Soleras Oeste, LTD., Las Soleras Center and Pulte Homes of NM Inc. (Applicant).

The Applicant requests an amendment to the Las Soleras Master Plan to establish alternative height and setback standards for the R-6 and R-12 residentially zoned districts of Las Soleras.

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

FINDINGS OF FACT

1. The Commission heard reports from staff and received testimony and evidence from the Applicant; there were no members of the public in attendance to speak.
2. Pursuant to Santa Fe City Code (Code) §14-2.3(C), the Commission has the authority to review and approve or disapprove amendments to master plans.
3. Code §14-3.8(B)(1) requires Early Neighborhood Notification (ENN), notice and a public hearing in accordance with the provisions of Code §§14-3.1(F), (H) and (I).
4. Code §14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) an ENN meeting [§14-3.1(F)(2)(a)( iv)] and (b) compliance with Code Section 14-3.1(H) notice and public hearing requirements [Code §14-3.1(H)(1)(a)-(d)].
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 May 12, 2016 at Genoveva Chavez Community Center.
7. Notice of the ENN meeting was properly given.
8. The ENN meeting was attended by representatives of the Applicant, City staff and approximately two interested others and the discussion followed the guidelines set out in Code Section 14-5.3.1(F)(6).
9. The Applicant is requesting approval from the Governing Body for two amendments to the development standards for the Las Soleras Master Plan.



10. The first amendment would establish alternative height standards for the R-6 and R-12 residentially zoned districts for Las Soleras Master Plan for Tracts 11A, 14A, 15A, 15B and 15C.
11. The second amendment would establish alternative setback standards for the R-6 and R-12 residentially zoned districts for Las Soleras Master Plan for Tracts 11A, 14A, 15A, 15B and 15C.
12. Both amendments are related because pursuant to Code §14-7.2-1, note 6, the existing development standard is: "Within ten (10) feet of a side or rear property line, no point on a structure shall be higher than fourteen (14) feet about the finished grade at the closest point on the perimeter of the structure."
13. Pursuant to Code §14-7.2-1, note 6, the existing development standard is: "Within fifteen (15) feet of a side or rear property line, no point on a structure shall be higher than twenty-four (24) feet about the finished grade at the closest point on the perimeter of the structure."
14. Pulte will be offering a variety of home models, but some of the proposed models will have ten feet of a side yard with the neighboring properties, but will have roof pitches that exceed the height limitations.
15. Pulte would like to have development standards in the Master Plan for Tracts 11A, 14A, 15A, 15B and 15C to have ten feet of a side yard with the neighboring properties, but allow a height of up to twenty feet and eight inches on some models.
16. Pulte would like to have development standards in the Master Plan for Tracts 11A, 14A, 15A, 15B and 15C to have ten feet of a side yard with the neighboring properties, but allow a height of up to twenty eight feet and ten inches on some two story models.
17. Code §14-3.9(C)(1) requires applicants for master plan amendments and development plan approval to submit certain plans and other documentation that show compliance with applicable provisions of Code (the Submittal Requirements).
18. The Applicant has complied with the Submittal Requirements.
19. Code §14-3.9(D)(1) sets out certain findings that must be made by the Commission to approve Master Plan Amendments, including:
  - a. The Master Plan is consistent with the General Plan [§14-3.9(D)(1)(a)].
    - 1) *The amendments to the Master Plan is consistent with the General Plan because a guiding policy of the General Plan calls for a mix of housing types and this proposal allows for a mix of single story, two story, pitched and non-pitched roofs.*
  - b. The Master Plan is consistent with the purpose and intent of the zoning districts that apply to, or will apply to, the master plan area, and with the applicable use regulations and development standards of those districts. [§14-3.9(D)(1)(b)].
    - 1) *The amendments to the Master Plan will be consistent with the purpose and intent of the zoning districts of R-6 and R-12.*
    - 2) *The amendments to the Master Plan will be consistent with the Las Soleras Master Plan because Pulte has asserted that allowing the placement of second story homes closer together than is allowed under Chapter 14 standards is mitigated by the parkland and open space areas that are heavily landscaped and within a short distance of the dwellings within the development.*

- 3) *The amendments to the Master Plan will be consistent with the Las Soleras Master Plan because the conditions state Pulte's role in the developed of the above-mentioned parkland, the Las Soleras Regional Park.*
  - 4) *The amendments to the Master Plan will be consistent with the Las Soleras Master Plan because the conditions state the Master Developer's role in the developed of the above-mentioned parkland, the Las Soleras Regional Park.*
  - 5) *The amendments to the Master Plan will be consistent with the Las Soleras Master Plan because the open space areas and trail locations in the master plan are designed to connect to the Las Soleras Regional Park.*
  - c. Development of the master plan area will contribute to the coordinated and efficient development of the community. [§14-3.9(D)(1)(c)]. *The proposed amendment Master Plan amendment is consistent with efficient development of the area.*
    - 1) *The consumer will be able to choose from a mix of housing types.*
    - 2) *Pulte has voluntarily agreed that all age targeted tracts will be limited to one story.*
    - 3) *Pulte has voluntarily agreed that there will not be a two story house at a street intersection lot.*
    - 4) *Pulte has voluntarily agreed that there were not be more than three two story houses in a single continuous row.*
    - 5) *The proximity between the second story of the units will be softened with the maturation of the landscape, open spaces, trails and parkland.*
  - d. 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 planned development. [§14-3.9(D)(1)(d)]. *The amendments to the Master Plan are part of the proposed development that is supported by the existing infrastructure within the master plan area.*
20. 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) together with a deferral recommendation that the Master Plan amendments and the development plan be approved, subject to certain conditions (the Conditions or Exhibit B) set out in such report.
21. The information contained in the Staff Report is sufficient to establish that the Applicable Requirements have been met.
22. The following conditions are added as part of the recommended approval:
- a. The condition stated in Table 4h shall be replaced with the language: "Pulte has obtained an estimate of costs of \$605,270.00."
  - b. Pulte has voluntarily agreed that there will not be a two story house at a street intersection lot.
  - c. Pulte has voluntarily agreed that there were not be more than three two story houses in a single continuous row.

23. The following conditions are added as optional:

- a. Pulte may choose to work with City staff to further review the street layout and issues of connectivity.

### CONCLUSIONS OF LAW

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

1. The Commission has the authority under the Code to recommend approval of the amendments to the Master Plan for the Property.
2. The Applicable Requirements have been met.

**WHEREFORE, IT IS ORDERED ON THE 8<sup>th</sup> OF SEPTEMBER 2016 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 amendments to the Master Plan Amendments are recommended for approval to the City Council, subject to Conditions.

\_\_\_\_\_  
Vince Kadlubek  
Chairperson

Date: \_\_\_\_\_

FILED:

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

Date: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
Zachary Shandler  
Assistant City Attorney

\_\_\_\_\_  
Date:

Planning Commission  
September 8 , 2016

## **EXHIBIT 4**

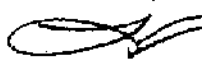
# City of Santa Fe, New Mexico

# memo

**DATE:** August 24, 2016 for the September 8, 2016 Meeting

**TO:** Planning Commission

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

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

**Case #2016-82. 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, 2016 expiration would be extended to August 17, 2017. Sommer Karnes & Associates LLP, agents for BRT Realty Operating Partnership. (Donna Wynant, Case Manager)

## I. RECOMMENDATION

The Land Use Director has **APPROVED** the applicant's request for a second and final one-year time extension. This approval is being reported to the Planning Commission in accordance with SFCC Section 14-3.19(C).

## II. APPLICATION OVERVIEW

The San Isidro Apartments development approval consists of 429 dwelling units constructed within two phases. The extension request applies to 126 units in the project's final phase. (See **Exhibit B- Letter of Application**) The agent for the owner of the property is requesting a one-year time extension to allow time to arrange financing to carry out development of the Project as well as to prepare the necessary plans. (See **Exhibit C- Dev. Plan Report**). This constitutes the second of two time extension requests permitted under SFCC Section 14-3.19(C).

The following provides a time line of the history of the San Isidro Apartment Project development approvals:

- 2006 – The Annexation, Rezoning and Development Plan were approved for the Project (429 dwelling units in two phases).
- August 17, 2012 – Per administrative approval, Phase II was further divided into Phase IIA (176 units) and Phase IIB (up to 126 units).
- Phases I and IIA have been developed and are occupied, leaving only Phase IIB to be

developed.

- April, 2015 – BRT Realty Operating Partnership purchased the Project from Rufina & South Meadows, LLC and C&Z, LLC companies.
- September, 2015 – The Land Use Director approved a one-year administrative time extension for Phase IIB (up to 126 units). Expiration would be effective August 17, 2016 if the time extension were not granted.
- July 11, 2016 – Applicant requests an additional and final one-year administrative time extension of the Development Plan for Phase IIB of the project (up to 126 units).
- July 24, 2016 – Administrative extension request is approved by Land Use Department Director Lisa Martinez. Expiration will be effective August 17, 2017 if the time extension granted by the Director is accepted by the Commission.

The administrative time extension approved by Director Martinez was based on a determination that no substantive changes have occurred to the regulations or policies that apply to the development or to the circumstances affecting the site and its vicinity.

As stated in the approval criteria, the administrative extension may not approve revisions to the development or amendments to the conditions of approval. If any amendment, or change to the conditions of approval were requested, those requests would need to be considered by the Planning Commission through the full public hearing process, including the requirement of an Early Neighborhood Notification (ENN) meeting.

### III. APPROVAL CRITERIA

#### Section 14-3.19(C) SFCC 1987 Time Extensions:

##### (2) Administrative Extensions

- (a) The land use director may approve two consecutive extensions to the time limits for an approved development, each not to exceed one year. Approval shall be based on review of the findings and conditions of approval of the original final action and a finding by the land use director that no substantive changes have occurred to the regulations or policies that apply to the development or to the circumstances affecting the site and its vicinity. The administrative extension shall not approve revisions to the development or amendments to the conditions of approval, and no early neighborhood notification is required.
- (b) Administrative time extensions approved by the land use director, pursuant to this Subsection 14-3.19(C)(2), for development approvals that were granted by the planning commission or the governing body, are subject to review by the planning commission. The land use director shall identify the action taken and place it on a consent agenda for the planning commission. The land use director shall provide the planning commission with the applicant's written application and the land use director's written proposal. The planning commission may accept, reject or modify the proposal.

#### **IV. ATTACHMENTS:**

**EXHIBIT A:** Land Use Director Letter of Approval of One Year Time Extension

**EXHIBIT B:** Letter of Application

**EXHIBIT C:** Case #2015: First Time Extension request, and  
Case #M 2006-49 Development Plan Staff Report

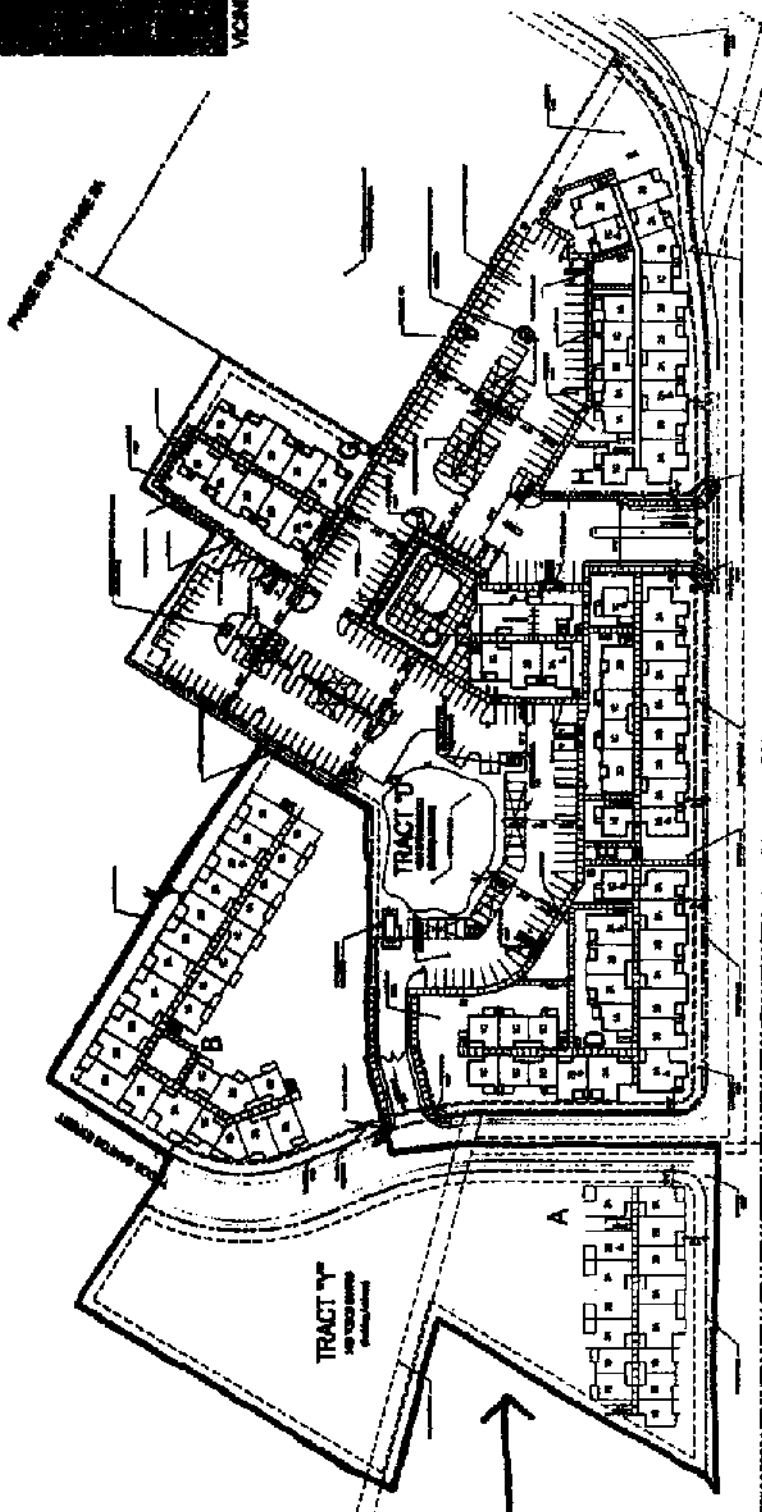


VICINITY MAP

7/20/87



1078 6003



Phase 11B

PROJECT NUMBER - 11111111

AMENDMENT #2

AMENDMENT #2

PURPOSE FOR AMENDMENT:

AMENDMENT #2

AMENDMENT #2

AMENDMENT #2

2-1A

Debra/Peter/Sabini

1078 6003

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PROJECT DATA - PHASE 11A

ADDRESSING

PROJECT INFORMATION

SCALE 1"=100'

DATE 7-20-87

PROJECT NUMBER

PROJECT NAME

PROJECT LOCATION

PROJECT OWNER

PROJECT ARCHITECT

PROJECT ENGINEER

PROJECT SURVEYOR

PROJECT LANDSCAPE ARCHITECT

PROJECT CIVIL ENGINEER

PROJECT ELECTRICAL ENGINEER

PROJECT MECHANICAL ENGINEER

PROJECT PLUMBING ENGINEER

PROJECT FIRE ENGINEER

PROJECT SPECIALTIES



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

## **Planning Commission**

### **Exhibit A**

**Land Use Director Letter of Approval of  
Final One Year Time Extension**



# City of Santa Fe, New Mexico

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

[www.santafenm.gov](http://www.santafenm.gov)

*Javier M. Gonzales, Mayor*

## Council

Signe I. Lindell, Mayor Pro Tem, Dist. 1

Renee Villarreal, Dist. 1

Peter N. Ives, Dist. 2

Joseph M. Maestas, Dist. 2

Carmichael A. Dominguez, Dist. 3

Chris Rivera, Dist. 3

Ronald S. Trujillo, Dist. 4

Mike Harris, Dist. 4

August 24, 2016

Joseph Karnes  
Somer Karnes & Associates LLP  
200 West Marcy Street  
Santa Fe, NM 87501

**RE: Request for Time Extension  
San Isidro Apartments Development Plan**

Dear Mr. Karnes,

I have reviewed the request you submitted on July 11, 2016 for a time extension of the development approvals that were granted for the San Isidro Apartments Development Plan. I have determined that no substantive changes have occurred to the regulations or policies that apply to the previous approvals, to the proposed development, or to the circumstances that apply to the site and vicinity, that would affect the validity of those approvals. Therefore, in accordance with SFCC 1987 Section 14-3.19, an additional and final one-year time extension is approved for the San Isidro Apartments Development Plan, subject to the original conditions of approval as approved by the City of Santa Fe Planning Commission per their approval on November 2, 2006.

The time extension will allow development activities to commence prior to the extended deadline, as provided in SFCC Section 14-3.19. The Development Plan will expire if you do not proceed with development prior to August 17, 2017.

Specifically, the time extension is approved for the following previous development approval:

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

SFCC Section 14-3.19 requires that the grant of this time extension be reported to the Planning Commission by placement on the Commission's consent Agenda. The Planning Commission may reverse this approval.

Feel free to contact me at 505-995-6617 if you have questions regarding this matter.

Sincerely,

Lisa Martinez  
Land Use Department Director

Cc: Project File

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

## **Planning Commission**

### **Exhibit B**

**Letter of Application**

# SOMMER, KARNES & ASSOCIATES, LLP

---

**Mailing Address**

Post Office Box 2476  
Santa Fe, New Mexico 87504-2476

**Street Address**

200 West Marcy Street, Suite 139  
Santa Fe, New Mexico 87501

Telephone: (505) 989.3800

Facsimile: (505) 982.1745

Karl H. Sommer, Attorney at Law  
khs@sommer-assoc.com

Joseph M. Karnes, Attorney at Law  
jmk@sommer-assoc.com

Mychal L. Delgado, Certified Paralegal  
mld@sommer-assoc.com

---

James R. Hawley, Attorney at Law  
jrh@sommer-assoc.com  
Of Counsel

Licensed in New Mexico and California

July 11, 2016

Greg Smith, Division Director, Land Use Department  
200 Lincoln Ave,  
Santa Fe, NM 87501

Re: San Isidro Apartment Project – M 2006-40, Phase II-B (the "Project")  
Request for Extension of Development Plan Approval

Dear Greg,


On behalf of BCT Limited Partnership (BCT), this letter requests extension of the Development Plan for Phase IIB of the Project pursuant to City Code section 14-3.19.C.

In 2015, BCT purchased the Project from Rufina & South Meadows, LLC and C&Z, LLC companies, which developed Phases I and IIA pursuant to the City Council's approval of Annexation, Rezoning and a Development Plan in 2006 (Case #M 2006-40). Per the attached letter dated September 11, 2015, the Planning Commission approved a one-year time extension for the project, resulting in the expiration date for the Development Plan to be August 17, 2016.

BCT requests an additional one-year extension to the Development Plan. The reason for this request is that BCT is working to arrange its financing to carry out development of the Project as well as to prepare the necessary plans. BCT looks forward to submitting an application for development of the Project in the near future and to completing the Project within the next year.

Development of the Project will provide much needed apartment units for residents of the City and we look forward to working with you on the application. Please provide written confirmation of your receipt of this request, let me know any questions, and advise when you anticipate the request will be acted upon.

Sincerely,



Joseph Karnes

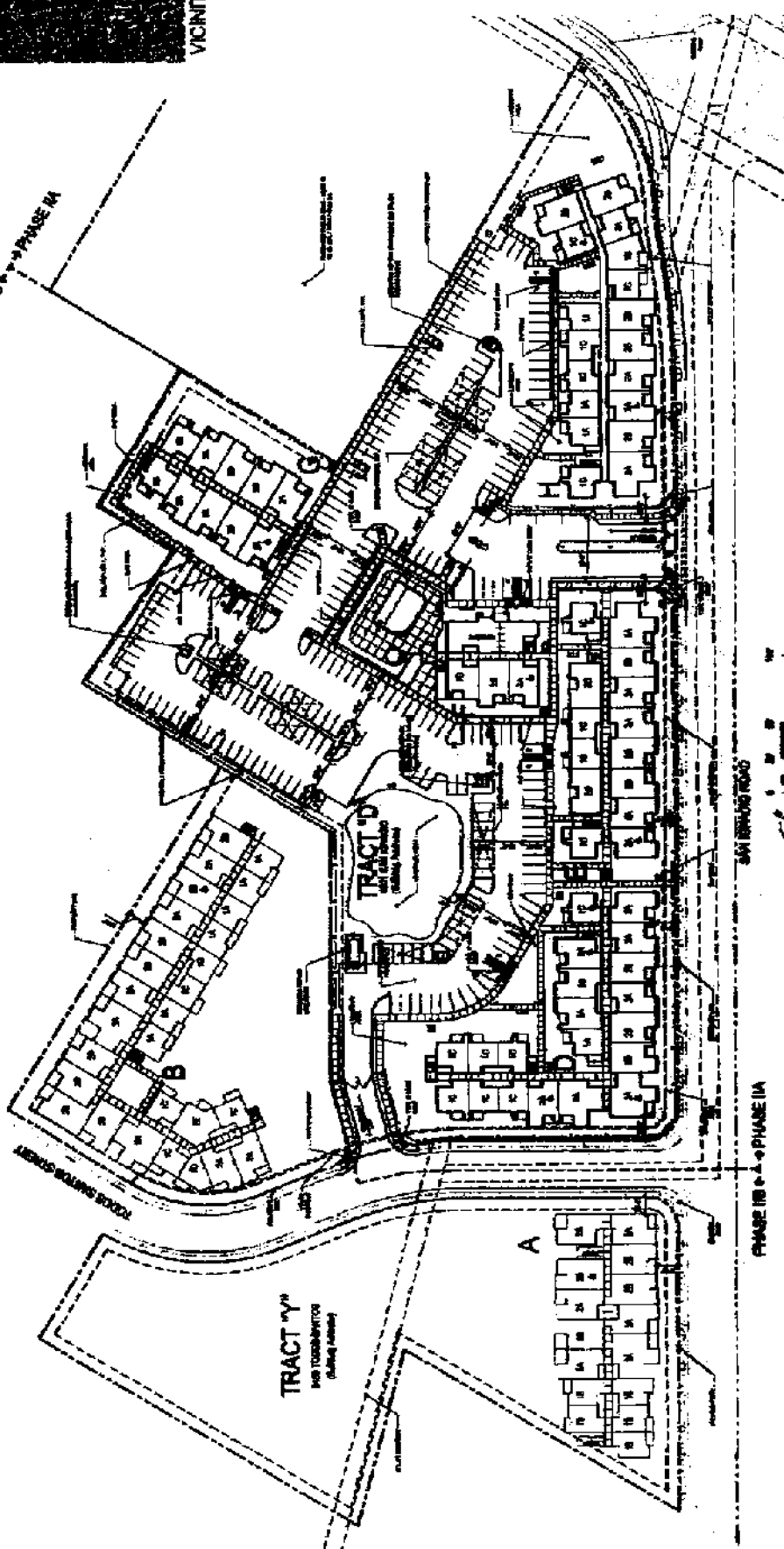
Cc: BCT Limited Partnership





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PHASE IB & PHASE IIA



**TRACT "Y"**  
**NEW FOUNDATION**  
**Building America**

**TRACT "D"**  
401 1/2 Acre Tract  
(Gallatin National Forest)  
1-800-368-4841

**CONCLUSIONS**

**VII. CONCLUSIONS**

**PROJECT DATA - PROJECT 1**

## ADDITIONAL QUESTIONS

**ADDRESSING:** \_\_\_\_\_

4-10-1 4-10-2

**Summary**

**Researcher's Note:** The following information is for informational purposes only and is not intended to be used for medical advice or diagnosis. Please consult your physician for more information.

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**INVENTORY #2**

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## Abstract

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

## **Planning Commission**

### **Exhibit C**

**Case #2015-73:  
First Time Extension request**

**and**

**Case #M 2006-49:  
Development Plan Staff Report**

# City of Santa Fe, New Mexico

# memo

**DATE:** August 24, 2015 for the September 3, 2015 Meeting

**TO:** Planning Commission

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

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

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

## I. RECOMMENDATION

The Land Use Director has **APPROVED** the applicant's request for a one-year time extension. This approval is being reported to the Planning Commission in accordance with SFCC Section 14-3.19(C).

## II. APPLICATION OVERVIEW

The San Isidro Apartments development approval consists of 429 dwelling units constructed within two phases. The extension request applies to 126 units in the project's final phase. The agent for the owner of the property is requesting a one-year time extension to allow time for the new owners of the property to initiate development of the final phase of the development (See **Exhibit C**). This constitutes the first of two time extension requests permitted under SFCC Section 14-3.19(C).

The following provides a time line of the history of the San Isidro Apartment Project development approvals:

- 2006 – The Annexation, Rezoning and Development Plan were approved for the Project (429 dwelling units in two phases).
- August 17, 2012 – Per administrative approval, Phase II was further divided into



Phase IIA (176 units) and Phase IIB (up to 126 units). Expiration would be effective **August 17, 2015** if the time extension were not granted.

- Phases I and IIA have been developed and are occupied, leaving only Phase IIB to be developed.
- April, 2015 – BRT Realty Operating Partnership purchased the Project from Rufina & South Meadows, LLC and C&Z, LLC companies.

As stated in the approval criteria, the administrative extension may not approve revisions to the development or amendments to the conditions of approval. If any amendment, or change to the conditions of approval were requested, those requests would need to be considered by the Planning Commission through the full public hearing process, including the requirement of an Early Neighborhood Notification (ENN) meeting.

### **III. APPROVAL CRITERIA**

#### **Section 14-3.19(C) SFCC 1987 Time Extensions**

##### **(2) Administrative Extensions**

- (a) The land use director may approve two consecutive extensions to the time limits for an approved development, each not to exceed one year. Approval shall be based on review of the findings and conditions of approval of the original final action and a finding by the land use director that no substantive changes have occurred to the regulations or policies that apply to the development or to the circumstances affecting the site and its vicinity. The administrative extension shall not approve revisions to the development or amendments to the conditions of approval, and no early neighborhood notification is required.
- (b) Administration time extensions approved by the land use director, pursuant to this Subsection 14-3.19(C)(2), for development approvals that were granted by the planning commission or the governing body, are subject to review by the planning commission. The land use director shall identify the action taken and place it on a consent agenda for the planning commission. The land use director shall provide the planning commission with the applicant's written application and the land use director's written proposal. The planning commission may accept, reject or modify the proposal.

### **IV. ATTACHMENTS:**

EXHIBIT A: Land Use Director Letter of Approval of One Year Time Extension

EXHIBIT B: Letter of Application

EXHIBIT C: Development Plan Staff Report



# City of Santa Fe, New Mexico

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

*Javier M. Gonzales, Mayor*

**Councilors:**

Peter N. Ives, Mayor Pro Tem, Dist. 2  
Patti J. Bushee, Dist. 1  
Signe I. Lindell, Dist. 1  
Joseph M. Maestas, Dist. 2  
Carmichael A. Dominguez, Dist. 3  
Christopher M. Rivera, Dist. 3  
Ronald S. Trujillo, Dist. 4  
Bill Dimas, Dist. 4

August 24, 2015

Joseph Karnes  
Somer Karnes & Associates LLP  
200 West Marcy Street  
Santa Fe, NM 87501

**RE: Request for Time Extension  
San Isidro Apartments Development Plan**

Dear Mr. Karnes,

I have reviewed the request you submitted on July 14, 2015 for a time extension of the development approvals that were granted for the San Isidro Apartments Development Plan. I have determined that no substantive changes have occurred to the regulations or policies that apply to the previous approvals, to the proposed development, or to the circumstances that apply to the site and vicinity, that would affect the validity of those approvals. Therefore, in accordance with SFCC 1987 Section 14-3.19, a one-year time extension is approved for the San Isidro Apartments Development Plan, subject to the original conditions of approval as approved by the City of Santa Fe Planning Commission per their approval on November 2, 2006.

The time extension will allow development activities to commence prior to the extended deadline, as provided in SFCC Section 14-3.19. The Development Plan will expire if you do not proceed with development or request another time extension prior to August 17, 2016.

Specifically, the time extension is approved for the following previous development approval:

- Case #M 2006-40: San Isidro Apartments Development Plan. Agent for C&Z LLC requests development plan approval for 429 apartment units on 16.65 +/- acres. The property is located on the east side of Zafarano north of Cerrillos Road and is zoned RM-2 (Multi-Family Residential, 29 units per acre).

SFCC Section 14-3.19 requires that the grant of this time extension be reported to the Planning Commission by placement on the Commission's consent Agenda. The Planning Commission may reverse this approval.

Feel free to contact me at 505-995-6617 if you have questions regarding this matter.

Sincerely,

Lisa Martinez  
Land Use Department Director

Cc: Project File

*Case #2015-73  
Ex. A' Letter of  
Approval*

# SOMMER KARNES & ASSOCIATES LLP

Mailing Address  
Post Office Box 2476  
Santa Fe, New Mexico 87504-2476

Street Address  
200 West Marcy Street, Suite 133 -  
Santa Fe, New Mexico 87501

Telephone: (505) 989.3800  
Facsimile: (505) 982.1745

Greg Smith, Division Director, Land Use Department  
200 Lincoln Ave,  
Santa Fe, NM 87501

June 30, 2015

Karl H. Sommer, Attorney at Law  
khs@sommer-assoc.com  
Joseph M. Karnes, Attorney at Law  
jmk@sommer-assoc.com

Mýchal L. Delgado, Certified Paralegal  
mld@sommer-assoc.com

James R. Hawley, Attorney at Law  
Of Counsel  
Licensed in New Mexico and California  
jrh@sommer-assoc.com

Re: San Isidro Apartment Project – M 2006-40, Phase II-B (the "Project")  
Request for Extension of Development Plan Approval

Dear Greg,

On behalf of BCT Limited Partnership (BCT), this letter requests extension of the Development Plan for Phase IIB of the Project pursuant to City Code section 14-3.19.C.

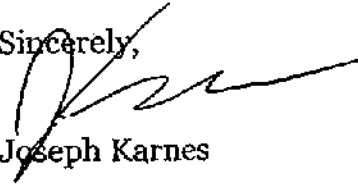
BCT recently purchased the Project from Rufina & South Meadows, LLC and C&Z, LLC companies, which developed Phases I and IIA pursuant to the City Council's approval of Annexation, Rezoning and a Development Plan in 2006 (Case #M 2006-40).

In her letter dated February 20, 2015, Land Use Director Lisa Martinez confirmed the approvals of the Development Plan for Phase IIB will expire August 17, 2015. (See attached letter, Item 12)

The reason for this request is that BCT took ownership in about April of this year and is planning to develop the Project. BCT looks forward to submitting an application for development of the Project in the near future and to completing the Project within the next one to two years.

Development of the Project will provide much needed apartment units for residents of the City and we look forward to working with you on the application. Please provide written confirmation of your receipt of this request, let me know any questions, and advise when you anticipate the request will be acted upon.

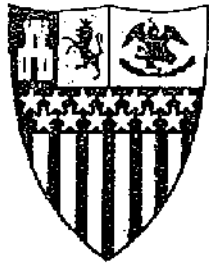
Sincerely,

  
Joseph Karnes

Cc: BCT Limited Partnership

JUN 30 2015

Case #2015-73  
EX B: Letter of Application



# City of Santa Fe, New Mexico

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

[www.santafenm.gov](http://www.santafenm.gov)

*Javier M. Gonzales, Mayor*

**Councilors:**

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

Patti J. Bushee, Dist. 1

Signe I. Lindell, Dist. 1

Joseph M. Maestas, Dist. 2

Carmichael A. Dominguez, Dist. 3

Christopher M. Rivera, Dist. 3

Ronald S. Trujillo, Dist. 4

Bill Dimas, Dist. 4

February 20, 2015

Karl Sommer, Esq.  
Sommer Karnes & Associates LLP  
200 W. Marcy Street, Suite 133  
Santa Fe, NM 87501

Re: Letter of February 20, 2015—San Isidro Apartments

Dear Mr. Sommer:

I have received the letter you have sent to me requesting confirmation of certain matters, a copy which is attached hereto. The numbered points in your letter are accurate recitations of the status of the entitlements and the applicable requirements for the project.

Sincerely,

Lisa Martinez  
Land Use Department

# SOMMER KARNES & ASSOCIATES LLP

Mailing Address  
Post Office Box 2476  
Santa Fe, New Mexico 87504-2476

Street Address  
200 West Marcy Street, Suite 133  
Santa Fe, New Mexico 87501

Telephone: (505) 989.3800  
Facsimile: (505) 982.1745

Karl H. Sommer, Attorney at Law  
khs@sommer-assoc.com  
Joseph M. Karnes, Attorney at Law  
jmk@sommer-assoc.com

Mychal L. Daigado, Certified Paralegal  
mld@sommer-assoc.com

James R. Hawley, Attorney at Law  
Of Counsel  
Licensed in New Mexico and California  
jrh@sommer-assoc.com

February 20, 2015

Lisa Martinez  
Director  
Land Use Department  
City of Santa Fe  
200 Lincoln Ave  
Santa Fe, NM 87501

Dear Ms. Martinez:

This firm is assisting a "due diligence" review of the status of land use entitlements of the San Isidro Apartments (the "Project") from the City of Santa Fe for the developed and undeveloped portions of the Project, with exception of the affordable housing requirements for the Project. We have addressed as separate letter to Ms. Alexandra Ladd regarding compliance with the City's affordable housing ordinance.

We would appreciate your confirming by return letter the following:

1. The city of Santa Fe approved Annexation, Rezoning and a Development Plan were for the Project and surrounding areas in 2006 (Case # M 2006-40, Development Plan recorded as Instrument # 1539518).
2. The approved Project consists of 429 dwelling units in two Phases. In 2012, per an administrative approval issued by this Department, Phase 2 was further divided into Phase IIA (176 units) and Phase IIB (up to 126 units).
3. The amended Development Plan was recorded as Instrument # 1678603. Phases I and IIA have been developed at their permitted unit counts and are now occupied. Phase IIB is currently vacant remains to be developed (the "Remainder").
4. In the separate decisions approving the Annexation, Rezoning and Development Plan, the City adopted conditions on each approval. These conditions are accurately recited on Exhibit A to this letter.
5. Development of the Remainder will be required to comply with applicable conditions shown on Exhibit A and all building permit requirements of the Santa Fe City Code (1987).
6. If no changes are made to the approved, recorded Development Plan, no additional hearings or approvals are required from either the Planning

- Commission or the City Council to proceed with an application for a building permit.
7. The land use director may approve minor quantitative and qualitative modifications on an approved development plan, subject to:
    - a. written request by the applicant explaining the need for the modification;
    - b. written finding by the land use director that the modifications do not substantially change the function or appearance of the development, and will not result in any negative health or safety impacts on the community or negatively impact a neighboring property;
    - c. the minor modification may not allow increased density or allow uses not otherwise shown on the approved plan or plat; and
    - d. the minor modification complies with all standards and requirements of Chapter 14, except as otherwise allowed by this section. (§14-2.11.C)
    - e. Applications for substantive amendments or revisions to the Development Plan are subject to the same provisions as apply to a new application for the type of approval proposed for amendment, unless a specific alternative procedure is provided in this section or elsewhere in Chapter 14. (§14-3.19.C) Action by the planning commission to approve a Development Plan amendment must be taken at a public hearing with notice.
  8. To the extent that an application may be made to construct units within Tract "Y" in the northeast portion of Phase IIB, an application for a substantive Development Plan amendment would be required since this tract was not designated to accommodate units. Such an application would be subject to the review and approval of the Planning Commission. Particular attention will be paid to stormwater infrastructure and parking requirements.
  9. The City of Santa Fe has issued issuance of occupancy permits for the units in Phase I and Phase IIA and the the conditions of approval applicable to these Phases have been satisfied. The Department is not aware of any alleged or known non-compliance with respect to these Phases.
  10. The City recently accepted the parkland dedication, which satisfies the parkland dedication requirements for the entire Project.
  11. The Development Plan for Phase IIB (the "Development Plan") was approved administratively by the Department on August 17, 2012.
  12. The earliest date that approval of the Development Plan will is August 17, 2015, unless "substantive development progress" occurs in Phase IIB before that time. "Substantive development progress" means actual development of the site or related off-site infrastructure, filing for record

- of a development plan or subdivision plat for a phase of the approved development, or obtaining subsequent development approvals from a land use board, such as a final development plan approval subsequent to a preliminary development plan approval, as provided in Subsection 14-3.19(B)(6). (City Code §14-3.19.B.4)
13. The property owner may apply for up to two consecutive extensions to the Development Plan, each not to exceed one year, subject to the discretion of the Planning Commission. (§14-3.19.C)
  14. The Water Budget Administrative Office (WBAO) of the Technical Review Division of the Land Use Department reviews development applications to ensure that new City water system demand is offset. The water demand associated with development of the Remainder has not been secured. As a result, development of the Remainder will be required to offset its water demand via the water rights transfer program. It is possible that water rights can be purchased from the private parties who have "banked" water rights with the City of Santa Fe Water Bank.
  15. The procedure to develop Phase IIB that comply with the approved Development Plan approval does not involve further discretionary approvals. Applications for building permits must follow the procedures set forth in the City Code.
  16. Phase II of the Project currently has a financial guaranty in the form of a Letter of Credit with the City of Santa Fe in the amount of \$114,587.16 for infrastructure improvements for Phase IIA. That Letter of Credit is attached as Exhibit B. The letter attached hereto as Exhibit C addressed to the current owner confirms the completion of the required infrastructure.
  17. Phase IIB will be subject to the City of Santa Fe Impact-Fee Ordinance (SFCC 1987 14-8.14) at the time permitting.

Your confirmation would be most appreciated.

Sincerely,



Karl H. Sommer

# City of Santa Fe, New Mexico

# memo

DATE: October 23 for November 2, 2006 Planning Commission Meeting  
TO: Planning Commission  
VIA: Diane T. Quarles, Director of Planning and Land Use *DQ*  
FROM: Greg Smith, Current Planning Division Director *GS*

## **DEVELOPMENT PLAN # M-2006-40**

### **SAN ISIDRO APARTMENTS**

#### **REQUEST:**

Greg Gonzales, agent for C & Z L.L.C, requests development plan approval for 429 apartment units on 16.65 +/- acres. The property is located on the east side of Zafarano, north of Cerrillos Road and is zoned RM-2 (Multiple Family Residential, 29 units per acre).

#### **RECOMMENDATION:**

Staff recommends this application be postponed in order to allow the applicant time to address the following conditions that have not been satisfied as of the date of this staff report. The Planning Commission may, as an alternate, approve this application subject to the applicant meeting the following conditions prior to plan recordation.

#### **DEVELOPMENT PLAN CONDITIONS:**

1. Comply with staff redlines.
2. Exterior elevations, exterior building features, site and landscaping plans shall comply with the Architectural Design Review standards. 14-8.7
3. Provide detail of typical parking space subject to 14-8.6 (B)
4. Development plan drawing does not accurately reflect the requested number of dwelling units or parking spaces. Make corrections to the plan.
5. Increase the size of the sidewalk along Zafarano Drive to 6 feet subject to 14-9.2-1.
6. The Santa Fe Homes Program (SFHP) Agreement, in accordance with the attached Santa Fe Homes Program Proposal (Exhibit M), shall be recorded with the development plan.
7. A lot consolidation shall be recorded with the development plan.
8. Lot consolidation shall not result in building setback encroachments or on-site parking deficiencies.

*Case # 2015-73*  
*Ex. C. For. Plan*  
*Staff Report*



9. Provide a secondary west roadway connection (stub-out). If is to occur on the adjacent R-6.PUD residential development, the developer shall work with the developer of that project to provide that secondary future connection.
10. Comply with comments from the City Traffic Engineer. (Exhibit L)
11. Right of Way shall be dedicated for the eastern extension of San Ignacio at the time of plan recordation.
12. Label the land on the north side of park as "future park land."
13. Parking is deficient. Either reduce the number of units or increase the number of on-site parking spaces. Off-site parking spaces shall not be used for meeting the parking requirements.
14. If the relocation of the sewer easement requires significant changes to the development plan layout as submitted, the applicant shall re-submit the plan to the Planning Commission for amendment approval.
15. Identify square footage of the clubhouse.
16. Comply with comments from Landscape Review. (Exhibit H)
17. Comply with comments from Wastewater Division. (Exhibit G)
18. Comply with comments from Fire Department. (Exhibit I)
19. Comply with comments from Subdivision Engineer. (Exhibit J)
20. Comply with comments from Parks and Open Space Coordinator. (Exhibit F)
21. Comply with comments from the Water Utility Engineer. (Exhibit K)

## ANALYSIS:

### I. SUMMARY

The applicant is requesting development plan approval for 429 residential apartment units and clubhouse within an area of 16.6 acres of land. The land was annexed and zoned with the adjoining land to the north and south, as a part of the San Isidro development. Although Planned Unit Development "PUD" zoning was applied to areas north and south, the proposed apartment housing was left out of the PUD zoning. Because the project includes new construction in excess of 10,000 square feet in the RM-2 District, it is subject to the "early neighborhood notification" requirements and development plan approval by the Planning Commission.

A lot consolidation plat will be recorded at the time of development plan recordation to eliminate tract boundaries that would otherwise extend across buildings and parking spaces. The developer has indicated that a portion of the land (Tract O) will be leased to the developer. Each lot must independently meet all requirements including parking, setbacks, etc... Shared parking is not permitted within a residential district.

### II. COMMUNITY IMPACT EVALUATION

#### A. Physical Impact

Land affected by this development is already graded for future development, and street improvements started as a part of the San Isidro shopping center development. Future parking areas are generally located internal to the site with buildings and landscaped

parkways along the street edges. A park is proposed along the north edge of the apartments and will tie to additional park land that will occur with the future residential construction to the north. A recreation "club house" is identified central to the apartment uses.

New construction will rise to three stories, although most of the units are limited to two stories. The buildings reflect some Northern New Mexico territorial features with stucco exteriors, flat roofs, and territorial style copings. The tallest elevations of the buildings include metal pitched roofs.

#### **B. Economic Impact**

No economic impact study has been submitted. The Proposed development is not anticipated to create a significant impact to the city's revenues or expenditures.

#### **C. Social Impact**

No significant social impact is anticipated with this request. The Santa Fe Public Schools were notified of the application. The school district indicated by letter (Exhibit C) that no significant impact is expected to result from this proposal.

A Santa Fe Homes Proposal (Exhibit M) has been received by this office for a total of 65 units spread throughout the development.

#### **D. Neighborhood Impact**

An Early Neighborhood Meeting was held on May 2, 2006 at the Genoveva Chavez Center. A summary of that meeting is included in this staff report as Exhibit E. Staff has received no correspondence from the neighborhood at the time of this report deadline.

### **III. SITE PLANNING AND SITE DEVELOPMENT EVALUATION**

#### **A. Lot Coverage, Setbacks, and Building Height**

The proposed development complies with the RM-2 Districts standards and no variances are requested. The development plan identifies a building lot coverage of approximately 22 percent and common open space in excess of the minimum required (250 square feet per unit). Two and three story structures will be constructed. Some changes will be required to eliminate parking deficiencies.

#### **B. Traffic and Parking**

Most of the parking is located internal to the development and screened from the streets by proposed buildings. Some changes will be required to the drawing to increase the parking spaces and avoid any deficiencies. Although off-site parking spaces are proposed, they can not be counted towards the required on-site parking. No variances were requested to the parking standards.

A traffic impact analysis was submitted in 2005. The excerpt from the multifamily residential traffic analysis is included (Exhibit L). In addition, the Planning Commission previously (R-6 PUD) required as a condition of approval a second future road stub out to be provided within the residential portion of the San Ysidro development. The developer has not included that secondary access in the development plan, however, it may be provided on the R-6 PUD development. Staff suggests at a minimum, the developer be required to work with the developer of the adjacent R-6 PUD residential project to provide that required secondary access. The City Traffic Engineer comments are provided in Exhibit L.

**C. Grading and Drainage**

Grading for future development has already occurred. The site generally drains from north to south and from east to west. The City Engineer comments and conditions of approval are provided in Exhibit J.

**D. Landscaping / Open Space**

Common open space standards are met by more than 175,000 square feet of area. Landscaped areas and trees are shown in parking islands and along the street frontages.

**E. Infrastructure and Utilities**

Water and sewer service will be extended from existing lines located in San Ignacio Road and Todos Santos Street. An existing 15' interceptor line extends across the southern portion of the tract. The line must be relocated in order to avoid encroachment of buildings and parking areas. The applicant proposes to relocate the line to the Rights of Way of Todos Santos Street and San Ignacio Road. The site water budget was determined at the time of annexation and would be subject to the provisions of the Annexation Agreement (Exhibit K).

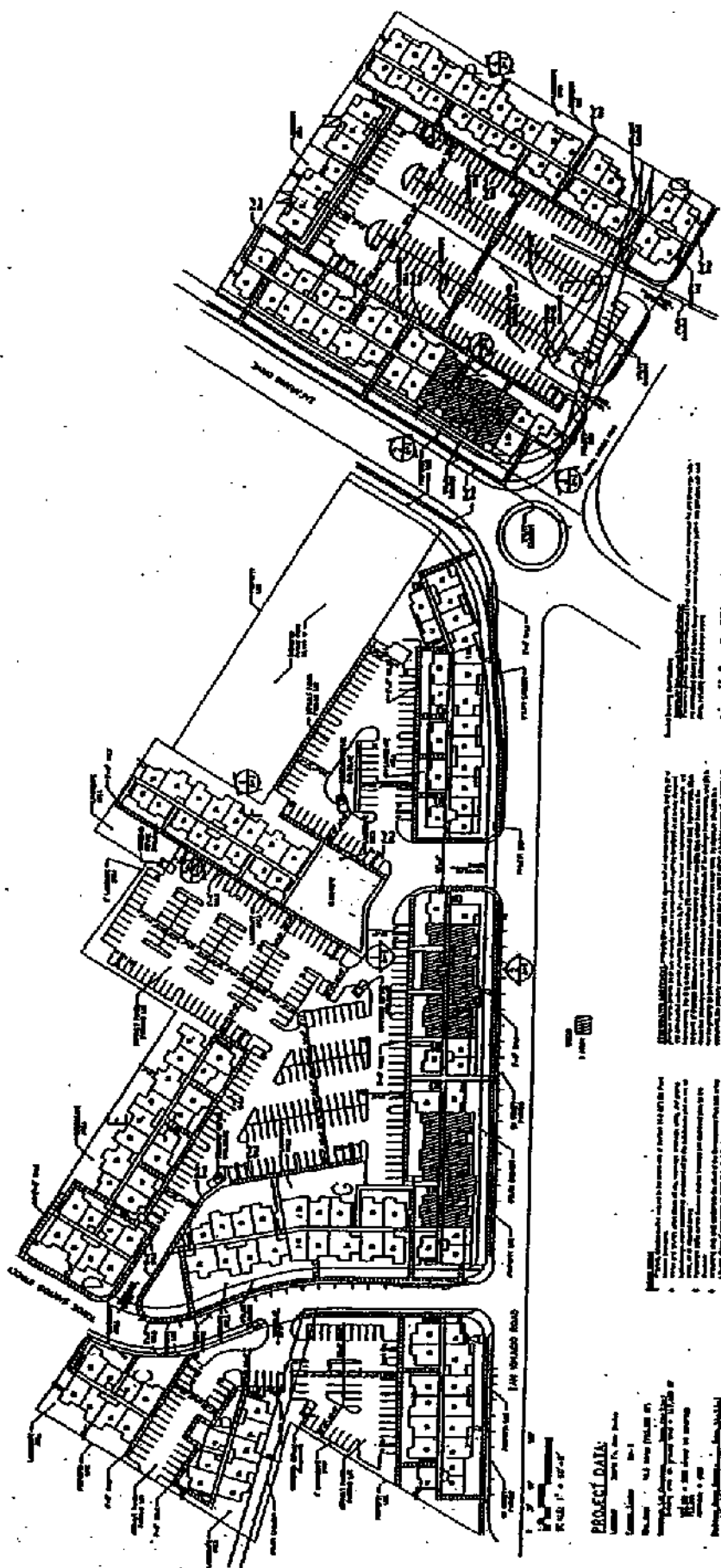
**Attachments:**

*Exhibit A	Development Plan with attachments
Exhibit B	Letter of Application (with staff notations)
Exhibit C	Letter from Santa Fe Public Schools
Exhibit D	Memo from Greg Gonzales to Ellery Biathrow – effluent easement relocation.
Exhibit E	Early Neighborhood Notification Memo
Exhibit F	Memo from Open Space Coordinator
Exhibit G	Memo from Wastewater Division
Exhibit H	Memo from Landscape Review
Exhibit I	Memo from Fire Department
Exhibit J	Memo from Subdivision Engineer
Exhibit K	Memo from Sangre de Cristo Water Utility Engineer
Exhibit L	Memo from City Traffic Engineer
Exhibit M	Santa Fe Homes Program Affordable Housing Proposal

\*. Distributed in Commission packets only. Available for review at Permit & Development Review.

A-1

**Dekker/Perich/Sabatini**  
 architects • interior • planning • engineering  
 1000 West 10th Street  
 Santa Fe, New Mexico 87505  
 Tel. (505) 833-1111



1. The proposed development is located on a 10-acre site in Santa Fe, New Mexico. The site is bounded by 1000 West 10th Street to the south and 1000 West 11th Street to the north. The site is currently undeveloped and is zoned for residential use.

2. The proposed development consists of a multi-story residential building with a total of 100 units. The building is designed to be a mix of one, two, and three-bedroom units. The building is located on the south side of the site, adjacent to 1000 West 10th Street.

3. The proposed development includes a parking area for 50 cars. The parking area is located on the north side of the site, adjacent to 1000 West 11th Street. The parking area is designed to be a mix of surface and structured parking.



Project Name	1000 West 10th Street
Project Address	1000 West 10th Street
Project City	Santa Fe, New Mexico
Project State	New Mexico
Project Zip	87505
Project Phone	(505) 833-1111
Project Fax	(505) 833-1111
Project Email	info@dekper.com
Project Website	www.dekper.com

PROJECT DATA

Location: Santa Fe, New Mexico  
 Project Name: 1000 West 10th Street  
 Project Address: 1000 West 10th Street  
 Project City: Santa Fe, New Mexico  
 Project State: New Mexico  
 Project Zip: 87505  
 Project Phone: (505) 833-1111  
 Project Fax: (505) 833-1111  
 Project Email: info@dekper.com  
 Project Website: www.dekper.com

**SITE DEVELOPMENT PLAN**  
 SANTA FE, NEW MEXICO

# SANTA FE HOMES PROGRAM

## RENTAL SCHEDULE

Effective August 25, 2005\*

Refer to Section 26-1.24 (B) and the SFHP Administrative Procedures  
For specific requirements contact The Office of Affordable Housing

Income Range	Affordable Gross Rent Efficiency/Studio or 1 Bedroom	Affordable Gross Rent 2 Bedrooms	Affordable Gross Rent 3 Bedrooms	Affordable Gross Rent 4 Bedrooms
Income Range 1	\$346	\$396	\$445	\$495
Income Range 2	\$577	\$660	\$742	\$825
Income Range 3	\$750	\$858	\$965	\$1,073

\*Lease rates are revised according to the most recent area median income published by HUD.  
Household income based upon HUD area median incomes as of 2/24/2005.

	1 Bedrooms, 1 Bath 1-2 person household (650 sq ft minimum)	2 Bedrooms, 1 Baths 3 person household (850 sq ft minimum)	3 Bedroom, 2 Bath 4person household (1160 sq ft minimum)
Income Range 1 Maximum Rent Required No. of Units	\$346 7 units	\$396 13 Units	\$445 2 units
Income Range 2 Maximum Rent Required No. of Units	\$577 6 units	\$660 14 Units	\$742 2 Units
Income Range 3 Maximum Rent Required No. of Units	\$750 7 Units	\$858 13 Units	\$965 1 Units

Prices reflect 2/24/2005 median incomes.

**Santa Fe Homes Program****Program Requirement Worksheet**

September 2005

**Determining Required Number of SFHP Units and Required Fractional Fee  
Rental Developments**

1. Total number of all units to be built in development	429
2. Multiply number from line 1 by 15%	64.4
3. Enter whole number result of line 2 calculation. <b>This is the total number of SFHP units that must be provided in the development</b>	65
4. Determine how many units are required in each applicable Income Range. Divide number from line 3 by 3. Enter the whole number result in each of the following Income Ranges:	
4a. Income Range 1:	21.66
4b. Income Range 2:	21.66
4c. Income Range 3:	21.66
5. If the total of lines 4a, 4b and 4c does not equal the total required from line 3, add one unit to the requirement for Income Range 2 (line 4b). If the new total still does not equal the total required from line 3, add one unit to the requirement for Income Range 1 (line 4a). The total of lines 5a, 5b, and 5c must equal this total from line 3. <b>This is the total number of SFHP units that must be provided in each Income Range.</b>	
5a. Income Range 1:	22
5b. Income Range 2:	22
5c. Income Range 3:	21
6. Determine fractional fee. Enter the remaining fraction resulting from the calculation in line 2:	0
7. Multiply the fraction from line 6 by \$54,500*. <b>This is the total fractional fee that is owed:</b>	0

\*The base fractional fee is updated when the AMI is updated and is equal to one-half the price of a 3 bedroom home for Income Range 2.

TO: City of Santa Fe Planning Commission

FR: Leah Lopez, Sylvia Duran Nickerson, Al Duran, Sandra Mares-residents on Camino Polvoso

RE: Case #M 2006-40/Jeff Branch's Apartment Development Plan

Date: November 2, 2006

We respectfully request to provide our written and verbal input at the 11/2/2006 hearing since Jeff Branch has indicated to us that the City of Santa Fe has never shared our written concerns or questions regarding how the San Isidro Development would affect us with him. We are a family of four small landowners left behind by Jeff Branch and Centex Homes in the San Isidro Development with authority of public officials. If this high density apartment village is approved, and we have no reason to believe that the City won't give the developer his way, we will be completely surrounded on three sides by hazardous construction and obscenely crowded conditions. The development plans attached with the notice of this meeting are difficult to follow by the average layman. We can only assume that the streets were not labeled on the site plan map because both Jeff and the City know that people can't complain about what they don't fully understand.

What is clear is that the developer, whoever that may be, has been granted authorization to develop 29 housing units per acre in our immediate living area. Those of us left in the contentious "donut hole zone" on Camino Polvoso, are highly restricted to water usage that we worry about how many times we are allowed to flush the toilet to keep within tight water restrictions. How one goes from how we have been restricted to water and use of our land, to authorization for building 29 apartments per acre is beyond us.

For more than a year, we have been adversely affected by the hazardous construction underway by Centex homes immediately behind our homes. We are also impacted by the construction, noise and massive amounts of blowing dirt by Jeff's industrial construction and will now be completely surrounded by construction and development on three sides of what used to be a quiet residential area. Families left behind by the City and developers have literally been left in the dust with no viable options.

We have several questions for the City of Santa Fe that we are submitting in writing and would appreciate a written response in the same.

1. Why has the City allowed the developer to move forward with such a poorly thought out development plan? Despite our continued efforts to bring attention to concerns of area residents, developers move forward with support from the City.
2. Will the apartment neighborhood consist of public housing?
3. Will the structures be more than one story?
4. How long with this apartment village take to complete?
5. What assurances do we have that the developer will do a better job of controlling their noise and blowing dirt, better than Jeff Branch and Centex have done thus far?



6. Where is the water for this high density community coming from? And why are we under such tight restrictions?
7. Who is the developer?
8. Why are we receiving the City's notice of hearings from Jeff Branch's office? Is there a conflict of interest?
9. With the high number of apartment units planned, what will be done to manage and control the added impact of the construction, increased traffic & congestion, noise, parking, and prevent bottle necked traffic during peak times of the day?
10. Who will benefit from this high density development in an already overly congested city? It is conservatively estimated that each of the 429 apartment units will hold at least two people and two cars. The math is simple.
11. Can you provide those of us present with a development site plan with street names so that we know where our land is in reference to this massive apartment village?

For more than a year, we have been adversely impacted by the San Ysidro development project. Our concerns have been neglected. The construction has interfered with our personal health and well being. Centex's housing development immediately south of our land on Camino Polvoso is not planned to be completed for another three years, if that. This added development only adds insult to injury.

Once built, it is conservatively estimated that the developer will earn \$279,000 per year off of each acre. Calculating that by the total number of units planned, that is annual earnings of \$4,118,400. That is a gross injustice against the small landowners such as ourselves who were left behind. Jeff Branch and Centex homes united and recently offered those of us left on Camino Polvoso a meager \$199,000 per acre of land on Camino Polvoso knowing precisely much they have already profited and will continue to profit off the original landowners. This is robbery and no one is looking out for the remaining residents!

We are interested in knowing what the City of Santa Fe and the Regional Planning Authority have in mind to protect the interests of the small landowners left behind to struggle with the conditions created for us by Jeff Branch, and Centex Homes with the authority of the City and ETZ. It is an injustice to favor the interests of the developers and to step all over the local taxpaying citizenry. Together, the City and County must develop a plan to correct this injustice against the small landowner before anymore of this move forward.

In closing we are adamantly opposed to this high density apartment village and would appreciate receiving information about the process we need to follow to petition against this high density apartment village.

CC/ Regional Planning Authority  
Diane Quarles  
New Mexican  
Santa Fe Reporter

### **Contact Information**

**Property Owner of 2212 Camino Polvoso**

**Sandra Mares  
2054 Camino Lado  
Santa Fe, N.M. 87505  
505-412-0599**

**Property Owner of 2216 Camino Polvoso**

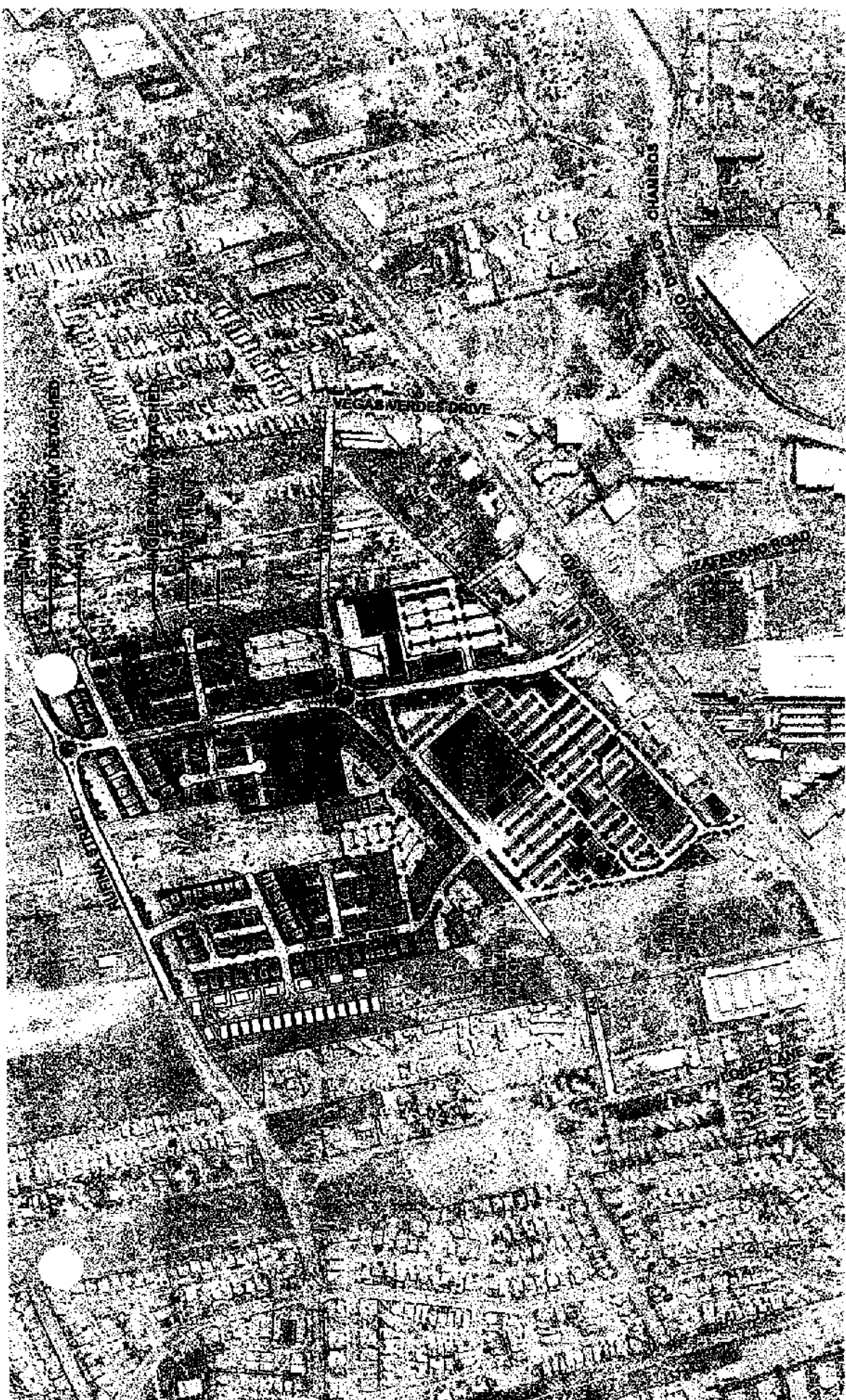
**Leah Lopez  
P.O. Box 24038  
Santa Fe, N. M. 87502  
505-470-4475**

**Property Owner of 2220 Camino Polvoso**

**Sylvia Duran Nickerson  
3003 Bowman  
Las Cruces, New Mexico 88005  
Phone 505-526-7362**

**Property Owner of 2224 Camino Polvoso**

**Alfonso Duran Jr.  
934 Alto St.  
Santa Fe, N.M. 87501  
505-204-2974**



ISIDRO VILLAGE SANTA FE, NM  
ICT CLIENT: C&Z, LLC.

SITE PLAN

Branch Design & Development  
215 West San Francisco St. Suite 204  
Santa Fe, NM 87501 (505) 962-2703  
OCTOBER 2005

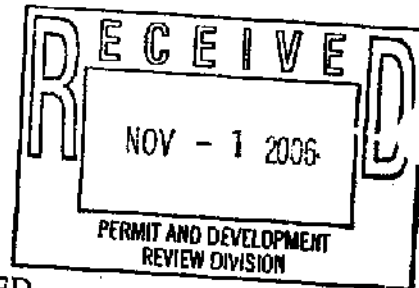


Exhibit B

# CENTEX HOMES

October 27, 2006

Planning Commission  
City of Santa Fe  
PO Box 909, 200 Lincoln Avenue  
Santa Fe, NM 87504



HAND DELIVERED

Re: Case # M 2006-40 – San Isidro Apartments Development Plan

Dear Commission Members,

We purchased and are developing the R-6 residential portion of San Isidro Village. At final execution of the Plat for our portion of the development an issue arose regarding additional access from San Isidro Village to property to the west. Our plat has a road, San Angelo, which connects the property to the west. We join C&Z LLC in the position that additional access is unwise, unwarranted, and is not called for by any public transportation plan. We respectfully request that the Commission clarify its intent regarding roads from San Isidro Village to properties west of the development. In the event the Commission determines that an additional road is required, our position is that the San Isidro Apartments Development Plan you are considering must provide for it.

Thank you for your consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert C. Prewitt".

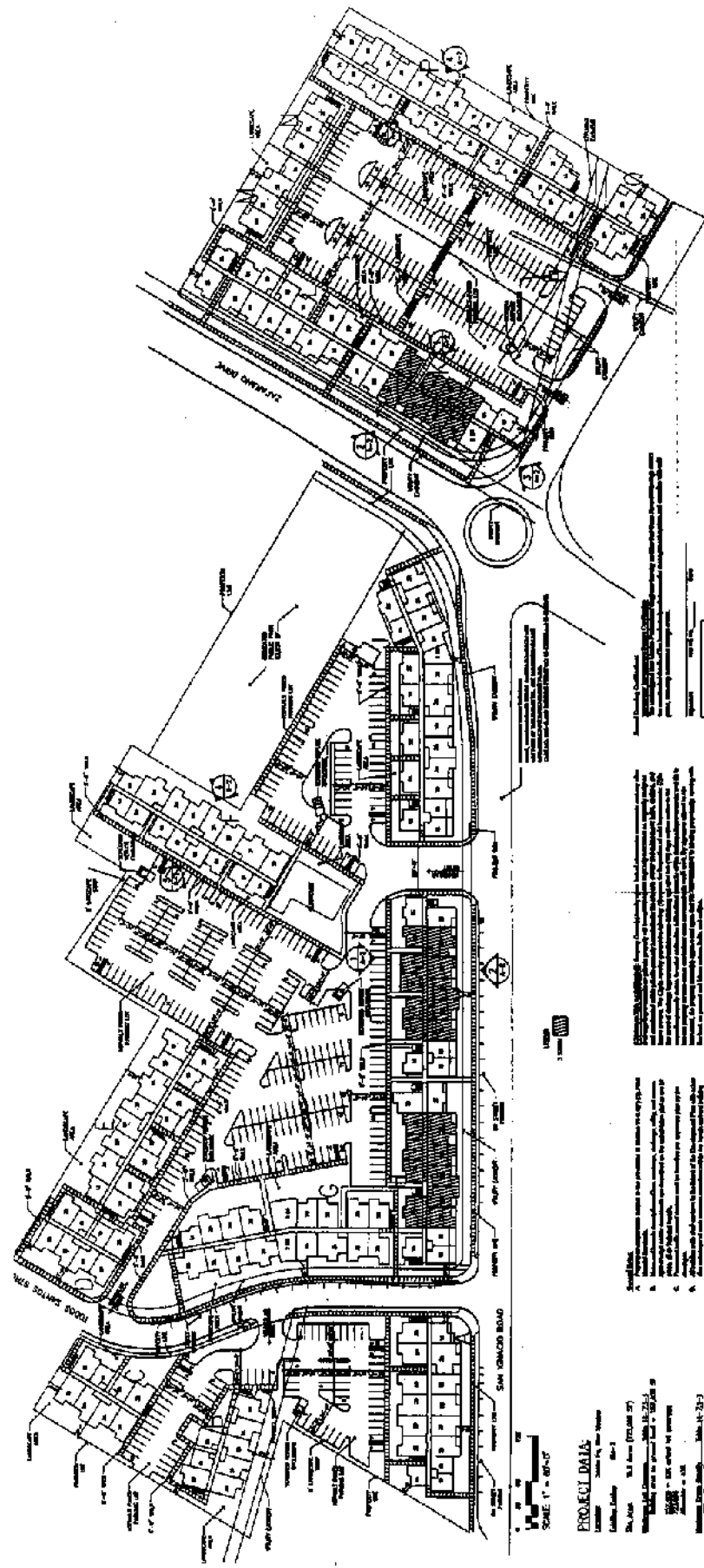
Robert C. Prewitt  
Vice President

Cc: Jeff Branch, C&Z L.L.C.

*Livable from day one.*

**WWW.CENTEXHOMES.COM**





SCALE: 1" = 40'-0"

**PROJECT DATA**

Location: Santa Fe, New Mexico  
 Client: Santa Fe  
 Site: 3.1 Acres (132,000 sq ft)  
 Building Area: 100,000 sq ft  
 Parking: 100 spaces  
 Zoning: R-10  
 Date: 10/15/88  
 Drawn by: [Name]  
 Checked by: [Name]  
 Approved by: [Name]

**SITE DEVELOPMENT PLAN**  
 SANTA FE, NEW MEXICO



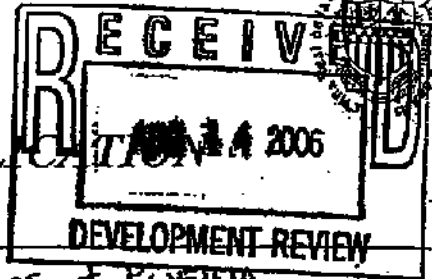
1. The site is located in the Santa Fe area, which is a rapidly growing community. The site is situated on a corner lot, which provides excellent visibility and access to the surrounding area.
2. The site is zoned R-10, which allows for a variety of residential uses. The proposed development is a multi-unit residential building, which is consistent with the zoning requirements.
3. The site is adjacent to San Dimas Road, which is a major thoroughfare. This provides easy access to the site and the surrounding area.
4. The site is surrounded by other residential developments, which provides a sense of community and context for the proposed development.
5. The site is well-served by public utilities, including water, sewer, and gas. This makes the site a desirable location for development.
6. The site is in a prime location for development, with excellent access to the surrounding area and public utilities.
7. The proposed development is a multi-unit residential building, which is consistent with the zoning requirements and the surrounding area.
8. The development will provide a variety of housing options, including single-family homes and multi-unit residential buildings.
9. The development will be designed to blend with the surrounding area and provide a high-quality living environment.
10. The development will be constructed in accordance with all applicable codes and regulations.

The proposed development is a multi-unit residential building, which is consistent with the zoning requirements and the surrounding area. The development will provide a variety of housing options, including single-family homes and multi-unit residential buildings. The development will be designed to blend with the surrounding area and provide a high-quality living environment. The development will be constructed in accordance with all applicable codes and regulations.

The proposed development is a multi-unit residential building, which is consistent with the zoning requirements and the surrounding area. The development will provide a variety of housing options, including single-family homes and multi-unit residential buildings. The development will be designed to blend with the surrounding area and provide a high-quality living environment. The development will be constructed in accordance with all applicable codes and regulations.



## DEVELOPMENT REVIEW APPLICATION



Project Name SAN ISIDRO APARTMENTS  
 Project Location ALONG ZAFARANO BETWEEN CERILLOS & RUFINA  
 Uniform Parcel Code No. \_\_\_\_\_  
 Plat No. \_\_\_\_\_

INN/Related Case No. \_\_\_\_\_

Subdivision Name SAN ISIDRO

Lot \_\_\_\_\_ Block \_\_\_\_\_ Acreage \_\_\_\_\_

Owner(s) Name C & Z LLC

Owner(s) Address P.O. Box 2328 SANTA FE NM 87506

Phone No. 992-3535 Cell No. \_\_\_\_\_

Fax No. 984-0024 E-mail Address \_\_\_\_\_

Agent(s) Name GREG GONZALES

Agent(s) Address P.O. Box 2328 SANTA FE NM 87506

Phone Number \_\_\_\_\_ Cell Number \_\_\_\_\_

Fax \_\_\_\_\_ E-mail Address \_\_\_\_\_

CommitteeSubmittal DateProposed Meeting Date

<input type="checkbox"/> Early Neighborhood Notification	_____	_____
<input type="checkbox"/> Board of Adjustment	_____	_____
<input type="checkbox"/> City Council	_____	_____
<input type="checkbox"/> Historic Design Review Board	_____	_____
<input checked="" type="checkbox"/> Planning Commission	<u>8-14-06</u>	<u>10-5-06</u>
<input type="checkbox"/> Summary Committee	_____	_____

Type of Submittal

☐ Amended Development Plan ☐ Final Subdivision ☐ Prel

No. of Lots \_\_\_\_\_

☐ Appeal ☐ General Plan Amendment ☐ Pre

☐ Annexation ☐ Lot Consolidation Adjustment ☐ Rez

☐ Dedication Plat ☐ Lot Line Adjustment ☐ Rez

☒ Development Plan ☐ Mobile Home ☐ Spe

☐ Interim Transfer ☐ Plat Amendment (Admin.) ☐ Tim

☒ Final Development Plan ☐ Plat Amendment (PC) ☐ Var

☐ Wa: Check 4540

No. City of Santa Fe  
 Cashiers Office  
 Santa Fe, NM 87504  
 (505)955-4333

Re: 08/14/2006 9:59:24 AM  
 Your cashier was Curtis  
 8002201106223 T40

Development Review  
 c&z llc  
 11001.431475

Total

Check 4540

\$20.00

\$20.00

\$20.00

EXHIBIT B

79-165 TAPE

**New Construction:**Single-Family Residence ☐Commercial ☐Multi-Family Residence ☒**Other Construction:**Demolition ☐Remodel ☐Addition ☐Residential ☐Signs ☐Wall/Fence ☐Antenna ☐**Pre-application Meeting:** Date: \_\_\_\_\_ Case Planner: \_\_\_\_\_**Preliminary Zoning Review:** Date: \_\_\_\_\_ Planner: \_\_\_\_\_**Height Calculation**

Does the project include multi-story new construction, a building addition, and/or a wall or fence which will increase the height?

YES ☒NO ☐

If yes, please provide a written request for an updated maximum allowable height calculation.

What is the proposed height of your project? 36'-0"Construction Cost \$ \_\_\_\_\_ FEE \$ \_\_\_\_\_ + \$2 Per Poster = \$ 20.00

**MULT SUBMIT**  
**REMARK**  
**FOR**  
**DO**

I hereby certify that the documents submitted for review consideration by PLANNING COMMISSION meeting of OCTOBER 5, 2006 have been prepared in accordance with the checklist and meet the minimum standards outlined in Chapter 14 SFCC 1987. Failure to meet these standards may result in rejection of my application. I also certify that I have met with representative of the city's Zoning staff and verified the attached proposal is in compliance with the city's zoning requirements.

Signature of Owner /Date \_\_\_\_\_

Signature of Agent /Date \_\_\_\_\_



Oct 20 06 09:19a

Gorman

(505) 988-2366

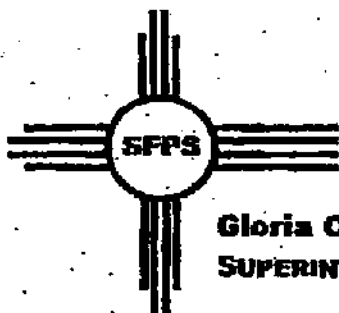
P-1

Oct-05-2004 11:53

From: SFPS CHIEF OPERATIONS OFFICE

5059542072

T-435 P.002/002 F-14T



## SANTA FE PUBLIC SCHOOLS

**Gloria O. Rendón, Ed.D.**  
**SUPERINTENDENT OF SCHOOLS**

**Bill Belzner**  
**DEPUTY SUPERINTENDENT**

Educational Service Center  
819 Alameda  
Santa Fe, NM 87505  
Telephone (505) 457-2023  
Facsimile (505) 457-2072  
bbelzner@sfps.k12.nm.us

October 5, 2004

Richard Gorman  
P.O. Box 8841  
Santa Fe NM 87504-8841

FAX: 505-988-2366

Re: Proposed San Ysidro Village project

Dear Mr. Gorman,

Thank you for returning the completed Santa Fe Public Schools Residential Development Impact Information Form.

In reviewing the information, we have determined that the proposed San Ysidro Village Project does not pose a significant impact to schools zoned for this area.

We appreciate your observance of County Ordinance 1995-2 and for responding to Santa Fe Public Schools' request for additional information so that we can accurately assess development impact.

Sincerely,

Bill Belzner  
Deputy Superintendent

EXHIBIT C

to Gonzales

From: Greg Gonzales [g.gonzales@branchdev.com]

Date: Thursday, October 12, 2006 10:22 AM

Elery Biathrow (eabiathrow@cl.santa-fe.nm.us)

MCLAUGHLIN, ANNE M.; Jeff Branch (zoned@ix.netcom.com); Karl H Sommer (khs@sommer-assoc.com); Whitey, Jennifer L.; ROMERO, BRYAN J.; Mark Ruhlman (m.ruhlman@branchdev.com)

Subject: FW: Easement Relocation For San Isidro

Attached is a copy of our proposed amendment to the San Isidro bulk plat which relocates the effluent easement. There are a few issues that I would like to add to this amendment:

We have to dedicate approximately 1.2 acres out of Tract "D" to the city for a park. This was not done on the original bulk plat so I would like to add this to this amendment.

We have all the required signatures to change the street names on Zafarano and San Ignacio. I would like to address this issue on the amendment as well.

Please review and offer your comments

Thank you,

Greg Gonzales

Original Message-----

From: Hayati, Shadi [mailto:Shadi.Hayati@wilsonco.com]

Date: Monday, October 09, 2006 9:51 AM

To: g.gonzales@branchdev.com

Subject: Whitey, Jennifer L.

Subject: Easement Relocation For San Isidro

Greg,

Attached is a .pdf of the drawing. Please let me know if you wanted to make any changes.

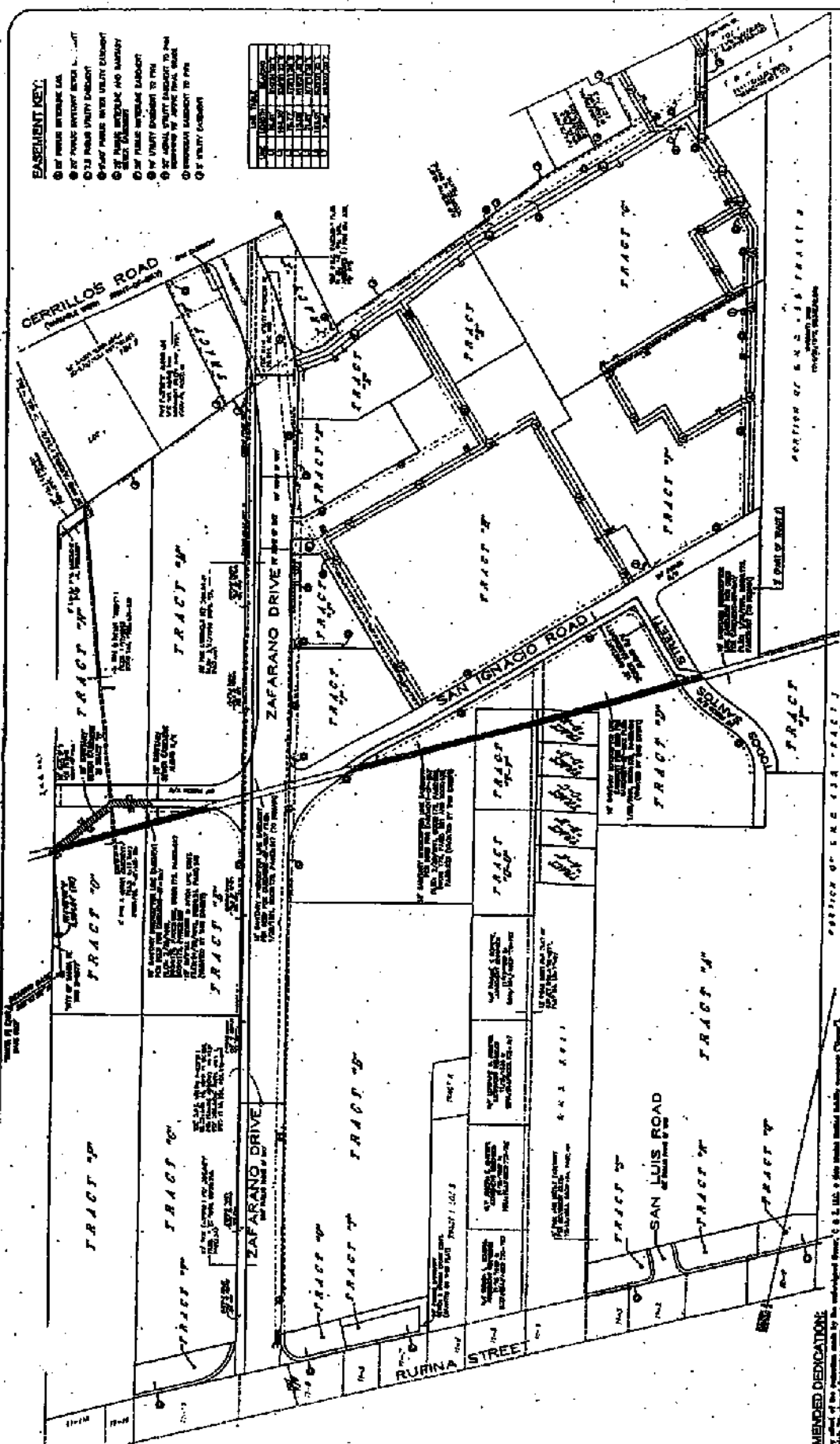
Shadi

Shadi Hayati

WON & Company  
Lang Ave. NE  
Albuquerque, NM 87109  
Tel: (505) 348-4185

**EASYLENT KEY:**

- [illegible]

[illegible]

## FIRST AMENDED DEDICATION:

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【参考文献】

**THE UNIVERSITY OF CHICAGO PRESS**

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### Study Focus

**INTEGRIS & COMPANY**  
**INCORPORATED**

PRELIMINARY STATE-  
RE-ALIGNMENT EXHIBIT  
SAN JERRO VALLEY

Stations 5 and 6, Township of Alberta,  
Range 9, Cont. N.W. 1/4, City of Santa Fe,  
Santa Fe County, New Mexico

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# Community Impact Statement

## E ENN Package

### INTRODUCTION

The San Isidro Village Apartments are proposed on a 16.6561 acre tract located on three different parcels all located north of the new east west connector, San Ignacio Road. See attached Vicinity Map. The Project is proposed as an apartment project as a continuation of the approved master plan for San Isidro Village. See attached Site Plan. The property is located within the city and is currently zoned RM-2 which allows for up to 29 du's/ac. There is an existing water budget on file with the city.

It is anticipated that Branch Design and Development will present the following development applications to the City of Santa Fe:

1. Final Development Plan;
2. Preliminary Subdivision Plat;
3. Final Subdivision Plat;
4. Variances, if necessary.

When the annexation agreement was signed with the city there were no affordable housing requirements spelled out in the document. It is the intent of the applicant to provide an appropriate number of affordable rental units during discussions with the city's new affordable housing office.

### 1. EFFECT ON CHARACTER AND APPEARANCE OF SURROUNDING NEIGHBORHOOD

The applicant intends to comply with all city requirements related to architectural design, lighting, signage and landscaping. All information demonstrating compliance with architectural design requirements will be provided as required by city ordinances.

The proposed project is consistent with the character of the developing neighborhood as contemplated by the General Plan.

The property is currently vacant. The area to the east is mostly vacant with the exception of scattered houses, out buildings; to the south there is the construction of the San Isidro Village which includes the extension of Zafarano Drive, the new Lowe's Home Improvement Center, Regal Theatres, and other smaller commercial pads. To the west is vacant and to north is the construction of the Centex housing development and some scattered homes.

## 2. EFFECT ON PROTECTION OF PHYSICAL ENVIRONMENT

A terrain management plan will be prepared as required by the applicable sections of the Land Development Code. Any and all increases in storm water run-off will be detained as required. Measures will be introduced to control soil erosion.

The existing vegetation consists of chamisa, rabbit bush, native grasses and other ground cover. All new landscaping will comply with the requirements of the applicable sections of the Land Development Code.

## 3. IMPACTS ON ANY PREHISTORIC, HISTORIC, ARCHAEOLOGICAL OR CULTURAL SITES OR STRUCTURES, INCLUDING ACEQUIAS

There are no structures or acequias on the site that we are aware of and the property is not in the Historic District. An archaeological survey has been conducted as required and no known issues are present.

The applicant is going to preserve the existing Casa Romero as part of this project. This double walled adobe home was built by Hazel and Ramon Romero and will be converted into a community building for the residents.

## 4. RELATIONSHIP TO EXISTING DENSITY AND LAND USE WITHIN THE SURROUNDING AREA AND WITH THE LAND USES AND DENSITIES PROPOSED BY THE CITY GENERAL PLAN

The density of the proposed apartment complex conforms to the existing General Plan, land uses, and densities of the surrounding area. The project is consistent with the General Plan for the area and has RM-2 zoning.

## 5. EFFECTS UPON PARKING, TRAFFIC PATTERNS, CONGESTION, PEDESTRIAN SAFETY, IMPACTS ON PEDESTRIAN FLOW, VEHICULAR TRAFFIC & ACCESS FOR THE DISABLED, CHILDREN, LOW-INCOME AND ELDERLY

As currently planned, the project will have direct access to San Ignacio Road and Todas Santos Street and will have access to Cerrillos Road and Rufina Street via Zafarano Drive. A detailed traffic impact study has been prepared and was presented to the City of Santa Fe with the development applications for San Isidro Village. The traffic study identifies existing levels of service on the affected road network and the impacts that will result from the project. Where necessary, mitigation measures were proposed to offset adverse impacts.

It is anticipated that the project will comply with the parking requirements as set forth in the Land Development Code. When applicable, all streets and pedestrian paths will be designed to comply with the standards of the American Disability Act.

---

**6. IMPACT UPON THE ECONOMIC BASE OF SANTA FE**

---

It is anticipated that the project will impact the Santa Fe economic base as follows:

1. Create new jobs and increase employment opportunities for the existing work force, and;
2. Generate new gross receipt tax revenues during the construction phases of the project.

---

**7. EFFECT UPON AVAILABILITY OF AFFORDABLE HOUSING AND AVAILABILITY OF HOUSING CHOICES FOR ALL SANTA FE RESIDENTS**

---

As previously discussed in this report, it is the intent of the applicant to provide an appropriate number of affordable rental units during discussions with the city's new affordable housing office.

---

**8. EFFECT UPON PUBLIC SERVICES SUCH AS FIRE, POLICE PROTECTION, SCHOOL SERVICES AND OTHER PUBLIC SERVICES OR INFRASTRUCTURE ELEMENTS**

---

- A. Fire: A new fire station is currently being constructed within Tierra Contenta community at the corner of Jaguar and Pueblo del Sol. The proximity of the project to an existing fire station will minimize emergency response time and travel distance. The site will be designed with adequate fire lanes and access ways to properly serve emergency response equipment. Fire hydrants and water lines will be installed as required by the fire department to respond to structure fires.
- B. Police Protection: The main city police station is located in the Valdez Industrial Park. The project adjoins a major arterial roadway within the primary street network. As such, the project is located within well established police patrol routes.
- C. School Services: The project is within the Santa Fe Public School district. The Santa Fe Public Schools will be contacted and informed of the project to assist in future planning and districting.
- D. Infrastructure: The project will connect to city water and sewer systems. The project will also be served by public power, natural gas and telephone systems. The

development will pay for the extension of all pertinent utility services and will contribute impact fees toward off-site impacts as required by city ordinance.

- E. Parks: The project will contribute approximately 1.5 acres to be combined with the area contributed by Centex homes to create a neighborhood park for the residents of San Isidro Village. Trails and sidewalks will link the park with the rest of the neighborhood.

---

#### 9. IMPACT UPON WATER SUPPLY, AVAILABILITY AND CONSERVATION METHODS

---

A request has been made for municipal water service for the project based on a specific water budget. This request was made and approved as part of the review and approvals for San Isidro Village. Water conserving plumbing fixtures will be used throughout the project. Landscaping for the project will consist of low and moderate water consuming vegetation.

---

#### 10. EFFECT ON OPPORTUNITIES FOR COMMUNITY INTEGRATION AND SOCIAL BALANCE

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The introduction of rental residential in the area will increase the diversity of housing opportunities and contribute to the social balance in the area.

---

#### 11. EFFECT UPON SANTA FE'S URBAN FORM

---

The project is within the Central Neighborhood Plan Area of the Southwest Santa Fe Community Area Master Plan which "generally respects the existing land uses", and "integrates the neighborhood pattern models" and "the area offers considerable potential for creating new neighborhood unit development". The proximity of the project to schools, medical services, and other residential neighborhoods minimizes the need for vehicular transportation.



For Staff:	
ENN 200	
Poster completed	
Mailing log verified	

## REQUEST FOR STAFF ATTENDANCE AT ENN MEETING

MEETING MUST BE COORDINATED WITH THE CITY TO ASSURE STAFF ATTENDANCE. SUBMITTALS OUTLINED IN SECTION 5 MUST ACCOMPANY THIS APPLICATION BEFORE THE CITY WILL SCHEDULE STAFF FOR ENN MEETINGS.

DEVELOPMENT/PROJECT NAME: San Isidro Village

PROJECT LOCATION/ADDRESS: SEE Guidelines & Vicinity map  
(attach vicinity map and site plan)

### APPLICATION TYPE:

☐ Plan Amendment From \_\_\_\_\_ To \_\_\_\_\_  
☐ Preliminary Development Plan  
☐ Development Plan  
☐ Amendment Plan  
☐ Revised Development Plan

☐ Annexation:  
☐ Preliminary Subdivision: Number of lots \_\_\_\_\_  
☐ Final Subdivision: Number of lots \_\_\_\_\_  
☐ Variance  
☐ Special Exception  
☐ Other

Project description: SEE GUIDELINES

### DEVELOPMENT/PROJECT INFORMATION:

Neighborhood Association/s w/in 200' of project (exclude R-O-W): N/A

Parcel Lot #: 116.10 Zone District: Rm2

Re-application meeting with the Development Review Team, DRT: 3/23/06

### OWNER INFORMATION:

Branch Design & Development Inc. Address: PO Box 2328 PHONE: 992-2703

Santa Fe State: nm Zip Code: 87504

C&Z, LLC Address: PO Box 2328 Santa Fe, nm 87504



San Isidro village  
Apartment Area Mail Out

Map #	Name	Address	City	State	Zip Code
1-050-096-058-153	C&Z, LLC	PO Box 2328	Santa Fe	NM	87504
1-050-096-101-180	C&Z, LLC	PO Box 2328	Santa Fe	NM	87504
1-050-096-128-207	C&Z, LLC	PO Box 2328	Santa Fe	NM	87504
1-050-096-120-228	C&Z, LLC	PO Box 2328	Santa Fe	NM	87504
1-049-096-154-211	William/ Sue Sauter	PO Box 501	Santa Fe	NM	87504
1-050-096-142-282	C&Z, LLC	PO Box 2328	Santa Fe	NM	87504
1-050-096-096-316	Centex Homes	5120 Masthead NE	Albuquerque	NM	87109
1-049-096-078-277	C&Z, LLC	PO Box 2328	Santa Fe	NM	87504
1-050-096-075-308	Alfredo Urban	801 Tulane NE	Albuquerque	NM	87100
1-050-096-066-272	Sandra/ Nicasio Mares	2054 Camino Lado	Santa Fe	NM	87501
1-050-096-084-282	Leah Lopez	PO Box 24038	Santa Fe	NM	87502
1-050-096-065-279	Sylvia Duran	3003 Bowman	Las Cruces	NM	88005
1-050-096-024-284	Centex Homes	5120 Masthead NE	Albuquerque	NM	87109
1-049-096-025-300	No Info at County				
1-050-096-033-036	Frank/ Al Packard	4300 Heritage Place NE	Albuquerque	NM	87109
1-050-096-035-131	Deifino Romero	2122 Rivers Edge Dr.	Rio Rancho	NM	87144

Branch Design and Development, Inc.  
PO Box 2328  
Santa Fe, NM 87504  
505-992-3555

April 24, 2006

William/ Sue Sauter  
PO Box 501  
Santa Fe, NM 87504

RE: EARLY NEIGHBORHOOD NOTIFICATION MEETING

Dear William/ Sue Sauter:

In accordance with the requirements of the City of Santa Fe's Early Neighborhood Notification ordinance, this is to inform you that a meeting is scheduled for May 8, 2006, at 6:00p.m. at the Genoveva Chavez Center, located at 3701 Rodeo Rd. classroom 1, to discuss our proposal for an apartment project as a continuation of the approved master plan for San Isidro Village located along Zafarano Dr. and San Ignacio Rd.

The Early Neighborhood Notification ordinance provides for an exchange of information between prospective applicants for development projects and the people who will be neighbors to the project.

Attached, please find a vicinity map and proposed site plan. If you have any questions or comments, please feel free to contact us.

Sincerely,

John P. Branch

Attachments: Vicinity Map  
Proposed Site Plan

Zafarano Drive

Subject

Zafarano Drive

Subject

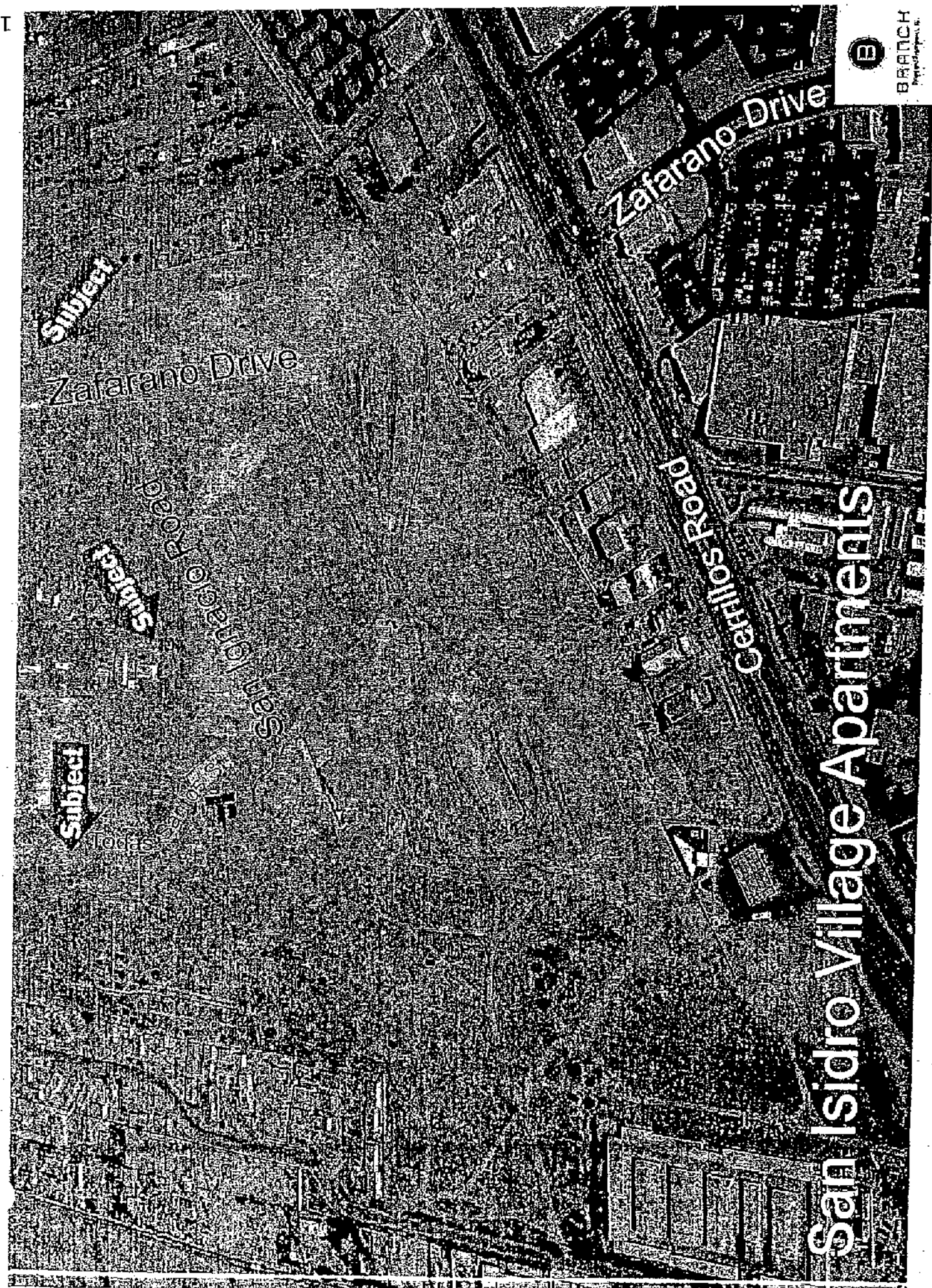
Subject

Todas

San Isidro Road

Carillos Road

San Isidro Village Apartments



NAME	ADDRESS	CITY	STATE	ZIP	PHONE #	EMAIL
Louis V. Montoya	2208 Camino Polanco	Santa Fe	NM	87007	471-6771	lmontoya77@comcast.net
MARK Ruchman	6 Victoria Place	Santa Fe	NM	87007	471-6771	
Laura Montes	PO Box 2328	SF	NM	87504	992-3555	
Greg Gonzalez	PO Box 2328	SF	NM	87504	992-3555	
Miles Sanchez	" "	SF	NM	87504	912-3555	
Greg Wody	215 West San Francisco #215	SF	NM	87504	992-2703	
Lafayette Wody	P.O.M.	Albany	NM	87128	241-2797	lmoyle@nm.com
Jeff Spillberg	2200 Antelope Lane	SF	NM	87507	471-4225	lmoyle@nm.com
David Dubuff	701 Agave Drive	SF	NM	87507	471-4225	lmoyle@nm.com
Lawrence Garcia	704 Penny Lane	SF	NM	87507	471-4225	lmoyle@nm.com
Alfredo Urbani	801 Tubane Ave	Albany	NM	87506	266-3551	Friend
Danava Mares	2054 Cam. Lando	SF	NM	87505	472-0544	lmoyle@nm.com
LEAH M. LOPEZ	22110 Camino Ponce de Leon	Santa Fe	NM	87502	476-9475	
JOSE VARELA LIPEZ	PO Box 15921, Santa Fe, NM 87502	Santa Fe	NM	87502	660-5828	JVULCHENIEK@AOL.COM
ALFONSO DUHAN	934 Auto Str mailing	SF	NM	87501	204-2974	alduhan7@comcast.net
Anne Garcia	4 Penny Lane	SF	NM	87505	473-3032	

03/03/06

**Branch Design & Development, Inc.**  
**PO Box 2328**  
**Santa Fe, NM 87504**  
**505-992-2703**  
**505-984-0024 (Fax)**

April 17, 2006

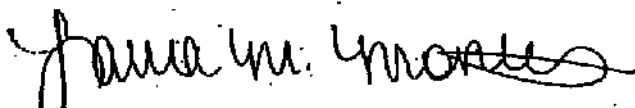
Mr. Dan Esquibel  
City of Santa Fe  
Development Review  
200 Lincoln Ave.  
Santa Fe, NM 87501

Dear Dan,

This letter is in response to an Early Neighborhood Notification Meeting being added on to one that we already have scheduled with you on May 2<sup>nd</sup>, 2006. Per Jeff Branch, Jim Salazar, and your conversation this application for San Isidro Village Multi-Family area will be added with San Isidro Village Phase II Early Neighborhood Notification Meeting on May 2<sup>nd</sup>, 2006 at 5:30 pm at the Genoveva Chavez Center.

If you have any questions, please feel free to contact me. I will be mailing out notices tomorrow.

Kind Regards,

  
Laura Montes

**CERTIFICATE OF ENN NOTICE  
MAILING, E-MAILING AND POSTING AFFIDAVIT**

Project Name: San Isidro Village Apartments

I hereby certify that the attached notice of Early Neighborhood Notification meeting was mailed to property owners, tenants and registered neighborhood associations within 200 feet of the proposed project site. Notices were mailed on 4 19, 2006.

I hereby certify that the attached notice of Early Neighborhood Notification meeting was sent via e-mail to registered neighborhood associations within 200 feet excluding R-O-W of the proposed project site. Notices were e-mailed on none on file, 2006.

I hereby certify that the subject property was posted with a sign provided by the City on 4-19, 2006. The sign was placed in a prominent position in public view.

Branch Design + Development Inc.  
Applicant Name Printed

Laura M. Montes  
Applicant Signature

STATE OF NEW MEXICO )  
COUNTY OF SANTA FE )

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of April, 2006, by Laura M. Montes



James S. Karl  
Notary Public

My Commission Expires:

2-12-06

**GURULE, GERALDINE A.**

---

**From:** MCLAUGHLIN, ANNE M.  
**Sent:** Tuesday, August 22, 2006 8:33 AM  
**To:** GURULE, GERALDINE A.  
**Cc:** g.gonzales@branchdev.com; MCLAUGHLIN, ANNE M.  
**Subject:** Case M 2006-40 San Isidro Apartments

**Trails & Open Space Comments:**

Include in Project Data required neighborhood park and regional & community park dedication requirements per 14-8.150(3)(a&b) and demonstrate that these requirements are met.

Anne McLaughlin  
955-2103



# MEMO

## Wastewater Management Division DEVELOPMENT REVIEW COMMENTS

### E-MAIL

Date: October 12, 2006

To: Greg Smith, Senior Planner  
Planning and Land Use

From: Stan Holland, PE  
Wastewater Management Division

Subject: DRT#2 Request for Submittals Case #M-2006-40 San Isidro Apartments Development  
Plan for November 2, 2006 Planning Commission Meeting

---

The following information is required in order to continue the review process.

1. There is an existing sewer effluent line easement that runs through this development. The relocation of this easement within the development has not been completed to date. The relocation of this sewer easement may require changes to the development plan layout as submitted. The location of the sewer easement should be established before final development plan approval.
  2. Place the following notes on the Development Plan: (1) Utility expansion charges shall be paid at time of building permit application for each lot.
  3. Please confirm who is building the sewer lines shown as "existing" on the plans
  4. Review of the final sewer design will depend on resolution of comment 1 above.
- Please contact me at 955-4637 if you have any questions.

cc: File

EXHIBIT G



# City of Santa Fe, New Mexico

# memo

Application Name/ Address: San Isidro Apartments

Case/Permit No.: M2006-40

Applicant Requested Action: Final Development Plan

Review Date: 8/24/08 (after meeting with the applicant's representative)

Reviewed Documents dated: (No date on plan - received 8/31/06)

Case Manager: Unassigned

Reviewed By: Katherine Mortimer, Supervising Planner, Long Range Planning 

## LANDSCAPE REVIEW

int selection is fine.

Streets trees were approved as part of the larger San Isidro development plan.

Revegetation plan is fine.

The common open space requirement for a multi-family development in the RM zoning district of 250 per unit or, for this project 107,250 sf. is provided. (No private open space is required as the project does not exceed 40% lot coverage.)

The common open space shall be planted with one tree (2" caliper min for deciduous or 6' tall for evergreen) and 2 shrubs (5-gallon min.) per every 500 sf and 25% of both the trees and shrubs must be evergreen. Please indicate how these requirements are being met and which of the planting material is intended to meet these requirements. The number of trees and shrubs is fine. The plant list includes Austrian pine but calls for 2" caliper. That should be 6-feet. Also, please include the botanical name. Please indicate which of the shrubs is intended to meet the requirement for 115 evergreen shrubs. (114,505 sf open space with 1 evergreen shrub per 1000 sf).

Please indicate that the three foot wall that is part of the parking lot screening is located on both sides of the parking lot along Todos Santos Street and also exactly where the wall will go along San Ignacio Street (it needs to occur on both sides of both driveways where the parking lot is visible from the street.

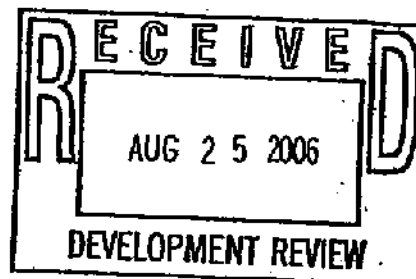
Parking lot Interior landscaping is fine.


EXHIBIT H

# City of Santa Fe, New Mexico

# memo

DATE: August 22, 2006  
TO: Greg Smith, Planner Supervisor



FROM:   
J.T. Bolleter, Assistant Chief  
SUBJECT: DRT Case: San Isidro Apartments  
Case # M-2006-40

I have conducted a preliminary review of the above mentioned case(s) for compliance with the 2003 International Fire Code® (IFC). Below are the conditions which shall be addressed prior to approval by the Planning Commission. (*All IFC Section shown in Italics*)

All buildings shall be provided with automatic fire sprinkler systems as per IFC § 903.2.7. Development Plans shall indicate the fire protection water mains for all buildings.

***903.2.7 Group R.***

*An automatic sprinkler system installed in accordance with Section 903.3 shall be provided through-out all buildings with a Group R fire area.*

All Fire Department Access Roads shall be a minimum of 26 ft. in order to accommodate aerial fire apparatus as per IFC § D105.

***D105.1 Where required.***

*Buildings or portions of buildings or facilities exceeding 30 feet (9144 mm) in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.*

***D105.2 Width.***

*Fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925 mm) in the immediate vicinity of any building or portion of building more than 30 feet (9144 mm) in height.*

***D105.3 Proximity to building.***

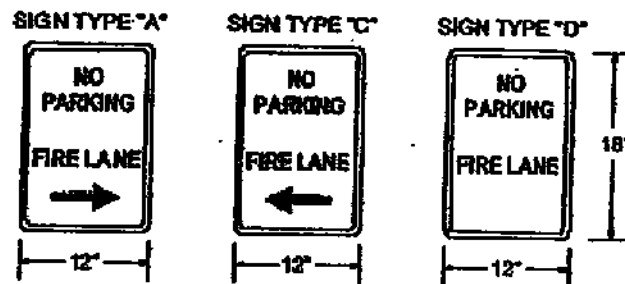
*At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building.*

All Fire Department Access Roads shall be marked with signs in accordance with IFC § D103.6. Development plans shall include a signage plan with fire access roads marked with appropriate signs spaced not more than 40 ft. apart.

**D103.6 Signs.**

Where required by the fire code official, fire apparatus access roads shall be marked with permanent **NO PARKING—FIRE LANE** signs complying with Figure D103.6. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2.

**FIGURE D103.6  
FIRE LANE SIGNS.**



**D103.6.1 Roads 20 to 26 feet in width.**

Fire apparatus access roads 20 to 26 feet wide (6096 to 7925 mm) shall be posted on both sides as a fire lane.

**D103.6.2 Roads more than 26 feet in width.**

Fire apparatus access roads more than 26 feet wide (7925 mm) to 32 feet wide (9754 mm) shall be posted on one side of the road as a fire lane.

Development Plan General notes and plat shall contain the following notes:

- Fire Department Access shall be maintained throughout all development construction phases as per IFC § 1410.1.
- An approved water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible material arrives on the site as per IFC § 1412.1

**REVIEW MEMORANDUM**Application Name: **San Isidro Village Apartments**Address: **Not given**Property Legal Description: **Not given**Current Zoning: **RM2-PUD**Developed Zoning: **RM2-PUD**Zone Atlas Page No.: **1 15**Street Atlas Page No.: **8**FIRM Panel No.: **350070 0011 B**Flood Zone: **C**Case/Permit No.: **M06-40**Applicant Requested Action: **Approval of Final Development Plan.**Submittal Date: **0x-xx-xx**Review Date: **10-23-06**Reviewed Documents of **10-23-06**: 1.**53 sheet plat set of August, 2006, bearing Surveyor's Stamp No.****17321, dated none, and Engineer's Stamp No. none and undated.**2. **Drainage Report for San Isidro Village, August, 2004.**Site Review: **2006**Reviewed By: **Ellery Blathrow**

.....

Recommended Action: Forward plans to the Planning Commission for approval subject to the following comments.

Comments/attachments provided to:

P&amp;DR Case Manager; Greg Smith

File No.: **M06-40**File No.: **S N/A**Attachment(s): **None****Plan Set Sheets Reviewed Title:**

- |  |  |
|--|--|
| 1. Cover, Title Sheet                          | 28. SD P & P, Sheet 1 of 2.                  |
| 2. Final Development Plan                      | 29. SD P & P, Sheet 2 of 2.                  |
| 3. Exterior Elevations                         | 30. Retaining Wall Profiles, Sheet 1 of 2.   |
| 4. Landscape Plan                              | 31. Retaining Wall Profiles, Sheet 2 of 2.   |
| 5. Certified Topography                        | 32. CoSF SAS Constr. Details, Sheet 1 of 4.  |
| 6. Bulk Land Subdivision Plat                  | 33. CoSF SAS Constr. Details, Sheet 2 of 4.  |
| 7. Slope Analysis Map, Sheet 1 of 2.           | 34. CoSF SAS Constr. Details, Sheet 3 of 4.  |
| 8. Slope Analysis Map, Sheet 2 of 2.           | 35. CoSF SAS Constr. Details, Sheet 4 of 4.  |
| 9. Slope Analysis Calculations, Sheet 1 of 2.  | 36. CoSF Drainage Details                    |
| 10. Slope Analysis Calculations, Sheet 2 of 2. | 37. NMDOT Drainage Details, Sheet 1 of 7.    |
| 11. Typical Notes, Sections, & Details         | 38. NMDOT Drainage Details, Sheet 2 of 7.    |
| 12. Grading and Drainage, Sheet 1 of 2.        | 39. NMDOT Drainage Details, Sheet 3 of 7.    |
| 13. Grading and Drainage, Sheet 2 of 2.        | 40. NMDOT Drainage Details, Sheet 4 of 7.    |
| 14. Master Utility Plans, Sheet 1 of 2.        | 41. NMDOT Drainage Details, Sheet 5 of 7.    |
| 15. Master Utility Plans, Sheet 2 of 2.        | 42. NMDOT Drainage Details, Sheet 6 of 7.    |
| 16. Master Sewer Plans, Sheet 1 of 2.          | 43. NMDOT Drainage Details, Sheet 7 of 7.    |
| 17. Master Sewer Plans, Sheet 2 of 2.          | 44. NMDOT Curb Access Details, Sheet 1 of 2. |
| 18. Roadway P & P, Sheet 1 of 5.               | 45. NMDOT Curb Access Details, Sheet 2 of 2. |
| 19. Roadway P & P, Sheet 2 of 5.               | 46. SWPPP.                                   |
| 20. Roadway P & P, Sheet 3 of 5.               | 47. Temporary Erosion Control Plan.          |
| 21. Roadway P & P, Sheet 4 of 5.               | 48. Permanent Erosion Control Plan.          |
| 22. Roadway P & P, Sheet 5 of 5.               | 49. SW Control Details, Sheet 1 of 5.        |
| 23. SAS P & P, Sheet 1 of 5.                   | 50. SW Control Details, Sheet 2 of 5.        |
| 24. SAS P & P, Sheet 2 of 5.                   | 51. SW Control Details, Sheet 3 of 5.        |
| 25. SAS P & P, Sheet 3 of 5.                   | 52. SW Control Details, Sheet 4 of 5.        |
| 26. SAS P & P, Sheet 4 of 5.                   | 53. SW Control Details, Sheet 5 of 5.        |
| 27. SAS P & P, Sheet 5 of 5.                   |  |

**10-23-06**

Findings:

**General:**

EXHIBIT

**J**

1. Property is accessed via an access easement off of Cerrillos Road.
2. There are general formatting and plan content requirements needed per Exhibit 1 [ver. 07-15-06], a copy of which is available at the COSF Permit and Development Review Division. These requirements apply to each page.
3. Provide the following plans / documents:
  - a. Legal Lot of Record plat.
  - b. Public ROW Improvement plans.
  - c. Potable / Fire Water Improvement plans.
  - d. Electronic file of Development Plan in "dxd" format, registered to 0, 0 NM State Plane Coordinates, Central Zone.
4. Reserved.

**Drainage Report Comments:**

1. The conclusions presented on page 2 of the Drainage Report read "10 year-6 hour" when the correct value is "100 - 6 year".
2. Coordinate between the drainage report content and infrastructure improvement plan set details.

**Specific Sheet Comments:****Sheet No. 1:**

1. Exhibit 1 issues.
2. Show a development street address of 9991 San Ignacio Rd.

**Sheet No. 2:**

1. Exhibit 1 issues, especially for formatting, content, and notes to be included.
2. Provide table of street, building, and apartment addresses.
3. Show entire limits of property under consideration, typical.
4. Label street names, Building designations, curb access ramp locations, and similar detail.
5. Identify driveways as presented in plan set.

**Sheet No. 3 - 4:**

1. Exhibit 1 issues.
2. If the Park is not a part of the development's improvements so state, e.g. "Not a Part". If the subject project requires a park to be developed then provide complete plans herein.
3. Roadway and grading plans for San Ignacio Rd. are included herein so landscaping plans for each public streetscape are to be part of this plan set.

**Sheet No. 5 - 6:**

1. Exhibit 1 issues.
2. Define datum with respect to City datum.
3. Include current legal lot of record plat in plan set, no comment on an unrecorded plat which has no apparent use in this plan set.

**Sheet No. 7 - 10:**

1. Exhibit 1 issues.

**Sheet No. 11:**

1. Exhibit 1 Issues, use current edition.
2. Continue aggregate base course material beneath gutter, curb, and to a point 1 behind back of curb for use within public ROW.
3. Show 2% cross slope for each sidewalk, sloping towards roadway.
4. Provide roadway structural sections that include all improvement details (utilities, wet and dry), applicable vertical and horizontal dimensions, and both within and outside the ROW limits (in the case of any public utility easements contiguous to any ROW).

**Sheet No.'s 12 - 13:**

1. Exhibit 1 issues.
2. Provide copy of geotechnical report.
3. Record drawing note shall be revised to reflect certification by executing engineer, not by info from others.
4. Show property limits in all areas.
5. Define all graphics and symbols.
6. Show details of overflow /bypass features of sub-surface water harvesting devices.
7. Ensure capacity of water harvesting devices are equal to that required by Drainage Report; provide documentation to this effect.
8. Adjacent building finish floors vary by as much 33 feet and are inconsistent with exterior grades; need to revise.

9. Provide plan or report of overall stormwater management plan showing how added impervious surface drainage is being managed.
10. Reference where retaining wall plan, profile, and design are to be found within the plan set.
11. Provide specifications for all proprietary equipment being called for.
12. Define all graphics.
13. Show drainage sub-basins within the development and relate each basin to provided management improvements, justifying the size and location, i.e. provide calculations.
14. Identify retaining wall structure numbers.
15. Identify (dimension or equal) where stationing starts/ends.

**Sheet No.'s 14 - 15:**

1. Exhibit 1 issues.
2. Include storm drain system.
3. Identify each location where special utility line protective measures and/or minimum clearance distance is needed for each line type.

**Sheet No.'s 16 - 17:**

1. Exhibit 1 issues.
2. See applicable comments for Sheet No.'s 13 & 14.
3. Show service (laterals) for each structure.
4. Define materials to be used, typical.

**Sheet No.'s 18 - 22:**

1. Exhibit 1 issues.
2. Identify plan view with building designations or equal.

**Sheet No.'s 23 - 27:**

1. Exhibit 1 issues.

**Sheet No.'s 28 - 29:**

1. Exhibit 1 issues.
2. Define manhole design basis (reference where construction details may be found in plan set).

**Sheet No.'s 30 - 31:**

1. Exhibit 1 issues.
2. Label top of wall and bottom of foundation elevations at each change in vertical elevation.

**Sheet No.'s 32 - 43:**

1. No comment.

**Sheet No.'s 44 - 45:**

1. Provide legible copy

**Sheet No.'s 46 - 53:**

1. Existing Conditions Drainage Map is illegible.
2. Tie perimeter silt fence to construction entrances for a minimum distance of 10' (parallel and adjacent to).
3. Define protection for storm runoff inlets through detail(s) and where such protection is to be placed on plan view.
4. Any earthen dams, ridges, or similar soil disturbance shall be protected from eroding off-site by silt fencing.

**Conclusions:****General:**

1. The presented project is considered to generally comply with the requirements of the Land Development Code and standard construction engineering practice when comments herein are incorporated into the plan set; the plan set being of sufficient completeness for approval by the designated approving body.

**Requested Action:**

1. Forward plans to the Planning Commission for approval subject to the following comments.

- End of Review Comments -  
- End of Document -

# City of Santa Fe, New Mexico

## memo

**DATE:** September 1, 2006

**TO:** Geraldine Gurule, Planning & Land Use  
Ellery Biathrow, Planning & Land Use  
Greg Smith, Planning & Land Use  
Katherine Mortimer, Planning & Land Use

**CC:** Antonio Trujillo, Water Division Engineer

**FROM:** Brian K. Snyder, Water Division Engineer *BKS*

**RE:** DRT Case # M 2006-40  
San Isidro Apartments Final Development Plan

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The following are the Water Division's comments regarding DRT Case # M 2006-40 (San Isidro Apartments Final Development Plan):

- (1) Provide Water Site Budget
- (2) Provide Master Water Plan with the following:
  - a. SDCW title block and sign-off section.
  - b. SCDW Construction Notes.
  - c. Minimum scale of 1" = 40'.
  - d. Water Service Table.
  - e. Existing Water Utilities.
  - f. Proposed water main fitting Installation information.
  - g. Typical Road Section Detail.
  - h. Proposed Utility Easement Locations

Master Water Utility plans will be reviewed for conformance to SDCW Standards upon submittal.

EXHIBIT K

# City of Santa Fe, New Mexico

## memo

**DATE:** October 23, 2006

**TO:** Geraldine Gurule, Planning & Land Use  
Ellery Blathrow, Planning & Land Use  
Greg Smith, Planning & Land Use  
Katherine Mortimer, Planning & Land Use

**FROM:** Antonio Trujillo, <sup>M</sup>Water Division Engineer

**RE:** DRT Case # M 2006-40  
San Isidro Apartments Final Development Plan

---

The information required for this project has been submitted to the Water Division. This case can be placed on the Planning Commission Agenda.

cc: Robert Jorgensen, Engineer Supervisor, Water Division



# City of Santa Fe, New Mexico

# memo

**DATE:** October 19, 2006

**TO:** Greg Smith, Planning and Land Use Department

**FROM:** John Romero, Public Works Dpt/Engineering Div/Traffic Impacts Section *R*

**SUBJECT:** Case #M-2006-40, San Isidro Apartments Final Development Plan

## ISSUE

Request for final development plan approval for 429 apartment units on +/- 16.65 acres. The property is located on the east side of Zafarano north of Cerrillos Road and is zoned RM-2-PUD (Multi-Family Residential, 29 dwelling units per acre).

## RECOMMENDED ACTION:

Review comments are based on submittals received on August 16, 2006. The comments below should be considered as Conditions of Approval to be addressed in a satisfactory manner prior to final signoff unless otherwise indicated.

1. The proposed development is consistent with the San Isidro Village Master Plan and the approved Traffic Impact Analysis dated October 2005.
2. Address the following comments as they pertain to sheet 6-1 of the plan-set.
  - Call out for 6" of bedcourse beneath curb & gutter and valley gutter.
  - Call out 6" of Untreated Base Course on pavement section for San Ignacio Road.
  - Call out Subgrade Prep on pavement section for San Ignacio Road.

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

M:\Traffic Impacts\01-TIAS\2005\San Isidro Village\San Isidro Village 10-19-06.doc

EXHIBIT *L*

2) Land Use B

This intermediate site is multi unit housing with apartments. The housing was estimated using ITB LU 220 Apartments. Table 5 shows the Land Use B estimated trips for apartment housing.

**TABLE 5 – ESTIMATED TRIPS – LAND USE B**

LAND USE	SIZE	WEEKDAY DAILY	AM PEAK HOUR OF ADJACENT STREET			PM PEAK HOUR OF ADJACENT STREET		
		TOTAL	TOTAL	ENTER	EXIT	TOTAL	ENTER	EXIT
B – Apartments (ITB 220)	493 UNITS	3313	251	50	201	305	198	107

3) Land Use C

The residential housing was broken into two groups; ITB LU 210 for the single family detached housing, and ITB LU 230, Residential Condominium/Townhouse for all multi-family duplex and triplex housing. This is a high density housing area and the conventional residential area single family housing data may be too high, but was retained as a conservative estimate. Table 6 shows the Land Use C estimated trips for residential housing.

**TABLE 6 – ESTIMATED TRIPS – LAND USE C**

LAND USE	SIZE	WEEKDAY DAILY	AM PEAK HOUR OF ADJACENT STREET			PM PEAK HOUR OF ADJACENT STREET		
		TOTAL	TOTAL	ENTER	EXIT	TOTAL	ENTER	EXIT
C1- Single Family Homes (LU210)	60 HOMES	574	45	11	34	60	38	22
C2 – Multi Family Homes (LU 230)	133 HOMES	779	58	10	48	69	46	23
C – Residential Total	193	1353	103	21	82	129	84	45

C&Z, LLC  
PO Box 2328  
Santa Fe, NM 87504  
505-992-3555  
505-984-0024 (Fax)

October 20, 2006

Ms. Diane Quarles  
City of Santa Fe  
Development Review  
200 Lincoln Ave.  
Santa Fe, NM 87501

RE: San Isidro Village  
Apartment Area  
Santa Fe Homes Program

Dear Diane,

Attached is the Santa Fe Homes Program proposal for the above mentioned project. We are in agreement with the general terms of the proposal, and will sign upon the direction from the City of Santa Fe.

If you have any questions, please feel free to contact me.

Kind Regards,

*Jeffrey P. Branch*  
for

Jeffrey P. Branch  
Managing Member

**SANTA FE HOMES PROGRAM  
PROPOSAL FOR RENTAL UNITS  
"SAN ISIDRO APARTMENTS"**

This Santa Fe Homes Program Proposal ("SFHP Proposal") is made this 20<sup>th</sup> day of October, 2006 by C & Z LLC ("SFHP Developer").

**RECITALS**

A. SFHP Developer is the developer of 16.66 acres being situated within Section 5, T 16N, R09E, N.M.P.M. County of Santa Fe, New Mexico adjacent to Zafarano Drive and San Ignacio Road and on either side of Todos Santos Street. SFHP Developer proposes to develop the property as described in the document attached hereto as Exhibit 1 (*Preliminary Development Plan*) incorporated herein by reference, and hereinafter referred to as the "Property".

B. SFHP Developer desires to develop the Property in accordance with the requirements of the SFHP Ordinance and seeks from the City development incentives subject to the terms and conditions hereinafter set forth.

C. It is understood that all representations made herein are material to the City and that the City will rely upon these representations in permitting or approving development of the Property.

**PROPOSAL**

SFHP Developer proposes to comply with the SFHP requirements as follows:

A. DEVELOPMENT REQUEST.

1. SFHP Developer seeks approval for Development Plan.
2. The Property is to be developed as attached Rental Housing.

B. SFHP PLAN. SFHP Developer proposes to construct a total 429 attached rental

homes within several buildings on the site. This results in a SFHP unit requirement of 64.4 rental homes. SFHP Developer proposes to construct a total of 65 SFHP rental homes in lieu of a fractional payment as indicated on the attached SFHP Plan (Exhibit 3). The SFHP rental homes must be proportionately distributed throughout the project site to avoid the consolidation of SFHP rental homes in any one location. The SFHP rental homes will be delivered in proportion to the delivery of market rate rental homes. The SFHP rental homes shall be the same square footage size or larger than the non-SFHP rental homes.

C. SUCCESSORS IN TITLE. SFHP Developer proposes to develop the Property consistent with this SFHP Proposal. In the event that SFHP Developer sells, assigns, leases, conveys, mortgages, or encumbers the Property to any third party, the third party shall be required to execute a SFHP Rental Agreement consistent with this Proposal prior to obtaining any City approvals. SFHP Developer proposes to record applicable regulatory agreements or liens in the public records that will ensure long-term affordability of the SFHP rental homes.

D. REPORTING. SFHP Developer proposes to sign an affidavit declaring that the lease rates do not exceed the amount specified in the SFHP Agreement.

E. MONITORING. SFHP Developer proposes to provide such information and documentation as is set forth in Section 26-1.30 concerning certification of renters and to comply with all monitoring requirements in order to insure that the actual leases are in compliance with the SFHP Agreement.

F. DEVELOPMENT INCENTIVES. SFHP Developer requests a reduction in the amount of submittal fees for development review applications, waivers of the building permit fees, capital impact fees, and sewer extension fees proportional to the number of SFHP rental homes. SFHP Developer also requests an exemption from the retrofit and consumptive water rights requirements for the SFHP rental homes.

G. REVISIONS, MODIFICATIONS AND SUPPLEMENTATION OF THIS

PROPOSAL. In the event that the SFHP Developer or the City make material modifications, including modifications to the number of rental homes or the area covered by the Proposal, a revised SFHP Proposal shall be promptly submitted to the Office of Affordable Housing in order to provide a SFHP Proposal that is current and reflects the intended development.

H. ACCESS. SFHP Developer proposes to grant access to the City or its agent to inspect the records of SFHP Developer for the SFHP rental homes in order to determine compliance with the SFHP Ordinance and the SFHP Agreement.

IN WITNESS WHEREOF, this Proposal is made the day and year first written above.

SFHP DEVELOPER:

Mark T. Ruhlman

STATE OF NEW MEXICO )  
 )ss.  
COUNTY OF SANTA FE )

ACKNOWLEDGEMENT

The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of

October 2006 by Mark T. Ruhlman

[Signature]  
NOTARY PUBLIC

My Commission Expires:

1-23-07

REVIEWED BY:

  
\_\_\_\_\_  
OFFICE OF AFFORDABLE HOUSING

10/25/06  
DATE

Attach:      Exhibit 1 - Subdivision layout (proposed)  
                 Exhibit 2 - Pricing Schedule  
                 Exhibit 3 - SFHP calculation worksheet





Planning Commission  
September 8 , 2016

**EXHIBIT 5**

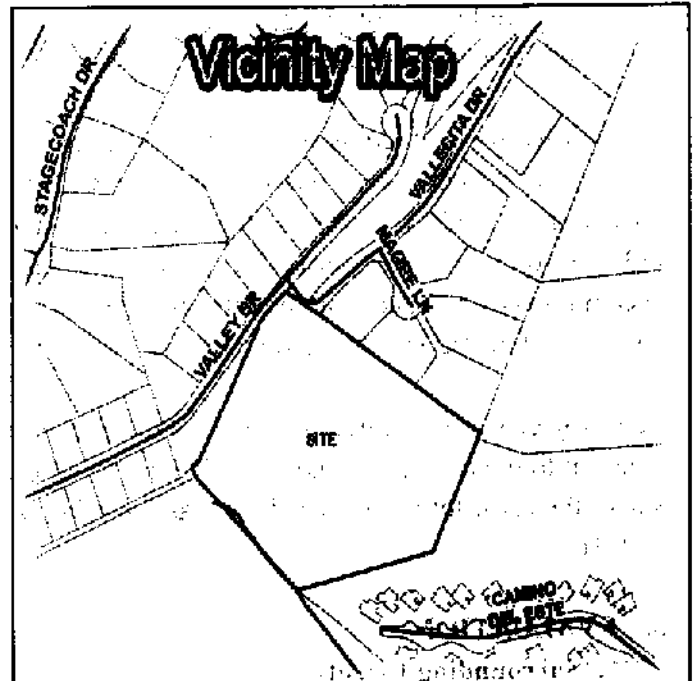
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# Land Use Department Planning Commission Staff Report

Case No: 2016-70  
Hearing Date: September 8, 2016  
Applicant: Jenkins Gavin Inc., Agent for Vallecita, LLC  
Request: Preliminary Subdivision Plat  
Location: Off Vallecita Drive  
Case Mgr.: Dan Esquibel  
Zoning: R-1  
Overlay: Escarpment and Suburban  
Archaeological Review District  
Pre-app. Mtg.: March 31, 2016  
ENN Mtg.: May 12, 2016  
Proposal: Creation of nine (9) lot subdivision on +/- 10.73 acres of land.



## **Case #2016-70, Alma Dura Preliminary Subdivision.**

Jenkins Gavin Inc. agent for Vallecita, LLC, requests preliminary subdivision plat approval for 9 lots on +/- 10.73 acres. The property is located south of the intersection of Valley Drive and Vallecita Drive and is zoned R-1 (Residential, one dwelling unit per acre). (Dan Esquibel, Case Manager)

### **1. RECOMMENDATION**

The Land Use Department recommends **APPROVAL**, subject to the recommended conditions of approval, included in Exhibit A and B.

Should the commission approve the preliminary subdivision plat application, a final plat application will need to be submitted for future approval by the Commission, prior to recording of the plat and issuance of construction permits.

### **2. EXECUTIVE SUMMARY**

Vallecita, LLC, requests preliminary subdivision plat approval for 9 lots on +/- 10.73 acres. The subject property is located southeast of the Valley Drive/Vallecita Drive intersection and is zoned R-1.

The property is located within the Suburban Archaeological Review District and the Escarpment Overlay District. Archaeological approval was granted on December 3, 2015. Escarpment Overlay District review is further addressed in the Development Review Team (DRT) analysis by the Technical Review Division.

The proposed 9-lot subdivision will have building lots that vary from 0.80± acres to 1.36± acres, and will include two open space and drainage tracts. The plat has one access point – Alma Dura Circle which will extend off of Villecita Drive and provide lot access to the subdivision.

The proposed development would require limited extensions of utilities into the subdivision. Both city water and sewer are located on the property and electric, cable and gas will be extended from Vallecita Drive into the subdivision. One fire hydrant is proposed for the subdivision and will be located in front of Lot 3.

The Arroyo de las Piedras runs east/west along the north property line of the subdivision. The Applicant's subdivision design carves out 1.3± acres (58,739 sq. ft.) along the north property line, which includes the Arroyo de la Piedras flood area, for use as open space. Additionally, the Applicant set aside a .30± acre area (13,126 sq. ft.) located east of Lots 1 and 8 and north of Lot 9 for open space. The .30± acre area accommodates drainage with outlets through 2, 42" corrugated metal pipes (CMP) running under Alma Dura Circle for draining into the Arroyo de la Piedras.

The project site is located adjacent to the Estancia Primera Planned Residential Community (PRC) which is adjacent to the northeast edge of PRC Tract 2, and more than 500 feet northeast of PRC Tract 1, which is the site of the eight-lot Haciendas del Mirasol preliminary plat approved by the Planning Commission on August 4, 2016.

### 3. EVALUATION

#### A. Surrounding Density

The property is zoned R-1 (Residential, one dwelling unit per acre). Adjacent zoning is as follows:

Direction	Zoning	Adjoining Development	Lots or DU*	Ground Density
North	R-2 (Residential, 2 dwelling units per acre)	Catron Subdivision	32 Lots	3.05
		Valle Piedras Subdivision	13 Lots	1.2
South	R-2PUD (Residential, 2 dwelling unit per acre, Planned Unit Development)	800 East Condominiums	35 DU	1.21
East	R-1 (Residential, one dwelling unit per acre)	Amber Hills Subdivision	13 Lots	.84
West	PRC (Planned Residential Community)	Vacant	N/A	N/A

\*Based on ArcGis counts.

The proposed density for Alma Dura is .83 dwellings units per acre. Surrounding density from adjacent properties averages 1.5 dwelling units per acre.

### **B. Utilities**

Electric, gas and cable will be extended from Vallecita Drive running through Alma Dura Circle for lot access.

Both city water and sewer exist on the property. A 12" water main is located at the entrance to the property and an 8" sewer line, just west of the existing water main, runs north/south across the property. The applicants will connect to city water and sewer and loop, using 8" PVC pipes, within the Alma Drive Circle for lot access.

The conceptual water plan for the subdivision has been reviewed and approved by the City Water Division (reference Exhibit A1). Technical correction to the plans has been requested by City Waste Water Division to comply with applicable standards (reference Exhibit A2).

### **C. Fire**

One fire hydrant is proposed for the subdivision and will be located in front of Lot 3. Conditions of approval from the Fire Marshal include Fire Department access of no greater than 10%, Fire Department access shall not be less than 20 feet to any new/remodel construction and development shall meet the 150 foot driveway requirements per IFC or an emergency turn-around per IFC requirement shall be provided (reference Exhibit A3).

### **D. Roads and Traffic**

The proposal includes construction of a private lane (Alma Dura Drive) for lot access within the subdivision. Alma Dura Circle will consist of a 38 foot access and utility easement with a 22 foot paved driving surface and bar ditch.

Road grades proposed are no greater than 10%. Maintenance of Alma Dura Circle is to be the responsibility of the lot owners through a road maintenance agreement.

Alma Dura Circle will extend off of Vallecita Drive and provide lot access to the subdivision. The 9 lot subdivision is expected to generate approximately 16 vehicle trips at peak hours. Traffic impacts for this subdivision did not warrant the submittal of a traffic impact analysis. However, the applicant did provide a traffic study analysis which was reviewed by the City Traffic Division. The City Traffic Division concurred with the consultant's conclusion that traffic from the proposed subdivision will not significantly impact the surrounding roadways (reference Exhibit A4).

The applicant's submittals do not address road connectivity issues. The subdivision qualifies for exceptions to requirements for minimum spacing of through streets and number of connections to the existing road network [14-9.2(D)(3) and (D)(4)].

### **E. Terrain Management and Escarpment**

The site slopes toward the Arroyo de las Piedras along the north edge of the site, and toward several minor arroyo channels cross the site. The topography is moderately steep, with approximately 33% of the site comprising slopes of 20% or steeper.

Due to the steep slopes, the base density allowed on the site is reduced to 75% of what would otherwise be allowed [Subsection 14-7.2(B)(5); Exhibit I "Mountainous and Difficult Terrain Map"]. The density on the site is further reduced by the existence of approximately 0.69 acre of floodway within the Arroyo de las Piedras [Subsection 14-7.2(B)(3)]. These density reductions are largely offset by the 15% density bonus provided for compliance with the Santa Fe Homes Program for affordable housing [Subsections 14-7.2(B)(8), 14-8.11].

Approximately 2.6 acres lies within the Escarpment Overlay District. Lots 4 and 5 are located almost entirely within the Escarpment Overlay District, with portions in the Ridgeway and Foothills Subdistricts. Lots 3 and 6 are located partly within the Foothills Subdistrict, and partly outside the Escarpment District.

The plan sets show building sites on the individual lots that meet or exceed the requirement that each lot accommodate a building footprint of at least 2,000 square feet. The plans further reflect compliance with all setback, access, terrain management and escarpment standards. The buildable area on each lot appears to substantially exceed the 2,000 square foot minimum requirement.

The applicant has agreed to restrict building on Lots 3 and 6 to the portions of the lots that are outside the Escarpment District, although that restriction is not reflected on the plans submitted with the application and shall be identified, provided this application is approved.

Two ponding areas have been located within the subdivision to accommodate drainage control.

Comments received from the Technical Review Division for Terrain Management and Escarpment review require technical correction to the plan sets for final review and approval (reference Exhibit A5 & 6).

#### **F. Affordable Housing**

A signed proposal in accordance with the Santa Fe Homes Program has been provided as part of the application. The applicants are proposing to pay a fee in lieu of construction of affordable homes. This provides the option of a 15% density bonus of one dwelling unit under 14-8.11 (reference Exhibit E).

#### **4. EARLY NEIGHBORHOOD NOTIFICATION**

An Early Neighborhood Notification (ENN) meeting was held on May 12, 2016. The meeting was attended by approximately 34 neighbors. The concerns raised were:

- Increased traffic to Villegita Drive;
- Impact of construction vehicles using the bridge over the Arroyo de la Piedras;
- Impacts of drainage from the construction of subdivision, and erosion and flood control measures from development from the Arroyo de la Piedras;
- Subdivision lighting;
- Existing sewer capacity to handle the proposed subdivision, and;
- Impacts to wild life.

Notes from the ENN meeting are attached as Exhibit D.

## 5. PRELIMINARY SUBDIVISION PLAT

Section 14-3.7 governs the authority, procedures and restrictions for the division of land.

### Approval Criteria – Preliminary Subdivision Plat (Section 14-3.7(C))

<p><b>Criterion 1: In all subdivisions, due regard shall be shown for all natural features such as vegetation, water courses, historical sites and structures, and similar community assets that, if preserved, will add attractiveness and value to the area or to Santa Fe.</b></p>	<p><b>Criterion Met:</b> (Yes/No/conditional/N/A) <b>Conditional</b></p>
<p>The application has been reviewed by the City of Santa Fe's Development Review Team (DRT) for compliance with this criterion and applicable specific standards. The proposed preliminary plat will comply, subject to recommended conditions of approval and technical corrections,.</p>	
<p><b>Criterion 2: The planning commission shall give due regard to the opinions of public agencies and shall not approve the plat if it determines that in the best interest of the public health, safety or welfare the land is not suitable for platting and development purposes of the kind proposed. Land subject to flooding and land deemed to be topographically unsuited for building, or for other reasons uninhabitable, shall not be platted for residential occupancy, nor for other uses that may increase danger to health, safety or welfare or aggravate erosion or flood hazard. Such land shall be set aside within the plat for uses that will not be endangered by periodic or occasional inundation or produce unsatisfactory living conditions. See also Section 14-5.9 (Ecological Resource Protection Overlay District) and Section 14-8.3 (Flood Regulations).</b></p>	<p><b>Criterion Met:</b> (Yes/No/conditional/N/A) <b>Conditional</b></p>
<p>The buildable lots of the subdivision are not within the Arroyo de las Piedras or designated floodplain, and the portion of the site that lies within the floodplain would be reserved as private open space with a drainage easement. Other portions of the property are located within the Mountainous and Difficult Terrain Overlay District and the Escarpment Overlay District. The applicants' proposed design has been reviewed by the DRT in accordance with Chapter 14 for Terrain Management and Escarpment regulations, and that review has determined that each building lot can be developed in accordance with applicable standards. The proposed subdivision would not endanger health, safety or welfare.</p>	
<p><b>Criterion 3: All plats shall comply with the standards of Chapter 14, Article 9 (Infrastructure Design, Improvements and Dedication Standards).</b></p>	<p><b>Criterion Met:</b> (Yes/No/conditional/N/A) <b>Conditional</b></p>
<p>The proposed preliminary plat identifies the location of existing water and sewer lines and new water and sewer main extensions, as is required at this stage. However, the application for final plat is required to include both the water and sewer plans, which will include piping profiles and details. The water plan must utilize the Water Division's required format. Prior to submittal of the final plat application, both water and sewer plans need to be developed in coordination with appropriate City staff. Review by staff has also determined that the proposed subdivision will meet applicable standards for access to and within the subdivision.</p>	

Criterion 4: A plat shall not be approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with the provisions of Chapter 14 unless a variance is approved concurrently with the plat.	Criterion Met: (Yes/No/conditional/N/A) Yes
No variances are required or have been requested for this subdivision. Approval of the proposed subdivision would not create nonconformities under current city regulations.	
Criterion 5: A plat shall not be approved that creates a nonconformity or increases the extent or degree of an existing nonconformity with applicable provisions of other chapters of the Santa Fe City Code unless an exception is approved pursuant to the procedures provided in that chapter prior to approval of the plat.	Criterion Met: (Yes/No/conditional/N/A) Yes
See response to Criterion 4 above. No existing non-conformities exist on the subject property.	

## 6. EXPIRATION

Approval of a preliminary subdivision plat expires three years after final action approving it, unless the final plat is approved or a time extension is granted.

## 7. EXHIBITS:

EXHIBIT A: Staff Conditions and Technical Corrections

EXHIBIT B: City Staff Memoranda

1. Water Division, Dee Beingessner
2. Wastewater Division, Stan Holland
3. Fire Department, Reynaldo Gonzales
4. Traffic Engineering, Sandy Kassens
5. City Engineer, RB Zaxus
6. LUD/Technical Review Division, Somie Ahmed

EXHIBIT C: Early neighborhood Notification

1. Guidelines
2. Meeting Notes

EXHIBIT D: Maps and Photos

1. Zoning Map
2. Adjacent Subdivision Map
3. Escarpment Map
4. Flood Zone Map


EXHIBIT E: Applicant Submittals\*

1. Preliminary Development Plan and Subdivision Report
2. Preliminary Development Plan and Plat Drawings



\* Maps and other exhibits reproduced and archived separately from this staff report. File copies are available for review at the Land Use Department office at 200 Lincoln Avenue, West Wing.

APPROVED AS TO FORM:

Title	Name	Initials
Land Use Department Director	Lisa Martinez	
Land Use Current Planning Division Director	Greg Smith	
Land Use Current Planning Case Planner	Daniel Esquibel	

September 8, 2016  
Planning Commission  
Case # 2016-70  
**Alma Dura Preliminary Subdivision**

# **EXHIBIT A**

Conditions of approval
------------------------

EXHIBIT A  
 Conditions Approval  
 Case 2016-70  
 Alma Dura Preliminary Subdivision Plat

	Technical Condition of approval	Department	To be completed by:
1	Prior to obtaining a notice to proceed to construct the water infrastructure for the development. The concept of the main extension is approved. For construction of the necessary water infrastructure, the water plan for main extension and individual water services to each lot must be submitted directly to the water division in our format. The water plan must be approved by the water division in order to enter into an agreement to construct and dedicate the water main.	Water Division	Prior to obtaining a notice to proceed to construct the water infrastructure for the development.
2	<p>The existing sewer easement width is incorrectly identified on the grading and drainage plan.</p> <p>A drivable surface access to the off-site public manhole (east of site) though the proposed lots shall be required.</p> <p>The proximity of the water line to proposed manhole AD1 needs review.</p> <p>It appears the culverts shown between existing manholes 1 &amp; 2 should be shown between manholes 2 &amp; 3</p> <p>Review proximity of culverts to existing manhole 3</p>	Wastewater	Final Subdivision Plat
3	<p>All Fire Department access shall be no greater than a 10% grade throughout.</p> <p>Fire Department Access shall not be less than 20 feet width to any new/remodel construction.</p> <p>Shall meet the 150 feet driveway requirements must be met as per IFC, or an emergency turnaround that meets the IFC requirements shall be provided.</p>	Fire Marshal	Prior to any new construction or remodel the current code adopted by the governing body would need to be met.

**EXHIBIT A**  
**Conditions of Approval**  
**Case 2016-70**  
**Alma Dura Preliminary Subdivision Plat**

	<b>Technical Condition of approval</b>	<b>Department</b>	<b>To be completed by:</b>
4	For lots subdivided after February 26 <sup>th</sup> , 1992, the Escarpment ordinance requires all structures to be designed and built as far from the viewline as possible in the Foothills and Ridgeway Subdistrict – Article 14-5.7(D)(3)(e). Lots 3 & 6 have buildable areas outside of the Escarpment Overlay that also comply with terrain management requirements. Buildable sites for these lots shall be delineated outside of the Escarpment Overlay. Lot 4 has buildable area (at least 2000sq ft.) that can be readjusted to be as far away from the viewline as possible.	<b>Technical Review Division Terrain Management</b>	Prior to obtaining a notice to proceed to construct the water infrastructure for the development.
5	Article 14-8.1(D)(3)(a) requires for each residential lot to have a buildable site designated as suitable for a building with a footprint of not less than 40% of the minimum required net lot area or two thousand square feet, whichever is less. Show square footages of buildable sites shown on each lot and adjust site for Lot 5 to meet those requirements and be adjusted to be as far from the viewline as possible. Provide calculations for landscape in ponding areas to show that the quantities provided are fulfilling the requirement as stated in Article 14-8.4(F)(2)(c). Provide landscape plan that shows locations of all significant vegetation and how the infrastructure will affect it. Propose replacement of any significant trees removed. Provide landscape plan that shows compliance with the open space requirements as listed in Article 14-8.4(H).	<b>Technical Review Division Escarpment</b>	Final Subdivision Plat Submission

September 8, 2016  
Planning Commission  
Case # 2016-70  
**Alma Dura Preliminary Subdivision**

# **EXHIBIT B**

DRT
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**Development Review Team  
Comment Form**

Date: 6/28/16  
Staff person: Dee Beingessner  
Dept/Div: Public Utilities/Water Division  
Case: 2016-70 Alma Dura Preliminary Subdivision  
Case Mgr: Dan Esquibel

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

**Conditions of Approval :**

**Must be completed by:**

1 The concept of the main extension is approved. For construction of the necessary water infrastructure, the water plan for main extension and individual water services to each lot must be submitted directly to the water division in our format. The water plan must be approved by the water division in order to enter into an agreement to construct and dedicate the water main.	Prior to obtaining a notice to proceed to construct the water infrastructure for the development.
2	
3	
4	

**Technical Corrections\*:**

**Must be completed by:**

1	
2	
3	
4	

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

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

1. [list any additional items]

Explanation of Conditions or Corrections (if needed):

Development Review Team  
Wastewater Management Division  
E-Mail Delivery  
Comment Form



Date: July 8, 2016  
Staff person: Stan Holland, Engineer  
Dept/Div: Public Utilities/Wastewater  
Case: Case #2016-70 Alma Dura Preliminary Subdivision  
Case Mgr: Dan Esquibel

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

Review by the Wastewater Division has determined that this application will meet applicable standards if the following are met:

Conditions of Approval:	Must be completed by:

Technical Corrections*:	Must be completed by:
1. The existing sewer easement width is incorrectly identified on the grading and drainage plan	
2. A drivable surface access to the off-site public manhole (east of site) though the proposed lots shall be required	
3. The proximity of the water line to proposed manhole AD1 needs review	
4. It appears the culverts shown between existing manholes 1 & 2 should be shown between manholes 2 & 3	
5. Review proximity of culverts to existing manhole 3	

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

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

## Development Review Team

### Comment Form

Date: July 11 2016

Staff person: Reynaldo Gonzales *Reynaldo Gonzales*

Dept/Div: Fire

Case: 2016-70 Alma Dura Preliminary Subdivision

Case Mgr: Dan Esquibel



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

Conditions of Approval :

Must be completed by:

1 None	Prior to approval
--------	-------------------

Technical Corrections\*:

Must be completed by:

1 None	
--------	--

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

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

**Prior to any new construction or remodel the current code adopted by the governing body would need to be met.**

1. All Fire Department access shall be no greater than a 10% grade throughout.
2. Fire Department Access shall not be less than 20 feet width to any new/remodel construction.
3. Shall meet the 150 feet driveway requirements must be met as per IFC, or an emergency turn-around that meets the IFC requirements shall be provided.



4. Fire Department shall have 150 feet distance to any portion of the building on any new construction.

5. Shall have water supply that meets fire flow requirements as per IFC

**Development Review Team**  
**Request for Additional Information**

**Date:** June 29, 2016

**Staff person:** Sandra Kassens, Engineer Assistant

**Dept/Div:** PWD/ Engineering Division

**Case:** 2016-70 – Alma Dura Preliminary Subdivision

**Case Mgr:** Dan Esquibel, Land Use Planner Senior



- 
- ☒ The plans and other materials submitted with this application meet the application requirements for review by this division/department and are sufficient to determine compliance with applicable standards.
- ☐ The following additional or corrected information must be submitted before the application is complete and can be scheduled for public hearing:
1. [list additional items needed]

**Development Review Team  
Comment Form**

Date: 7/13/16  
From: Risana "RB" Zaxus, City Engineer for Land Use  
Dept/Div: Land Use, Technical Review Division  
Case: Case #2016-70: Alma Dura Preliminary Subdivision  
Case Mgr: Dan Esquibel

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

**Conditions of Approval :**

**Must be completed by:**

1 NONE	
2	
3	
4	

**Technical Corrections\*:**

**Must be completed by:**

1 Add the stormwater agreement to the PLAT	Plat recordation
2 Show limits of the FEMA floodplain and reference the FIRM on the PLAT	Plat recordation
3 Show the limits of the escarpment overlay on the PLAT	Plat recordation
4 Add a note the PLAT that on-lot ponding is required	Plat recordation

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

## Development Review Team

### Comment Form

Date: August 26<sup>th</sup>, 2016

Staff person: Somie Ahmed

Dept/Div: LUD/Technical Review Division

Case: 2016-70 – Alma Dura Preliminary Subdivision Plat

Case Mgr: Dan Esquibel



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

Conditions of Approval :

Must be completed by:

1	
2	
3	
4	

Technical Corrections\*:

Must be completed by:

1. For lots subdivided after February 26 <sup>th</sup> , 1992, the Escarpment ordinance requires all structures to be designed and built as far from the viewline as possible in the Foothills and Ridgetop Subdistrict – Article 14-5.7(D)(3)(e). Lots 3 & 6 have buildable areas outside of the Escarpment Overlay that also comply with terrain management requirements. Buildable sites for these lots shall be delineated outside of the Escarpment Overlay. Lot 4 has buildable area (at least 2000sq ft.) that can be readjusted to be as far away from the viewline as possible.	Final Subdivision Plat Submission
2. Article 14-8.1(D)(3)(a) requires for each residential lot to have a buildable site designated as suitable for a building with a footprint of not less than 40% of the minimum required net lot area or two thousand square feet, whichever is less. Show square footages of buildable sites shown on each lot and adjust site for Lot 5 to meet those requirements and be adjusted to be as far from the viewline as possible.	Final Subdivision Plat Submission
3. Provide calculations for landscape in ponding areas to show that the quantities provided are fulfilling the requirement as stated in	Final Subdivision Plat Submission

Article 14-8.4(F)(2)(e).	
4. Provide landscape plan that shows locations of all significant vegetation and how the infrastructure will affect it. Propose replacement of any significant trees removed.	Final Subdivision Plat Submission
5. Provide landscape plan that shows compliance with the open space requirements as listed in Article 14-8.4(H).	Final Subdivision Plat Submission

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

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

1. [list any additional items]

Explanation of Conditions or Corrections (if needed):

September 8, 2016  
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**Alma Dura Preliminary Subdivision**

# **EXHIBIT D**

ENN
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## City of Santa Fe Land Use Department Early Neighborhood Notification Meeting Notes

<i>Project Name</i>	Alma Dura Subdivision
<i>Project Location</i>	Located southeast of the Valley Drive/Vallecita Drive intersection
<i>Project Description</i>	Preliminary subdivision plat approval for 9 lots on +/- 10.73 acres.
<i>Applicant / Owner</i>	Vallecita, LLC
<i>Agent</i>	Jenkins Gavin Inc.
<i>Pre-App Meeting Date</i>	March 31, 2016
<i>ENN Meeting Date</i>	May12, 2016
<i>ENN Meeting Location</i>	Main Library
<i>Application Type</i>	ENN for Preliminary Subdivision
<i>Land Use Staff</i>	Dan Esquibel
<i>Other Staff</i>	N/A
<i>Attendance</i>	34

### Notes/Comments:

An Early Neighborhood Notification (ENN) meeting was held on May 12, 2016. The meeting was attended by approximately 34 neighbors. The concerns raised were:

- Increased traffic to Vallecita Drive,
- Impact of construction vehicles using the bridge over the Arroyo de la Piedras,
- Impacts of drainage from the construction of subdivision, erosion and flood control measures from development from the Arroyo de la Piedras,
- Subdivision lighting,
- Existing sewer capacity to handle the proposed subdivision, and
- Impacts to wild life.



## Early Neighborhood Notification (ENN) Guidelines

Section 14-3.1(F)(5) SFCC 1987, as Amended

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 1987, 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 detail about each criterion, consult the Land Development Code.

(a) EFFECT ON CHARACTER AND APPEARANCE OF THE SURROUNDING NEIGHBORHOODS For example: number of stories, average setbacks, mass and scale, architectural style, landscaping, lighting, access to public places, open spaces and trails. (Ord. No. 2008-29 § 3)

The proposed 10-lot residential subdivision is consistent with the subject property's R-1 and R-2 zoning. Lot sizes are consistent with those of the adjacent neighborhood. The project will comply with all applicable City Code regulations, including building height, setbacks, architectural style, landscaping, lighting, and open space.

(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.

Open space will be provided in accordance with City open space requirements (see attached Conceptual Site Plan). The project will comply with all applicable City codes with regard to environmental protection.



**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.*

The project is located in the Suburban Archaeological District. In accordance with City requirements, an archaeological survey was performed. An archaeological clearance was issued by the City at the Archaeological Review Committee meeting of December 3, 2015.

**(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 subject property is zoned R-1 and R-2. The proposed 10-lot residential subdivision is consistent with the existing density of the surrounding neighborhoods, which encompass a mix of R-5, R-2, R-2 PUD, and R-1 zoning, as well as a PRC zoned parcel to the south of the property. The proposed subdivision is also consistent with its Future Land Use Designation of Very Low Density Residential (1-3 dwelling units per acre), and harmonizes with the densities of the surrounding neighborhoods, which vary from Very Low and Low Density and Moderate Density Residential.

**(e) EFFECTS UPON 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.*

The project will be accessed from Vallecita Drive (see attached Conceptual Site Plan). The addition of 10 residences will have a minimal traffic impact on the neighboring streets. Parking shall be provided on-site for the 10 new lots.

**(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.*

The project will support economic development by creating construction jobs for Santa Fe residents. The future residents of the subdivision will support Santa Fe's economic base by frequenting local businesses.

(n) EFFECT ON THE AVAILABILITY OF AFFORDABLE HOUSING AND AVAILABILITY OF HOUSING CHOICES FOR ALL SANTA FE RESIDENTS  
*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. (Ord. No. 2005-30(A) § 4)*

The applicant will pay a fee in lieu of providing affordable housing.

(n) 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.*

The subject property is already improved with City water and sewer service lines, as well as a fire hydrant. The project will connect to existing dry utilities and will be served by City public services.

(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 project will comply with City water conservation requirements.

(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.*

In accordance with the City's General Plan, the project is creating infill development. Furthermore, the proposed subdivision will improve a vacant property that has long been a troublesome source of vagrancy and waste pollution for the surrounding neighborhood, thus promoting greater opportunities for community integration and social balance.

**VI. EFFECT UPON 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? The project's effect on intra-city travel; and between employment and residential centers.*

The project complies with the General Plan by promoting a compact urban form through appropriate infill development. The proposed residential subdivision is in alignment with surrounding land uses, and is in close proximity to downtown employment centers.

**OPTIONAL COMMENTS (Optional)**

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**Alma Dura Preliminary Subdivision**

# **EXHIBIT E**

MAPS AND PHOTOS
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# ZONING

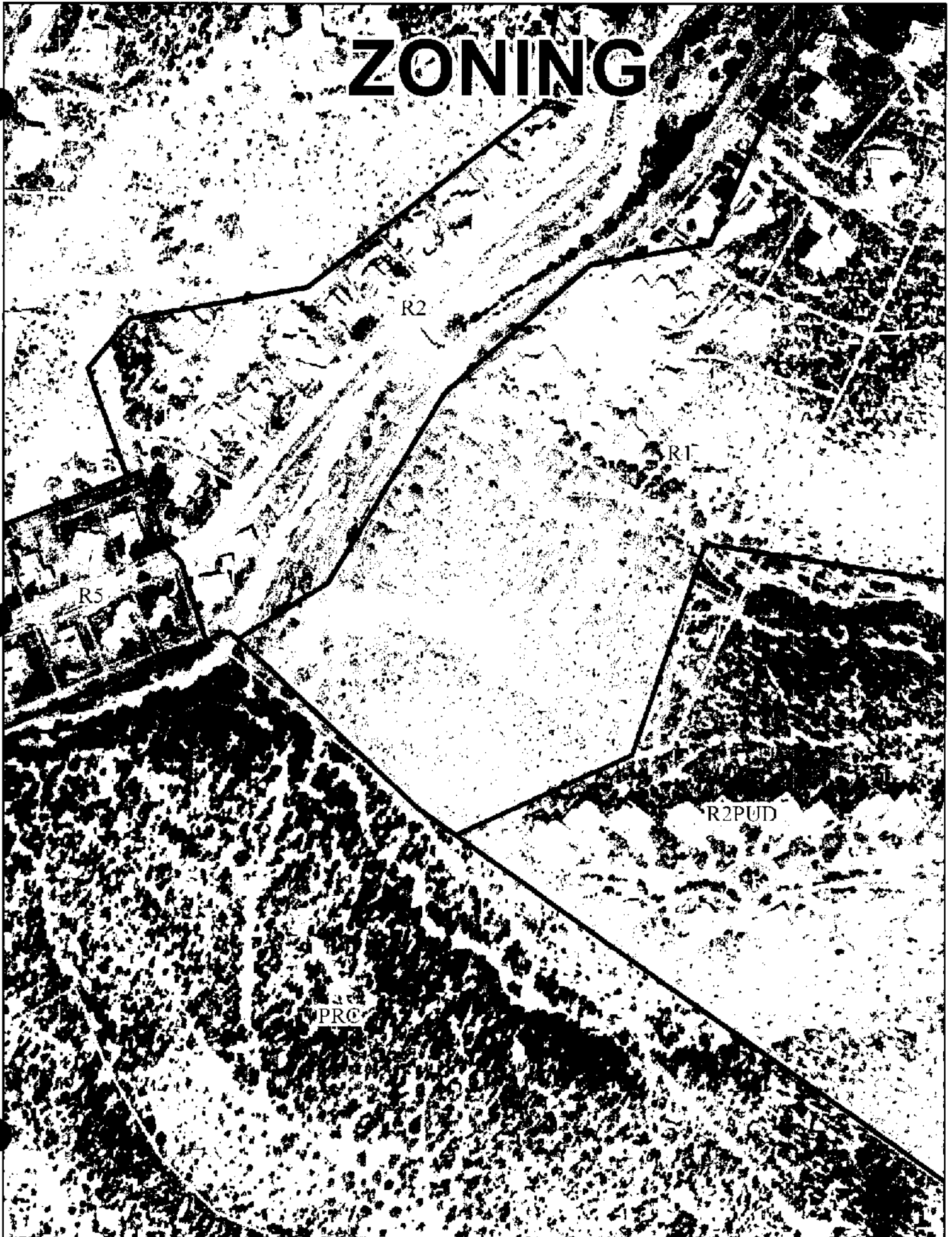
R2

RT

R5

R2PUD

PRC



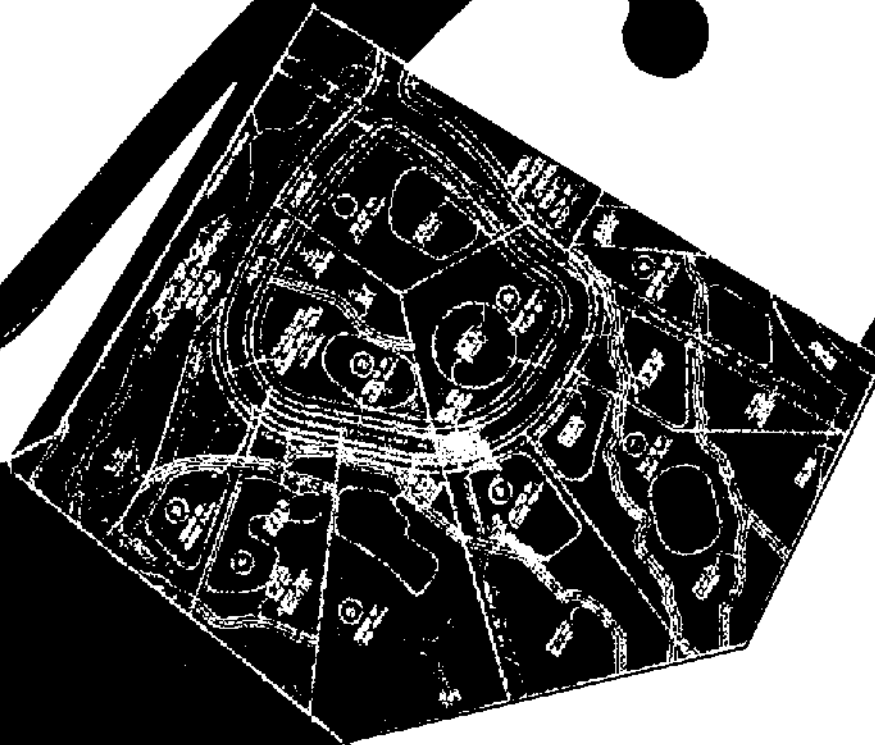
# Adjacent Subdivision or Developments

VALLE PIEDRAS SUB

AMBER HILLS SUB

RODRIGUEZ SUB

CATRON SUB



800 East



# Escarpment Map



# Flood Zone



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**Alma Dura Preliminary Subdivision**

# **EXHIBIT E**

Applicant Submittals
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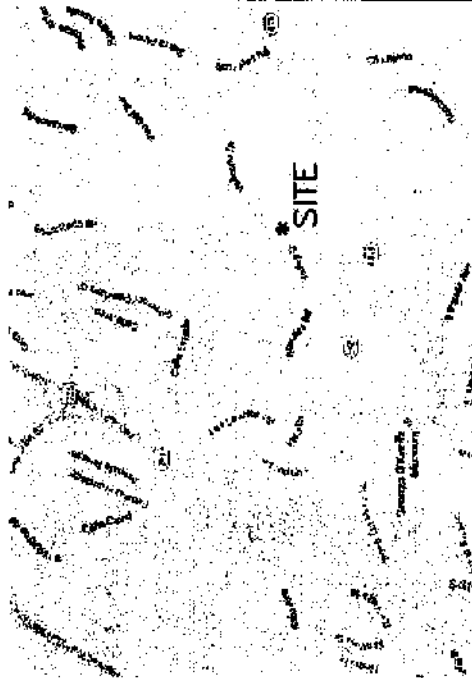
# Alma Dura

## SUBDIVISION PLAT AND SITE PLAN

SANTA FE, NEW MEXICO

### SHEET LIST

1. COVER SHEET
2. SITE PLAN
3. FINAL SUBDIVISION PLAT
4. CERTIFIED TOPOGRAPHY
5. SLOPE ANALYSIS
6. ROAD PLAN & PROFILE
7. BRIDGING & DRAINAGE PLAN
8. MASTER UTILITY PLAN
9. WATER & FIRE PROTECTION PLAN
10. GAS PLAN & PROFILE
11. DRY UTILITY PLAN
12. TEMPORARY EROSION CONTROL PLAN
13. PERMANENT EROSION CONTROL PLAN
14. LANDSCAPE PLAN
15. ROAD SECTIONS AT CULVERTS
16. CITY CONSTRUCTION NOTES
17. PROJECT CONSTRUCTION NOTES
18. STANDARD DETAILS FOR ROADS, DRAINAGE, WATER & WASTEWATER IMPROVEMENTS



VICINITY MAP

OWNER:  
Vallecita LLC  
690 Gonzales Rd. #17  
Santa Fe, New Mexico 87501

LAND USE PLANNER:



JENKINS GAVIN  
LAND AND PROJECT MANAGEMENT  
10000 UNIVERSITY AVENUE, SUITE 100  
DENVER, COLORADO 80231

CIVIL ENGINEERING:

DESIGN ENGINEER



SURVEYING:

DEL RIO SURVEYS, INC.

P.O. BOX 22772, SANTA FE, NM 87502 PH: 505-453-3700

MAY 20, 2018

REVISIONS

DATE	BY	DATE	BY

APPROVED FOR CONSTRUCTION  
CITY ENGINEER

DATE

SEAL OF PROFESSIONAL ENGINEER

P. J. DE JONG

Case #2016-70 Alma Dura Preliminary Subdivision

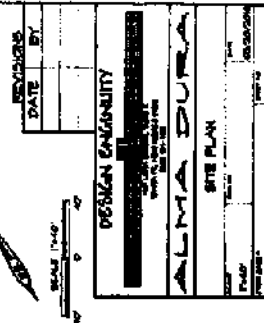
ALMA DURA - SUBDIVISION PLAT AND SITE PLAN

I HEREBY CERTIFY THAT I AM A PROFESSIONAL ENGINEER IN THE STATE OF NEW MEXICO, AND THAT I AM THE DESIGNER OF THE ABOVE SUBDIVISION PLAT AND SITE PLAN. I HAVE REVIEWED THE PLAT AND SITE PLAN AND AM Satisfied THAT THE SAME COMPLY WITH THE REQUIREMENTS OF THE SUBDIVISION ACT AND THE RULES AND REGULATIONS OF THE BOARD OF LAND AND WATER ADJUDICATION. I HAVE ALSO REVIEWED THE PLAT AND SITE PLAN AND AM Satisfied THAT THE SAME COMPLY WITH THE REQUIREMENTS OF THE SUBDIVISION ACT AND THE RULES AND REGULATIONS OF THE BOARD OF LAND AND WATER ADJUDICATION. I HAVE ALSO REVIEWED THE PLAT AND SITE PLAN AND AM Satisfied THAT THE SAME COMPLY WITH THE REQUIREMENTS OF THE SUBDIVISION ACT AND THE RULES AND REGULATIONS OF THE BOARD OF LAND AND WATER ADJUDICATION.

DESIGNER: JENKINS GAVIN  
DATE: \_\_\_\_\_

RECORDS, INCLUDING PHOTOGRAPHS OF PROPERTY, SPY AGENTS IN  
INTERVIEW OF LOUISIANA

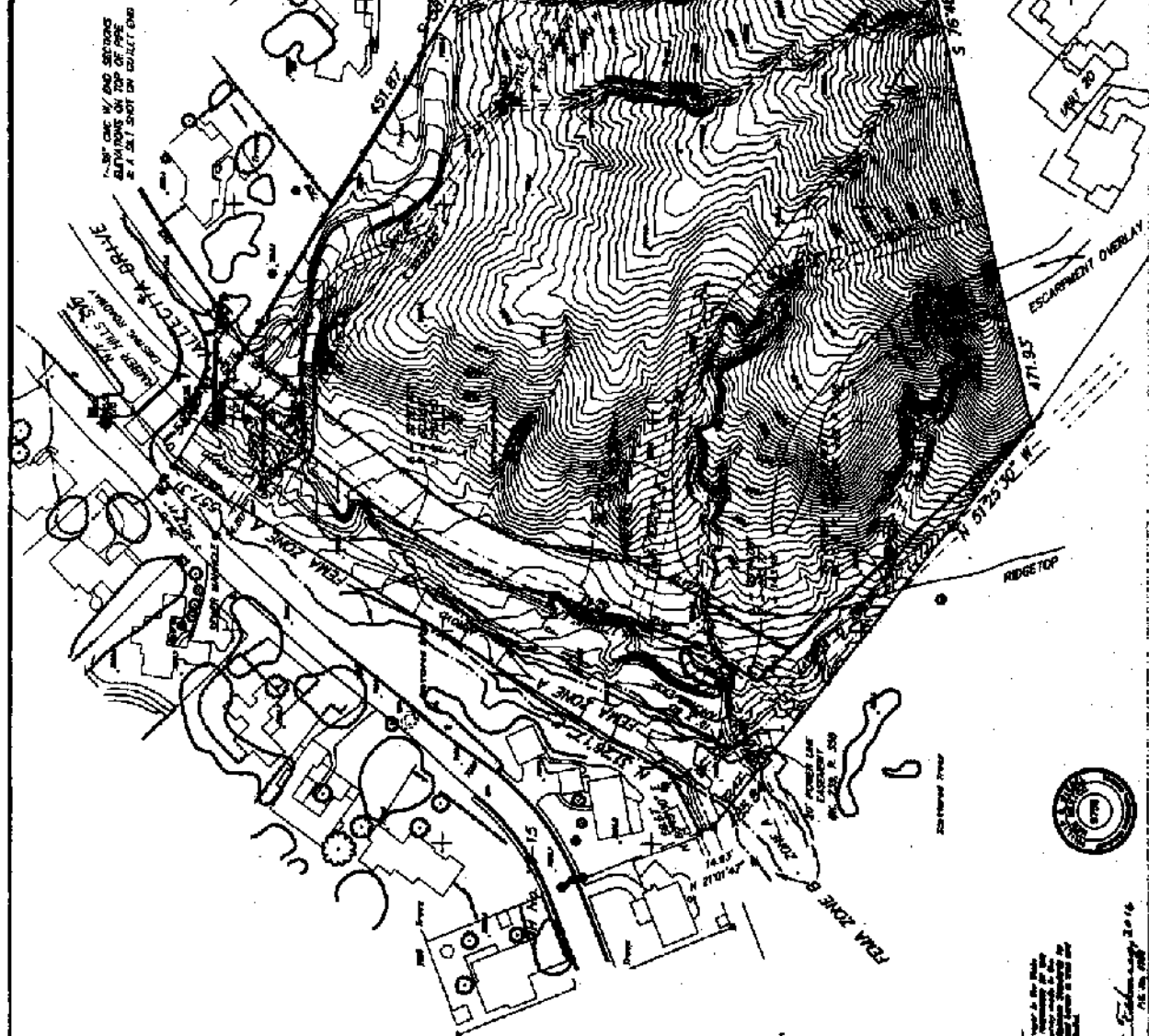
LIST	ADDRESS
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5	0
6	2
7	1
8	2
9	0





# TOPOGRAPHIC SURVEY

FOR  
ALMA DURA  
TRACT A, A PORTION OF AMBER HILLS SUBDIVISION,  
PHASE 2, CITY OF SANTA FE, SANTA FE COUNTY,  
NEW MEXICO.  
TRACT A  
10.731 ACRES±



THIS IS NOT A BOUNDARY SURVEY. APPARENT PROPERTY  
CONTOUR SHOWN FOR ORIENTATION ONLY. BOUNDARY  
DATA DERIVED FROM PREVIOUS SURVEY REFERENCED  
HEREIN.

DATE	10/1/2014	BY	ALMA DURA
DATE	10/1/2014	BY	ALMA DURA
DATE	10/1/2014	BY	ALMA DURA
DATE	10/1/2014	BY	ALMA DURA

SHEET 4

1. Basis of boundary: Field of survey for 0.67  
Acres, U.S. measured in 1914 A.D.
2. Contours provided by Alma Dura Mapping  
Company, Inc. (ADMCI) for the purpose of the  
survey. The contours are provided as contour  
information for the boundary of the  
survey. Contours are not to be used for  
other purposes.
3. From field data information incorporated  
from the official 1914 field survey data.  
City of Santa Fe GIS Information.
4. Acquisition and mapping data copyright from  
City of Santa Fe GIS Information.

1. This is not a boundary survey. Apparent property  
contour shown for orientation only. Boundary  
data derived from previous survey referenced  
herein.

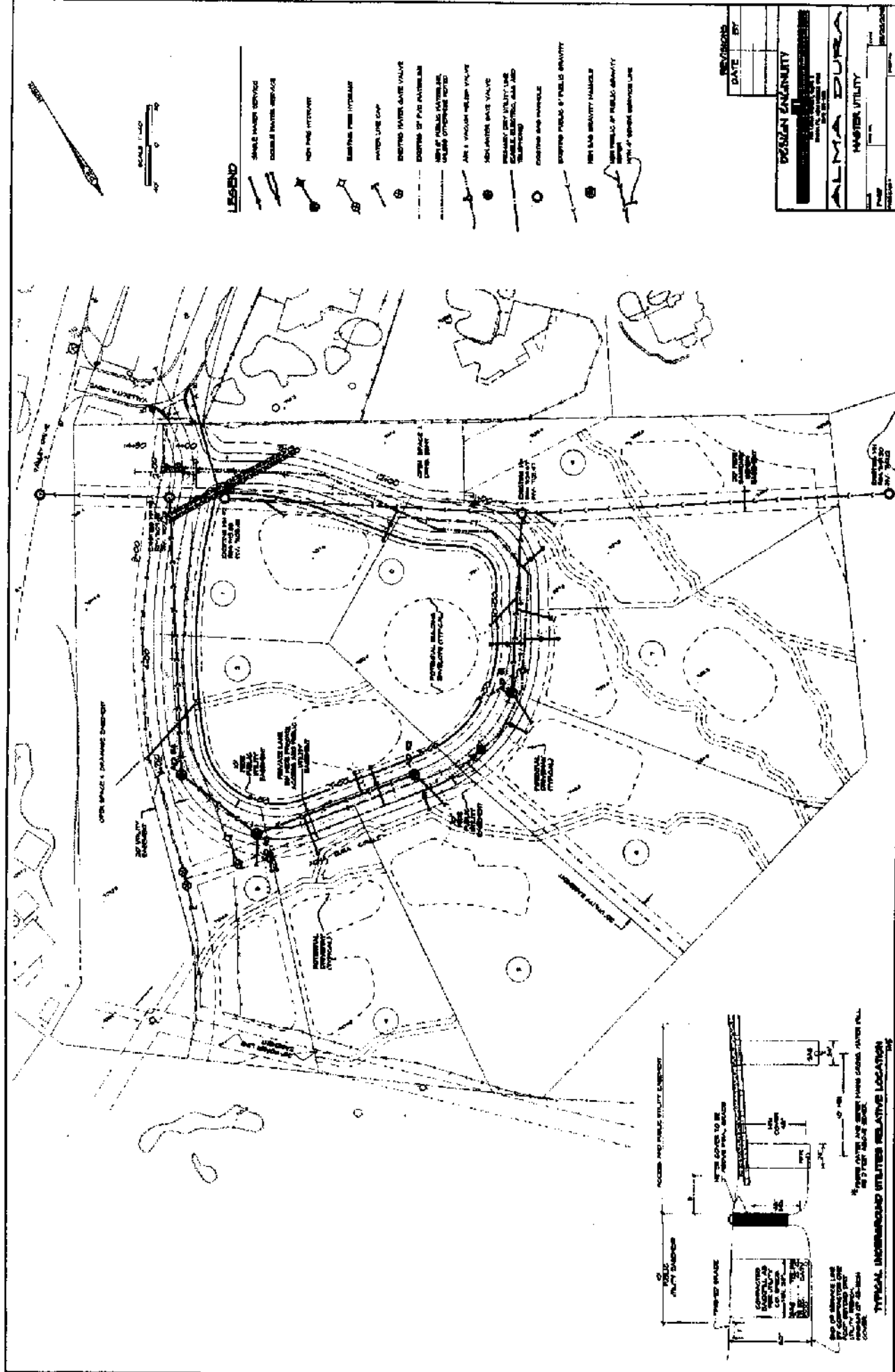
Alma Dura Mapping, Inc.  
10/1/2014

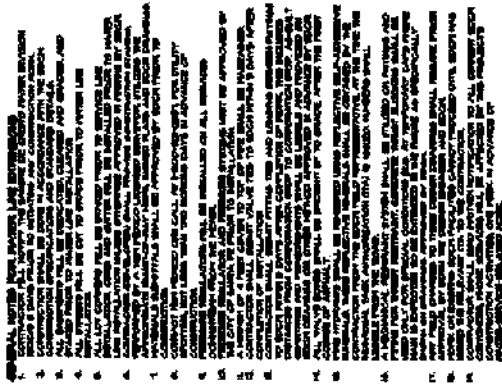


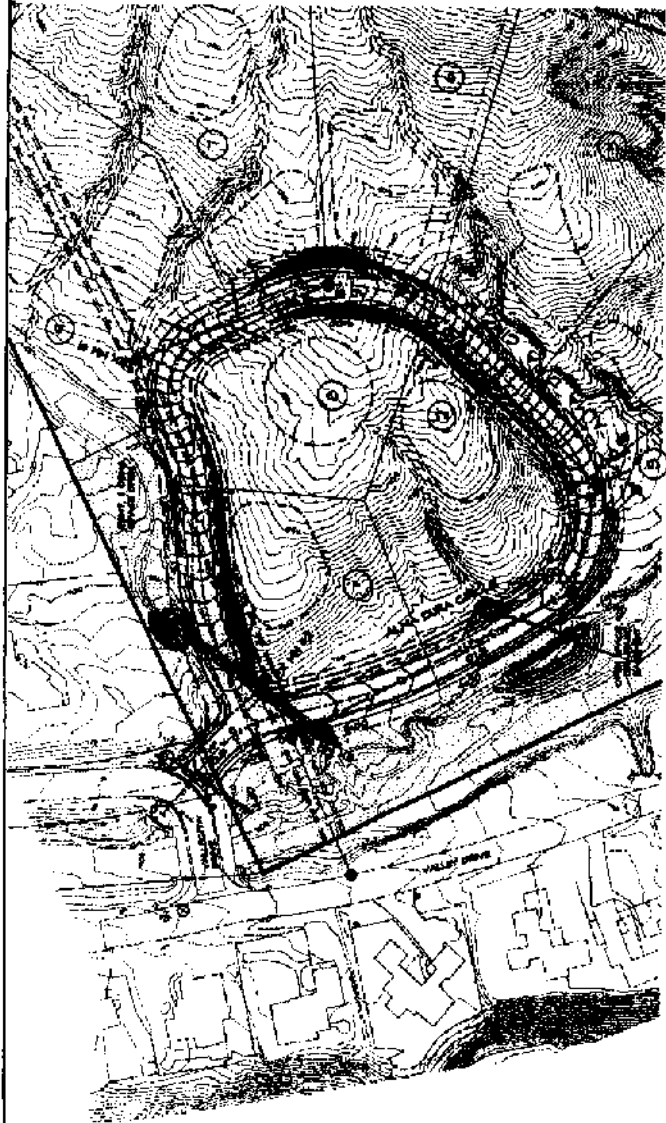


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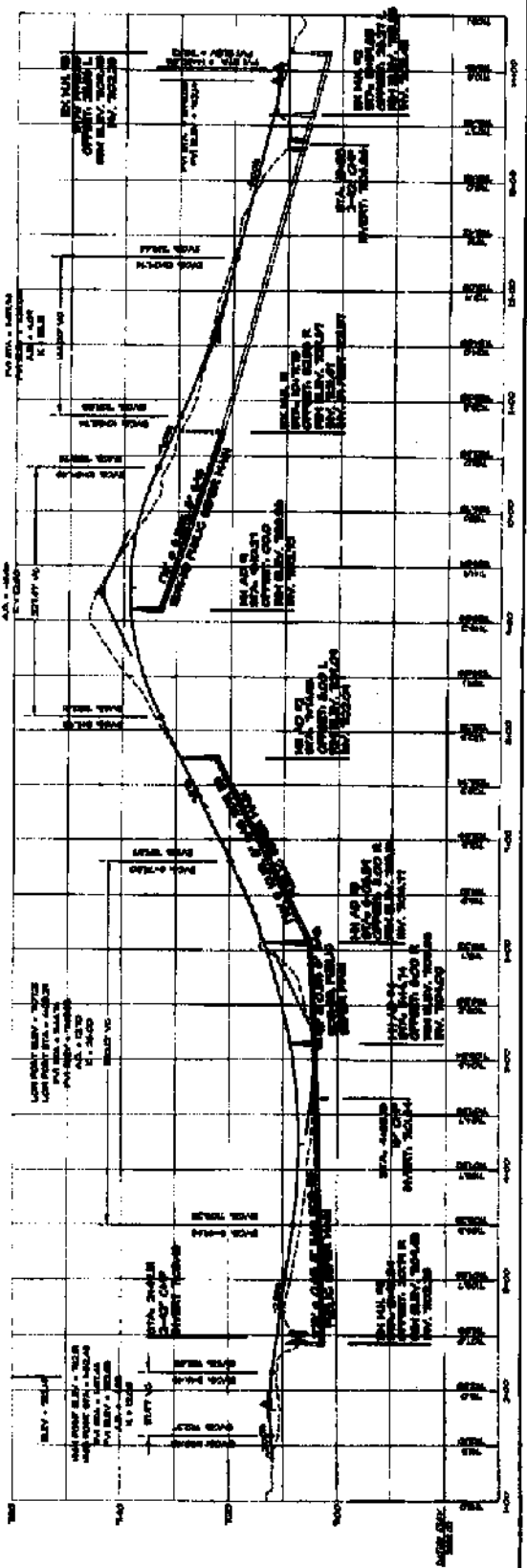




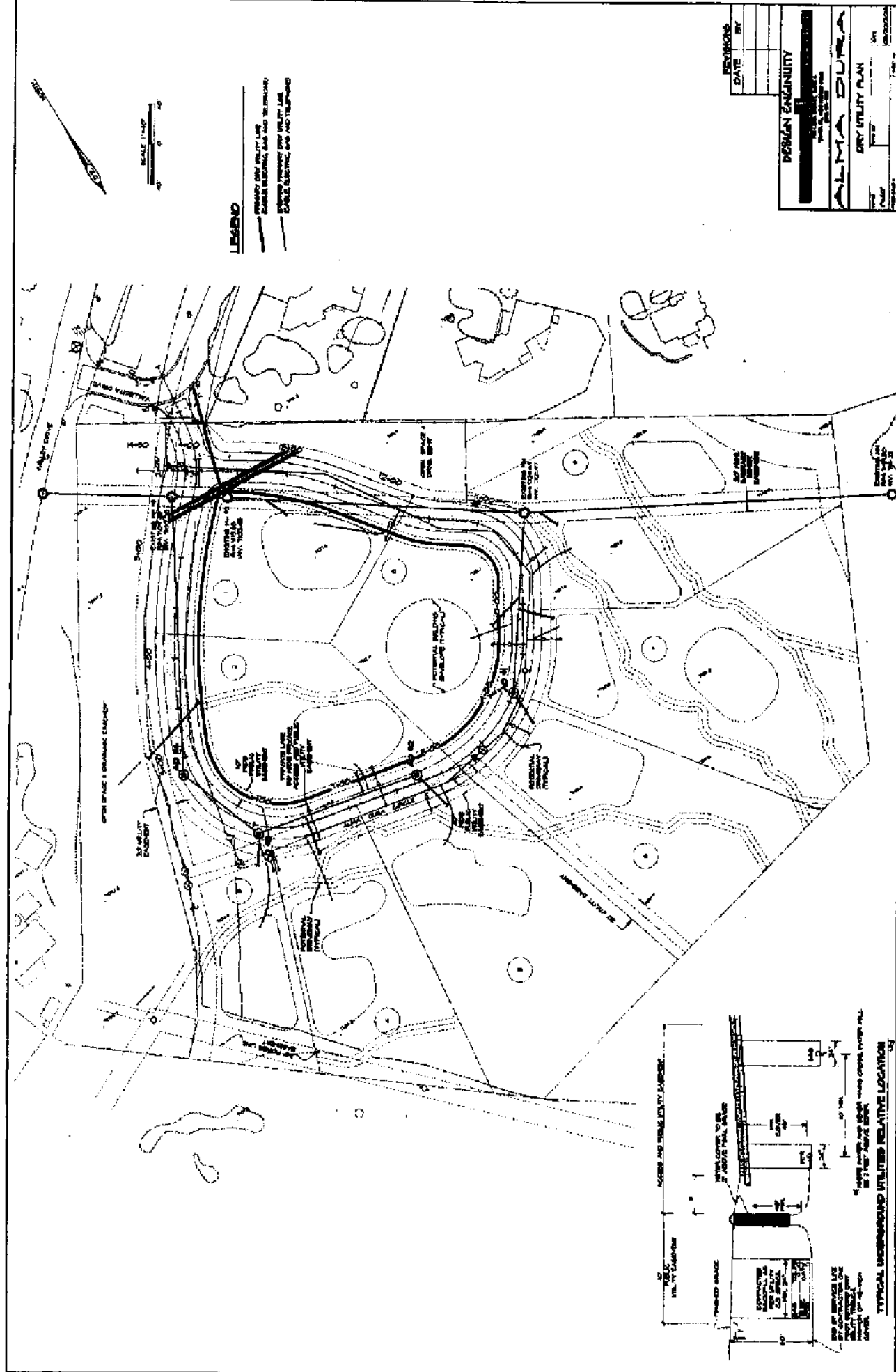

  
 HORIZ. SCALE: 1"=40'
   
 VERT. SCALE: 1"=10'

LOT 3 FULL LEGAL REQUIRE  
 AND ALL NEIGHBORHOOD ROAD  
 SERVICE

LOT 3 FULL LEGAL REQUIRE  
 AND ALL NEIGHBORHOOD ROAD  
 SERVICE



DESIGNER:   
 DATE:   
 BY:   
 PROJECT:   
 SHEET:   
 TOTAL SHEETS:   
 ALMA BURR   
 BAS PLAN & PROFILE   
 1"=40'   
 1"=10'





# NOTES

1. FENCE TO BE INSTALLED IMMEDIATELY AFTER BUILT FENCE AND BEFORE FURROWING.
2. REEVAL ALL TEMPORARY EROSION CONTROL FACILITIES AS SHOWN ON THIS SHEET, EXCEPT ANY SITE EROSION, REACHING OR CLIPPING THERE. TEMPORARY EROSION CONTROL FACILITIES SHALL BE MAINTAINED AND USED UNTIL THE EROSION AREA IS PERMANENTLY STABILIZED.
3. DISTURBED AREAS SHALL BE PROTECTED FROM EROSION DURING CONSTRUCTION TO RETAIN SOIL ON SITE. EROSION CONTROL SHALL BE CONTROLLED BY PLANTING OF EROSION CONTROL.
4. THIS PROJECT IS SUBJECT TO A FURTHER PERMIT.
5. A STORMWATER MANAGEMENT PLAN IS REQUIRED FOR THIS PROJECT. THE NOTICE OF PERMIT SHALL BE FILED WITH THE EPA AT LEAST 30 DAYS PRIOR TO ANY SITE WORK. THE STORMWATER MANAGEMENT PLAN SHALL BE SUBMITTED TO THE EPA FOR REVIEW AND APPROVAL. ALL BEST MANAGEMENT PRACTICES AND EROSION CONTROL MEASURES SHALL BE MAINTAINED AND USED UNTIL THE EROSION AREA IS PERMANENTLY STABILIZED.
6. GRAVEL DRAIN AND FILTER FABRIC REMOVED AFTER DRAIN INLET STRUCTURE.

# LEGEND

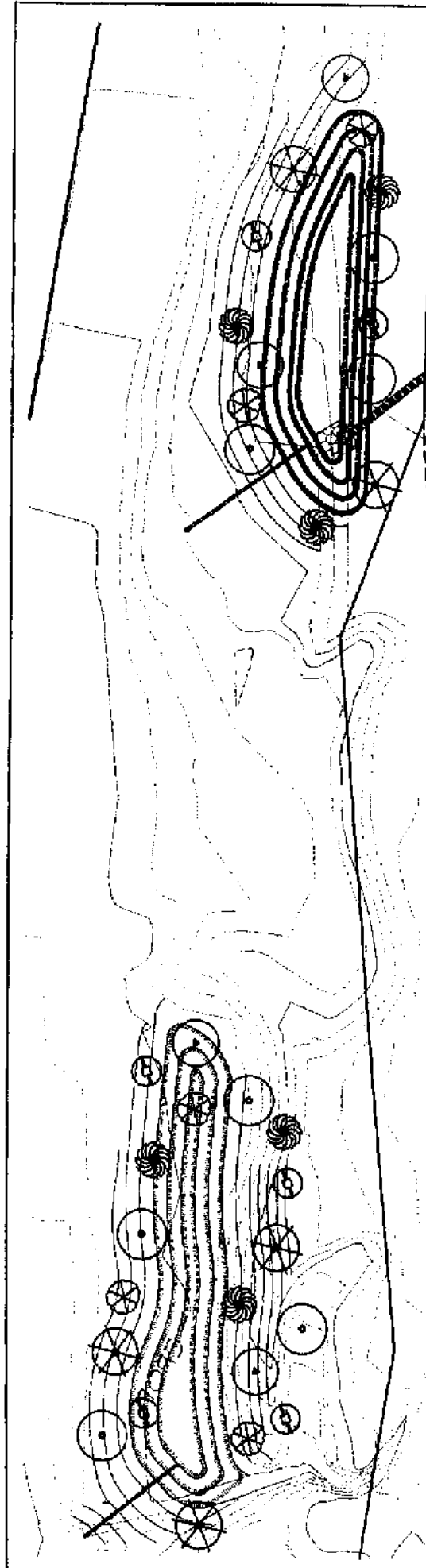
— BUT FENCE OR 4' COMPOST ROCK FENCE

DESIGN ENHANCING	
DATE	BY
1/1/20	J. D. DUNEA
ALMA DUNEA	
TEMPORARY EROSION CONTROL PLAN	
SCALE	1" = 100'
PROJECT	1/1/20
DATE	1/1/20





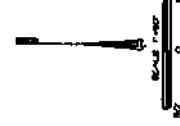




SYMBOL	AREA	TYPE	QTY
	Pinus Canadensis Horizontal Form Copper Sta. 15, 24, 30, 36, 42, 48 Box Sta. = 78', 21', 81', 85', 41', 43' Cal.	24" Box	0
	Quercus grisea Horizontal Cal. Copper Sta. 15, 24, 30, 36, 42, 48 Box Sta. = 78', 21', 81', 85', 41', 43' Cal.	24" Box	0
	Pinus strobus Horizontal Cal. Copper Sta. 15, 24, 30, 36, 42, 48 Box Sta. = 78', 21', 81', 85', 41', 43' Cal.	18" Box	0
	Pinus virginiana Horizontal Cal. Copper Sta. 15, 24, 30, 36, 42, 48 Box Sta. = 78', 21', 81', 85', 41', 43' Cal.	24" Box	0
	Pinus strobus Horizontal Cal. Copper Sta. 15, 24, 30, 36, 42, 48 Box Sta. = 78', 21', 81', 85', 41', 43' Cal.	18" Box	0
	Pinus strobus Horizontal Cal. Copper Sta. 15, 24, 30, 36, 42, 48 Box Sta. = 78', 21', 81', 85', 41', 43' Cal.	18" Box	0

NATIVE GRASS SEED MIX

- Blue Grass
- Red Top
- Timothy
- Orchard Grass
- Alfalfa
- Shrimp Pellets
- Little Bluestem



REVISION	DATE	BY

DESIGN ENGINEER

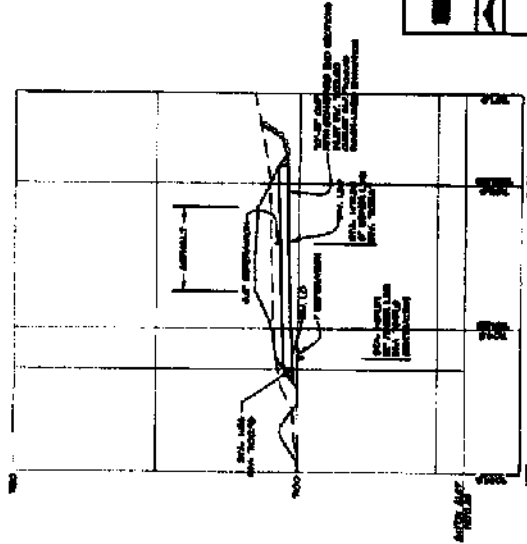
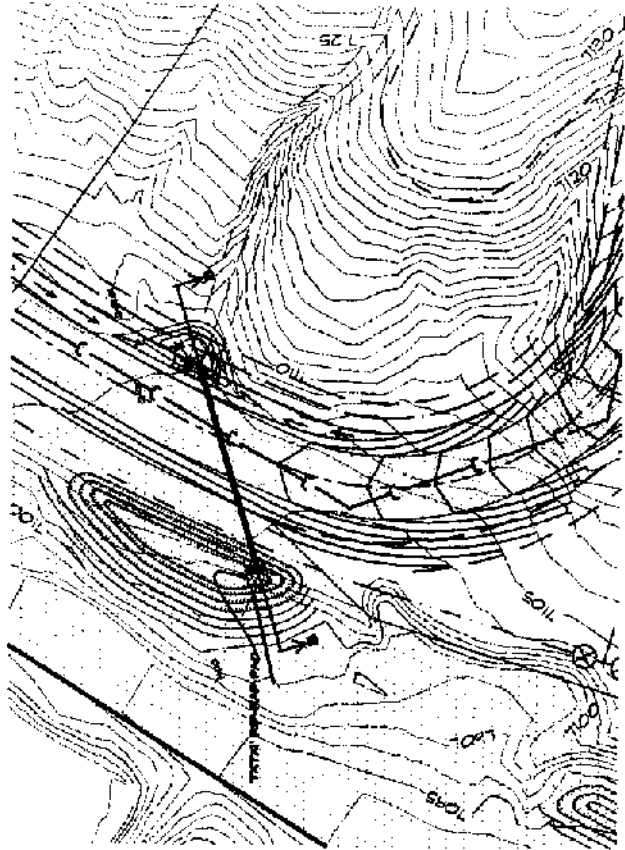
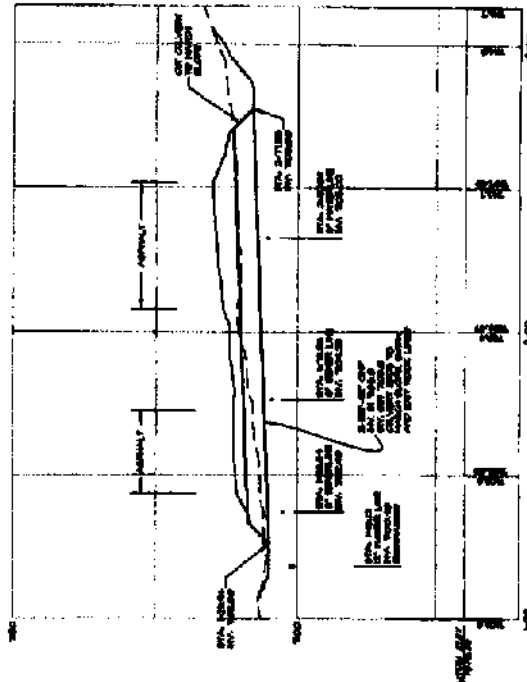
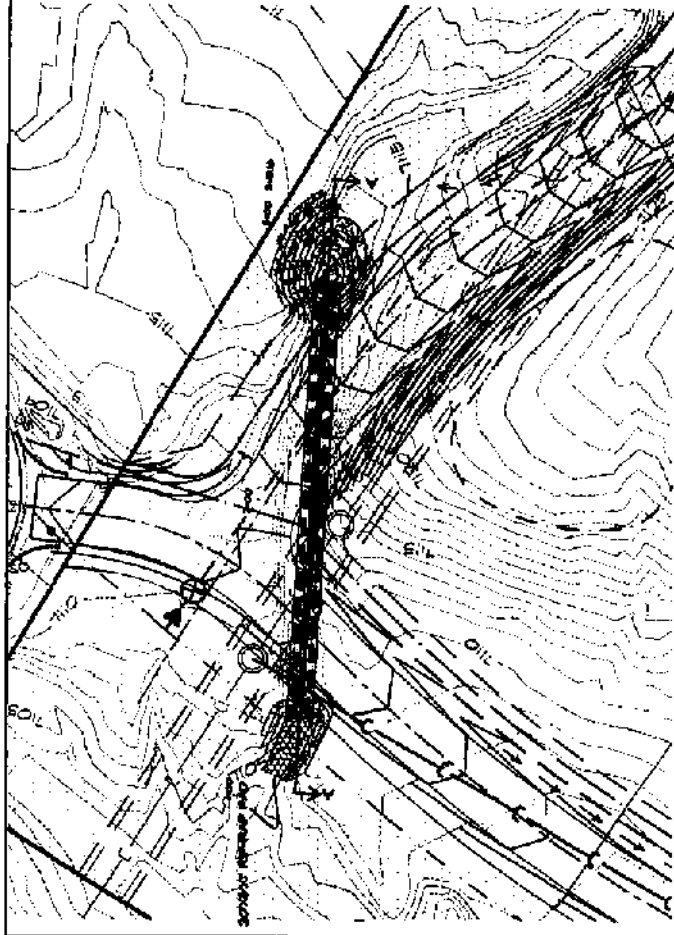
ALMA DUMA

LANDSCAPE PLAN

DATE 10/1/78

PROJECT 100000000

SHEET 10



HORIZ. SCALE 1"=30'

VERT. SCALE 1"=10'

DESIGNER

DATE

DESIGNER'S SIGNATURE

DATE

PROJECT NO.

ROAD SECTION AT CULVERTS

1"=30'

1"=10'

1"=10'

1"=10'

1"=10'

1"=10'

1"=10'

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10

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REVISED BY	
DATE	
<b>DESIGN EXAMINITY</b>	
[Redacted]	
[Redacted]	
<b>ALMA BUREA</b>	
INDUSTRY CONSTRUCTION NOTES	
TITLE	1-10-11
DRAWN BY	[Redacted]
CHECKED BY	[Redacted]

## GENERAL NOTES

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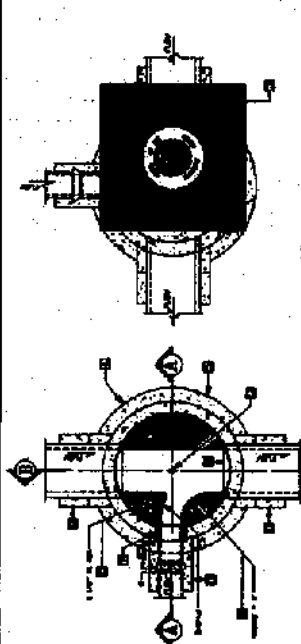
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CITY OF SANTA FE  
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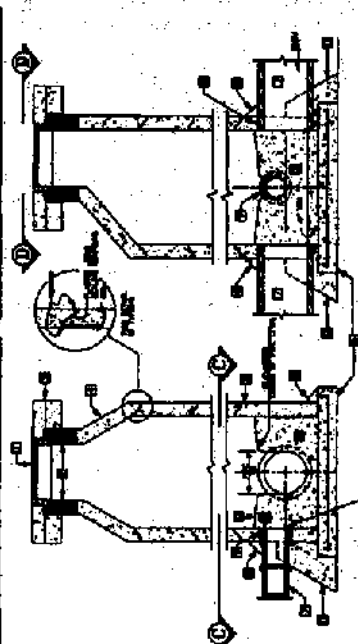
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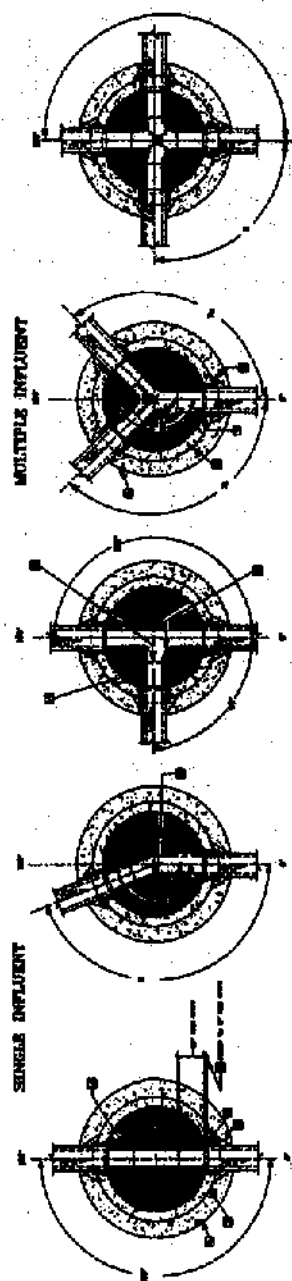


PLAN VIEW • X-SECTION C-C



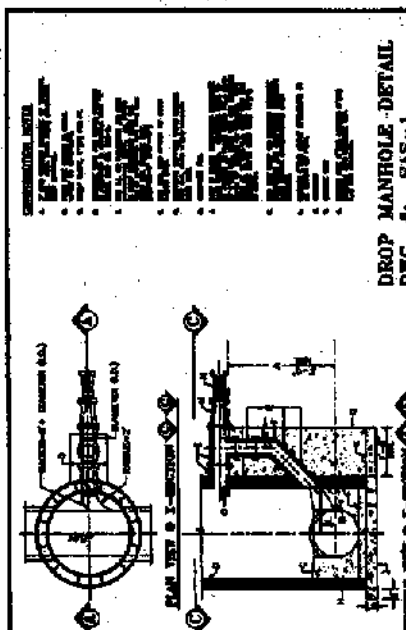
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PLAN VIEW OF MANHOLE BASE CONNECTION/DWG. # SAS-3

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**DROP MANHOLE DETAIL**

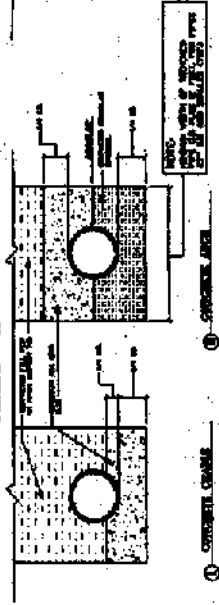
SEE PLAN FOR LOCATION

1-800-235-2227 • Fax: 800-235-2228 • [www.levy.com](http://www.levy.com)



# TRENCH BEDDING AND INSTALLATION DETAILS/DWG. # SAS-11

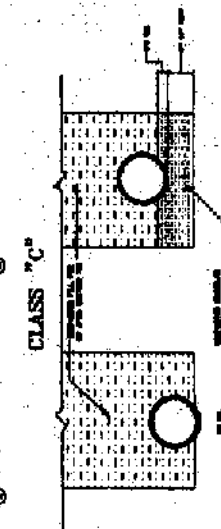
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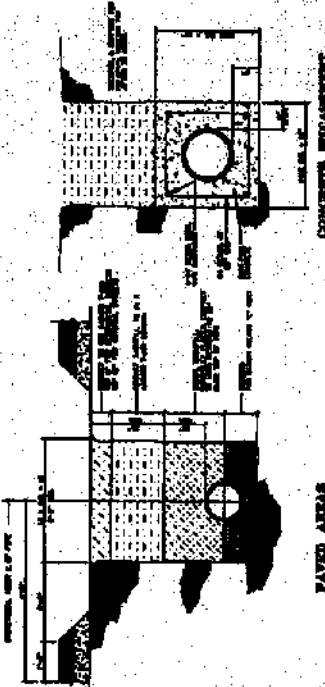
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TYPE I



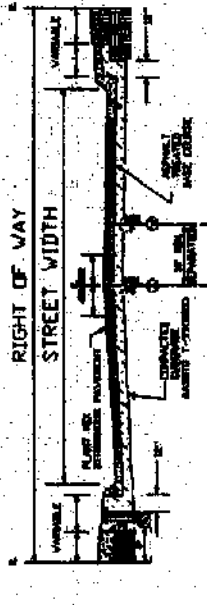
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PAVED AREAS

CONCRETE REINFORCEMENT

## TYPICAL UTILITIES SEPARATION DETAIL/DWG. # SAS-12



- 1. CONCRETE CHANNEL
- 2. CONCRETE LAYER
- 3. CONCRETE LAYER
- 4. CONCRETE LAYER

NOT TO SCALE

## BELL OR COUPLING INSTALLATION DETAIL/DWG. # SAS-13



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## GENERAL NOTES

1. ALL TRENCHES SHALL BE EXCAVATED TO THE PROPOSED BOTTOM OF THE TRENCH. THE EXCAVATION SHALL BE FIRM AND FREE OF OBSTRUCTIONS. THE EXCAVATION SHALL BE FIRM AND FREE OF OBSTRUCTIONS. THE EXCAVATION SHALL BE FIRM AND FREE OF OBSTRUCTIONS.

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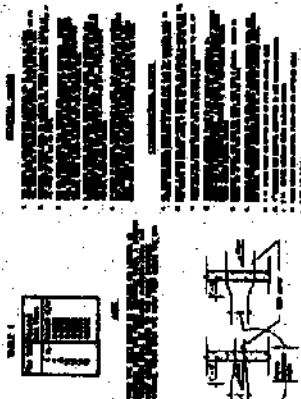
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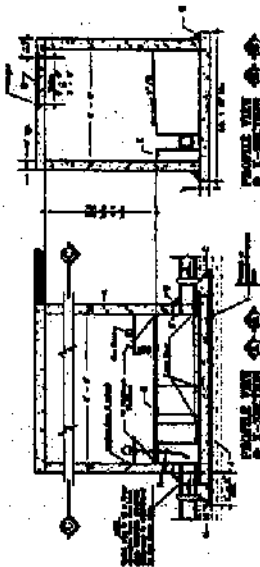
CITY OF SANTA FE  
WATER QUALITY DIVISION

CONSTRUCTION DETAILS  
SHEET 5

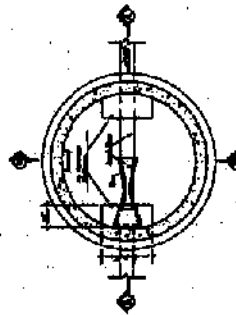




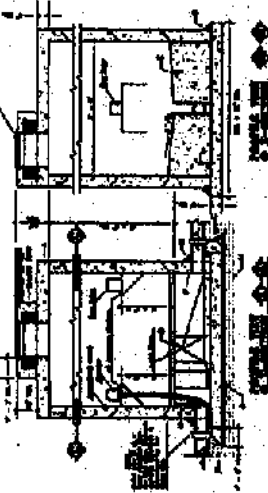
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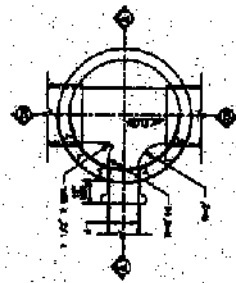
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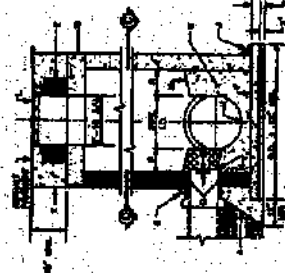
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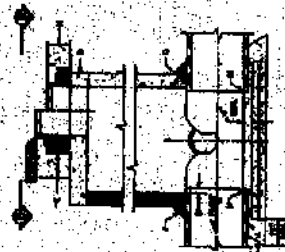
PLAN VIEW



**PLAN VIEW**



PROFILE VIEW  
X-SECTION



**PROFILE VIEW**  
**• X-SECTION**

MANHOLE TYPE "C" DETAIL/DWG. # SAS-14 NOT TO SCALE

## GENERAL NOTES

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CONSTRUCTION NOTES

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CITY OF SANTA FE  
WATER QUALITY DIVISION

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STANDARD CONSTRUCTION DETAILS	SECTION 4
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**SECTION THROUGH STANDARD CURB RETURN**



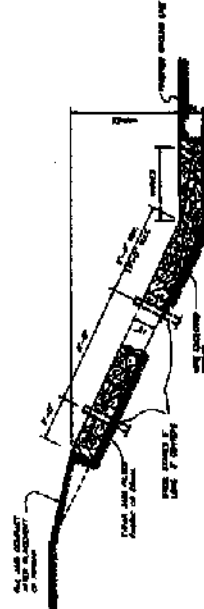
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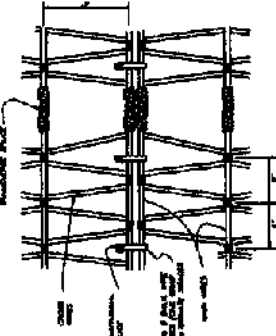


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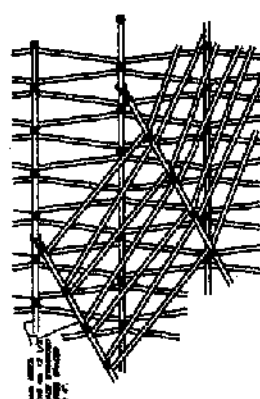
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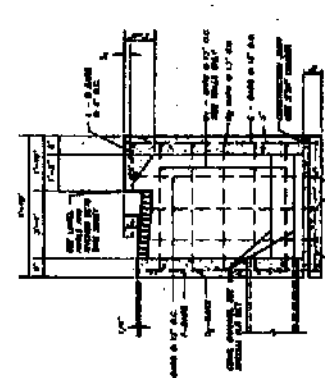


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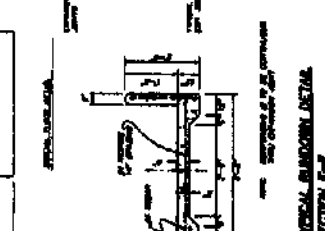


# MEAL OF SPICE & SWEET INTEREST

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**5-0 NOBLES**



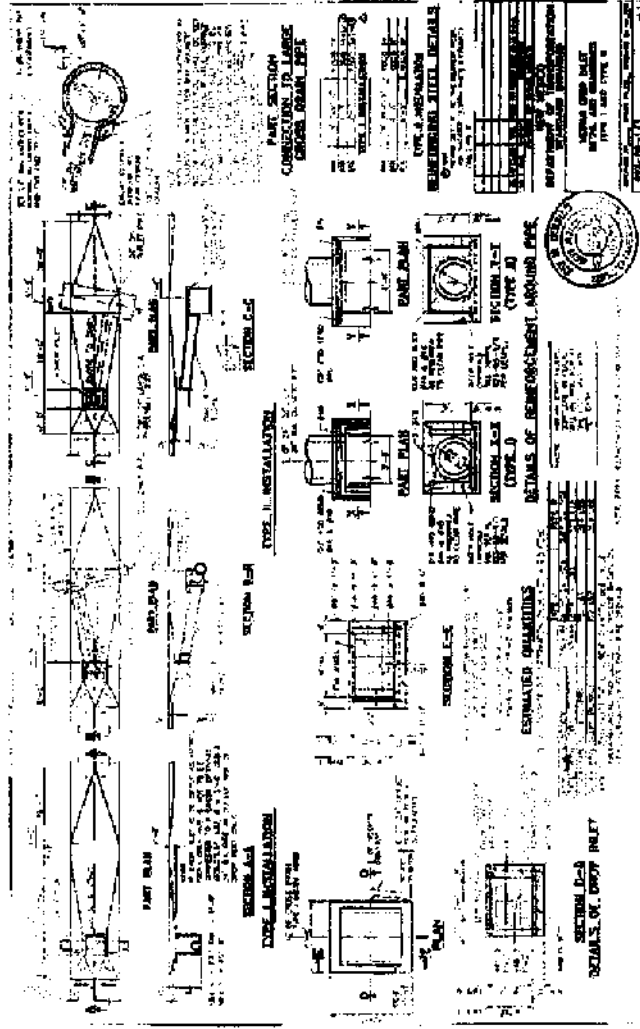
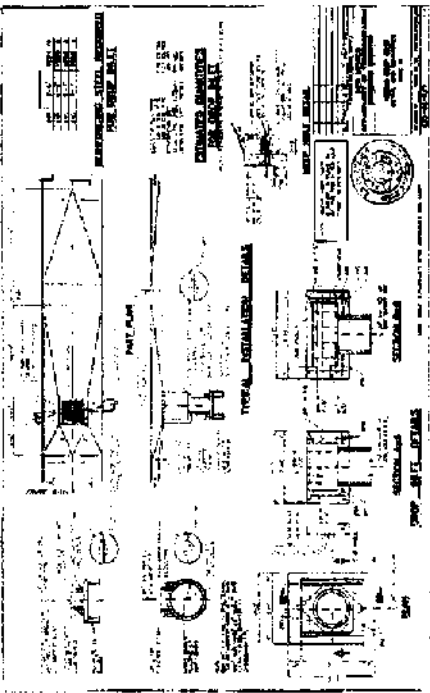
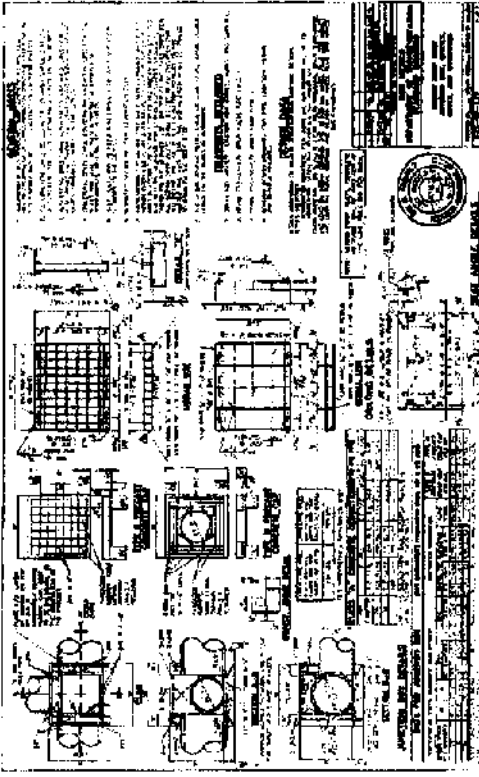
**FRANCIS DRAKE SIMONS**

**DRAINAGE DETAILS**

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REVISIONS	DATE	BY
DESIGN ORGANIZATION		
ALMA DURRA		
REBOOT MEDIAN DROP INLET		
SHEET NO. 4		




Planning Commission  
September 8 , 2016

## **EXHIBIT 6**

# City of Santa Fe, New Mexico

# memo

**DATE:** August 22, 2016  
**TO:** City Council Committees  
**VIA:** Nick Schlavo, Director, Public Utilities Department  
**FROM:** John Alejandro, Renewable Energy Planner, Public Utilities Department   
**SUBJECT:** AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE TO UPDATE LAND-USE CATEGORIES TO ADD AGRICULTURAL USES

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## **ITEM**

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE TO UPDATE LAND-USE CATEGORIES, TABLE OF PERMITTED USES TO ADD AGRICULTURAL USES; AMENDING SUBSECTION 14-6.2(H) OF THE LAND DEVELOPMENT CODE TO PROHIBIT ANIMAL PRODUCTION AND SLAUGHTERHOUSES, AND PROVIDING FOR AGRICULTURAL USES; CREATING A NEW SUBSECTION 14-6.3(D)(4) OF THE LAND DEVELOPMENT CODE TO ALLOW FOR AGRICULTURAL HOME OCCUPATION EXCEPTIONS; AMENDING SECTION 14-8.7 OF THE LAND DEVELOPMENT CODE TO WAIVE ARCHITECTURAL DESIGN REVIEW OF AGRICULTURAL RELATED STRUCTURES BY THE LAND DEVELOPMENT DIRECTOR; AND AMENDING SUBSECTION 14-12 OF THE LAND DEVELOPMENT CODE TO INCLUDE DEFINITIONS FOR TERMS RELATING TO URBAN AGRICULTURE.

## **BACKGROUND**

In 2014, the governing body adopted a policy report drafted by the Santa Fe Food Policy Council titled, "Planning for Santa Fe's Food Future." The report provided a set of recommendations that, when implemented, could help to ensure that a safe, healthy, affordable, and sustainable food supply was available to all residents of Santa Fe to help combat food insecurity. As noted in the report, at least 21,270 people living in Santa Fe County do not know where their next meal is coming from, and according to Santa Fe Public Schools data, approximately 13,000 kids in K-12 public schools (approximately 70%) receive free or reduced-cost lunch.

Although current Santa Fe City Code allows for agriculture activities and uses for noncommercial purposes (i.e., the growing of produce for personal consumption), it does not allow for agricultural activities and uses for commercial purposes, other than within Rural Residential zoned areas.

This new ordinance is designed to provide a set of provisions, guidelines, and requirements to allow agricultural activities and uses for commercial purposes within all zoned districts in the city of Santa Fe.

A committee comprised of citizen volunteers and City of Santa Fe staff with experience and expertise in food related and land use issues in Santa Fe collaborated on the early drafts of this ordinance, working over several months researching best practices of other agriculture ordinances from other cities around the country, and collaborating to create a draft ordinance for Santa Fe that suit the city's unique needs.

City of Santa Fe staff from the Public Utilities Department, Land Use Department, Water Division, and the City Attorney's Office continued to refine that draft, which included meeting with food-related stakeholders in the community to solicit their thoughts and feedback on the draft itself.

The resulting ordinance is one that has been designed to serve all people of Santa Fe who wish to undertake agriculture activities for commercial purposes within the city, whether they are residents who seek to use 100 square feet of their backyard to grow and sell produce to their neighbors, to business entities who seek to utilize advanced farming and agriculture techniques to grow and sell larger amounts of produce on commercial industrial zoned land. The provisions, guidelines, and requirements within the ordinance have been scaled in ways that help to encourage agriculture in Santa Fe rather than restrict it with over burdensome regulations.

This ordinance, like any other ordinance within city code, will continue to be refined as the growth of agriculture within the city occurs, in order to continue to encourage safe and responsible agriculture activities designed to help alleviate food insecurity in our community.

## **SECTIONS**

DATE

### **Section 1.**

States the purpose of the ordinance (new section of city code) is to establish zoning regulations for the operation of commercial agricultural activities and to provide standards for the siting, design, maintenance and modification of agricultural activities that address public safety, and minimize impacts on residents and historic resources in the city of Santa Fe.

### **Section 2.**

Amends Subsection 14-6.2(H) of the Land Development Code, SFCC 1987 (being Ord. #2011-37 (as amended)) to establish permitted uses provided in Table 14-6.1-1 (included at the end of the ordinance), and new use-specific standards, applicability, approval procedures, and development standards, as provided in new Subsection 14-6.2(I).

The section also defines the activities to be performed on ground level farms; roof level farms and rooftop greenhouses; and in aquaculture, aquaponics, and hydroponics facilities.

Item 9 establishes provisions for the permitted use of a farm stand in zoning districts, and the remaining items in the section provide provisions and regulations related to agricultural uses.

### **Section 3.**

Establishes a new a new Subsection 14-6.3(D)(4) of the Land Development Code to make certain exceptions to agricultural home occupations related to number of people regularly engaged in the home occupation for urban farms; farm structures; signage; and parking.

#### Section 4.

Establishes a new Subsection 14-8.7(F) of the Land Development Code, SFCC 1987 enabling the land use director to waive the requirements of Architectural Design Review related to urban agriculture activities under certain circumstances.

#### Section 5.

Amends Subsection 14-12 of the Land Development Code, SFCC 1987 (being Ord. #2011-37 (as amended)) to add new definitions related to urban agriculture and farming activities and uses.

#### Table 14-6.1-1

Updated table noting agriculture use categories that are allowed (A), permitted (P), or allowed via a special use permit (S).

### **RESOLUTION**

The accompanying resolution to the ordinance establishes the City of Santa Fe Policies, Procedures and Guidelines for Urban Farms, as reflected in the Exhibit A document. The policies, procedures and guidelines will provide a framework by which growers and sellers of on-site produce, also known as urban farms, must adhere to, and also provide guidance to the Land Use Director and land use boards in the administration of the agriculture ordinance.

### **FISCAL IMPACT**

A fiscal impact is not expected from the passage of this ordinance.

The ordinance and resolution are intended to have a positive impact on the community by providing the authority, policies and guidelines needed to conduct agriculture activities, which may help to provide greater access to sources of healthy, nutritious and affordable food; create more agriculture-based businesses; and, support advanced agriculture/ farming models that have the potential to grow food on a large scale using sustainable and environmentally conscious techniques.

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2016-\_\_

3 INTRODUCED BY:

4  
5 Mayor Javier M. Gonzales

6 Councilor Peter N. Ives  
7  
8  
9

10 AN ORDINANCE

11 AMENDING THE LAND DEVELOPMENT CODE TO UPDATE LAND-USE  
12 CATEGORIES, TABLE OF PERMITTED USES TO ADD AGRICULTURAL USES;  
13 AMENDING SUBSECTION 14-6.2(H) OF THE LAND DEVELOPMENT CODE TO  
14 PROHIBIT ANIMAL PRODUCTION AND SLAUGHTERHOUSES, AND PROVIDING  
15 FOR AGRICULTURAL USES; CREATING A NEW SUBSECTION 14-6.3(D)(4) OF THE  
16 LAND DEVELOPMENT CODE TO ALLOW FOR AGRICULTURAL HOME  
17 OCCUPATION EXCEPTIONS; AMENDING SECTION 14-8.7 OF THE LAND  
18 DEVELOPMENT CODE TO WAIVE ARCHITECTURAL DESIGN REVIEW OF  
19 AGRICULTURAL RELATED STRUCTURES BY THE LAND DEVELOPMENT  
20 DIRECTOR; AND AMENDING SUBSECTION 14-12 OF THE LAND DEVELOPMENT  
21 CODE TO INCLUDE DEFINITIONS FOR TERMS RELATING TO URBAN  
22 AGRICULTURE.

23  
24 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

25 Section 1. Purpose:



1 The purpose of this Section is to establish zoning regulations for the operation of  
2 commercial agricultural activities and to provide standards for the siting, design, maintenance and  
3 modification of agricultural activities that address public safety, and minimize impacts on  
4 residents and historic resources in the city of Santa Fe.

5 Section 2. Subsection 14-6.2(H) of the Land Development Code, SFCC 1987  
6 (being Ord. #2011-37 (as amended)) is amended to read:

7 14-6.2 USE-SPECIFIC STANDARDS

8 (H) Agricultural Uses

9 (1) Agricultural uses for noncommercial purposes that are *accessory* uses to a  
10 permitted *principal* use are permitted in all zoning districts but shall not create a public nuisance  
11 and shall meet all other applicable city codes.

12 (2) Agricultural uses for commercial purposes are ~~[restricted]~~ permitted as set forth  
13 in Table 14-6.1-1; however, the following commercial agricultural uses are specifically  
14 prohibited:

- 15 (a) ~~[mink and poultry]~~ animal production; [and]  
16 (b) ~~[feedlots]~~ slaughterhouses and slaughtering of livestock; and  
17 c. any other use prohibited by 5-7.1 SFCC 1987.

18 (3) Applicability. No agricultural activity shall be conducted, or farm structure  
19 erected, except in compliance with the provisions of this Subsection 14-6.2(1). The provisions of  
20 this subsection shall apply to all agricultural activities, whether such activity is a primary use or  
21 an accessory use, except for:

22 (a) Gardens for the personal noncommercial use of residents as accessory  
23 uses to residential uses.

24 (b) Community gardens located on city-owned property and regulated by  
25 written policies and procedures of the city of Santa Fe.

1           (c) Community gardens for noncommercial purposes permitted as an  
2 accessory use.

3           (4) Approval Procedures.

4           (a) Agricultural uses are allowed as an accessory use; with a special use  
5 permit; or permitted by right, all as shown in Table 14-6.1-1.

6           (b) Except as otherwise provided in this Subsection 14-6.2(I), the procedural  
7 and other requirements for home occupations, special use permits and development plans  
8 apply to agricultural uses and structures.

9           (c) Agricultural uses and structures shall comply with all other applicable  
10 provisions of SFCC 1987, including chapter VII relating to building and housing, and  
11 chapter XII relating to fire prevention and protection.

12           (d) The governing body may adopt by resolution guidelines for the  
13 development and operation of agricultural uses, which shall guide the land use director in  
14 the administration of this Subsection 14-6.2(I).

15           (5) Development Standards.

16           (a) Except as otherwise provided in this Subsection 14-6.2(I), structures  
17 associated with agricultural uses are subject to the development standards established for  
18 the underlying and overlay zoning districts within which the property is located.

19           (b) Agricultural home occupations shall comply with Subsection 14-  
20 6.3(D)(2).

21           (6) Urban Farm, Ground Level.

22           (a) The principal activity to be performed on a ground level urban farm shall  
23 be the cultivation of agricultural crops.

24           (b) Ground level urban farms are permitted as provided in Table 14-6.1-1.

25           (7) Urban Farm, Roof Level; Rooftop Greenhouse.

1           (a) The principal activity to be performed on a roof level urban farm, or  
2 within a rooftop greenhouse, shall be the cultivation of agricultural crops.

3           (b) Roof level urban farms and rooftop greenhouses are permitted as  
4 provided in Table 14-6.1-1.

5       (8) Aquaculture, Aquaponics and Hydroponics.

6           (a) Aquaculture, aquaponics and hydroponics are permitted as provided in  
7 Table 14-6.1-1.

8           (b) Operations must comply with applicable federal and State regulations for  
9 water use and discharge, and for the possession, propagation, culture, sale and disposition  
10 of living marine organisms.

11       (9) Farm Stands.

12           (a) An urban farm may include a farm stand. Farm stands located in zoning  
13 districts which otherwise prohibit retail sales shall be limited to sales of agricultural  
14 products that are grown on the premises, and shall not be larger than 48 square feet.

15           (b) Operation of a farm stand requires a home occupation permit or other  
16 type of business license issued by the City of Santa Fe Business Licensing Division.

17       (10) Screening and Buffering.

18           (a) Any composting, loading or disposal areas within or adjacent to a  
19 residential or commercial zoning district shall be screened from view by a wall, fence,  
20 berm or vegetative screen, or combination thereof. Any fencing shall be constructed of  
21 opaque materials and shall comply with the standards and requirements applicable to  
22 fences in the zoning district where the property is located..

23           (b) Any material or equipment stored outdoors within a residential or  
24 commercial zoning district shall be surrounded by a wall or fence or vegetative screen not  
25 less than six (6) feet high, as may be necessary, to screen such material or equipment

1 from view from any public street or public open space.

2 (11) Maintenance and Operation.

3 (a) Urban farms shall be used and maintained in such a manner in which at  
4 no time shall they constitute a nuisance or hazard to the surrounding neighborhood.

5 (12) Soil Safety.

6 (a) All urban farms using conditioned soil will be required to comply with  
7 the New Mexico Soil and Water Conservation Act, Sections 73-20-25 through 73-20-48  
8 NMSA 1978.

9 (13) Composting.

10 (a) Composting is accessory to an urban farm and shall be used only onsite  
11 where any ground level urban farm or roof level urban farm is permitted. Composting shall  
12 occupy no more than ten (10) percent of the lot area.

13 (b) Composting as a principal use requires approval of a special use permit  
14 in industrial zoning districts, and is prohibited in other zoning districts.

15 (c) Maximum Height:

16 (i) Maximum height of composting structures or bins shall not  
17 exceed the maximum height permitted for fences and walls in the zoning district  
18 where the property is located.

19 (ii) On a roof level urban farm, any composting must be contained  
20 within a fully enclosed inflammable bin that does not have direct contact with  
21 flammable materials.

22 (d) Setbacks:

23 (i) Subject to Subsection 14-6.3(B)(2) Accessory Uses, compost  
24 bins, accessory structures and windrows shall comply with the applicable  
25 setback requirements in all zoned districts.

1                   (ii) Compost bins, structures and windrows located in a required  
2 yard or street frontage in all residential and commercial zoned districts must be  
3 screened from street view.

4       (14) Water.

5           (a) Urban farms are allowed to use the following water resources:

6                   (i) Captured rainwater on-site meeting the requirements of the New  
7 Mexico State Engineer's Office (OSE) and Subsection 14-8.4(E).

8                   (ii) Passive water harvesting designed to infiltrate water, control  
9 runoff and erosion.

10                  (iii) Gray water or treated effluent from permitted on-site sources  
11 adhering to the requirements of Section 20-7-3 NMAC and Subsection 14-  
12 8.4(E)(2).

13                  (iv) Consistent with its adjudicated, licensed, or permitted use.

14                  (v) Well water from existing on-site wells, provided that such wells  
15 are permitted by the OSE for agricultural use.

16                  (vi) Treated municipal effluent.

17                  (vii) Municipal water system.

18           (b) Any constructed water catchment systems shall meet all permitting  
19 requirements of the city of Santa Fe's land use department.

20           (c) Water supplied through the municipal water system shall be charged at  
21 the rate applicable to the meter size, and shall comply with all applicable requirements of  
22 Section 14-8.13 of the land use development code.

23           (d) Irrigation systems shall comply with Subsection 14-8.4(E)(4), including  
24 installation of an approved backflow prevention device.

25           (e) Watering times shall comply with the outdoor conservation regulations

1 pursuant to Subsection 25-2.7 SFCC 1987.

2 (f) Water efficient technologies and practices, such as drip irrigation  
3 systems, use of ollas or other water-holding materials, are allowed.

4 (15) Abandonment.

5 (a) If an agricultural use ceases for any reason for three hundred sixty five  
6 (365) consecutive days without the prior written approval of the land use director, the use  
7 shall be deemed to be abandoned.

8 (b) Any property used for agricultural purposes pursuant to this section shall  
9 be cleared and restored to the state in which it existed prior to commencement of the  
10 agricultural use. The property owner shall remove from the property all farm structures  
11 within one hundred and eighty (180) days after the date the agricultural use is  
12 discontinued. Site clearing shall consist of:

13 (i) Physical removal of all farm structures, farm equipment and  
14 machinery; and

15 (ii) Disposal of all composting and agricultural waste in accordance  
16 with local and state waste disposal regulations; and

17 (iii) Stabilization of the site's vegetation as necessary to minimize  
18 erosion and invasive species encroachment. The land use director may allow the  
19 owner to leave landscaping in order to minimize erosion and disruption to  
20 vegetation.

21 (c) If the applicant fails to remove farm structures, farm equipment, and  
22 farm machinery in accordance with the requirements of this Subsection 14-6.2(D)(13)  
23 within one-hundred and eighty (180) days of the date the agricultural use is discontinued,  
24 the land use director shall proceed with enforcement actions as provided for in Section  
25 14-11.

1       Section 3.     A new Subsection 14-6.3(D)(4) of the Land Development Code,  
2       SFCC 1987 is ordained to read:

3       [NEW MATERIAL] (4)     Agricultural *home occupations* shall comply with  
4       Subsection 14-6.3(D)(2), except that:

5               (a)     Notwithstanding the provisions of Subsection 14-6.3(D)(2)(c)(iv), not  
6               more than five (5) persons, other than members of the *family* who reside on the  
7               *premises*, shall be regularly engaged in the *home occupation* for urban farms with  
8               up to 10,000 square feet of production area. An additional person may be  
9               regularly engaged in the urban farm *home occupation* for every additional 10,000  
10              of square feet of the production area up to a total of ten (10) people.

11             (b)     A *farm stand* and other farm structures shall not be included in the  
12             calculation of maximum floor area permitted pursuant to Subsection 14-  
13             6.3(D)(2)(d)(i).

14             (c)     Notwithstanding the provisions of Subsection 14-6.3(D)(2)(d)(iii),  
15             signage shall be permitted as provided in Subsection 14-8.10.

16             (d)     Notwithstanding the provisions of Subsection 14-6.3(D)(2)(e), on-site  
17             parking shall be required as follows:

18                   (i)     One parking space shall be provided for each worker who resides  
19                   off the premises working simultaneously; and

20                   (ii)    Three parking spaces on the lot shall be available to *farm stand*  
21                   customers during farm stand open hours.

22       Section 4.     A new Subsection 14-8.7(F) of the Land Development Code, SFCC  
23       1987 is ordained to read:

24       [NEW MATERIAL] (F)     For urban agriculture activities, the *land use director*  
25       may waive the requirements of this Subsection 14-8.7, Architectural Design Review,

1 under the following circumstances:

2 (a) The applicant submits a written request demonstrating that compliance  
3 with Subsection 14-8.7 is not feasible due to the nature of a permitted type of  
4 urban agriculture *structure*.

5 (b) The *land use director* determines that the waiver requested is the  
6 minimum deviation that will permit construction of the permitted *structure*.

7 (c) The *land use director* determines that the waiver requested will not result  
8 in any negative health or safety impacts on the community, or negatively impact  
9 a neighboring *property*.

10 (d) Notwithstanding the foregoing, agricultural *structures* shall be  
11 compatible with the zoning district where the property is located or shall be  
12 screened from public view.

13 **Section 5. Subsection 14-12 of the Land Development Code, SFCC 1987 (being**  
14 **Ord. #2011-37 (as amended)) is amended to add the following definitions:**

15 **AQUACULTURE**

16 The cultivation of aquatic animals in a recirculating environment to produce whole fish  
17 that are distributed to retailers, restaurants and consumers.

18 **AQUAPONICS**

19 The cultivation of fish and plants together in a constructed, re-circulating system utilizing  
20 natural bacterial cycles to convert fish wastes to plant nutrients, for distribution to  
21 retailers, restaurants and consumers.

22 **COMPOSTING**

23 A process of accelerated biodegradation and stabilization of organic material under  
24 controlled conditions yielding a product which can safely be used as fertilizer.

25 **FARM AREA**



1 The area of a lot designated for activities and uses defined as urban agriculture.

2 **FARM STAND**

3 A table, stall, tent or other structure located on an urban farm and operated by a vendor  
4 with a city-issued business license to sell to the public agricultural products grown on the  
5 same property where the farm stand is located, not to exceed 48 square feet in size.

6 **FARM STRUCTURES**

7 Structures that may include, but are not limited to, sheds (tool and packing), compost  
8 bins, shade pavilions, *farm stands*, trellises or other vertical supports for growing crops,  
9 and structures used to extend the growing season such as *greenhouses*, *hoophouses*,  
10 coldframes, and similar structures.

11 **GROUND LEVEL URBAN FARMS**

12 The use of a *lot* on the ground plan for urban agriculture for commercial purposes,  
13 whether for profit or non-profit.

14 **HYDROPONICS**

15 The propagation of plants using a mechanical system designed to circulate a solution of  
16 minerals in water, for distribution to retailers, restaurants and consumers.

17 **ROOF LEVEL URBAN FARM**

18 The use of a roof for urban agriculture for commercial purposes, whether for profit or  
19 non-profit.

20 **ROOFTOP GREENHOUSE**

21 A *structure* located on a roof, whose roof and sides are made largely of glass or other  
22 transparent or translucent material and in which the temperature and humidity can be  
23 regulated for the cultivation of delicate or out-of-season plants.

24 **URBAN AGRICULTURE**

25 The use of a *lot* for the cultivation of agriculture, *composting*, *aquaponics*, *aquaculture*,

1       and/or *hydroponics* for commercial purposes.

2       **URBAN FARM, GROUND LEVEL, LARGE**

3       A *ground level urban farm* with a *farm area* greater than one (1) acre, that is used for  
4       urban agriculture for commercial purposes, whether for profit or non-profit.

5       **URBAN FARM, GROUND LEVEL, MEDIUM**

6       A *ground level urban farm* with a *farm area* greater than or equal to ten-thousand  
7       (10,000) square feet, but no greater than one (1) acre, that is used for urban agriculture  
8       for commercial purposes, whether for profit or non-profit.

9       **URBAN FARM, GROUND LEVEL, SMALL**

10      A *ground level urban farm* with a *farm area* less than ten-thousand (10,000) square feet  
11      that is used for urban agriculture for commercial purposes, whether for profit or non-  
12      profit.

13      **URBAN FARM, ROOF LEVEL, LARGE**

14      A *roof level urban farm* with a *farm area* greater than one (1) acre, that is used for urban  
15      agriculture for commercial purposes, whether for profit or non-profit.

16      **URBAN FARM, ROOF LEVEL, MEDIUM**

17      A *roof level urban farm* with a *farm area* greater than or equal to five-thousand (5000)  
18      square feet, but no greater than one (1) acre, that is used for urban agriculture for  
19      commercial purposes, whether for profit or non-profit.

20      **URBAN FARM, ROOF LEVEL, SMALL**

21      A *roof level urban farm* with a *farm area* less than five-thousand (5000) square feet that  
22      is used for urban agriculture for commercial purposes, whether for profit or non-profit.

1 APPROVED AS TO FORM:

2 Kelley A. Brennan

3  
4 KELLEY A. BRENNAN, CITY ATTORNEY

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Table 14-6.1-1

CATEGORY Specific Use	R-1 - RR	R-7 - R-9	R-7 - I	RC- 5, RC-8	R-10 - R- 29	MHP	RAC	AC**	C- 1	C- 2	C- 4	HZ	BCD	I 1 - 1	I 2 - 2	BIP	SC- 1	SC- 2	SC- 3	MU ***	Use- Specific Regs 14-6.2
AGRICULTURAL USES																					
Animal production	[S]																				(H)
[Crop production]	[S]																				[(H)]
Commercial stable	S																				(H)
Urban Farm Ground Level, less than 10,000 sq. ft.	A	A	A	A	A				P	P	P			P	P		P	P	P		(U)
Urban Farm Ground Level, 10,000 sq. ft. - 1 acre	S	S	S	S	S				P	P	P			P	P		P	P	P		(U)
Urban Farm Ground Level, greater than 1 acre	S	S	S	S	S				S	S	S			P	P		S	S	S		(U)
Urban Farm Roof Level, Open Air, less than 10,000 sq. ft.	A	A	A	A	A				S	S	S			S	S		S	S	S		(U)
Urban Farm Roof Level, Open Air, 10,000 sq. ft. - 1 acre	S	S	S	S	S				S	S	S			S	S		S	S	S		(U)
Urban Farm Roof Level, Open Air, greater than 1 acre	S	S	S	S	S				S	S	S			S	S		S	S	S		(U)
Urban Farm, Rooftop Greenhouse, any size	S	S	S	S	S				S	S	S			S	S		S	S	S		(U)
Aquaculture, less than 750 sq. ft.	S	S	S	S	S				S	S	S			S	S		S	S	S		(U)

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## City of Santa Fe Fiscal Impact Report (FIR)

This Fiscal Impact Report (FIR) shall be completed for each proposed bill or resolution as to its direct impact upon the City's operating budget and is intended for use by any of the standing committees of and the Governing Body of the City of Santa Fe. Bills or resolutions with no fiscal impact still require a completed FIR. Bills or resolutions with a fiscal impact must be reviewed by the Finance Committee. Bills or resolutions without a fiscal impact generally do not require review by the Finance Committee unless the subject of the bill or resolution is financial in nature.

### Section A. General Information

(Check) Bill:   X   Resolution:   X    
(A single FIR may be used for related bills and/or resolutions)

Short Title(s):

1. AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE TO UPDATE LAND-USE CATEGORIES, TABLE OF PERMITTED USES TO ADD AGRICULTURAL USES; AMENDING SUBSECTION 14-6.2(H) OF THE LAND DEVELOPMENT CODE TO PROHIBIT ANIMAL PRODUCTION AND SLAUGHTERHOUSES, AND PROVIDING FOR AGRICULTURAL USES; CREATING A NEW SUBSECTION 14-6.3(D)(4) OF THE LAND DEVELOPMENT CODE TO ALLOW FOR AGRICULTURAL HOME OCCUPATION EXCEPTIONS; AMENDING SECTION 14-8.7 OF THE LAND DEVELOPMENT CODE TO WAIVE ARCHITECTURAL DESIGN REVIEW OF AGRICULTURAL RELATED STRUCTURES BY THE LAND DEVELOPMENT DIRECTOR; AND AMENDING SUBSECTION 14-12 OF THE LAND DEVELOPMENT CODE TO INCLUDE DEFINITIONS FOR TERMS RELATING TO URBAN AGRICULTURE.

2. A RESOLUTION ADOPTING THE CITY OF SANTA FE POLICIES, PROCEDURES AND GUIDELINES FOR URBAN FARMS.

Sponsor(s): Mayor Javier M. Gonzales; Councillor Peter N. Ives

Reviewing Department(s): Public Utilities

Persons Completing FIR: John Alejandro Date: 8/17/16 Phone: 955-6236

Reviewed by City Attorney: Kelly A. Brennan Date: 8/18/16  
(Signature)

Reviewed by Finance Director: [Signature] Date: 8-19-2016  
(Signature)

### Section B. Summary

Briefly explain the purpose and major provisions of the bill/resolution:

Currently, city code only allows the growing of agricultural crops on premises to occur for personal consumption; it does not allow agricultural crops that are grown on premises to be sold commercially at the premises within the city limits. This ordinance establishes provisions and requirements that allow for agricultural crops to be grown on residential, commercial, and industrial zoned premises within the city of Santa Fe, and for the sale of such crops to occur at the same premises.

Finance Director: [Signature]

The ordinance also amends sections of city code that are applicable to agricultural uses and activities, in order to make them consistent with the provisions and requirements that enable agricultural activities to take place within the city limits.

The accompanying resolution to the ordinance establishes the City of Santa Fe Policies, Procedures and Guidelines for Urban Farms, as reflected in the Exhibit A document. The policies, procedures and guidelines will provide a framework by which growers and sellers of on-site produce, also known as urban farms, must adhere to, and also provide guidance to the Land Use Director and land use boards in the administration of the agriculture ordinance.

### **Section C. Fiscal Impact**

Notes: Financial information on this FIR does not directly translate into a City of Santa Fe budget increase. For a budget increase, the following are required:

- The item must be on the agenda at the Finance Committee and City Council as a "Request for Approval of a City of Santa Fe Budget Increase" with a definitive funding source (could be same item and same time as bill/resolution)
- Detailed budget information must be attached as to fund, business units, and line item, amounts, and explanations (similar to annual requests for budget)
- Detailed personnel forms must be attached as to range, salary, and benefit allocation and signed by Human Resource Department for each new position(s) requested (prorated for period to be employed by fiscal year)\*

#### **1. Projected Expenditures:**

- Indicate Fiscal Year(s) affected – usually current fiscal year and following fiscal year (i.e., FY 03/04 and FY 04/05)
- Indicate: "A" if current budget and level of staffing will absorb the costs  
"N" if new, additional, or increased budget or staffing will be required
- Indicate: "R" – if recurring annual costs  
"NR" if one-time, non-recurring costs, such as start-up, contract or equipment costs
- Attach additional projection schedules if two years does not adequately project revenue and cost patterns
- Costs may be netted or shown as an offset if some cost savings are projected (explain in Section 3 Narrative)

  X   Check here if no fiscal impact

Column #:	1	2	3	4	5	6	7	8
	Expenditure Classification	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non- recurring	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs - Recurring or "NR" Non- recurring	Fund Affected
	Personnel*	\$ _____	_____	_____	\$ _____	_____	_____	_____
	Fringe**	\$ _____	_____	_____	\$ _____	_____	_____	_____
	Capital Outlay	\$ _____	_____	_____	\$ _____	_____	_____	_____
	Land/ Building	\$ _____	_____	_____	\$ _____	_____	_____	_____
	Professional Services	\$ _____	_____	_____	\$ _____	_____	_____	_____
	All Other Operating Costs	\$ _____	_____	_____	\$ _____	_____	_____	_____

Total: \$ \_\_\_\_\_ \$ \_\_\_\_\_

\* Any indication that additional staffing would be required must be reviewed and approved in advance by the City Manager by attached memo before release of FIR to committees. \*\*For fringe benefits contact the Finance Dept.

**2. Revenue Sources:**

a. To indicate new revenues and/or

b. Required for costs for which new expenditure budget is proposed above in item 1.

Column #:	1	2	3	4	5	6
	Type of Revenue	FY _____	"R" Costs Recurring or "NR" Non-recurring	FY _____	"R" Costs - Recurring or "NR" Non-recurring	Fund Affected

\_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

\_\_\_\_\_ \$ \_\_\_\_\_ \$ \_\_\_\_\_

Total: \$ \_\_\_\_\_ \$ \_\_\_\_\_

**3. Expenditure/Revenue Narrative:**

Explain revenue source(s). Include revenue calculations, grant(s) available, anticipated date of receipt of revenues/grants, etc. Explain expenditures, grant match(s), justify personnel increase(s), detail capital and operating uses, etc. (Attach supplemental page, if necessary.)

N/A

**Section D. General Narrative**

**1. Conflicts:** Does this proposed bill/resolution duplicate/conflict with/companion to/relate to any City code, approved ordinance or resolution, other adopted policies or proposed legislation? Include details of city adopted laws/ordinance/resolutions and dates. Summarize the relationships, conflicts or overlaps.

None identified.

**2. Consequences of Not Enacting This Bill/Resolution:**

Are there consequences of not enacting this bill/resolution? If so, describe.

If the ordinance and resolution are not enacted, the sale of produce grown on residential, commercial and industrial premises will still not be allowed; there will continue to be a lack of guidelines for both the community and city staff when it comes to urban agriculture uses in Santa Fe; and, individuals and entities wishing to create an urban farm business will not have the legal authority and official policies and guidelines to do so.

**3. Technical Issues:**

Are there incorrect citations of law, drafting errors or other problems? Are there any amendments that should be considered? Are there any other alternatives which should be considered? If so, describe.

None identified.



#### 4. Community Impact:

Briefly describe the major positive or negative effects the Bill/Resolution might have on the community including, but not limited to, businesses, neighborhoods, families, children and youth, social service providers and other institutions such as schools, churches, etc.

The ordinance and resolution are intended to have a positive impact on the community by providing the authority, policies and guidelines needed to conduct agriculture activities, which may help to provide greater access to sources of healthy, nutritious and affordable food; create more agriculture-based businesses; and, support advanced agriculture/ farming models that have the potential to grow food on a large scale using sustainable and environmentally conscious techniques.

1 CITY OF SANTA FE, NEW MEXICO

2 RESOLUTION NO. 2016 - \_\_

3 INTRODUCED BY:

4  
5 Mayor Javier M. Gonzales

6 Councilor Peter N. Ives  
7  
8  
9  
10

11 A RESOLUTION

12 CREATING THE CITY OF SANTA FE PROCEDURES AND GUIDELINES FOR  
13 URBAN AGRICULTURE ACTIVITIES AND USES.  
14

15 WHEREAS, the governing body wishes to promote a healthy lifestyle for all people in  
16 Santa Fe; and

17 WHEREAS, the governing body wishes to promote local economic development; and

18 WHEREAS, *Planning for Santa Fe's Food Future* was developed by the Santa Fe Food  
19 Policy Council as a guiding policy document designed to ensure that a safe, healthy, and  
20 affordable food supply will be available to all city residents, and subsequently adopted by the  
21 Governing Body of the City of Santa Fe via Resolution 2014-100; and

22 WHEREAS, *Planning for Santa Fe's Food Future* contains recommendations to develop  
23 a food system that nourishes all people in Santa Fe in a just and sustainable manner; and

24 WHEREAS, currently, the Santa Fe City Code does not allow for the sale of fresh fruits  
25 and vegetables from urban farms that offer for sale produce that is grown on premise; and

1           WHEREAS, fruits and vegetables contribute to the overall health and wellbeing of an  
2 individual, and the ability to purchase such produce from an urban farm would be beneficial to  
3 city residents;

4           NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE  
5 CITY OF SANTA FE that the City of Santa Fe Procedures and Guidelines for Urban Activities  
6 and Uses, attached herein as Exhibit A, are hereby established.

7  
8           PASSED, APPROVED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_ 2016.

9  
10  
11 \_\_\_\_\_  
12 JAVIER M. GONZALES, MAYOR

13 ATTEST:

14  
15 \_\_\_\_\_  
16 YOLANDA VIGIL, CITY CLERK

17 APPROVED AS TO FORM:

18   
19 \_\_\_\_\_  
20 KELLEY A. BRENNAN, CITY ATTORNEY

21  
22  
23  
24  
25 *M/Legislation/Resolutions 2016/Urban Agriculture Guidelines*

**EXHIBIT A:**  
***City of Santa Fe Land Use Department Procedures and Guidelines for Urban Agriculture Activities and Uses***

**PART 1: APPLICATION FOR URBAN AGRICULTURE**

- 1.1 All Urban Agricultural Activities and Uses shall be examined and permitted by the Land Use Department Director.
- 1.2 The information required for the processing and permitting of urban agriculture activities and uses that utilize 200 square feet or less of a ground level lot shall include:
  - A. At minimum, a drawing depicting a site plan showing legal lot, planted areas, locations and footprints of all Farm Structures, driveways, parking areas, and landscape buffers; and
  - B. Document listing types and materials of Farm Structures; and
  - B. Photographs of existing site and adjacent properties to provide site context; and
  - C. Proposed plans for irrigation, and controls for storm water runoff as required by Section 14-8.2; and
  - D. Proposed signage plan showing proposed signage and related architectural features on the sign frontage as required by Section 14-8.10.
- 1.3 The information required for the processing and permitting of all urban agriculture activities and uses other than those that utilize 200 square feet or less of a ground level lot, shall include:
  - A. Site plan, legal lot of record, areas of urban agriculture activities, footprints for all structures, means of ingress and egress, parking areas (including spaces), and landscape buffers; and
  - B. A scaled drawing for Farm and other Structures; and
  - C. Site plan of existing site and adjacent properties (including structures); and
  - D. Proposed plans for irrigation and control measures for storm water runoff as required by Section 14-8.2; and
  - E. Signage plan showing proposed signage as required by Section 14-8.10.
- 1.3(A) Such submission materials shall demonstrate the dimensions, location and architecture of:
  - A. All Urban Agriculture activities, materials, screening, fencing, and landscaping in a manner that is sensitive to the surrounding area; and

- B. Any existing buildings which will remain on the site, with the proposed Urban Agriculture activities, if applicable.

## **PART 2: DESIGN GUIDELINES**

- 2.1 This subsection establishes the design guidelines for all Urban Farms deemed subject to Architectural Design Review by the Land Use Department Director.

- A. Scaled Site Plan.

- 1. Including locations of Farm Structures, ingress/egress, and parking areas (including spaces). Urban Agriculture activities and uses should be designed in a manner that enhances the street frontage, surrounding buildings and under-utilized spaces on the site. In addition, Placement of Farm Structures should respect existing landscape features on the site, such as rock outcroppings, drainage areas, and significant trees.

- B. Vehicular ingress and egress to and from an Urban Agriculture Activity should minimize traffic impacts on the adjacent roadways, and provide safe visual access for drivers and pedestrians.

- C. Composting, farm equipment storage, and waste disposal areas cannot be located within the front yard setback.

- 2.2 Structures.

- A. New Farm Structures will be compatible with the size and scale of the surrounding built and natural environment.

- 2.3 Landscape.

- A. Landscaping elements will be compatible with surrounding architecture and environment provided pursuant to Section 14-8.4.

- 2.4 Walls and Fencing.

- A. Wall and fences shall comply with Section 14-8.5.

- 2.5 Lighting.

- A. Lighting for Urban Agriculture Activities is limited to that required for daily operation and safety purposes of all activities defined as Urban Agriculture, so as not to create a nuisance through excessive brightness to abutting uses and shall comply with Section 14-8.9.

### **PART 3. BUSINESS LICENSING**

3.1 Urban Agriculture Activities are subject to business licensing requirements by the city of Santa Fe Business Licensing Division pursuant to Section 18-1.

### **PART 4. AMENDMENTS TO THESE GUIDELINES AND REGULATIONS**

4.1 Amendments to these guidelines and policies may be approved by the Land Use Department Director.

FIR No. \_\_\_\_\_

## City of Santa Fe Fiscal Impact Report (FIR)

This Fiscal Impact Report (FIR) shall be completed for each proposed bill or resolution as to its direct impact upon the City's operating budget and is intended for use by any of the standing committees of and the Governing Body of the City of Santa Fe. Bills or resolutions with no fiscal impact still require a completed FIR. Bills or resolutions with a fiscal impact must be reviewed by the Finance Committee. Bills or resolutions without a fiscal impact generally do not require review by the Finance Committee unless the subject of the bill or resolution is financial in nature.

### Section A. General Information

(Check) Bill: X Resolution: X  
(A single FIR may be used for related bills and/or resolutions)

Short Title(s):

1. AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE TO UPDATE LAND-USE CATEGORIES, TABLE OF PERMITTED USES TO ADD AGRICULTURAL USES; AMENDING SUBSECTION 14-6.2(D) OF THE LAND DEVELOPMENT CODE TO PROHIBIT ANIMAL PRODUCTION AND SLAUGHTERHOUSES, AND PROVIDING FOR AGRICULTURAL USES; CREATING A NEW SUBSECTION 14-6.3(D)(4) OF THE LAND DEVELOPMENT CODE TO ALLOW FOR AGRICULTURAL HOME OCCUPATION EXCEPTIONS; AMENDING SECTION 14-8.7 OF THE LAND DEVELOPMENT CODE TO WAIVE ARCHITECTURAL DESIGN REVIEW OF AGRICULTURAL RELATED STRUCTURES BY THE LAND DEVELOPMENT DIRECTOR; AND AMENDING SUBSECTION 14-12 OF THE LAND DEVELOPMENT CODE TO INCLUDE DEFINITIONS FOR TERMS RELATING TO URBAN AGRICULTURE.

2. A RESOLUTION ADOPTING THE CITY OF SANTA FE POLICIES, PROCEDURES AND GUIDELINES FOR URBAN FARMS.

Sponsor(s): Mayor Javier M. Gonzales; Councillor Peter N. Ives

Reviewing Department(s): Public Utilities

Persons Completing FIR: John Alejandro Date: 8/17/16 Phone: 955-6236

Reviewed by City Attorney: Kelly A. Brennan Date: 8/18/16  
(Signature)

Reviewed by Finance Director: [Signature] Date: 8-19-2016  
(Signature)

### Section B. Summary

Briefly explain the purpose and major provisions of the bill/resolution:

Currently, city code only allows the growing of agricultural crops on premises to occur for personal consumption; it does not allow agricultural crops that are grown on premises to be sold commercially at the premises within the city limits. This ordinance establishes provisions and requirements that allow for agricultural crops to be grown on residential, commercial, and industrial zoned premises within the city of Santa Fe, and for the sale of such crops to occur at the same premises.

Finance Director: [Signature]

The ordinance also amends sections of city code that are applicable to agricultural uses and activities, in order to make them consistent with the provisions and requirements that enable agricultural activities to take place within the city limits.

The accompanying resolution to the ordinance establishes the City of Santa Fe Policies, Procedures and Guidelines for Urban Farms, as reflected in the Exhibit A document. The policies, procedures and guidelines will provide a framework by which growers and sellers of on-site produce, also known as urban farms, must adhere to, and also provide guidance to the Land Use Director and land use boards in the administration of the agriculture ordinance.

### **Section C. Fiscal Impact**

Note: Financial information on this FIR does not directly translate into a City of Santa Fe budget increase. For a budget increase, the following are required:

- a. The item must be on the agenda at the Finance Committee and City Council as a "Request for Approval of a City of Santa Fe Budget Increase" with a definitive funding source (could be same item and same time as bill/resolution)
- b. Detailed budget information must be attached as to fund, business units, and line item, amounts, and explanations (similar to annual requests for budget)
- c. Detailed personnel forms must be attached as to range, salary, and benefit allocation and signed by Human Resource Department for each new position(s) requested (prorated for period to be employed by fiscal year)\*
1. Projected Expenditures:
  - a. Indicate Fiscal Year(s) affected – usually current fiscal year and following fiscal year (i.e., FY 03/04 and FY 04/05)
  - b. Indicate:
    - "A" if current budget and level of staffing will absorb the costs
    - "N" if new, additional, or increased budget or staffing will be required
  - c. Indicate:
    - "R" – if recurring annual costs
    - "NR" if one-time, non-recurring costs, such as start-up, contract or equipment costs
  - d. Attach additional projection schedules if two years does not adequately project revenue and cost patterns
  - e. Costs may be netted or shown as an offset if some cost savings are projected (explain in Section 3 Narrative)

  X   Check here if no fiscal impact

Column #:	1	2	3	4	5	6	7	8
	Expenditure Classification	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non- recurring	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs - Recurring or "NR" Non- recurring	Fund Affected
	Personnel*	\$ _____	_____	_____	\$ _____	_____	_____	_____
	Fringe**	\$ _____	_____	_____	\$ _____	_____	_____	_____
	Capital Outlay	\$ _____	_____	_____	\$ _____	_____	_____	_____
	Land/ Building	\$ _____	_____	_____	\$ _____	_____	_____	_____
	Professional Services	\$ _____	_____	_____	\$ _____	_____	_____	_____
	All Other Operating Costs	\$ _____	_____	_____	\$ _____	_____	_____	_____



Total: \$ \_\_\_\_\_ \$ \_\_\_\_\_

\* Any indication that additional staffing would be required must be reviewed and approved in advance by the City Manager by attached memo before release of FIR to committees. \*\*For fringe benefits contact the Finance Dept.

## 2. Revenue Sources:

- To indicate new revenues and/or
- Required for costs for which new expenditure budget is proposed above in item 1.

Column #:	1	2	3	4	5	6
	Type of Revenue	FY _____	"R" Costs Recurring or "NR" Non-recurring	FY _____	"R" Costs -- Recurring or "NR" Non-recurring	Fund Affected

_____	\$ _____	_____	\$ _____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____
Total:	\$ _____		\$ _____		

## 3. Expenditure/Revenue Narrative:

Explain revenue source(s). Include revenue calculations, grant(s) available, anticipated date of receipt of revenues/grants, etc. Explain expenditures, grant match(s), justify personnel increase(s), detail capital and operating uses, etc. (Attach supplemental page, if necessary.)

N/A

## Section D. General Narrative

1. Conflicts: Does this proposed bill/resolution duplicate/conflict with/companion to/relate to any City code, approved ordinance or resolution, other adopted policies or proposed legislation? Include details of city adopted laws/ordinance/resolutions and dates. Summarize the relationships, conflicts or overlaps.

None identified.

## 2. Consequences of Not Enacting This Bill/Resolution:

Are there consequences of not enacting this bill/resolution? If so, describe.

If the ordinance and resolution are not enacted, the sale of produce grown on residential, commercial and industrial premises will still not be allowed; there will continue to be a lack of guidelines for both the community and city staff when it comes to urban agriculture uses in Santa Fe; and, individuals and entities wishing to create an urban farm business will not have the legal authority and official policies and guidelines to do so.

## 3. Technical Issues:

Are there incorrect citations of law, drafting errors or other problems? Are there any amendments that should be considered? Are there any other alternatives which should be considered? If so, describe.

None identified.

#### 4. Community Impact:

Briefly describe the major positive or negative effects the Bill/Resolution might have on the community including, but not limited to, businesses, neighborhoods, families, children and youth, social service providers and other institutions such as schools, churches, etc.

The ordinance and resolution are intended to have a positive impact on the community by providing the authority, policies and guidelines needed to conduct agriculture activities, which may help to provide greater access to sources of healthy, nutritious and affordable food; create more agriculture-based businesses; and, support advanced agriculture/ farming models that have the potential to grow food on a large scale using sustainable and environmentally conscious techniques.

Planning Commission  
September 8 , 2016

## **EXHIBIT 7**

# City of Santa Fe, New Mexico

# memo

DATE: August 31, 2016

TO: Planning Commission  
Business & Quality of Life Committee  
Public Works, C.I.P., & Land Use Committee  
Public Utilities Committee  
Governing Body

FROM: 

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

RE: AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987, CREATING A NEW SUBSECTION 14-5.5(D) ENTITLED THE "MIDTOWN LOCAL INNOVATION CORRIDOR OVERLAY DISTRICT" (MIDTOWN LINC OVERLAY DISTRICT) AND ESTABLISHING PERMITTED USES, DEFINITIONS, STANDARDS, AND INCENTIVES FOR QUALIFYING PROJECTS WITHIN THE DISTRICT; AMENDING THE FOLLOWING ARTICLES TO ADD PROVISIONS FOR QUALIFYING PROJECTS WITHIN THE DISTRICT: 14-3.8(B) DEVELOPMENT PLAN APPROVALS, TABLE 14-6.1-1 SPECIAL USE PERMITS; 14-6.2(A)(7) DWELLING UNITS WITHIN C-2 AND SC DISTRICTS, 14-8.6(B)(4) REDUCTION OF REQUIRED PARKING SPACES, TABLE 14-8.7-2 ARCHITECTURAL DESIGN STANDARDS AND POINT ALLOCATIONS, 14-8.13(E) DEVELOPMENT WATER BUDGET CRITERIA, 14-8.14(D) IMPACT FEES; RELATING TO THE BUILDING AND HOUSING CODE, CHAPTER 7 SFCC 1987, AMENDING SUBSECTION 7-1.10 APPLICATION OF THE INTERNATIONAL EXISTING BUILDING CODE; RELATING TO THE SEWER CODE, CHAPTER 22 SFCC 1987, AMENDING SUBSECTION, 22-6.6 EXHIBIT A SECTION 7 WASTEWATER UTILITY EXPANSION CHARGE; RELATING TO THE WATER CODE, CHAPTER 25 SFCC 1987, 25-4.2 EXHIBIT B RATE SCHEDULE 8 UTILITY EXPANSION CHARGE; AND MAKING SUCH OTHER CHANGES THAT ARE NECESSARY TO CARRY OUT THE PURPOSE OF THIS ORDINANCE.

## BACKGROUND

In April 1999, the city's governing body adopted Santa Fe's General Plan. Along with Cerrillos Road and Airport Road, the General Plan classified the portion of St. Michael's Drive between Cerrillos Road and St. Francis Drive as a "Redevelopment Corridor".<sup>1</sup> The plan states that this classification of the St. Michael's Drive corridor is "designed to provide opportunities for redevelopment by providing

<sup>1</sup> City of Santa Fe General Plan, April 1999, Figure 3-1.

*incentives for use intensification*" and anticipated that St. Michael's Drive would be "targeted for mixed-use development".<sup>2</sup>

In 2009, the City of Santa Fe's Housing & Community Development Department sponsored a "Sketch Design" project entitled "St. Michael's Drive ... Visions of the Future". Six urban design/architecture professionals proposed ideas about how St. Michael's Drive and the land around it might be redesigned to provide "a vibrant district of activity". The submissions were displayed to the public at open houses on May 8 and 9, 2009 at the former Cinema Café on St. Michael's Drive.

In March 2011, the governing body unanimously adopted the first of three Resolutions related to the St. Michael's Drive area. Through Resolution 2011-18, the governing body recognized the St. Michael's Drive as "a major commercial corridor that extends through the geographic center of the City", and the "need for form-based overlay standards and other implementation steps for the St. Michael's Drive corridor". The Resolution also recognized,

*"the potential for greater economic benefit and community living that can be achieved through a mix of uses, enhanced multi-modal options, pedestrian/bicycle friendly corridors, establishing neighborhood gathering places and by beautification of the roadways themselves."*

Among other things, staff was directed to produce so-called form-based overlay standards to:

- develop a creative and cultural corridor along St. Michael's Drive;
- public enhancements of the St. Michael's Drive corridor including street and safety improvements for pedestrians, bicycles, buses and automobiles that encourage walk ability and a bike friendly environment;
- streetscape improvements including enhanced landscaping and lighting to create an attractive and inviting neighborhood;
- propose development standards focusing on form-based approaches, targeted at attracting new businesses, and local artists and entrepreneurs in creating a more vibrant community;
- a mix of housing including a range of densities and mixed uses.

In 2011, the Santa Fe Association of Realtors received a "Smart Growth" grant from their national organization to conduct a housing investigation of the St. Michael's corridor area. The resulting "Housing Advocacy Document" was completed in December 2011 and estimated the potential for an additional 1,000 multi-family dwelling units along the corridor under certain conditions. Recommendations included: cultivating the SFUAD, the hospital and the school system as housing generators; simplifying the approvals process for as-of-right proposals; elimination of impact fees to encourage new development; and the adoption of design standards.

In December 2011, the Long Range Planning Division produced a draft set of form-based design

<sup>2</sup> Ibid, page 3-13.

standards intended to inform and to be included in a future overlay district for the St. Michael's Drive area. This draft was approved by the city's Long Range Planning Subcommittee.<sup>3</sup>

In February 2012, the governing body unanimously adopted another Resolution regarding St. Michael's drive. Resolution 2012-22 again recognized the *"unique opportunities and potential represented in the [St. Michael's Drive] corridor including Santa Fe's significant cultural and innovative assets."* At that time staff was additionally directed to *"initiate discussions with the New Mexico Department of Transportation Secretary to discuss a road exchange agreement for transfer of ownership of St. Michael's Drive from NMDOT to the City of Santa Fe in order to fully implement design standards and long range planning efforts."*<sup>4</sup>

In September 2012, a grass roots community effort supporting the redevelopment of the St. Michael's Drive area culminated in a three-day community event known as the "RE:MIKE Demonstration" event and produced a RE:MIKE report that recommended certain key action items for the area.

Also in 2012, the University of New Mexico's School of Architecture & Planning studied the St. Michael's Drive area as part of its Community & Regional Planning Advanced Studio. The UNM student work produced a study document that was presented to the city, to landowners/business owners, and to the Santa Fe University of Art & Design in November and December of 2012.

In January 2013, the governing body unanimously adopted the Airport Road Overlay District. The Airport Road overlay covers an area of 560 acres and includes form-based design standards and fee incentives to encourage certain types of targeted uses in the Airport Road area.

In February 2014, the governing body unanimously adopted its most recent Resolution regarding the corridor. Resolution 2014-12 specifically referenced the RE:MIKE effort, and further directed staff to bring forward a plan to:

*"mobilize one or more catalytic projects to jump start revitalization in the area that may include development of housing, commercial, retail and/or green space, and a slate of incentives... which may include city investments, fee waivers and/or allocation of other city resources as a special designation for zoning for economic development purposes." [Emphasis added].*

Resolution 2014-12 also directed staff to procure a traffic study to be used for *"attraction and justification of federal and state funding for road and transportation improvements."*

---

<sup>3</sup> The draft design standards produced by the Long Range Planning Division have been incorporated into the Midtown LINC Over District as described later in this memorandum.

<sup>4</sup> The 1989 "Road Exchange and Maintenance Agreement" between the city and NMDOT is still in effect; the agreement was amended once in 1998 to put Airport Road into city ownership. Staff efforts to initiate discussions with NMDOT in 2012 did not result in a new agreement. The city's Asset Development Office renewed discussions with NMDOT in 2014 and discussions are continuing at this time.

In September 2014, Mayor Gonzales was invited to participate in a national session of the Mayor's Institute on City Design in Charlestown, SC. At that event each of ten Mayors from around the country presented a particular urban design/redevelopment project for consideration. Mayor Gonzales presented the St. Michael's Drive corridor area as his presentation.

In February 2015, in response to Resolution 2014-12, the Long Range Planning Division procured a limited traffic assessment of St. Michael's Drive from Cerrillos Road to St. Francis Drive to determine whether the existing seven-lane roadway (6 travel lanes + 1 turn lane) could be reduced to a five-lane roadway (4 travel lanes + 1 turn lane). The traffic assessment analyzed both the existing, baseline traffic and the forecasted traffic with a lane reduction. The analysis showed that changes could be implemented at the busiest traffic signals to help moderate the effects of the lane reduction and, that with such changes, most locations along the corridor would operate suitably, though additional measures might be necessary at Llano Street to improve traffic operations. In this area, between Llano Street and Cerrillos Road, St. Michael's Drive may need to remain three travel lanes wide.

The traffic analysis also showed that "major changes in traffic along St. Michaels Drive would not be expected to result in significant cut-through traffic going onto adjacent streets". The regional traffic model employed in the assessment "showed traffic rerouting that occurred elsewhere in the model but did not show corresponding increases in traffic on adjacent corridors." The assessment recommended a more detailed study once design specifics became available.

In 2015, the city manager assigned the Asset Development Office (ADO) the task of distilling the available studies, documents, staff work and input that had been received and created to that date into an implementable ordinance: 1) in a recognizable format that would fit within the city's Land Development Code and, 2) that would have the best likelihood over time of inducing the private property owners in the St. Michael's Drive area to redevelop their properties to create additional housing and complimentary non-residential uses.<sup>5</sup>

#### **DISTRICT BOUNDARY**

The Midtown LINC District consists of approximately 372.8 acres, amounting to approximately 1.1% of the 33,601 acres of land within the city limits (see Figure 1). The overlay area contains 161 individual properties, amounting to approximately 0.45% of the 35,580 parcels of land within the city.<sup>6</sup>

The overlay area includes only commercial, industrial and institutional properties (with the exception of two properties noted below). The overlay district boundary intentionally avoids, and does not contain, any existing residential neighborhoods. The overlay district contains only two existing

<sup>5</sup> As the disposition of the St. Michael's Drive roadway is a key design and pedestrian amenity element of the overall area, the ADO was also tasked to reopen discussions with NMDOT about the conditions under which the city could take ownership, and eventual improvement, of St. Michael's Drive.

<sup>6</sup> The city contains about 35,580 lots but the number of taxable properties is approximately 41,460 due to condominium ownership and common element parcels.



City of Santa Fe: 2014 Aerial Photo

**FIGURE 1: Midtown LINC Overlay District**  
**372.8 AC (1.1% of City); 161 LOTS (0.45% of City)**



residential uses, a single-family home abutting St. Michael's Drive located at 2010 Piñon Street and the Tres Santos Apartments a 136-unit apartment complex located at 1899 Pacheco Street. Other overlay district data is shown in the tables below:

**Table 1: Existing Underlying Zoning Types**

<b>Zoning</b>	<b>Square Feet</b>	<b>Acres</b>	<b>% of District</b>
C2	5,609,632	128.78	34.5%
SC2	1,988,497	45.65	12.2%
C1	446,281	10.25	2.8%
I1	1,274,279	29.25	7.9%
R-5 (SFUAD & vicinity)	6,920,699	158.88	42.6%
<b>TOTAL</b>	<b>16,239,388</b>	<b>372.81</b>	<b>100.0%</b>

**Table 2: Overlay District Makeup**

<b>Type</b>	<b>Square Feet</b>	<b>Acres</b>	<b>% of District</b>
Land in Lots	14,731,992	338.2	90.7%
Land at SFUAD	2,796,552	64.2	17.2%
Street Rights-of-Way	1,507,176	34.6	9.3%
Buildings (Footprint)	2,663,473	61.1	16.4%
Parking Lot/Undeveloped	12,065,865	277.0	74.3%

**Table 3: Existing Uses per Land Dev. Code Classification**

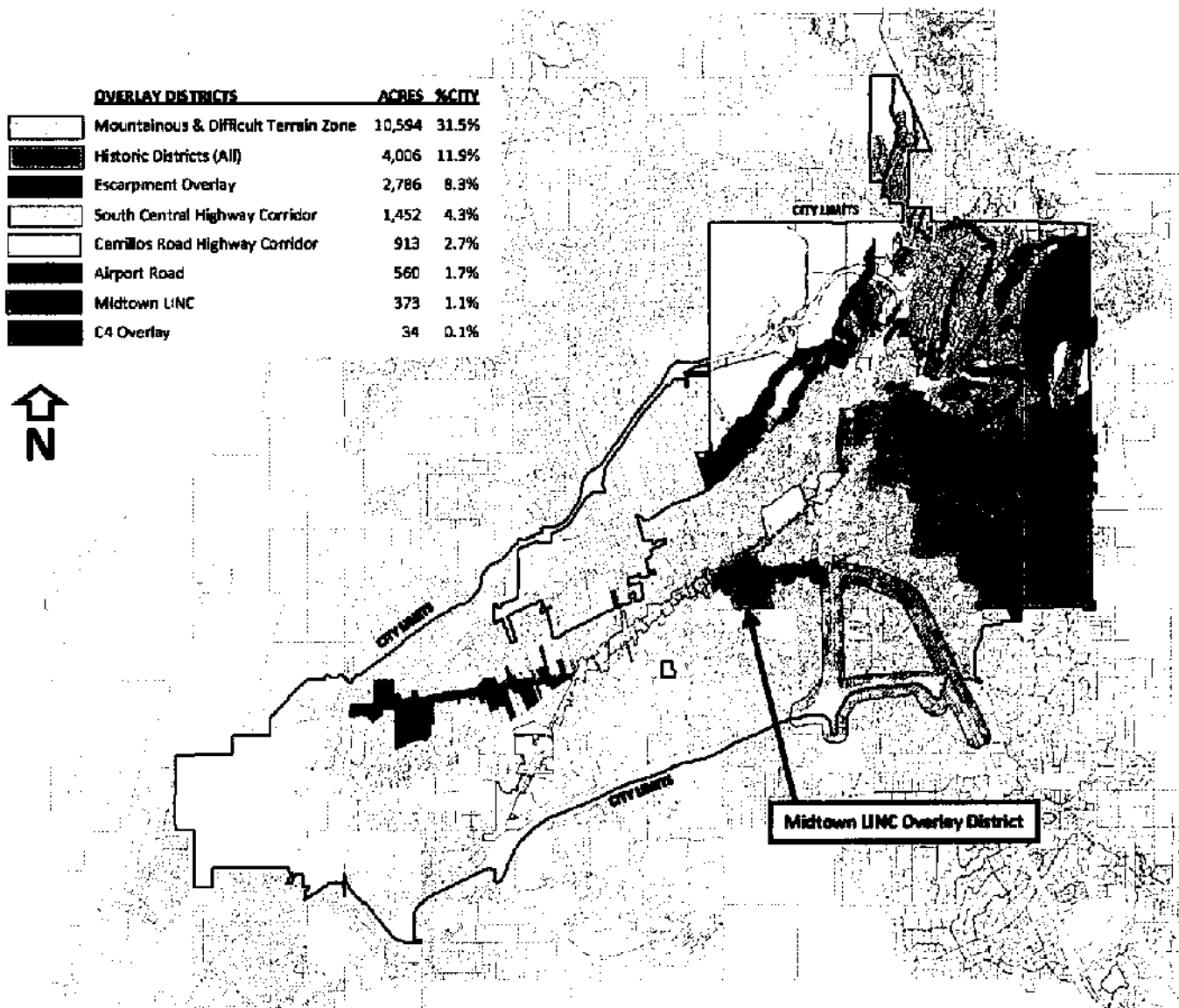
<b>Use Category</b>	<b>Number</b>	<b>% of Total</b>
Retail Sales & Service	59	30.5%
Office, Business & Professional	37	19.2%
Food & Beverage	23	11.9%
Financial Services	18	9.3%
Service Establishments	17	8.8%
Educational	9	4.7%
Vehicles & Equipment (incl. Gas Stations)	8	4.2%
Medical	8	4.2%
Recreation & Entertainment	5	2.6%
Animal Sales & Service	3	1.6%
Religious Assembly	2	1.0%
Residential	2	1.0%
Arts Activities	1	0.5%
Storage	1	0.5%
<b>TOTAL</b>	<b>193</b>	<b>100.0%</b>

To create a buffer between the overlay district area and nearby existing neighborhoods the overlay boundary also intentionally omits certain existing commercial properties lying between existing neighborhoods outside the overlay district and properties within the overlay district.<sup>7</sup>

<sup>7</sup> The design standards that are included in the Midtown LINC contain additional provisions to provide buffers to nearby residential developments.

## OTHER OVERLAY DISTRICTS

St. Michael's Drive is currently the only major commercial corridor in the city without an overlay district. At 372.8 acres in size, the Midtown LINC would be the one of the two smallest overlay-type district in the city, second only to the C4 Overlay along St. Francis Dr. Figure 2 below shows the relationship between the proposed Midtown LINC and other existing city overlay districts.



**FIGURE 2: City Overlay Districts**

## **BILL**

The Midtown LINC Bill contains eleven sections. Section 1 of the Bill consists of entirely new material that creates the Midtown Local Innovation Corridor Overlay District (Midtown LINC) as new text within Chapter 14 (Land Development Code) and establishes the purpose and intent of the ordinance and the standards for the district. Sections 2 through 11 of the Bill amend other chapters of the Municipal Code as cross references and compliments to the provisions of Section 1.

## **Section 1**

As stated above, Section 1 of the Bill is new material that creates a new Subsection 14-5.5(D) containing the provisions of the Midtown LINC overlay district. Similar to the recently-adopted Airport Road overlay district and the format of other existing overlay districts, the Midtown LINC overlay district provisions are arranged by subsections in the following format:

- (1) *Purpose and Intent*
- (2) *Boundaries*
- (3) *Applicability*
- (4) *Permitted Uses; Qualifying Projects*
- (5) *General Standards*
- (6) *Building Envelope Standards and Measurements*
- (7) *Site Design, Circulation and Parking*
- (8) *Architecture*
- (9) *Landscaping Standards*
- (10) *Signage*
- (11) *Site Furnishings*
- (12) *Outdoor Lighting*
- (13) *Additional Requirements for Qualifying Projects*
- (14) *Fee Incentives for Qualifying Projects*

As noted previously, subsections (4) through (12) contain the majority of recommended design standards developed by the Long Range Planning Division in 2011. The design standards have also been informed by the standards that were subsequently adopted in the Airport Road overlay, and further adjusted to reflect further thoughts on buildability and to create more public space in front of new buildings.

The full Bill is attached to this memorandum; however, the following are selected provisions from the Section 1 subsections that are of particular note:

### *Purpose and Intent*

Paragraph (b) acknowledges the intention that existing uses will be allowed to continue as redevelopment occurs; paragraph (c) intends that while providing for innovative redevelopment within the district, buffering between uses within the district and existing residential development

outside the district is important. Paragraph (d) establishes that pedestrian, bicycle, landscaping, and other street-related public space amenities are integral to the district.

#### Applicability

This subsection provides that all new development must comply with the provisions of the overlay district. This subsection recognizes that at times it may not be feasible for alterations to existing structures to fully comply with the new requirements of the district. An example might be a building owner who needed to add a small addition to an existing building for a code-required restroom and who would be unable to place the addition close to the street as required by the ordinance if the existing building was located at the rear of the property. Similarly, the cost of relocating costly items such as existing electrical transformers or water system backflow preventers might greatly exceed the cost of an interior remodel – making the remodel itself infeasible and therefore contrary to the redevelopment goals of the district. This subsection allows the land use director to determine the extent of required compliance in these situations.

#### Permitted Uses; Qualifying Projects

Similar to other overlay districts, permitted uses and structures are the same as those permitted in the underlying zoning districts of the overlay. However, in alignment with the purpose and intent of the Midtown LINC, certain additional uses (multi-family residential) and certain prohibited uses (sexually-oriented businesses, scrap yards, etc.) are established in the district. These additional and prohibited uses are outlined in Table 14-5.5-2 of the Bill.

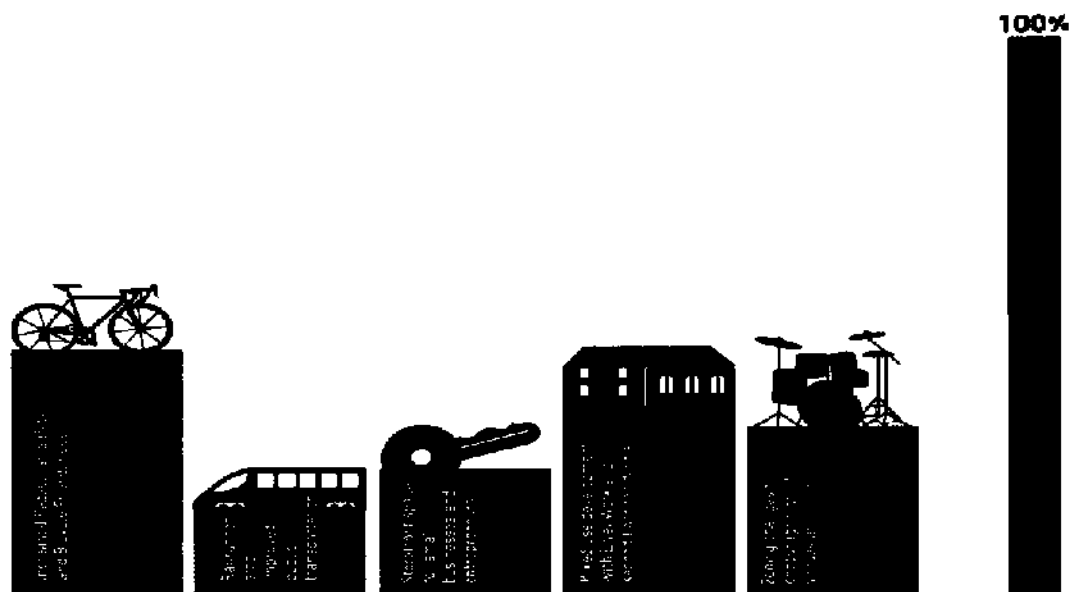
Unique to this subsection, is the concept of “qualifying projects”. Qualifying projects are new developments that are either “qualifying residential projects” or “qualifying nonresidential projects”. Qualifying projects qualify for the various redevelopment incentives available in the overlay district. “Qualifying residential projects” are composed of either new multi-family dwellings or of new multi-family dwellings and a mix of complimentary, targeted nonresidential uses. “Qualifying nonresidential projects” are new buildings or alterations to existing buildings for targeted eligible uses.

The residential and nonresidential uses that are made eligible for incentives are those uses that have been identified through the public input and studies performed to date. In particular, the responses given in the numerous surveys submitted during RE:MIKE events have informed what uses should be incentivized, in addition certain use categories were chosen from the city’s current Land Development code that were deemed to be most complimentary and advantageous in close proximity to multi-family developments. Figures 3 and 4 summarize some of the results of the RE:MIKE surveys.

Table 15-5.5-3 of the proposed ordinance outlines the specific uses that are eligible for incentives as part of residential projects or as stand-alone nonresidential projects.

**FIGURE 3**

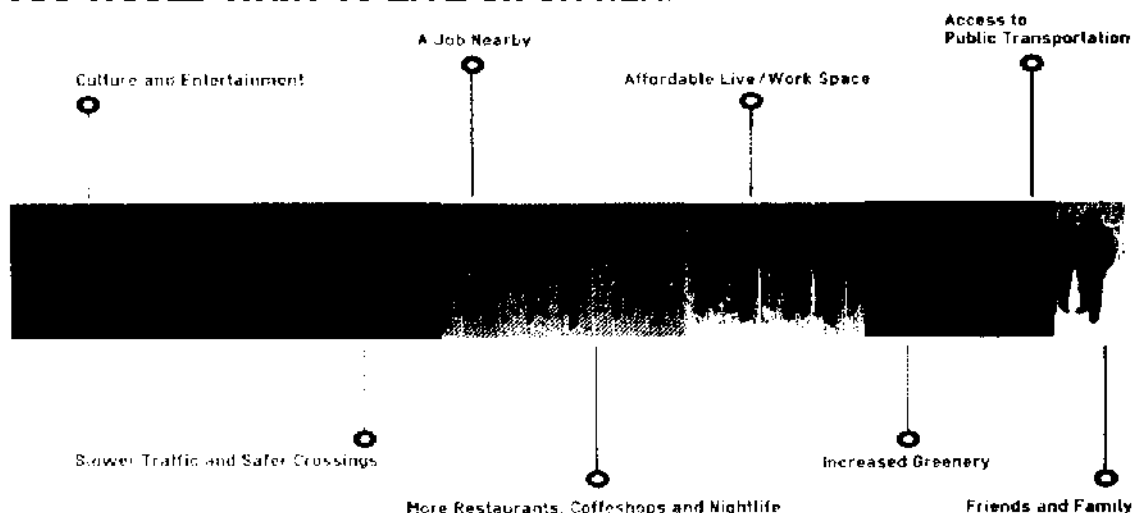
**WHAT IS THE MOST SIGNIFICANT CHANGE YOU'D LIKE TO SEE ON ST. MICHAEL'S DRIVE IN THE NEXT TEN YEARS?**



Source: RE:MIKE

**FIGURE 4**

**WHAT WOULD MAKE ST. MICHAEL'S A STREET YOU WOULD WANT TO LIVE ON OR NEAR?**



"I LIVE NEARBY AND THINK ST. MIKE'S HAS POTENTIAL TO BE A COMMUNITY SPACE AND THIS EVENT IS ONE EXAMPLE OF THAT POTENTIAL."

RE:MIKE Urban Prototyping Festival participant

Source: RE:MIKE

This subsection also establishes that development projects that are not “qualifying projects” are allowable but are not eligible for incentives.

**General Standards**

Of note in this subsection is clarification that the provisions of the Midtown LINC overlay shall apply in the event of conflicts between Midtown LINC requirements and those of underlying zoning districts.

**Building Envelope Standards and Measurements**

This subsection contains a number of specific requirements related to encouraging new development within the overlay area. Three of these requirements are particularly important:

1. In order to allow for increased density and the feasibility of qualifying residential projects, the maximum building height for these projects is set at fifty (50) feet. This height will allow the development of 4-story buildings, in particular “3-over-1’s”, meaning three stories of residential over one ground-level story of commercial. The ordinance requires that any 4<sup>th</sup> story be set back at least fifteen (15) feet from any street-frontage façade.

The height requirements also provide that so-called elevator “over-runs” and renewable energy generating equipment such as solar photovoltaic panels and wind turbines shall not be calculated as part of the height of a building.

Table 4 shows the allowable Midtown LINC height in comparison to the maximum allowable building heights in the overlay district’s four underlying zoning districts.

**Table 4: Building Heights per Underlying Zoning**

<b>Underlying Zoning</b>	<b>Max. Ht.</b>
I1	65’
C2	45’
SC2	45’
C1	36’
R-5 (Nonresidential structures)	35’
R-5 (Residential structures)	24’
<b>Midtown Overlay</b>	<b>Max. Ht.</b>
Qualifying Residential Project	50’

In order to more fully buffer existing residential development located outside of the district from new development inside the district, the ordinance requires a lower building height of thirty-eight (38) for new development in the district that is located within one hundred fifty (150) feet of existing residential development outside the district. In addition, the ordinance mirrors existing code language that requires a rear yard buffer of twenty-five (25) feet where a lot within the district abuts an existing residential development outside the district.

2. To further encourage housing density and the option of smaller dwelling unit sizes, a maximum residential density is not applied to qualifying residential projects. The city's current maximum density is 29 units per acre.<sup>8</sup> 3-over-1 developments or 4-story all-residential developments, particularly those that employ a unit mix containing higher percentages of increasingly-popular small unit sizes, are likely to require built densities of 40 to 50+ dwelling units per acre.
3. Building setbacks at the street are set to a maximum of five (5) feet to create a desired building-oriented streetscape that includes an enlivened, widened sidewalk public space. To provide a measure of architectural flexibility, up to 30% of a building's street-frontage façade may be exceed this setback to accommodate aspects of a building's architectural design, and for entryways and integral courtyards.

#### Site Design, Circulation and Parking

The subsection contains a number of design standards related to the design of development sites. The following are some of proposed standards of note:

- New buildings must be oriented so that their primary façades face St. Michael's Drive (or Cerrillos Road or other streets as applicable).
- Sidewalks along St. Michael's Drive (and included sections of Cerrillos Road) are required to be a minimum of fifteen (15) feet wide.<sup>9</sup>
- Perimeter screening of parking lots is required but multiple openings adjacent to street frontages are required to maximize pedestrian permeability between the street sidewalks and parking areas.
- New vehicular access points to properties and loading docks on buildings must be from the side or rear of lots to reduce disturbance to pedestrian activities on the main sidewalks on St. Michael's Drive.
- New electrical transformers and trash enclosures must be located at the side or rear of buildings and must be screened from the view of public roadways and sidewalks.
- Water system backflow preventers (so-called "Hot Boxes") must be located inside of buildings.

#### Architecture

The subsection contains a number of design standards related to the architecture of new buildings that are in addition to the existing requirements found in the Architectural Design Review section of the Land Development code. The following are some of the additional standards of note:

- The longest façade of all new buildings on lots abutting St. Michael's Drive (or Cerrillos Road) must be aligned parallel to the street frontage of St. Michael's Drive (or Cerrillos Road as applicable).

<sup>8</sup> Rarely achieved in Santa Fe due to height restrictions and parking requirements, a density of 33 dwelling units per acre is currently the absolute maximum residential density in Santa Fe and is achievable only through the use of an affordable housing density bonus.

<sup>9</sup> The ordinance allows existing sidewalks that are less than 15 feet wide to be widened to meet this requirement.

- Doors intended for vehicular access to buildings on lots abutting St. Michael's Drive (or Cerrillos Road) shall not face St. Michael's Drive (or Cerrillos Road as applicable).
- The primary entrance to any new buildings abutting St. Michael's Drive (or Cerrillos Road) shall be visible from St. Michael's Drive (or Cerrillos Road as applicable).
- Rooftop equipment is required to be screened so that the equipment is not visible from adjacent public rights-of way. Renewable energy generating equipment is not required to be screened but must be integrated into a building's architectural design to the extent possible.

#### Landscaping Standards

The subsection contains design standards related to landscaping. These standards are in addition to the existing landscaping requirements found elsewhere in the Land Development code. The following are some of the additional standards of note:

- On-site storm water detention facilities are required to be placed underground unless constructed as part of an active water harvesting system in which case the active water harvesting system is required to be integrated into the architectural design of a building to the extent possible.
- A minimum five (5) foot wide landscaped area is required around the base of building walls.
- 4" caliper street trees are required at a maximum spacing of thirty (30) feet on center. The land use director may allow the clustering of street trees as a part of a development's overall landscape design.
- The area between the street curb and the sidewalk must be landscaped.
- To further address buffering for existing residential development located outside the overlay district, a fifteen (15) foot landscaped buffer strip is required where development projects are adjacent to existing residential development located outside of the overlay district.

#### Signage

In addition to the existing sign requirements of the Land Development code, the following additional signage provisions of note are required in the Midtown LINC.

- Pole-mounted signs are prohibited.
- Wall- or building-mounted signs may not extend above a building's roofline or parapet; roof-mounted signs are prohibited.
- The restriction on the maximum number of colors and lettering styles on a sign does not apply within the overlay district.
- The requirement that the area of illumination of a sign be included in the calculation of a sign's area does not apply within the overlay district.
- To enhance business identification for pedestrians, signs may extend up to five (5) feet perpendicular to building walls.

#### Site Furnishings

The overlay district requires a minimum amount of site furniture based on building size.



- A minimum of one bench per ten thousand (10,000) gross square feet of building is required. Benches are to be located adjacent to the street frontage of a development, adjacent to the primary building entrance, or within other public or private amenities provided by the development.
- At least one bench must be shaded by a tree.
- Where multiple benches are required, a trash receptacle must be provided adjacent to one of the benches.
- All site furnishings, including bicycle racks, benches, trash receptacles, and exterior light fixtures must be of coordinated design styles and colors.

#### Outdoor Lighting

The following additional outdoor lighting restrictions apply in the Midtown LINC, in addition to outdoor lighting requirements found elsewhere in the Land Development code.

- The lamps of building-mounted outdoor light fixtures shall not be placed more than twelve (12) feet above the exterior grade at the perimeter of a building.
- Pole-mounted lights, such as lights used to illuminate parking areas, are limited to twenty (20) feet in height.

#### Additional Requirements for Qualifying Projects

In addition to the design standards described above, qualifying projects must also comply with the following requirements.

- Qualifying projects must utilize a so-called “detailed alternative development water budget” (also known as an “Option B” water budget).
- Qualifying projects must also utilize the following water-saving fixtures and systems throughout all new construction:
  1. Waterless urinals;
  2. Dual-flush, high-efficiency toilets (HETs) (rated 1.28 gallons or less per flush);
  3. EPA WaterSense® certified showerheads (or equivalent fixtures rated at 2.0 gallons per minute or less);
  4. ENERGY STAR® compliant clothes washers;
  5. Active water harvesting systems.
- Qualifying projects receiving the incentives provided through the ordinance are also required to record a restrictive covenant applying to the development property that requires that the development will continue to meet the use requirements as a qualifying project for a minimum period of five years after completion of construction.

#### Fee Incentives for Qualifying Projects

This subsection describes the various fees that are either removed (or reduced as noted) to

incentivize the construction of qualifying projects with the overlay district.<sup>10</sup>

- Construction permit fees and plan review fees;
- Development review fees;
- Development Water Budget fees (reduced);
- Impact fees;
- Wastewater UECs (Utility Expansion Charges);
- Water UECs.

The fiscal impact report accompanying this memorandum provides an analysis of the fiscal impact to city finances resulting from the elimination of these fees compared to the increased revenues associated with incentivized new development.

## **Section 2**

As stated above, Sections 2 through 11 of the Bill do not introduce entirely new text, but rather contain amendments to existing code sections as cross references to provisions in Section 1 or as additional elements designed to incentivize redevelopment.

Section 2 amends Subsection 14-3.8(B) to expand the land use director's current purview to perform administrative review of certain development plans to also include the administrative review of development plans associated with qualifying projects with the Midtown LINC.

## **Section 3**

This section amends Table 14-6.1-1 (Table of Permitted Uses) to remove the requirement that a qualifying project obtain a Special Use Permit when located within 200 feet of residentially-zoned property. This amendment is necessary to remove conflicts that would arise as new residential developments are created inside the district. This requirement would continue to apply to developments that are not qualifying projects.

## **Section 4**

Section 4 of the Bill removes a potential conflict found in Subsection 14-6.2(A)(7) that currently restricts the types of residential uses allowed in C-2 and SC districts. The change will allow smaller numbers residential units to be built over existing commercial development.

## **Section 5**

Section 5 makes two important adjustments to parking requirements for qualifying projects. First, Subsection 14-8.6(B)(4)(c) is amended to allow that parking may be allowed on a "joint basis" for qualifying projects within the Midtown LINC district. This amendment is necessary because some

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<sup>10</sup> The affordable housing requirements of the city's HOMES program are not amended in any way by the Bill. All projects constructed within the Midtown LINC will be required to fully comply with all applicable HOMES program requirements.

areas within the district contain residentially-zoned land that is not currently part of an institutional use. Without this amendment shared or “joint” uses parking would be prohibited on these properties.

Second, this subsection adds a paragraph (f) that allows that the amount of parking for a qualifying project be determined by a parking demand study and not by the tabulated numerical parking requirements currently found in the code. Additionally, the total amount of parking that is determined by the parking demand study is allowed to be further reduced by using the shared parking provisions of the code and by the amount of on-street parking spaces that may exist adjacent to a qualifying project.

### **Section 6**

This section of the Bill makes adjustments to the architectural point standard system of the current code. Currently, commercial buildings, including multi-family residential buildings, are reviewed on point scale based on their underlying zoning and are required to reach a certain point total in order to be issued a construction permit. Table 14-8.7-2 of the existing code contains various categories of building elements and associated available points for various architectural options such as surface material and treatment, roof and building form, door and window treatments, etcetera. Currently, certain elements, although not prohibited, are dis-incentivized by assignment of lower points.

In order to provide a measure of architectural flexibility, innovation and interest, the current point allocations available for certain architectural treatments are increased for all new development within the Midtown LINC. Specifically, Section 6 of the Bill increases available points for the following architectural features:

#### **Predominant exterior surface treatment**

- Brick, natural stone, and integrally-colored unit masonry
- Concrete and non-integrally colored unit masonry
- Metal siding, glass curtain wall systems, glass block, wood siding, and simulated materials

#### **Color of predominant exterior surface material**

- Pastel colors of non-earthtone hues, whites, grays, and grayish greens
- High-intensity colors

#### **Doors and windows**

- Treatments where more than 50% of doors, window and glazed surfaces (which are not located under portals) are not recessed a minimum of 2 inches or are not cased in trim, have divided lites, or have exposed lintels.
- Wall surface areas (not located under portals) that have more than 50% openings (doors, windows, glazing and other penetrations).
- Use of colored glazing.

#### **Section 7**

This section of the Bill cross references to the fee incentive section of the Bill related to how water is provided for new development. Currently, Section 14-8.13 requires that new development provide water either through the city's water rights transfer program (25-12 SFCC 1987) or through the city's water conservation credits program (25-11 SFCC 1987). Under the current code, when the water budgets for proposed developments exceed certain levels, the code requires that water be provided only by the transfer of water rights.<sup>11</sup> This section allows qualifying projects that exceed these levels to provide water by either method. In addition, when providing water through the water conservation credit program, qualifying projects will pay for water at a rate of \$12,000 per acre-foot (approximately the city's cost) instead of at the normal rate of \$16,600 per acre-foot.

#### **Section 8**

This section of the Bill cross references to the fee incentive section of the Bill related to impact fees. This section amends Subsection 14-8.14(D) to add construction permits for qualifying projects within the Midtown LINC to the list of permits exempted from the payment of impact fees.

#### **Section 9**

Section 9 amends Chapter 7 of the Municipal Code in anticipation of the redevelopment of existing buildings within the Midtown LINC. Subsection 7-1.10 is amended to clarify that construction permit applicants can request that the provisions of the city-adopted International Existing Building Code (IEBC) be applied to their construction permit. The IEBC contains alternate methods of achieving code compliance when existing building are renovated.

#### **Section 10**

This section of the Bill cross references to the fee incentive section of the Bill related to Wastewater Utility Expansion Charges (UECs). This section amends Article 22-6.6, Exhibit A, Section 7 4-8.14(D) to add qualifying projects within the Midtown LINC to the list of projects for which wastewater UECs are waived.

#### **Section 11**

This section of the Bill cross references to the fee incentive section of the Bill related to Water Utility Expansion Charges (UECs). This section amends Article 25-4.2, Exhibit B, Rate Schedule 8 to provide that qualifying projects within the Midtown LINC are exempted from the payment of the water UEC.

#### **RECOMMENDATIONS**

The attached Bill creates a comprehensive, implementable ordinance as directed by various resolutions of the governing body. Staff recommends approval of the Bill.

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<sup>11</sup> The current thresholds above which water rights must be transferred are 5 acre-feet for commercial developments, 7.5 acre-feet for mixed-use developments, and 10 acre-feet for residential developments.

**CITY OF SANTA FE, NEW MEXICO**

**BILL NO. 2016-\_\_**

**INTRODUCED BY:**

**Mayor Javier M. Gonzales**

**Councilor Peter Ives**

**AN ORDINANCE**

**RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987, CREATING A NEW SUBSECTION 14-5.5(D) ENTITLED THE "MIDTOWN LOCAL INNOVATION CORRIDOR OVERLAY DISTRICT" (MIDTOWN LINC OVERLAY DISTRICT) AND ESTABLISHING PERMITTED USES, DEFINITIONS, STANDARDS, AND INCENTIVES FOR QUALIFYING PROJECTS WITHIN THE DISTRICT; AMENDING THE FOLLOWING ARTICLES TO ADD PROVISIONS FOR QUALIFYING PROJECTS WITHIN THE DISTRICT: 14-3.8(B) DEVELOPMENT PLAN APPROVALS, TABLE 14-6.1-1 SPECIAL USE PERMITS, 14-6.2(A)(7) DWELLING UNITS WITHIN C-2 AND SC DISTRICTS, 14-8.6(B)(4) REDUCTION OF REQUIRED PARKING SPACES, TABLE 14-8.7-2 ARCHITECTURAL DESIGN STANDARDS AND POINT ALLOCATIONS, 14-8.13(E) DEVELOPMENT WATER BUDGET CRITERIA, 14-8.14(D) IMPACT FEES; RELATING TO THE BUILDING AND HOUSING CODE, CHAPTER 7 SFCC 1987, AMENDING SUBSECTION 7-1.10 APPLICATION OF THE INTERNATIONAL EXISTING BUILDING CODE; RELATING TO THE SEWER CODE, CHAPTER 22 SFCC 1987, AMENDING SUBSECTION, 22-6.6 EXHIBIT A SECTION 7 WASTEWATER UTILITY EXPANSION**

1 CHARGE; RELATING TO THE WATER CODE, CHAPTER 25 SFCC 1987, 25-4.2 EXHIBIT  
2 B RATE SCHEDULE 8 UTILITY EXPANSION CHARGE; AND MAKING SUCH OTHER  
3 CHANGES THAT ARE NECESSARY TO CARRY OUT THE PURPOSE OF THIS  
4 ORDINANCE.

5  
6 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

7  
8 Section 1. A new Subsection 14-5.5(D) SFCC 1987 is ordained to read:

9 (D) [NEW MATERIAL] Midtown Local Innovation Corridor (Midtown LINC)

10 Overlay District

11 (1) Purpose and Intent

12 The purpose and intent of the Midtown Local Innovation Corridor (LINC) Overlay  
13 District is to:

- 14 (a) Strengthen and animate the built environment and the business and  
15 population links within the demographic and geographic center of  
16 the city between the existing employment centers of the Santa Fe  
17 University of Art and Design and surrounding uses to the west and  
18 the Christus St. Vincent Regional Medical Center and related  
19 medical uses to the east;
- 20 (b) Incentivize multi-family residential development, complimentary  
21 non-residential uses, and an enlivened, street-oriented pedestrian  
22 environment by freeing development capacity of existing under-  
23 developed land and buildings for these targeted uses, while allowing  
24 existing uses to continue as redevelopment occurs;
- 25 (c) Allow for innovative development and redevelopment of the district

1 while providing buffering between the district and existing  
2 residential development outside of the district by the application of  
3 amended land development regulations and fees and by establishing  
4 conditions precedent for future infrastructure enhancements and the  
5 application of other redevelopment and financing tools;

- 6 (d) Promote a more healthy, safe, and enjoyable environment within the  
7 city's midtown area through the enhancement of pedestrian and  
8 bicycle accessibility and safety, landscaping and other street-related  
9 amenities and the eventual reduction of traffic speeds and provision  
10 of on-street parking, bicycle lanes, and improved crosswalks; and  
11 (e) Provide flexibility in sign design and location so as to maintain  
12 effective communication, business identification and wayfinding for  
13 existing buildings whose visibility may be reduced by new  
14 development.

15 (2) **Boundaries**

16 The Midtown LINC Overlay District includes land in the vicinity of  
17 the St. Michael's Drive *right-of-way* from the eastern edge of the  
18 Cerrillos Road *right-of-way* to the western edge of the St. Francis  
19 Drive *right-of-way*, and additional land in the vicinity of the campus of  
20 the Santa Fe University of Art and Design as shown on the Midtown  
21 LINC Overlay District Map.

22 (3) **Applicability**

- 23 (a) The provisions of this Subsection 14-5.5(D) apply to all land within the  
24 boundaries of the Midtown LINC Overlay District.  
25 (b) New *development* shall comply with the provisions of this Subsection.

(c) *Alterations* to existing *structures* shall comply with the provisions of this Subsection to the extent practical or feasible as determined by the *land use director*.

(4) **Permitted Uses; Qualifying Projects**

(a) Permitted and Prohibited Uses

Permitted uses and structures within the Midtown LINC Overlay District are the same as those permitted in underlying zoning districts except as provided in Table 14-5.5-2 and as permitted for *qualifying projects* as defined in this Subsection.

**Table 14-5.5-2: Midtown LINC Overlay District - Additional Permitted & Prohibited Uses**

Table 14-5.5-2: Midtown LINC Overlay District - Additional Permitted & Prohibited Uses (See Note 1)			
ADDITIONAL USES		PROHIBITED USES	
<u>CATEGORY</u>	<u>Specific Use</u>	<u>CATEGORY</u>	<u>Specific Use</u>
RESIDENTIAL	Dwellings, Multiple-family	RESIDENTIAL	Mobile homes; Mobile home parks
			Sexually Oriented Businesses
			Vehicles and Equipment <sup>(2)</sup>
			Outdoor Storage
			Storage <sup>(3)</sup>
			Industrial <sup>(4)</sup>
			Warehouse & Freight Movement
<b>NOTES:</b>			
1. Uses listed are additions to, or deletions from, the list of otherwise permitted uses within underlying zoning districts. See Table 14-6.1-1 for a complete listing of use categories and permitted uses per underlying zoning district. See Table 14-5.5-4 for additional uses permitted if associated with a <i>qualifying project</i> .			
2. Parking lots and garages are permitted as <i>accessory</i> uses when associated with a <i>qualifying project</i> .			
3. Individual storage areas enclosed within a building and that are part of a <i>qualifying residential project</i> are permitted.			
4. Research, experimental and testing laboratories are permitted.			

(b) Qualifying Projects

As used in this Subsection 14-5.5(D):

(i) *Qualifying project* means a new *development* within the



1 Midtown LINC Overlay District that complies with the  
2 requirements of this Subsection 14-5.5(D) and that is either a  
3 *qualifying residential project* or a *qualifying non-residential*  
4 *project* as defined in this Subsection.

5 (ii) *Qualifying residential project* means a new *development*  
6 that: (a) is composed solely of new *multiple-family*  
7 *dwellings*, or (b) results in a *development* that is a mix of  
8 primarily new *multiple-family dwellings* and any lesser  
9 amount and combination of the eligible non-residential uses  
10 listed in Table 14-5.5-3 as measured by *gross floor area*.

11 (iii) *Qualifying non-residential project* means a new *development*  
12 that is composed of a new *building* or *buildings*, or of  
13 *alterations* to an existing *building* or *buildings*, for the  
14 eligible uses identified in Table 14-5.5-3.

15 (iv) *Development* projects not meeting the definitions of this  
16 Subsection 14-5.5(D)(4)(b) are permitted as provided in  
17 Subsection 14-5.5(D) but are not *qualifying projects*.

18 (v) The *land use director* may adopt submittal requirements and  
19 review policies in accordance with Subsection 14-2.11(B) as  
20 necessary to verify that *qualifying projects* meet the  
21 requirements of this Subsection 14-5.5(D).

22 **Table 14-5.5-3: Midtown LINC Overlay District - Non-Residential Uses Eligible for**  
23 ***Qualifying Projects***

24 **[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]**

**Table 14-5.5-3: Midtown LINC Overlay District - Non-Residential Uses Eligible for *Qualifying Projects***

USE CATEGORIES (See Note 1)	For Inclusion in <i>Qualifying Residential Projects</i>	As <i>Qualifying Non-Residential Projects</i>
Pre-Schools, Daycare for Infants & Children (All)	X	X
Educational (All; including Libraries)	X	X
Community Centers & Institutions (All)	X	X
Parks and Open Space (All) <sup>(2)</sup>	X	X
Arts Activities (All)	X	X
Assembly	X	
Food and Beverage (All) <sup>(3)</sup>	X	X
Medical (All)	X	X
Public Transportation	X	
Recreation and Entertainment (All)	X	X
Retail Sales and Services (All)	X	X <sup>(8)</sup>
Service Establishments (All)	X	X
Storage <sup>(4)</sup>	X	
Vehicles and Equipment <sup>(5)</sup>	X	
Industrial <sup>(6)</sup>	X	X
Manufacturing and Production <sup>(7)</sup>	X	X

**NOTES:**

1. Eligible uses listed in this table are permitted uses when part of a *qualifying project*. See Table 14-6.1-1 for a complete listing of use categories and permitted uses in underlying zoning districts.
2. Except cemeteries, mausoleums & columbariums.
3. Except restaurants with drive-through/drive-up service.
4. Only individual storage areas completely enclosed within a building and that are intended to serve the associated *qualifying residential project*.
5. Only parking lots and garages that are intended to serve the associated *qualifying project*.
6. Research, experimental and testing laboratories only.
7. Light assembly and manufacturing (including "maker" spaces) only.
8. Neighborhood grocery stores and laundromats only.

**(5) General Standards**

- (a) Unless otherwise specified in this Subsection 14-5.5(D), permitted uses and *development* standards within the Midtown LINC shall conform to the requirements of the underlying zoning district of a property.
- (b) The *land use director* may permit alternate means of compliance

with the provisions of this Subsection as provided in Subsection 14-2.11(C).

(c) In the event of conflicts between the requirements of this Subsection 14-5.5(D) and the requirements of underlying zoning districts, platted *building setbacks* or existing easements, the requirements of this Subsection shall apply.

#### (6) Building Envelope Standards and Measurements

**Table 14-5.5-4: Midtown LINC Overlay District - Table of Dimensional Standards**

Table 14-5.5-4: Table of Dimensional Standards for the Midtown LINC Overlay District						
DEVELOPMENT TYPE	Max. Gross Density (Dwelling units/Acre)	Min. Lot Size	Max. Height of Structures (Feet) <sup>(1)</sup>	Yard Requirements (Feet)	Max. Lot Coverage (%)	Min. Required Open Space
<i>Qualifying Residential Projects</i> (As defined in Subsection 14-5.5(D))	N/A	Same as C-2 District	50 <sup>(2)</sup>	<u>Minimum</u> Street: 0 <sup>(3)</sup> Side: 5 Rear: 10 <sup>(4)</sup> <u>Maximum</u> Street: 5 <sup>(5)</sup>	None	Same as C-2 District (See §14-7.5(D))
All Other Development	Same as C-2 District	Same as C-2 District	Per Underlying District Standards	Per Underlying District Standards except as noted below <u>Maximum</u> Street: 5 <sup>(3,5)</sup>	Per Underlying District Standards	Per Underlying District Standards

**NOTES:**

1. Elevator "over-runs" and renewable energy generating equipment (such as solar photovoltaic panels and wind turbines) mounted on *buildings* shall not be included in the calculated height of a *building*.
2. Maximum height of structures 50 feet, except where a structure associated with a *qualifying residential project* will be located within one hundred fifty (150) feet of an existing *residential development* located outside of the Midtown LINC Overlay District, in which case the maximum height of a structure associated with a *qualifying residential project* shall be 38 feet.
3. Except that 4th stories along *street-frontage façades* shall be set back a minimum of 15 feet from the story below.
4. *Rear yard* 10 feet, except at the rear of a *lot* abutting an existing *residential development*, in which case there shall be a *required rear yard* of not less than 25 feet.
5. Maximum *Street yard* 5 feet, except that: (a) up to 30% of a *street-frontage façade* may be set back greater than 5 feet for entryways and integral courtyards, or to accommodate other aspects of a *building's* design, and (b) *street-frontage façades* may be set back greater than 5 feet in locations where existing utility easements prevent compliance with this requirement.

1                   (7)    **Site Design, Circulation and Parking**

- 2                   (a)    New *buildings* or additions to existing *buildings* shall be oriented so
- 3                               that their primary *façades* face St. Michael's Drive, Cerrillos Road,
- 4                               or other *street frontages* as applicable.
- 5                   (b)    Perimeter screening of parking areas shall be in accordance with
- 6                               Subsection 14-8.4(I)(2) except that *screening* walls, hedges or berms
- 7                               shall not exceed four feet at maturity and shall be provided with
- 8                               multiple openings adjacent to *street frontages* to maximize of
- 9                               pedestrian permeability between *street* sidewalks and parking areas.
- 10                  (c)    Sidewalks along the *street frontages* of St. Michael's Drive and
- 11                               Cerrillos Road shall be provided in accordance with Section 14-
- 12                               9.2(E), Sidewalks, and shall be a minimum of fifteen (15) feet wide.
- 13                               Where existing sidewalks are widened to meet this requirement, the
- 14                               widening shall occur on the *building* side of the existing sidewalk.
- 15                  (d)    Vehicular access shall be from the side or rear of the *lot* to the extent
- 16                               possible.
- 17                  (e)    Vehicular access between and among adjacent *lots* shall be provided
- 18                               where possible.
- 19                  (f)    New *buildings* shall have accessible pedestrian connections to St.
- 20                               Michael's Drive or Cerrillos Road as applicable. *Building* entrances
- 21                               shall have the same general elevation as the *street frontage* sidewalks
- 22                               adjacent to the entrance. Site grading shall not result in the need for
- 23                               steps or ramps from the *street frontage* sidewalk to the *building*.
- 24                               Visual and physical barriers to *building* entrances shall be
- 25                               minimized.

1 (g) Sidewalks and other pedestrian pathways connecting *buildings* to the  
2 *street* and to parking areas shall be a minimum of six (6) feet wide  
3 and shall be clearly defined.

4 (g) Loading docks shall be located at the side or rear of *buildings* and  
5 shall be fully screened so that the loading dock is not visible from St.  
6 Michael's Drive or Cerrillos Road as applicable. The *screening* shall  
7 be integrated with the *building* architecture, materials and  
8 construction.

9 (h) Electrical transformers and trash enclosures shall be located at the  
10 side or rear of *buildings* and shall be screened from view of public  
11 roadways and sidewalks by walled enclosures or landscape  
12 *screening*. Wall-mounted utility boxes shall be painted the same  
13 color as the nearest *building* on site.

14 (i) Water system backflow preventers shall be located inside *buildings*.  
15 Where it is not feasible to locate a water system backflow preventer  
16 inside a *building*, the backflow preventer shall be located at the side  
17 or rear of *buildings* and shall be screened from view of adjacent  
18 public roadways and sidewalks by walled enclosures or landscape  
19 *screening*.

20 (8) **Architecture**

21 In addition to the requirements of Section 14-8.7, Architectural Design  
22 Review, the following provisions shall apply.

23 (a) *Lot* configuration and available *street frontage* permitting, the  
24 longest *façade* of all new *buildings* on *lots* abutting St. Michael's  
25 Drive or Cerrillos Road shall be aligned parallel with the *street*

frontage of St. Michael's Drive or Cerrillos Road as applicable.

(b) The primary entrance to any new *building* on a *lot* abutting St. Michael's Drive or Cerrillos Road shall be visible from St. Michael's Drive or Cerrillos Road as applicable.

(c) *Building walls* along *street frontages* shall not extend more than twenty feet, measured horizontally, without openings. Doors, windows or display windows shall be considered openings.

(d) Doors intended for vehicular access to *buildings* on *lots* abutting St. Michael's Drive or Cerrillos Road shall not face St. Michael's Drive or Cerrillos Road as applicable.

(e) Except as noted in this Subsection, rooftop equipment shall be fully screened so that the equipment is not visible from the adjacent public *rights-of-way*. *Screening* shall be integrated with the associated *building's* architecture, materials and construction. *Screening* of renewable energy generating equipment (such as solar photovoltaic panels and wind turbines) mounted on *buildings* is not required; however such equipment shall be incorporated into the architectural design of a *building* to the extent possible.

**(9) Landscaping Standards**

In addition to the requirements found in Section 14-8.4, Landscape and Site Design, the following provisions shall apply.

(a) On-site storm water *detention* or *retention* facilities shall be located underground unless constructed as part of parks or open space, or unless constructed as part of an *active water harvesting* system, in which case the *active water harvesting* system shall be incorporated

into the architectural design of a *building* to the extent possible.

(b) *Qualifying residential projects* shall provide a minimum five (5) foot wide landscaped area around the base of exterior *building walls*.

(c) *Street trees* shall be planted at a maximum spacing of thirty (30) feet on-center along the *street frontages* of *development* sites on St. Michael's Drive or Cerrillos Road as applicable. Existing *street trees* within the above areas may be counted toward this requirement. *Street trees* shall have a minimum four (4) inch *caliper* at time of planting and shall have a minimum mature height of twenty-five (25) feet. The required spacing of *street trees* may be adjusted to allow for the clustering of trees as part of a *development's* landscape design as determined by the *land use director*. The location and minimum mature height of *street trees* may be adjusted where conflicts exist with overhead or underground utility lines, site visibility triangles, crosswalks, bus stops, or on-street parking spaces.

(d) A minimum of thirty (30) percent of required plant material shall be evergreen.

(e) Areas of the *parkway* that are located along the *street frontages* of *development* sites, and that are not developed with sidewalks as required by Subsection 14-5.5(D)(7)(c), shall be *landscaped* as part of the required *landscaping* of a *development*.

(f) *Qualifying non-residential projects* and other non-residential *development* adjacent to existing *residential development* located outside of the Midtown LINC Overlay District shall provide a continuous *landscaped* buffer strip of not less than fifteen (15) feet

1 where abutting the existing *residential development*. Plant material  
2 in the *landscaped* buffer strip shall conform to the requirements for  
3 open space provided in Subsection 14-8.4(H).

4 (10) **Signage**

5 In addition to the requirements found in Section 14-8.10, Signs, the  
6 following provisions shall apply.

- 7 (a) Pole-mounted *signs* are prohibited.
- 8 (b) Monument *signs* shall not exceed four feet in height.
- 9 (c) *Signs* shall be setback a minimum of fifteen (15) feet from any  
10 public *right of way* unless *wall-* or *building-mounted*.
- 11 (d) *Wall-* or *building-mounted signs* shall not extend above the roofline  
12 or parapet.
- 13 (e) Roof-mounted *signs* are prohibited.
- 14 (f) The provisions of Subsection 14-8.10(B)(4), Maximum Number of  
15 Colors and Lettering Styles, do not apply within the Midtown LINC  
16 Overlay District.
- 17 (g) The provisions of Subsection 14-8.10(B)(5)(d) do not apply to *signs*  
18 mounted on the *building walls* of *qualifying projects* within the  
19 Midtown LINC Overlay District.
- 20 (h) *Wall signs* associated with a *qualifying project* within the Midtown  
21 LINC Overlay District and whose *sign faces* are mounted  
22 perpendicular to a *building wall* may extend up to five (5) feet from  
23 the *wall*, including *signs* that project over a front property line,  
24 providing that such a *sign* shall not impede or endanger pedestrian or  
25 vehicular traffic.



1                   (11)   **Site Furnishings**

- 2                   (a)     A minimum of one bench per ten thousand (10,000) gross square feet  
3                         of *building* is required on the site and shall be located adjacent to the  
4                         *street frontage* of the *development*, or to the primary *building*  
5                         entrance, or within a public or private amenity provided by the  
6                         *development*.  
7                   (b)     At least one bench per *development* shall be shaded by a tree or a  
8                         shade structure.  
9                   (c)     Where multiple benches are required, a trash receptacle shall be  
10                        provided adjacent to one of the benches.  
11                   (d)     All site furnishings on a *development* site, including bicycle racks  
12                        required by Subsection 14-8.6(E), benches, trash receptacles and  
13                        light fixtures shall be of a coordinated design style and color.

14                   (12)   **Outdoor Lighting**

15                   In addition to compliance with Section 14-8.9, Outdoor Lighting, the  
16                   following provisions apply.

- 17                   (a)     Pole-mounted lights shall not exceed twenty (20) feet in height.  
18                   (b)     Lamps of *building*-mounted light fixtures shall not be placed more  
19                        than twelve (12) feet above the exterior grade at the perimeter of a  
20                        *building* unless the outdoor lighting is part of the illumination of a  
21                        *wall-mounted sign* in accordance with Subsection 14-5.5(D)(10)(g).

22                   (13)   **Additional Requirements for *Qualifying Projects***

23                   In addition to the requirements of this Subsection 14-5.5(D), *qualifying*  
24                   *projects* shall comply with the following requirements:

- 25                   (a)     *Qualifying projects* shall utilize a detailed alternative development

1 water budget ("Option B" water budget) in accordance with  
2 Subsection 14-8.13(B)(2)(b) and applicable adopted administrative  
3 procedures.

4 (b) *Qualifying projects* shall utilize the following water-saving fixtures,  
5 appliances, and systems where applicable, throughout all new  
6 construction:

- 7 (i) waterless urinals;
- 8 (ii) dual-flush, high-efficiency toilets (HETs) (rated 1.28 gallons  
9 or less per flush);
- 10 (iii) EPA WaterSense® certified showerheads (or equivalent  
11 fixtures rated at 2.0 gallons per minute or less);
- 12 (iv) ENERGY STAR® compliant clothes washers;
- 13 (v) *active water harvesting* systems.

14 (c) The *land use director* shall not issue a construction *permit* for a  
15 *qualifying project* until a restrictive covenant is recorded by the  
16 owner of the *development* at the office of the county clerk that  
17 requires that the *development* will contain no uses that do not meet  
18 the requirements for a *qualifying project* for a period of at least five  
19 years from the completion of the project's construction. The  
20 covenant shall be in a form approved by the *land use director* and the  
21 city attorney and shall be notarized prior to recordation. The  
22 covenant shall be considered part of a *development* plan approved  
23 pursuant to Subsection 14-3.8(B)(9). The *land use director* shall  
24 maintain copies of recorded covenants pursuant to the provisions of  
25 this Subsection.

1                   (14)   **Fee Incentives for *Qualifying Projects***

2                   The following fee incentives apply to *qualifying projects* within the Midtown  
3                   LINC Overlay District:

4                   (a)     **Construction Permit Fees; Plan Review Fees**

5                   *Qualifying projects* are exempt from the payment of construction  
6                   permit fees and plan review fees as set by Resolution of the  
7                   governing body, as may be amended from time to time.

8                   (b)     **Development Review Fees**

9                   *Qualifying projects* are exempt from the payment of development  
10                  review fees as set by Resolution of the governing body, as may be  
11                  amended from time to time.

12                  (c)     **Development Water Budget Fees**

13                  *Qualifying projects* shall obtain water to meet approved  
14                  development water budgets through the water rights transfer program  
15                  or through the water conservation credit program or through a  
16                  combination of both, and at the reduced rate specified in Subsection  
17                  14-8.13(E).

18                  (d)     **Impact Fees**

19                  *Qualifying projects* are exempt from the payment of impact fees in  
20                  accordance with Subsection 14-8.14(D).

21                  (e)     **Wastewater Utility Expansion Charge (UEC)**

22                  The wastewater utility expansion charge (UEC) is waived for  
23                  *qualifying projects* in accordance with Article 22-6.6, Exhibit A,  
24                  Section 7.

25                  (f)     **Water Utility Expansion Charge (UEC)**

1                    *Qualifying projects* are exempt from the payment of the water utility  
2                    expansion charge (UEC) in accordance with Article 25-4.2, Exhibit  
3                    B, Rate Schedule 8.

4                    **Section 2.       Subsection 14-3.8(B) SFCC 1987 (being Ord. #2013-16, §11) is amended**  
5 **to read:**

6                    **(B)       Applicability**

- 7                    (1)       Early neighborhood notification and notice and conduct of public hearings  
8                    are required pursuant to the general provisions of Sections 14-3.1(F), (H) and  
9                    (I).
- 10                  (2)       A *development* plan is required in conjunction with rezoning *applications* in  
11                  certain districts as provided in Chapter 14, Articles 4 (Zoning) and 5  
12                  (Overlay Zoning Districts).
- 13                  (3)       Approval of a *development* plan by the planning commission is required prior  
14                  to new *development* that meets any of the following criteria:
- 15                    (a)       *gross floor area* of thirty thousand square feet or more and is located  
16                    within any zoning district of the *city*;
- 17                    (b)       *gross floor area* of ten thousand square feet or more in a *residential*  
18                    district or in the C-1, C-2, C-4, BCD, HZ, I-1, I-2, BIP, PRRC, RS,  
19                    SC or MU district and is within two hundred (200) feet, including  
20                    public *rights of way*, of RR, R-1 through R-6, R-7, R-7-I, R-8, R-9,  
21                    RC-5, RC-8, R10, R-12, R-21, R-29, RAC, AC, PRC and MH  
22                    districts;
- 23                    (c)       *flea market* with fifteen or more vendors; or
- 24                    (d)       outdoor *commercial recreational uses* in any zone where the total  
25                    area devoted to recreation and related pedestrian circulation and

1 amenities, excluding parking and vehicular circulation areas, exceeds  
2 fifteen thousand (15,000) square feet in any zone; provided that this  
3 provision does not apply to temporary carnivals, circuses and similar  
4 short-term entertainment uses required to obtain a *permit* from the  
5 *city*.

6 (4) The *development* plans described in Subsections (B)(2) and (3) shall be  
7 reviewed by the planning commission.

8 (5) This section applies where the cumulative square footage of multiple *permits*  
9 meets or exceeds the criteria in Subsections (B)(2) or (3) or a combination of  
10 those subsections when the *permits* are for coordinated *development* of a  
11 *project* comprising multiple *buildings* or outdoor uses, including phased  
12 *projects* and *projects* involving *development* of adjoining commonly owned  
13 *parcels*.

14 (6) This section does not apply to the construction of *single-family dwellings*,  
15 each of which has a *gross floor area* of ten thousand (10,000) square feet or  
16 less, including *accessory buildings*, on *lots* created prior to the effective date  
17 of Ordinance No. 1999-13 or on *lots* within a subdivision that was subject to  
18 early neighborhood notification procedures. This section does apply to  
19 construction of any *single-family dwelling* that has a *gross floor area* greater  
20 than ten thousand (10,000) square feet, including *accessory buildings*.

21 (7) No additional *development* plan review is required if the new or changed use  
22 or *development* described in Subsections (B)(2) and (3) was part of a  
23 *development* plan approved as part of a rezoning or other action before the  
24 *governing body* or the planning commission, and for which an early  
25 neighborhood notification meeting occurred as set forth in Section 14-3.1(F).

(8) Approval of a *development plan* by the *land use director* is required for multiple-family *development* comprising three or more *dwelling units* with a *gross floor area* less than ten thousand (10,000) square feet.

(9) This section does not apply to the construction of *qualifying projects* within the Midtown LINC Overlay District with the exception that approval of a *development plan* by the *land use director* is required prior to, or concurrent with, the issuance of a construction *permit* for a *qualifying project*.

Section 3. Table 14-6.1-1 SFCC 1987 (being Ord. #2013-16, §29) is amended to amend the following footnote in the Table of Permitted Uses:

\* Special use permit required if located within 200 feet of *residentially-zoned property* unless a *qualifying project* located within the Midtown LINC Overlay District; otherwise permitted.

Section 4. Article 14-6.2(A)(7) SFCC 1987 (being Ord. #2016-20) is amended to read:

(7) Dwelling Units in Specified Commercial Districts

In the C-2 and SC Districts, *dwelling units* do not include *mobile homes* or *recreational vehicles* and shall be either:

(a) *accessory dwelling units* for occupancy only by *owners, employees* or tenants of *nonresidential* uses that are operated on the same *premises*;

(b) part of a planned *development*; or

(c) part of a use for which a *development plan* or special use *permit* is required[-]; or

(d) part of a *qualifying residential project* within the Midtown LINC Overlay District.

Section 5. Article 14-8.6(B)(4) SFCC 1987 (being Ord. #2011-37, as amended) is

1 amended to read:

2 (4) Combined Uses; Shared Parking

3 (a) Combined uses on the same *premises* shall provide the combined  
4 total number of spaces required for each use separately, unless a  
5 shared parking plan is approved.

6 (b) Uses on *premises* comprising more than one *legal lot of record* may  
7 provide shared parking in accordance with an approved shared  
8 parking plan.

9 (c) Parking required for uses located on adjoining *lots* in RAC, C, BCD,  
10 BIP, MU, SC or I districts, ~~[or]~~ for institutional uses located on  
11 adjoining *lots* in *residential* districts, or for a *qualifying project*  
12 *within the Midtown LINC Overlay District*, may be provided on a  
13 joint basis. Within the joint parking areas, the spaces required for  
14 each of the participating uses shall be marked on the parking plan  
15 and maintained as allocated to the individual use, unless a shared  
16 parking plan is approved. (Ord. No. 2013-16 § 50)

17 (d) Cumulative parking space requirements for *mixed-use* occupancies  
18 or adjoining *mixed uses* may be reduced if the *applicant*  
19 demonstrates that the peak requirements of the several occupancies  
20 occur at different times, such as mid-day for office uses and evening  
21 for *residential* uses, as supported by a parking demand study.

22 (e) Reduction in the total number of spaces required by the addition of  
23 all uses in the BCD or as specified in Subsection 14-8.6(A) may be  
24 approved by a *land use board* pursuant to a special use *permit* or  
25 *development* plan if the reduction is supported by a parking demand

study.

(f) Reduction in the total number of spaces required by this Section 14-8.6 for *qualifying projects* within the Midtown LINC Overlay District shall be approved by the *land use director* pursuant to Subsection 14-3.8(B)(9) if the reduction is supported by a parking demand study prepared by the *qualifying project* applicant. In addition to the shared parking provisions of this Subsection, the total number of spaces required as determined by a shared parking plan or parking demand study may be reduced by the number of on-street parking spaces present in the Midtown LINC Overlay District adjacent to a *qualifying project*.

Section 6. Table 14-8.7-2 SFCC 1987 (being Ord. #2011-37 § 10) is amended to read:

Table 14-8.7-2: Architectural Design Standards and Point Allocations

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**TABLE 14-8.7-2: Architectural Design Standards and Point Allocations (See Note 1)**

Architectural Design Standards		Points <sup>1</sup>
<b>WALLS</b>		
Predominant Exterior Surface Material	Stucco, adobe	30
	Brick, natural stone, and integrally colored unit masonry	25; 30*
	Concrete and non-integrally colored unit masonry	20; 30*
	Metal siding, glass curtainwall systems, glass block, wood siding, and simulated materials	10; 30*
	Mirrored glass curtainwall systems	-10
Color of Predominant Exterior Surface Material	Earthtones, creams, and pastels of earthtone hues including but not necessarily limited to rose, peach, and terra cotta colors	30
	Pastel colors of non-earthtone hues, whites, grays, and grayish greens	15; 30*
	<u>High-intensity colors</u>	-10; 10*
	[High-intensity colors, m]Metallic colors, glass and black	-10
Exterior Surface Treatment	(A) Wall surfaces appear monolithic with at least 75 percent of the total wall area one material and one color. Differing shades of the same general hue shall not be considered different colors. Non-solar fenestration, window and door awnings, applied trim, and accent materials, colors, and decorative bands, with the exception of stucco, masonry or concrete control joints, are used in such a way that they do not give a panelized or prefabricated appearance, produce striped or checkerboard patterns, or exceed 25 percent of the surface area of any façade. Fenestration and/or accent colors on wall surfaces under portals or canopies having a horizontal depth of at least six feet shall be exempt from area calculations	10
	(B) Wall surfaces do not meet the criteria set forth in paragraph (A) above	-10

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ROOFS		
Form	(A) Flat roof surfaces entirely concealed from public view by parapets	20
	(B) Flat roof surfaces not entirely concealed from public view by parapets, uniformly sloping roofs, or any combination of flat and uniformly sloping roofs, having a height, from springline to peak, that does not exceed the average height of the supporting walls and having a slope with greater than or equal to four feet of vertical rise for every 12 feet of horizontal run and less than or equal to 12 feet of vertical rise for every 12 feet of horizontal run	15
	(C) Uniformly sloping roofs or any combination of flat and uniformly sloping roofs, having a height, from springline to peak, that does not exceed the average height of the supporting walls and having a slope with less than four feet of vertical rise for every 12 feet of horizontal run or having a slope with greater than 12 feet of vertical rise for every 12 feet of horizontal run	10
	(D) Any type of sloping roof having a height, from springline to peak, that exceeds the average height of the supporting walls; non-uniformly sloping roofs; or any combination of flat and non-uniformly sloping roofs	-10
Predominant Material	(A) All surfaces are concealed from public view	20
	(B) Standing, flat, or batten seam metal roofing, or membrane, asphalt or gravel surfaces exposed to public view	15
	(C) Flat tiles of clay, concrete or slate	10
	(D) Barrel tiles of clay, concrete, or slate; and asphalt shingles	5
	(E) Wood shingles or shakes and other materials including but not necessarily limited to plastic, fiberglass or metal roof tiles	-10
Predominant Color	(A) All surfaces are concealed from public view	15
	(B) Dark reds, browns, and earthtones, and natural metals including aluminum, zinc, tin, and lead	10
	(C) Low-intensity colors other than those stated above	5
	(D) White	0
	(E) Bright, non-fading, high-intensity colors and any use of multiple colors	-15

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**BUILDING FORM**

Massing	(A) One-story buildings with over 10,000 square feet of gross floor area and multi-story buildings with over 20,000 square feet of gross floor area which are designed with wall plane projections or setbacks on each publicly visible façade having a depth of at least three percent of the length of the façade and extending at least 20 percent of the length of the façade	30
	(B) One-story buildings with less than or equal to 10,000 square feet of gross floor area and multi-story buildings with less than or equal to 20,000 square feet of gross floor area which are designed with either offsetting wall planes or upper story setbacks of at least four horizontal feet, or a recessed entry space or projecting canopy or portal having a depth of at least six horizontal feet, on at least one publicly visible façade	30
	(C) Buildings not utilizing the massing techniques described in paragraphs (A) or (B) above	0

**DOORS AND WINDOWS**

Treatment	(A) More than 50 percent of doors, windows and glazed surfaces, which are not located under portales or canopies having a horizontal depth of at least six feet, have either frames recessed a minimum of two inches, are cased with trim, have divided lites, or have exposed or otherwise articulated lintels	20
	(B) More than 50 percent of doors, windows and glazed surfaces do not meet the requirements set forth in paragraph (A) above	0; 20*
Area	(A) All wall surfaces which are not located under portales or canopies having a horizontal depth of at least six feet, and which do not include solar fenestration, have less than or equal to 50 percent openings consisting of doors, windows, glazing and other penetrations	20
	(B) Wall surfaces do not meet the requirements as set forth in paragraph (A) above	0; 20*
Location	(A) All doors, windows and glazed surfaces, on structures having a gross floor area greater than 150 square feet, are located at least two feet from outside building corners	20
	(B) All doors, windows and glazed surfaces, on structures having a gross floor area less than or equal to 150 square feet, have at least a two inch mullion at inside and outside building corners	20
Glazing	(A) All glazing is clear or tinted neutral gray	10
	(B) Any use of colored glazing	0; 10*
	(C) Any use of mirrored glazing	-10

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EQUIPMENT		
Screening	(A) All roof and wall mounted mechanical, electrical, communications, and service equipment, including satellite dishes and vent pipes, are screened from public view by parapets, walls, fences, dense evergreen foliage, or by other means	10
	(B) All building mounted equipment set forth in paragraph (A) above is either screened; and/or painted to match visually adjacent surfaces	5
	(C) All building mounted equipment set forth in paragraph (A) above is not screened and/or painted to match visually adjacent surfaces	-10

**NOTES:**

1. Point values denoted by an asterisk (\*) apply within the Midtown LINC Overlay District.

**Section 7. Article 14-8.13(E) SFCC 1987 (being Ord. #2011-37, §11) is amended to read:**

**(E) Dedication of Water to Development**

- (1) *A building permit application shall not be approved until the applicant has dedicated water to meet the approved development water budget for the development project plus a 9.8% contingency that covers water utility delivery requirements, as documented by the Water Division dedication form and complied with the conditions thereof. This contingency water is comprised of water used for community health and safety purposes, such as firefighting and fire hydrant testing, water used in production for flushing of water distribution and sewer lines, and also results from meter errors, line leaks, and losses from water main breaks.*
- (2) *Based on the approved water budget for a development project, the applicant shall obtain water through either the water rights transfer program (Section 25-12 SFCC 1987) or the water conservation credits program (Section 25-11 SFCC 1987) to meet the development water budget according to the following criteria:*
  - (a) *Applications for residential uses which have a development water*

1 budget equal to or greater than ten acre-feet per year shall obtain  
2 water through the water rights transfer program;

3 (b) *Applications for residential uses which have a development water*  
4 *budget less than ten acre-feet per year, designated as small*  
5 *development projects, shall obtain water through the water rights*  
6 *transfer program or the water conservation credit program or through*  
7 *a combination of both;*

8 (c) *Applications for non-residential uses which have a development*  
9 *water budget equal to or greater than five acre-feet per year shall*  
10 *obtain water through the water rights transfer program;*

11 (d) *Applications for non-residential uses which have a development*  
12 *water budget less than five acre-feet per year, designated as small*  
13 *development projects, shall obtain water though the water rights*  
14 *transfer program or the water conservation credit program or through*  
15 *a combination of both;*

16 (e) *Applications with both residential and non-residential uses each in*  
17 *substantial amounts which have a development water budget equal to*  
18 *or greater than seven and one half acre-feet per year shall obtain*  
19 *water through the water rights transfer program; [and]*

20 (f) *Applications with both residential and non-residential uses each in*  
21 *substantial amounts which have a development water budget less*  
22 *than seven and one half acre-feet per year shall either obtain water*  
23 *through the water rights transfer program or the water conservation*  
24 *credit program or through a combination of both[-]; and*

25 (g) *Applications for qualifying projects within the Midtown LINC*

1 Overlay District as defined in Subsection 14-5.5(D)(4)(b) shall  
2 obtain water through the water rights transfer program or the water  
3 conservation credit program or through a combination of both. Water  
4 for qualifying projects obtained through the water conservation  
5 credit program shall be paid for at the rate of \$12,000 per acre-foot.

6 Section 8. Article 14-8.14(D) SFCC 1987 (being Ord. #2011-37, §11 as amended) is  
7 amended to read:

8 (D) Exemptions, Waivers and Reimbursements

9 (1) Certain types of <sup>7</sup>*permits* for new construction shall be exempt from the terms  
10 of this Section 14-8.14. An exemption shall be claimed at the time of  
11 construction *permit application*. The *land use director* shall determine the  
12 validity of a claim for exemption pursuant to the criteria set forth in this  
13 Subsection 14-8.14(D). The following are exempt from the provisions of this  
14 Section 14-8.14: (Ord. No. 2014-28 § 7)

- 15 (a) *alterations* of, or additions to, existing *residential* uses where no  
16 additional *dwelling units* are created;
- 17 (b) replacement of a destroyed, partially destroyed or moved *residential*  
18 *building* or *structure* with a new *building* or *structure* of the same  
19 use and the same size and with the same number of *dwelling units*;
- 20 (c) replacement of destroyed, partially destroyed or moved *non-*  
21 *residential building* or *structure* with a new *building* or *structure* of  
22 the same *gross floor area* and use;
- 23 (d) construction *permits* for new *residential* units that are part of a  
24 master plan, *development* plan or subdivision *plat* where land is  
25 dedicated to the *city* to provide park land, as provided in Section 14-

1 8.15 (Dedication and Development of Land for Parks, Open Space,  
2 Trails and Recreation Facilities), are exempt from park impact fees;  
3 [and]

4 (e) parking garages or parking lots[-]; and

5 (f) construction permits for qualifying projects within the Midtown  
6 LINC Overlay District as defined in Subsection 14-5.5(D)(4)(b).

7 Section 9. Subsection 7-1.10 (being Ord. # No. 2008-1, §12) is amended to read:

8 7-1.10 ~~[Reserved:]~~ Application of the International Existing Building Code

9 The applicable provisions of the International Existing Building Code, as adopted in  
10 Subsection 7-1.1(A)(9), shall be applied to a construction permit upon the request of the applicant.

11 Section 10. Article 22-6.6, Exhibit A, Section 7 (being Ord. #1997-3, as amended) is  
12 amended to read:

13 7. Wastewater Utility Expansion Charge (UEC).

14 7.1. Except as set forth in Section 7.3, the wastewater utility expansion charge (UEC)  
15 applies to customers within the corporate limits of the city of Santa Fe, New Mexico and to customers  
16 in those areas outside the corporate limits to which wastewater service has been authorized by action  
17 of the governing body of the city of Santa Fe as follows:

18 7.1.1. New customers connecting to the city's wastewater system; and

19 7.1.2. Existing customers if there is an increase in the number of dwelling units or an  
20 increase in the size of the nonresidential water meter; however, the charge shall reflect only the  
21 increase in the number of dwelling units or the increase in the size of the meter.

22 7.2. The UEC shall be waived for the following:

23 A. Santa Fe Homes Program for-sale or for-rent units as defined in Section 26-1  
24 SFCC 1987;

25 B. Housing opportunity program home or housing opportunity program rental

unit subject to a valid housing opportunity program agreement; [or]

C. A low priced dwelling unit as defined in Section 26-2 SFCC 1987[.];

D. A qualifying project within the Midtown LINC Overlay District as defined in Subsection 14-5.5(D)(4)(b) SFCC 1987.

7.2.1. Application for waivers of the UEC shall be made at the time of application for a building permit. Applications shall be reviewed by the office of affordable housing.

7.3. The UEC shall be as follows:

7.3.1. Single-Family Detached Dwelling Unit or Accessory Dwelling Unit

As defined in Chapter 14 SFCC 1987

(Heated Living Area)	Charge per unit
----------------------	-----------------

0 - 1,500 Sq. Ft.	\$499
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1,501 - 2,000 Sq. Ft.	\$735
-----------------------	-------

2,001 - 2,500 Sq. Ft.	\$911
-----------------------	-------

2,501 - 3,000 Sq. Ft.	\$1,052
-----------------------	---------

3,001 - 3,500 Sq. Ft.	\$1,169
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3,501 - 4,000 Sq. Ft.	\$1,269
-----------------------	---------

4,001 - 4,500 Sq. Ft.	\$1,357
-----------------------	---------

4,501 or more Sq. Ft.	\$1,435
-----------------------	---------

7.3.2. Multi-Family Dwelling Unit      \$561 per unit

Includes apartment, condominium, single family attached and residential studio units

7.3.3. Mobile Home Park Pad      \$902 per unit

7.3.4. Nonresidential (meter size)      Charge per meter

5/8" x 3/4"	\$876
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1"	\$2,190
----	---------

1-1/2"	\$4,380
--------	---------



1	2"	\$7,008
2	3"	\$14,016
3	4"	\$21,900
4	6"	\$43,800
5	8"	\$70,080
6	10"	\$127,020

7        7.3.5. Any separate water meter installed for irrigation purposes only shall not be included  
8 in the calculation of the charge.

9        7.3.6. In the event that the development does not have a water meter, or the wastewater  
10 division director or developer believes the size of the water meter does not accurately reflect  
11 wastewater generation, the developer may submit or the director may require the submission of a  
12 study, prepared by a professional engineer, to determine the charge listed in the above table for the  
13 water meter that most closely matches the cost of capital facilities to treat the biochemical oxygen  
14 demand that will be generated by the proposed development.

15        7.4. The UEC shall be due prior to issuance of a building permit if the property is located  
16 in the city limits and prior to obtaining a permit to connect to the sewer if the property is located  
17 outside the city limits.

18        7.5. Payments of wastewater utility expansion charges shall be deposited in an account  
19 separate from other funds of the city.

20        **Section 11. Article 25-4.2, Exhibit B, Rate Schedule 8 (being Ord. #1995-19, §1 as**  
21 **amended) is amended to read:**

22                    **CITY OF SANTA FE - PUBLIC UTILITIES DEPARTMENT**

23                    **WATER SERVICES DIVISION**

24                    **RATE SCHEDULE 8**

25                    **UTILITY EXPANSION CHARGE**

1 APPLICABILITY: This Utility Expansion Charge is applicable to all new customers for connection  
2 with the City's system. Installation of a second meter and establishment of a new account for existing  
3 demand on a legal residential lot of record shall not be considered a new customer subject to  
4 application of the Utility Expansion Charge. Service will be furnished in accordance with the City's  
5 Rules and Regulations covering water service, available at the City's offices and on file with the  
6 office of the City Clerk of the city of Santa Fe, which Rules and Regulations or subsequent revisions  
7 thereof are a part of this Schedule as if fully written herein.

8 SERVICE AREA: Within the corporate limits of the city of Santa Fe, New Mexico and those areas  
9 outside the corporate limits to which service has been authorized by action of the governing body of  
10 the city of Santa Fe.

11 UTILITY EXPANSION CHARGE (UEC): The rate for the UEC shall be the sum of A and B.

12 A. CHARGE:

13 1. The Charge for a 5/8" meter service is \$2,013.00.

14 2. The Charge for a 5/8" meter service for the following is \$800.00.

15 a. Santa Fe Homes Program for-sale or for-rent units as defined in Section 26-1  
16 SFCC 1987;

17 b. Housing opportunity program home or housing opportunity program rental  
18 unit subject to a valid housing opportunity program agreement; or

19 c. A low priced dwelling unit as defined in Section 26-2 SFCC 1987.

20 3. The Charge for each meter service size shall be determined by multiplying the  
21 Charge for a 5/8" meter service by the applicable equivalent meter EQM Factor.

22 4. The other meter service sizes are as follows:

Meter Service	EQM Factor	UEC
3/4"	1.5	\$ 3,019.00
1"	2.5	5,032.00

1	1 1/2"	5.0	10,065.00
2	2"	8.0	16,104.00
3	3"	15.6	31,402.00
4	4"	25.0	50,325.00
5	6"	50.0	100,650.00
6	8"	80.0	161,040.00

B. SPECIAL TAX AND ASSESSMENT CLAUSE: Billings under this Schedule may be increased by an amount equal to the sum of taxes payable under the Gross Receipts and Compensating Tax Act and of all other taxes, fees, or charges payable by the City and levied or assessed by any governmental authority on the public utility service rendered, or on the right or privilege of rendering the service, or on any object or event incidental to the rendition of the service.

C. VARIANCE: In the event a developer makes an advance payment for project costs, which payment covers all costs pertaining to the project in question which are included in the UEC calculation, he/she shall upon application to the governing body of the city of Santa Fe be entitled to a variance excusing him/her from payment of the UEC. A qualifying project within the Midtown LINC Overlay District, as defined in Subsection 14-5.5(D)(4)(b) SFCC 1987, is exempt from payment of the UEC.

TERMS OF PAYMENT: The UEC is due when notice is provided to the Customer prior to installation of the service line.

SERVICE APPLICATION: The UEC shall apply to new services, not including the installation of a second meter and establishment of a new account for existing demand on a legal residential lot of record, located anywhere within the water service area approved by the City.

1 APPROVED AS TO FORM:

2  
3 *Kelly Sullivan Asst City Attorney for*

4 KELLEY A. BRENNAN, CITY ATTORNEY

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25 *M/Legislation/Bills 2016/Midtown LINC Overlay District*

## City of Santa Fe Fiscal Impact Report (FIR)

This Fiscal Impact Report (FIR) shall be completed for each proposed bill or resolution as to its direct impact upon the City's operating budget and is intended for use by any of the standing committees of and the Governing Body of the City of Santa Fe. Bills or resolutions with no fiscal impact still require a completed FIR. Bills or resolutions with a fiscal impact must be reviewed by the Finance Committee. Bills or resolutions without a fiscal impact generally do not require review by the Finance Committee unless the subject of the bill or resolution is financial in nature.

### Section A. General Information

(Check) Bill:   X   Resolution: \_\_\_\_\_  
(A single FIR may be used for related bills and/or resolutions)

Short Title(s): AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987, CREATING A NEW SUBSECTION 14-5.5(D) ENTITLED THE "MIDTOWN LOCAL INNOVATION CORRIDOR OVERLAY DISTRICT" (MIDTOWN LINC OVERLAY DISTRICT) AND ESTABLISHING PERMITTED USES, DEFINITIONS, STANDARDS, AND INCENTIVES FOR QUALIFYING PROJECTS WITHIN THE DISTRICT; AMENDING THE FOLLOWING ARTICLES TO ADD PROVISIONS FOR QUALIFYING PROJECTS WITHIN THE DISTRICT: 14-3.8(B) DEVELOPMENT PLAN APPROVALS, TABLE 14-6.1-1 SPECIAL USE PERMITS, 14-6.2(A)(7) DWELLING UNITS WITHIN C-2 AND SC DISTRICTS, 14-8.6(B)(4) REDUCTION OF REQUIRED PARKING SPACES, TABLE 14-8.7-2 ARCHITECTURAL DESIGN STANDARDS AND POINT ALLOCATIONS, 14-8.13(E) DEVELOPMENT WATER BUDGET CRITERIA, 14-8.14(D) IMPACT FEES; RELATING TO THE BUILDING AND HOUSING CODE, CHAPTER 7 SFCC 1987, AMENDING SUBSECTION 7-1.10 APPLICATION OF THE INTERNATIONAL EXISTING BUILDING CODE; RELATING TO THE SEWER CODE, CHAPTER 22 SFCC 1987, AMENDING SUBSECTION, 22-6.6 EXHIBIT A SECTION 7 WASTEWATER UTILITY EXPANSION CHARGE; RELATING TO THE WATER CODE, CHAPTER 25 SFCC 1987, 25-4.2 EXHIBIT B RATE SCHEDULE 8 UTILITY EXPANSION CHARGE; AND MAKING SUCH OTHER CHANGES THAT ARE NECESSARY TO CARRY OUT THE PURPOSE OF THIS ORDINANCE.

Sponsor(s): Mayor Gonzales; Councilor Ives

Reviewing Department(s): Asset Development Office; Land Use Department; Public Utilities Department; City Attorney's Office

Persons Completing FIR: Matthew O'Reilly MSO Date: 8/31/16 Phone: x6213

Reviewed by City Attorney: [Signature] Asst City Atty Date: 9/1/16  
(Signature)

Reviewed by Finance Director: [Signature] Date: 9-2-2016  
(Signature)

### Section B. Summary

Briefly explain the purpose and major provisions of the bill/resolution:

The Bill creates a new overlay district in the vicinity of St. Michael's Drive between Cerrillos Road and St. Francis Drive. The Bill provides incentives for redevelopment of the area and design standards for new development.

### Section C. Fiscal Impact

Note: Financial information on this FIR does not directly translate into a City of Santa Fe budget increase. For a budget increase, the following are required:

- a. The item must be on the agenda at the Finance Committee and City Council as a "Request for Approval of a City of Santa Fe Budget Increase" with a definitive funding source (could be same item and same time as bill/resolution)
- b. Detailed budget information must be attached as to fund, business units, and line item, amounts, and explanations (similar to annual requests for budget)
- c. Detailed personnel forms must be attached as to range, salary, and benefit allocation and signed by Human Resource Department for each new position(s) requested (prorated for period to be employed by fiscal year)\*

#### **1. Projected Expenditures:**

a. Indicate Fiscal Year(s) affected – usually current fiscal year and following fiscal year (i.e., FY 03/04 and FY 04/05)

b. Indicate: "A" if current budget and level of staffing will absorb the costs  
"N" if new, additional, or increased budget or staffing will be required

c. Indicate: "R" – if recurring annual costs  
"NR" if one-time, non-recurring costs, such as start-up, contract or equipment costs

d. Attach additional projection schedules if two years does not adequately project revenue and cost patterns

e. Costs may be netted or shown as an offset if some cost savings are projected (explain in Section 3 Narrative).

\_\_\_\_\_ Check here if no fiscal impact

1	2	3	4	5	6	7	8
Expenditure Classification	FY 2016/17	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non-recurring	FY 2017/18	"A" Costs Absorbed or "N" New Budget Required	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected

Personnel*	\$ _____	_____	_____	\$ _____	_____	_____	_____
Fringe**	\$ _____	_____	_____	\$ _____	_____	_____	_____
Capital Outlay	\$ _____	_____	_____	\$ _____	_____	_____	_____
Land/ Building	\$ _____	_____	_____	\$ _____	_____	_____	_____
Professional Services	\$ _____	_____	_____	\$ _____	_____	_____	_____
All Other Operating Costs	\$ _____	_____	_____	\$ _____	_____	_____	_____
Total:	\$ _____			\$ _____			

\* Any indication that additional staffing would be required must be reviewed and approved in advance by the City Manager by attached memo before release of FIR to committees. \*\*For fringe benefits contact the Finance Dept.

## 2. Revenue Sources:

- To indicate new revenues and/or
- Required for costs for which new expenditure budget is proposed above in item 1.

1	2	3	4	5	6
Type of Revenue	FY 2016/17	"R" Costs Recurring or "NR" Non-recurring	FY 2017/18	"R" Costs -- Recurring or "NR" Non-recurring	Fund Affected

<u>Waived, Exempted Fees</u>	<u>(\$285,524)</u>	<u>NR</u>	<u>(\$285,524)</u>	<u>NR</u>	<u>GF, Water, Wastewater, Impact</u>
<u>Increased GRT &amp; Property Taxes</u>	<u>\$ 304,490</u>	<u>Both*</u>	<u>\$ 304,490</u>	<u>Both*</u>	<u>GF</u>
<u>Total:</u>	<u>\$ 18,966</u>		<u>\$ 18,966</u>		

\* Property taxes are recurring

## 3. Expenditure/Revenue Narrative:

Explain revenue source(s). Include revenue calculations, grant(s) available, anticipated date of receipt of revenues/grants, etc. Explain expenditures, grant match(s), justify personnel increase(s), detail capital and operating uses, etc. (Attach supplemental page, if necessary.)

The Midtown LINC area is expected to redevelop slowly over a period of twenty years or longer. Therefore near-term net fiscal impact to city government of the proposed fee incentives are difficult to calculate. While the qualitative impacts of redevelopment are positive, especially the increase of needed multi-family housing and street-related amenities and quality of life enhancements that are the main impetus for the adoption of the overlay, the redevelopment time period stretches fiscal impacts to city government over a relatively long time period and makes the quantitative effects of reduced fees versus increased gross receipts tax revenue and property tax revenue less relevant and predictable in any given year.

Also difficult to predict is what type of redevelopment will happen first and when. As is anticipated in the ordinance itself, redevelopment will be triggered by each property owner's individual plans or expectations for their properties. The ordinance is designed to provide options and incentives for property owners at the time they chose to make a change with their properties.

In order to provide some estimation of reduced fees in comparison to increased tax revenues, two theoretical sample projects were analyzed. The first project is a sample 60-unit multi-family apartment project. The second project is a nonresidential redevelopment of a 5,000 square-foot retail space into a restaurant use. Both projects would be "qualifying projects" under the provisions of the overlay ordinance. The analyses of these projects appear on the attached supplemental pages.

Sample Project 1 yielded a total fee incentive of approximately \$417,000 and yielded an increased total tax revenue of approximately \$425,000. For simplicity, both the increased gross receipts tax and the lost revenue from fee incentives are assumed to occur for during the construction period, although it is likely that the secondary economic effects of the construction activities would be spread out over a longer period. Property tax increases associated with new development would be recurring annually.

Sample Project 2 yielded a total fee incentive of approximately \$38,500 and an increased gross receipt tax of approximately \$46,000. To be conservative, no estimate was made of addition increased revenue from restaurant sales.

To estimate the net fiscal impact to city government from sample projects such as these, it was conservatively estimated that (4) Sample 2-type projects (restaurants or other qualifying nonresidential uses) would be developed over the next 2 years and that (1) Sample 1-type project would be developed in the same time period. Using these assumptions the net revenue to the city would be:

Estimated Projects	Number	Reduced Fees	Increased Rev.
Sample 1-type	1	(\$416,820)	\$424,961
Sample 2-type	4	(\$154,228)	\$184,020
TOTAL		(\$571,048) +	\$608,981 = \$37,933 (Net to City)

These calculations are of course estimates and based on predictions of market behavior. However what is not included are the additional increased property taxes generated as redeveloped properties are reassessed over time.

The above figures appear on pages 2 and 3 in tabular form and for simplicity are applied equally over FY 2016/17 and FY 2017/18.

#### **Section D. General Narrative**

**1. Conflicts:** Does this proposed bill/resolution duplicate/conflict with/companion to/relate to any City code, approved ordinance or resolution, other adopted policies or proposed legislation? Include details of city adopted laws/ordinance/resolutions and dates. Summarize the relationships, conflicts or overlaps.

The Bill amends Chapters 7, 14, 22 and 25 of the Municipal Code. The Bill establishes an overlay district similar to, and of the same general format, as other adopted overlay districts in the city.

#### **2. Consequences of Not Enacting This Bill/Resolution:**

Are there consequences of not enacting this bill/resolution? If so, describe.

If this Bill is not enacted the redevelopment of the overlay district area will not be incentivized or directed in the manner anticipated by numerous studies of the area.

#### **3. Technical Issues:**

Are there incorrect citations of law, drafting errors or other problems? Are there any amendments that should be considered? Are there any other alternatives which should be considered? If so, describe.

None as of this writing.

#### **4. Community Impact:**

Briefly describe the major positive or negative effects the Bill/Resolution might have on the community including, but not limited to, businesses, neighborhoods, families, children and youth, social service providers and other institutions such as schools, churches, etc.

The accompanying staff report provides extensive details of these items.

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**SAMPLE PROJECT 1: 60-UNIT MULTI-FAMILY APARTMENT PROJECT****ESTIMATED PROJECT COSTS****Multi-Family Apartments**

Dwelling Units:	60	Cost/Unit: \$	110,000	Adj. Soft Costs:	20%
Hard Costs:	\$ 6,600,000	Other (Site/Off-site): \$	200,000	(Units % Hard Cost)	
Soft Costs:	\$ 1,320,000				
Other (Site/Off-site)	\$ 200,000				
<b>Total (Project):</b>	<b>\$ 8,120,000</b>				

**FEE INCENTIVES (Multi-Family)**

Fee Type	Normal Fee		Reduced Fee		Waived Amt. Per Unit	TOTAL Waived
	Amt.	Fee Unit	Amt.	Fee Unit		
Impact	\$ 2,457	per Apt. DU	\$ -	per Apt. DU	\$ 2,457	\$ 147,420
Building Permit	\$ 30,533	Const. Value	\$ -	Const. Value	\$ 30,533	\$ 30,533
Building Plan Rev.	\$ 15,267	50% Bldg Permit	\$ -	50% Bldg Permit	\$ 15,267	\$ 15,267
Secondary Permits	\$ 5,000	Estimated	\$ -	Estimated	\$ 5,000	\$ 5,000
Wastewater UEC	\$ 561	per Apt. DU	\$ -	per Apt. DU	\$ 561	\$ 33,660
Water UEC	\$ 2,103	per Apt. DU	\$ -	per Apt. DU	\$ 2,103	\$ 126,180
WABO	\$ 2,656	0.16 Ac-Ft/Unit	\$ 1,920	at 12K/Ac-Ft	\$ 736	\$ 44,160
Dev. Review (LUD)	\$ 14,600	Const. Value	\$ -	Const. Value	\$ 14,600	\$ 14,600

**TOTAL Fee Incentives: \$ 308,000****ESTIMATED REVENUE****NM GRT**

Construction Valuation	\$ 6,800,000	
City-share NMGR Percentage	3.5375%	
<b>Net NMGR to City</b>	<b>\$ 240,550</b>	
NMGR (Secondary Effects)	\$ 176,564	73.4%
<b>Total Net New NMGR to City</b>	<b>\$ 417,114</b>	(A)

**NM Property Tax (1 Year)**

	CI-N	Rate	
Property Valuation:	\$ 8,160,000	120%	
Mill Rate:	0.031737	Per \$1,000	
Taxable Amt.:	\$ 2,717,280	0.333	
Property Tax:	\$ 86,238		
<b>Total Net New NM Prop. Tax to City</b>	<b>\$ 7,848</b>	(B)	9.1%
<b>TOTAL Net New Tax Revenue to City:</b>	<b>\$ 424,961</b>	(A + B)	

**NOTE:** Estimates of new GRT are based on construction valuation only and do not include secondary effects of economic output through indirect and induced activities related to the construction. The Sacramento Regional Research Institute (SRII), utilizing the IMPLAN input-output model has calculated that an additional \$781,054 per \$1.0 million of construction valuation (78.1%) can be expected from new single-family & multi-family construction. Adjusting for NM pricing by applying 2015 CPI-U (NM-Western Urban) vs CA (San Francisco area) (243/258.5) x 78.1% yields an NM-adjusted rate for secondary economic effects of 73.4%.

**SAMPLE PROJECT 2: 5,000 SF RETAIL TO RESTAURANT REMODEL PROJECT**

**ESTIMATED PROJECT COSTS**

**Retail Space to Restaurant Remodel**

Square Footage:	5,000	Cost/Unit: \$	140	Adj. Soft Costs:	15%
Hard Costs:	\$ 700,000	Other (Site/Off-site): \$	50,000	(Units % Hard Cost)	
Soft Costs:	\$ 105,000				
Other (Site/Off-site)	\$ 50,000				
<b>Total (Project):</b>	<b>\$ 855,000</b>				

**FEE INCENTIVES (Restaurant Remodel)**

Fee Type	Normal Fee		Reduced Fee		Waived Amt. Per Unit	TOTAL Waived
	Amt.	Fee Unit	Amt.	Fee Unit		
Impact	\$ 4,388	per 1,000 SF	\$ 4,388	per 1,000 SF	\$ -	\$ -
Building Permit	\$ 4,638	Const. Value	\$ -	Const. Value	\$ 4,638	\$ 4,638
Building Plan Rev.	\$ 3,479	75% Bldg Permit	\$ -	75% Bldg Permit	\$ 3,479	\$ 3,479
Secondary Permits	\$ 750	Estimated	\$ -	Estimated	\$ 750	\$ 750
Wastewater UEC	\$ 4,818	Est. 2" Meter*	\$ -	Est. 2" Meter*	\$ 4,818	\$ 4,818
Water UEC	\$ 11,072	Est. 2" Meter*	\$ -	Est. 2" Meter*	\$ 11,072	\$ 11,072
WABO	\$ 48,804	0.02 Ac-Ft/Seat**	\$ 35,004	at 12K/Ac-Ft	\$ 13,800	\$ 13,800
Dev. Review (LUD)	N/A	Const. Value	N/A	Const. Value	\$ -	\$ -

\* Fees assume upgrade from 1" to 2" meter. \*\* Assuming 150 seats.

**TOTAL Fee Incentives:** **\$ 46,005**

**ESTIMATED REVENUE**

**NM GRT**

Construction Valuation	\$ 750,000
City-share NMGR Percentage	3.5375%
<b>Net NMGR to City</b>	<b>\$ 26,531</b>
NMGR (Secondary Effects)	\$ 19,474
<b>Total Net New NMGR to City</b>	<b>\$ 46,005</b>

**NOTE:** Estimates of new GRT are based on construction valuation only and do not include secondary effects of economic output through indirect and induced activities related to the construction. See Supplemental page 1 for more explanation on accounting for secondary economic effects of construction.

73.4%