



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
JANUARY 30, 2013
CITY COUNCIL CHAMBERS

AFTERNOON SESSION – 5:00 P.M.

CITY CLERK'S OFFICE

DATE 1/25/13 TIME 4:20pm

SERVED BY

RECEIVED BY

[Signature]

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. SALUTE TO THE NEW MEXICO FLAG
4. INVOCATION
5. ROLL CALL
6. APPROVAL OF AGENDA
7. APPROVAL OF CONSENT CALENDAR
8. APPROVAL OF MINUTES: Reg. City Council Meeting – January 9, 2013
9. PRESENTATIONS
 - a) Muchas Gracias – St. Michael's High School State Football Team Champions. (5 minutes)
 - b) St. Michael's High School – 2011 and 2012 City Football Team Champions. (5 minutes)
 - c) Muchas Gracias – Common Ground Art Exhibit and Competition Winner; Jack Arnold. (Julie Bystrom) (5 minutes)
 - d) Proclamation – 2013 – The Year of the Upstanders in Santa Fe. (Sky Gray, Executive Director, Santa Fe Mountain Center) (5 Minutes)
 - e) Proclamation – Children's Oral Health Month – February 2013 and Children's Oral Health Day – February 1, 2013. (5 minutes) (Alex Puglisi)
10. CONSENT CALENDAR
 - a) Request for Approval of Amendment No. 5 to Grant Agreement – Juvenile Services through Santa Fe Regional Juvenile Justice Board; State of New Mexico Children, Youth and Families Department. (Richard DeMella)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
JANUARY 30, 2013
CITY COUNCIL CHAMBERS

- b) Request for Approval of Sole Source Procurement – Parts, Equipment and Service for Fiscal Year 2012/2013 for Wastewater Management Plant Division; James Cooke and Hobson, Inc. (JCH). (Luis Orozco)
- c) Request for Approval of Professional Services Agreement – Santa Fe Watershed Management Project for Water Division; Tierra Right of Way Services, LTD. (Dale Lyons)
- d) Request for Approval of Professional Services Agreement – Forensic Audit Services for Parking Division; Moss Adams, LLP. (Liza Kerr)
- e) CONSIDERATION OF RESOLUTION NO. 2013-____. (Councilor Bushee and Councilor Wurzburger)
A Resolution Supporting Proposed State Legislation, Senate Bill 13 ("SB 13"), Relating to Reducing Corporate Income Tax Rates; and Requiring Combined Reporting for Certain Unitary Corporations. (Melissa Byers)
- f) CONSIDERATION OF RESOLUTION NO. 2013-____. (Councilor Bushee)
A Resolution Supporting Proposed State Legislation, Senate Bill 14 ("SB 14"), Relating to Extension of the Sustainable Building Tax Credit for Ten Years. (Melissa Byers)
- g) CONSIDERATION OF RESOLUTION NO. 2013-____. (Councilor Bushee)
A Resolution Supporting Proposed State Legislation, Senate Bill 15 ("SB 15"), Relating to Campaign Finance. (Melissa Byers)
- h) CONSIDERATION OF RESOLUTION NO. 2013-____. (Councilor Bushee)
A Resolution Supporting Proposed State Legislation, Senate Bill 16 ("SB 16"), Relating to Public Financing of Elections. (Melissa Byers)
- i) CONSIDERATION OF RESOLUTION NO. 2013-____. (Councilor Bushee)
A Resolution Supporting Proposed State Legislation, Senate Bill 17 ("SB 17"), Relating to Motor Vehicles; Prohibiting Texting While Driving. (Melissa Byers)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
JANUARY 30, 2013
CITY COUNCIL CHAMBERS

- j) CONSIDERATION OF RESOLUTION NO. 2013-____. (Councilor Bushee)
A Resolution Supporting Proposed State Legislation, Senate Bill 18 ("SB 18"), Relating to the Labeling of Food and Commercial Feed that Contains Genetically Modified Material. (Melissa Byers)
- k) CONSIDERATION OF RESOLUTION NO. 2013-____. (Councilor Calvert, Councilor Dominguez, Councilor Trujillo and Councilor Bushee)
A Resolution Confirming the City of Santa Fe's Membership In and Supporting the Efforts of the Western Adaptation Alliance and Directing Staff to Reform The Green Team to Seek How to Both Reduce Greenhouse Gas Emissions from City Operations and Engage the Public in Addressing How the Effects of Climate Change Will Impact Citizens. (Katherine Mortimer)
- l) Request for Approval of Procurement Under State Price Agreement – Four (4) Public Safety Aide Vehicles for Police Department; Don Chalmers Ford. (Captain Schaerfl)
- m) Santa Fe Trails - Transit Division. (Jon Bulthuis)
 - 1) Request for Approval of Procurement Under Cooperative Price Agreement – Five (5) Gillig CNG 35' Buses for Santa Fe Trails Operations; Federal Transit Administration Grant.
 - 2) Request for Approval of Staff Expansion – Two (2) Temporary Paratransit Operator Positions for Santa Fe Ride Operations; Federal Transit Administration Grant.
 - 3) Request for Approval of Budget Increase – Grant Fund.
- n) Request for Approval of Amendment No. 2 to Professional Services Agreement – Additional Services for Santa Fe River Park and Santa Fe River Channel Repairs and Improvements; Office of Archaeological Studies. (Brian Drypolcher)
- o) Request for Approval of City of Santa Fe List of Projects – Santa Fe Metropolitan Planning Organization Call for Projects, Federal FY 2014-2017 Transportation Improvement Program. (Eric Martinez)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
JANUARY 30, 2013
CITY COUNCIL CHAMBERS

- p) CONSIDERATION OF RESOLUTION NO. 2013-_____.
A Resolution Relating to a Request for Approval of Second Quarter (Midyear) Budget Adjustments for Fiscal Year 2012/2013 Ending December 31, 2012. (Cal Probasco)
- q) CONSIDERATION OF RESOLUTION NO. 2013-_____. (Councilor Bushee)
A Resolution Directing Staff to Work with the Public Service Company of New Mexico and the New Mexico Public Regulation Commission to Implement a Community Solar Program for Santa Fe. (Nick Schiavo)
- r) CONSIDERATION OF RESOLUTION NO. 2013-_____. (Councilor Calvert and Councilor Bushee)
A Resolution Urging the New Mexico State Legislature, During the 2013 Session to Pass a Budget for the Interstate Stream Commission that Includes a Recurring Budget Item of an Additional \$400,000 for the Update of Four Regional Water Plans Each Year. (Claudia Borchert)
- s) Affordable Housing Annual AMI Update. (Informational Only) (Alexandra Ladd)
- t) Request for Approval of 2012 General Obligation Bond Parks & Trails Implementation Plan. (Eric Martinez and Ben Gurule)
- u) Request for Approval of Change Order No. 1 to Construction Contract – McClure Reservoir Stream Gage Construction Project; Padilla Industries, Inc. (Dale Lyons)
- v) Notification of the Use of Emergency Procurement for Material/Supply Acquisition, Engineering Services, and Construction Services to Repair the West Digester As Well As for Material/Supplies Needed to Ensure that the Sludge Handling/Process Facilities Remain Fully Operational During the Time that the West Digester is Offline. (Bryan Romero)



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
JANUARY 30, 2013
CITY COUNCIL CHAMBERS

w) Request to Publish Notice of Public Hearing on February 27, 2013:

- 1) Bill No. 2013-2: An Ordinance Relating to the Land Development Code, Chapter 14 SFCC 1987 Regarding Technical Corrections and Minor Clarifications Amending Subsections 14-2.3(C)(5)(a) Correct Reference; 14-2.4(C) Correct Reference; 14-2.8(K) Reference Statutes; 14-3.1(F)(2) Applicability of ENN; 14-3.1(H) Public Notice; 14-3.3(A)(1)(a) Text Amendment; 14-3.6(C)(3) Amended Special Use Permits; 14-3.6(E) Special Use Permits and Cross References; 14-3.7(A)(6) Clarify Court-Ordered Land Divisions; 14-3.7(F)(5)(b) Family Transfers; 14-3.8(B) Three-Unit Development Plan; 14-3.8(C)(1)(g) Correct Error; 14-3.8(C)(5) Notice for Development Plans; 14-3.8(C)(6) Correct Reference to County Clerk; 14-3.12(B)(3) Temporary Certificates of Occupancy; 14-3.13(D)(3)(c) Reference to State Medical Investigator; 14-3.16(D) Correct Reference; 14-3.19(B)(6) Continuing Activity for Master and Development Plans; 14-3.19(C)(2) Time Extensions; 14-4.3(G) Correct Obsolete Text; 14-6.1(C) Table 14-6.1-1 Various Minor Amendments and Corrections to Table of Permitted Uses; 14-6.2(C)(1)(b) Clarify Adoption Date; 14-6.3(B)(2)(a) Correct Reference; 14-6.3(B)(2)(c) Clarify Commercial Parking; 14-6.3(D)(2)(c) Clarify Home Occupation Residency; 14-6.4(A) Temporary Structures; 14-6.4(C) Temporary Structures; 14-7.1(B) Clarify Lot Coverage; 14-7.2(A) Table 14-7.2-1 Various Minor Amendments and Corrections to Residential Dimensional Standards; 14-7.2(F) Clarify Special Use Permit in R-12 – R-29; 14-7.3(A) Table 14-7.3-1 Maximum Density C-1 and C-4 Districts; 14-7.4(B)(2) Clarify Redevelopment Subdistrict; 14-8.2(C)(2) Terrain Management Submittals; 14-8.2(D)(1)(a) Clarify Cut Slopes; 14-8.3(A)(1) Date of Flood Maps; 14-8.4(B)(1) Landscape Standards; 14-8.4(G)(3) Street Trees in Parkway; 14-8.5(B)(2)(a) Clarify Fence Heights; 14-8.6(B)(4)(c) Joint Parking in BIP District; 14-8.10(D)(5) Correct Reference; 14-8.10(G)(8)(d) Correct Reference; 14-8.14(E)(3) Correct Errors; 14-8.14(E)(5) Clarify Impact Fees; 14-9.2(C)(8) Subcollector Private Streets; 14-9.2(E) Sidewalk Replacement Standards; 14-9.2(K) Street Improvement Standards; 14-9.5(A) Dedications to Homeowner's Associations; 14-9.5(D) Extension of Infrastructure Warranty; 14-10.1(C) Nonconforming Telecommunication Facilities; 14-10.4(A) Clarify Nonconforming Lot Uses; 14-11.5 Correct Reference; Article 14-12 Various Definitions Amended and Inserted; Appendix Exhibit B Parking Space Standards Restored; and Making Such Other Stylistic or Grammatical Changes that are Necessary. (Mayor Coss) (Greg Smith) NOTE: This Title May be Amended in Accordance with the Amendment Sheet Provided in the Packet.



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
JANUARY 30, 2013
CITY COUNCIL CHAMBERS

- 2) Bill No. 2013-3: An Ordinance Relating to Possession of Controlled Substances; Repealing Section 16-15.1 SFCC 1987 and Adopting a New Section 16-15.1 to Prohibit the Intentional Possession of Marijuana and Synthetic Cannabinoids. (Councilor Trujillo, Councilor Rivera and Councilor Bushee) (Alfred Walker)
- 3) Bill No. 2013-4: An Ordinance Relating to the City Water Budget Ordinance, Article 25-9 SFCC 1987; Amending Section 25-9.5 to Designate the 12 Month Evaluation of the City's Total Water System Supply and Total Water System Demand be from January 1 to December 31. (Councilor Calvert) (Alan Hook)
- 4) Bill No. 2013-5: An Ordinance Relating to the Voluntary River Conservation Fund, Article 25-8 SFCC 1987; Amending Section 25-8.2 SFCC 1987 to Expand the Use of the Donated Funds to Include Projects that Will Improve the Flow of Water in the Santa Fe River in Ways that Enhance the Ecosystems of the Santa Fe River and its Riparian Corridor. (Mayor Coss and Councilor Bushee) (Brian Drypolcher)
- 5) Bill No. 2012-38: An Ordinance Repealing the Community Workforce Agreements Ordinance, Subsection 28.8 of the City of Santa Fe Purchasing Manual. (Councilor Bushee, Councilor Dimas and Councilor Rivera) (Nick Schiavo and Robert Rodarte)
- 6) Bill No. 2013-6: An Ordinance Relating to Community Workforce Agreements, Section 28.8 of the City of Santa Fe Purchasing Manual ("Purchasing Manual"); Creating a New Subsection 28.8.5 of the Purchasing Manual to Establish that the Community Workforce Agreements Ordinance Shall Only Apply to the Market Station Condominium at the Santa Fe Railyard Project, Until a Review and Assessment of the Results of the Project is Completed. (Councilor Wurzbarger, Councilor Ives and Councilor Calvert) (Nick Schiavo and Robert Rodarte) NOTE: This Title May be Amended in Accordance with the Amendment Sheet Provided in the Packet.



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
JANUARY 30, 2013
CITY COUNCIL CHAMBERS

- a) CONSIDERATION OF RESOLUTION NO. 2013-____.
(Councilor Wurzbarger, Councilor Ives and Councilor Calvert)
A Resolution Relating to Community Workforce Agreements ("CWA"), Subsection 28.8 of the City of Santa Fe Purchasing Manual; Directing that the Bidding Process for The Market Station Condominium at the Santa Fe Railyard Project Comply with the CWA Ordinance; and Directing Staff to Collect Data Related to the CWA for The Market Station Project and Present an Assessment to the Governing Body. (Councilor Wurzbarger, Councilor Ives and Councilor Calvert) (Nick Schiavo and Robert Rodarte)
- 7) Bill No. 2013-7: An Ordinance Related to Community Workforce Agreements ("CWAs"); Amending Subsection 28.8 of the City of Santa Fe Purchasing Manual to Raise the Threshold for CWA Projects from \$500,000 to \$1,500,000; to Incorporate Mandatory Terms with the Goal of Hiring 100% of Santa Fe County Residents and to Require Necessary Benefits Shall be Provided to Workers and their Domestic Partners. (Councilor Bushee) (Nick Schiavo and Robert Rodarte) NOTE: This Title May be Amended in Accordance with the Amendment Sheet Provided in the Packet.
11. CONSIDERATION OF RESOLUTION NO. 2013-____. (Councilor Calvert)
A Resolution Directing Staff to Negotiate and Execute an Amendment to Article 12, of the Master Community Workforce Agreement ("CWA") to Require the Hiring of Eligible Santa Fe County Residents Prior to Hiring Non-Residents. (Nick Schiavo and Robert Rodarte)
12. Request for Approval of Memorandum of Understanding Between the City of Santa Fe and the Santa Fe Public Schools Pursuant to Ordinance #2013-3. (Matthew O'Reilly)
13. MATTERS FROM THE CITY MANAGER
14. MATTERS FROM THE CITY ATTORNEY
15. MATTERS FROM THE CITY CLERK
16. COMMUNICATIONS FROM THE GOVERNING BODY



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
JANUARY 30, 2013
CITY COUNCIL CHAMBERS

EVENING SESSION – 7:00 P.M.

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. SALUTE TO THE NEW MEXICO FLAG
- D. INVOCATION
- E. ROLL CALL
- F. PETITIONS FROM THE FLOOR
- G. APPOINTMENTS
 - Mayor's Youth Advisory Board
 - Airport Advisory Board
 - Historic Districts Review Board
- H. PUBLIC HEARINGS:
 - 1) Request from Alamo Wing Santa Fe, LLC for a Transfer of Ownership and Location of Dispenser License #2536 from Raytone, Inc., dba Tin Star Saloon, 411-B West Water Street to Alamo Wing Santa Fe, LLC, dba Buffalo Wild Wings, 3501 Zafarano Drive. (On-Premise Consumption Only) (Yolanda Y. Vigil)
 - 2) CONSIDERATION OF BILL NO. 2013-1: ADOPTION OF ORDINANCE NO. 2013-____.
Case #2012-104. Aguafina Rezoning to R-5. JenkinsGavin Design and Development, Agent for Aguafina Development, LLC, Requests to Rezone 5.89± Acres from R-1 (Residential, 1 Dwelling Unit Per Acre) to R-5 (Residential, 5 Dwelling Units Per Acre). The Property is Located South of Agua Fria Street and West of Calle Atajo, at 4702 Rufina Street and 4262 Agua Fria Street. (Heather Lamboy)
- I. ADJOURN



Agenda

REGULAR MEETING OF
THE GOVERNING BODY
JANUARY 30, 2013
CITY COUNCIL CHAMBERS

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

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

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6520, five (5) days prior to meeting date.

**SUMMARY INDEX
SANTA FE CITY COUNCIL MEETING
January 30, 2013**

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
<u>AFTERNOON SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved [amended]	1
APPROVAL OF CONSENT CALENDAR	Approved [amended]	1-2
CONSENT CALENDAR LISTING		2-6
APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – JANUARY 9, 2013	Approved	6
<u>PRESENTATIONS</u>		
MUCHAS GRACIAS – ST. MICHAEL’S HIGH SCHOOL STATE FOOTBALL TEAM CHAMPIONS		6-7
ST. MICHAEL’S HIGH SCHOOL – 2011 AND 2012 CITY FOOTBALL TEAM CHAMPIONS		6-7
MUCHAS GRACIAS – COMMON GROUND ART EXHIBIT AND COMPETITION WINNER, JACK ARNOLD		7-8
PROCLAMATION – 2013 – THE YEAR OF THE UPSTANDERS IN SANTA FE		8
PROCLAMATION – CHILDREN’S ORAL HEALTH MONTH – FEBRUARY 2013; AND CHILDREN’S ORAL HEALTH DAY – FEBRUARY 1, 2013		8-9

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
<u>CONSENT CALENDAR DISCUSSION</u> REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON FEBRUARY 27, 2013: BILL NO. 2013-2: AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987, REGARDING TECHNICAL CORRECTIONS AND MINOR CLARIFICATIONS, ETC.	Approved	9-11
REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON FEBRUARY 27, 2013: BILL NO. 2013-3: AN ORDINANCE RELATING TO POSSESSION OF CONTROLLED SUBSTANCES; REPEALING SECTION 16-15.1 SFCC 1987 AND ADOPTING A NEW SECTION 16-15.1 TO PROHIBIT THE INTENTIONAL POSSESSION OF MARIJUANA AND SYNTHETIC CANNABINOIDS	Approved	11
REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON FEBRUARY 27, 2013: BILL NO. 2012-38: AN ORDINANCE REPEALING THE COMMUNITY WORKFORCE AGREEMENTS ORDINANCE, SUBSECTION 28.8 OF THE CITY OF SANTA FE PURCHASING MANUAL	Approved a/a	12-13
REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON FEBRUARY 27, 2013: BILL NO. 2013-7: AN ORDINANCE RELATED TO COMMUNITY WORKFORCE AGREEMENTS ("CWAs"); AMENDING SUBSECTION 28.8 OF THE CITY OF SANTA FE PURCHASING MANUAL; TO RAISE THE THRESHOLD FOR CWA PROJECTS FROM \$500,000 TO \$1,500,000; TO INCORPORATE MANDATORY TERMS WITH THE GOAL OF HIRING 100% OF SANTA FE COUNTY RESIDENTS AND TO REQUIRE THAT NECESSARY BENEFITS BE PROVIDED FOR WORKERS AND THEIR DOMESTIC PARTNERS. NOTE: THIS TITLE MAY BE AMENDED IN ACCORDANCE WITH THE AMENDMENT SHEET PROVIDED IN THE PACKET *****	Not Approved	13-16
END OF CONSENT CALENDAR DISCUSSION *****		

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CONSIDERATION OF RESOLUTION NO. 2013-16. A RESOLUTION DIRECTING STAFF TO NEGOTIATE AND EXECUTE AN AMENDMENT TO ARTICLE 12 OF THE MASTER COMMUNITY WORKFORCE AGREEMENT ("CWA") TO REQUIRE THE HIRING OF ELIGIBLE SANTA FE COUNTY RESIDENTS PRIOR TO HIRING NON-RESIDENTS	Approved	16-18
REQUEST FOR APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SANTA FE AND THE SANTA FE PUBLIC SCHOOLS PURSUANT TO ORDINANCE #2013-3	Approved	18-20
MATTERS FROM THE CITY MANAGER	None	21
MATTERS FROM THE CITY ATTORNEY	Information	21
MATTERS FROM THE CITY CLERK	None	21
COMMUNICATIONS FROM THE GOVERNING BODY	Information/discussion	21-24
<u>EVENING SESSION</u>		
CALL TO ORDER AND ROLL CALL	Quorum	25
PETITIONS FROM THE FLOOR		25-27
<u>APPOINTMENTS</u>		
Mayor's Youth Advisory Board	Approved	27
Airport Advisory Board	Approved	27
Historic Districts Review Board	Approved	28
<u>PUBLIC HEARINGS</u>		
REQUEST FROM ALAMO WING SANTA FE, LLC, FOR A TRANSFER OF OWNERSHIP AND LOCATION OF DISPENSER LICENSE #2536 FROM RAYTONE, INC., D/B/A TIN STAR SALOON, 411-B WEST WATER STREET TO ALAMO WING, SANTA FE, LLC, D/B/A BUFFALO WILD WINGS, 3501 ZAFARANO DRIVE. (ON-PREMISE CONSUMPTION ONLY)	Approved w/conditions	28-29

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE #</u>
CONSIDERATION OF BILL NO. 2013-1: ADOPTION OF ORDINANCE NO. 2013-4. <u>CASE #2012-104.</u> AGUAFINA REZONING TO R-5. JENKINS GAVIN DESIGN AND DEVELOPMENT, AGENT FOR AGUAFINA DEVELOPMENT, LLC, REQUESTS TO REZONE 5.89± ACRES FROM R-1 (RESIDENTIAL, 1 DWELLING UNIT PER ACRE) TO R-5 (RESIDENTIAL 5 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED SOUTH OF AGUA FRIA STREET AND WEST OF CALLE ATAJO, AT 4702 RUFINA STREET AND 4262 RUFINA STREET	Denied	29-51

RECONSIDERATION OF PREVIOUS ACTION ON ITEM 10(w)(7)	Approved	51
REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON FEBRUARY 27, 2013: BILL NO. 2013-7: AN ORDINANCE RELATED TO COMMUNITY WORKFORCE AGREEMENTS ("CWAs"); AMENDING SUBSECTION 28.8 OF THE CITY OF SANTA FE PURCHASING MANUAL; TO RAISE THE THRESHOLD FOR CWA PROJECTS FROM \$500,000 TO \$1,500,000; TO INCORPORATE MANDATORY TERMS WITH THE GOAL OF HIRING 100% OF SANTA FE COUNTY RESIDENTS AND TO REQUIRE THAT NECESSARY BENEFITS BE PROVIDED FOR WORKERS AND THEIR DOMESTIC PARTNERS. NOTE: THIS TITLE MAY BE AMENDED IN ACCORDANCE WITH THE AMENDMENT SHEET PROVIDED IN THE PACKET	Approved	51

ADJOURN		51

**MINUTES OF THE
REGULAR MEETING OF THE
GOVERNING BODY
Santa Fe, New Mexico
January 30, 2013**

AFTERNOON SESSION

A regular meeting of the Governing Body of the City of Santa Fe, New Mexico, was called to order by Mayor David Coss, on Wednesday, January 30, 2013, at approximately 5:00 p.m., in the City Hall Council Chambers. Following the Pledge of Allegiance, Salute to the New Mexico flag, and the Invocation, roll call indicated the presence of a quorum, as follows:

Members Present

Mayor David Coss
Councilor Rebecca Wurzbarger, Mayor Pro-Tem
Councilor Patti J. Bushee
Councilor Christopher Calvert
Councilor Bill Dimas
Councilor Carmichael A. Dominguez
Councilor Peter N. Ives
Councilor Christopher M. Rivera
Councilor Ronald S. Trujillo

Others Attending

Robert Romero, City Manager
Geno Zamora, City Attorney
Yolanda Y. Vigil, City Clerk
Melessia Helberg, Council Stenographer

6. APPROVAL OF AGENDA

MOTION: Councilor Calvert moved, seconded by Councilor Trujillo, to approve the agenda as amended.

VOTE: The motion was approved on a voice vote with Councilors Bushee, Calvert, Dimas, Dominguez, Ives, Rivera, Trujillo and Wurzbarger voting for the motion and none against.

7. APPROVAL OF CONSENT CALENDAR

Councilor Ives asked to be added as a cosponsor to Items 10(e), 10(f), 10(g), 10(h), 10(i), 10(j), 10(k), 10(q) and 10(r).

Councilor Dominguez asked to be added as a cosponsor of Item 10(e).

Councilor Trujillo asked to be added as a cosponsor of Items 10(e) and 10(i).

Councilor Calvert asked to be added as a cosponsor of Items 10(q) and 10(f).

Councilor Wurzbarger asked to be added as a cosponsor of Item 10(k).

MOTION: Councilor Calvert moved, seconded by Councilor Ives, to approve the following Consent Calendar, as amended.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

A copy of *Santa Fe Homes Program Pricing Schedule, effective January 2013/Santa Fe Homes Program Fractional Fee Schedule effective July 1, 2013*, regarding Item 10(s) is incorporated herewith to these minutes as Exhibit "1."

- a) **REQUEST FOR APPROVAL OF AMENDMENT NO. 5 TO GRANT AGREEMENT – JUVENILE SERVICES THROUGH SANTA FE REGIONAL JUVENILE JUSTICE BOARD; STATE OF NEW MEXICO, YOUTH AND FAMILIES DEPARTMENT. (RICHARD DeMELLA)**
- b) **REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT – PARTS, EQUIPMENT AND SERVICE FOR FISCAL YEAR 2012/2013 FOR WASTEWATER MANAGEMENT PLANT DIVISION; JAMES COOKE AND HOBSON, INC. (JCH). (LUIS OROZCO)**
- c) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – SANTA FE WATERSHED MANAGEMENT PROJECT FOR WATER DIVISION; TIERRA RIGHT OF WAY SERVICES, LTD. (DALE LYONS)**
- d) **REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – FORENSIC AUDIT SERVICES FOR PARKING DIVISION; MOSS ADAMS, LLP. (LIZA KERR)**

- e) **CONSIDERATION OF RESOLUTION NO. 2013-6 (COUNCILOR BUSHEE AND COUNCILOR WURZBURGER, COUNCILOR IVES, COUNCILOR DOMINGUEZ AND COUNCILOR TRUJILLO). A RESOLUTION SUPPORTING PROPOSED STATE LEGISLATION, SENATE BILL 13 ("SB 13"), RELATING TO REDUCING CORPORATE INCOME TAX RATES; AND REQUIRING COMBINED REPORTING FOR CERTAIN UNITARY CORPORATIONS. (MELISSA BYERS)**
- f) **CONSIDERATION OF RESOLUTION NO. 2013-7 (COUNCILOR BUSHEE, COUNCILOR CALVERT AND COUNCILOR IVES). A RESOLUTION SUPPORTING PROPOSED STATE LEGISLATION, SENATE BILL 14 ("SB 14"), RELATING TO EXPANSION OF THE SUSTAINABLE BUILDING TAX CREDIT FOR TEN YEARS. (MELISSA BYERS)**
- g) **CONSIDERATION OF RESOLUTION NO. 2013-8 (COUNCILOR BUSHEE AND COUNCILOR IVES). A RESOLUTION SUPPORTING PROPOSED STATE LEGISLATION, SENATE BILL 15 ("SB 15") RELATING TO CAMPAIGN FINANCE. (MELISSA BYERS)**
- h) **CONSIDERATION OF RESOLUTION NO. 2013-9 (COUNCILOR BUSHEE AND COUNCILOR IVES). A RESOLUTION SUPPORTING PROPOSED STATE LEGISLATION, SENATE BILL 16("SB 16"), RELATING TO PUBLIC FINANCING OF ELECTIONS. (MELISSA BYERS)**
- i) **CONSIDERATION OF RESOLUTION NO. 2013-10 (COUNCILOR BUSHEE, COUNCILOR IVES AND COUNCILOR TRUJILLO). A RESOLUTION SUPPORTING PROPOSED STATE LEGISLATION, SENATE BILL 17 ("SB 17"), RELATING TO MOTOR VEHICLES; PROHIBITING TEXTING WHILE DRIVING. (MELISSA BYERS)**
- j) **CONSIDERATION OF RESOLUTION NO. 2013-11 (COUNCILOR BUSHEE AND COUNCILOR IVES). A RESOLUTION SUPPORTING PROPOSED STATE LEGISLATION, SENATE BILL 18 ("SB 18"), RELATING TO THE LABELING OF FOOD AND COMMERCIAL FEED THAT CONTAINS GENETICALLY MODIFIED MATERIAL. (MELISSA BYERS)**
- k) **CONSIDERATION OF RESOLUTION NO. 2013-12 (COUNCILOR CALVERT, COUNCILOR DOMINGUEZ, COUNCILOR TRUJILLO AND COUNCILOR BUSHEE, AND COUNCILOR IVES AND COUNCILOR WURZBURGER). A RESOLUTION CONFIRMING THE CITY OF SANTA FE'S MEMBERSHIP IN AND SUPPORTING THE EFFORTS OF THE WESTERN ADAPTATION ALLIANCE AND DIRECTING STAFF TO RE-FORM THE GREEN TEAM TO SEEK HOW TO BOTH REDUCE GREENHOUSE GAS EMISSIONS FROM CITY OPERATIONS AND ENGAGE THE PUBLIC IN ADDRESSING HOW THE EFFECTS OF CLIMATE CHANGE WILL IMPACT CITIZENS. (KATHERINE MORTIMER)**

- l) REQUEST FOR APPROVAL OF PROCUREMENT UNDER STATE PRICE AGREEMENT – FOUR (4) PUBLIC SAFETY AIDE VEHICLES FOR POLICE DEPARTMENT; DON CHALMERS FORD. (CAPTAIN SCHAEFL)**
- m) SANTA FE TRAILS – TRANSIT DIVISION. (JON BULTHUIS)**

 - 1) REQUEST FOR APPROVAL OF PROCUREMENT UNDER COOPERATIVE PRICE AGREEMENT – FIVE (5) GILLIG CNG 35' BUSES FOR SANTA FE TRAILS OPERATIONS; FEDERAL TRANSIT ADMINISTRATION GRANT.**
 - 2) REQUEST FOR APPROVAL OF STAFF EXPANSION – TWO (2) TEMPORARY PARATRANSIT OPERATOR POSITIONS FOR SANTA FE RIDE OPERATIONS; FEDERAL TRANSIT ADMINISTRATION GRANT.**
 - 3) REQUEST FOR APPROVAL OF BUDGET INCREASE – GRANT FUND.**
- n) REQUEST FOR APPROVAL OF AMENDMENT NO. 2 TO PROFESSIONAL SERVICES AGREEMENT – ADDITIONAL SERVICES FOR SANTA FE RIVER PARK AND SANTA FE RIVER CHANNEL REPAIRS AND IMPROVEMENTS; OFFICE OF ARCHAEOLOGICAL STUDIES. (BRIAN DRYPOLCHER)**
- o) REQUEST FOR APPROVAL OF CITY OF SANTA FE LIST OF PROJECTS – SANTA FE METROPOLITAN PLANNING ORGANIZATION CALL FOR PROJECTS, FEDERAL FY 2014-2017 TRANSPORTATION IMPROVEMENT PROGRAM. (ERIC MARTINEZ)**
- p) CONSIDERATION OF RESOLUTION NO. 2013-13. A RESOLUTION RELATING TO A REQUEST FOR APPROVAL OF SECOND QUARTER (MIDYEAR) BUDGET ADJUSTMENTS FOR FISCAL YEAR 2012/2013 ENDING DECEMBER 31, 2012. (CAL PROBASCO)**
- q) CONSIDERATION OF RESOLUTION NO. 2013-14 (COUNCILOR BUSHEE, COUNCILOR IVES AND COUNCILOR CALVERT). A RESOLUTION DIRECTING STAFF TO WORK WITH THE PUBLIC SERVICE COMPANY OF NEW MEXICO AND THE NEW MEXICO PUBLIC REGULATION COMMISSION TO IMPLEMENT A COMMUNITY SOLAR PROGRAM FOR SANTA FE. (NICK SCHIAVO)**
- r) CONSIDERATION OF RESOLUTION NO. 2013-15 (COUNCILOR CALVERT AND COUNCILOR BUSHEE AND COUNCILOR IVES). A RESOLUTION URGING THE NEW MEXICO STATE LEGISLATURE, DURING THE 2013 SESSION TO PASS A BUDGET FOR THE INTERSTATE STREAM COMMISSION THAT INCLUDES A RECURRING BUDGET ITEM OF AN ADDITIONAL \$400,000 FOR THE UPDATE OF FOUR REGIONAL WATER PLANS EACH YEAR. (CLAUDIA BORCHERT)**
- s) AFFORDABLE HOUSING ANNUAL AMI UPDATE (INFORMATIONAL ONLY). (ALEXANDRA LADD)**

- t) **REQUEST FOR APPROVAL OF 2012 GENERAL OBLIGATION BOND PARKS & TRAILS IMPLEMENTATION PLAN. (ERIC MARTINEZ AND BEN GURULE)**
- u) **REQUEST FOR APPROVAL OF CHANGE ORDER NO. 1 TO CONSTRUCTION CONTRACT – McCLURE RESERVOIR STREAM GAGE CONSTRUCTION PROJECT; PADILLA INDUSTRIES, INC. (DALE LYONS)**
- v) **NOTIFICATION OF THE USE OF EMERGENCY PROCUREMENT FOR MATERIAL/SUPPLY ACQUISITION, ENGINEERING SERVICES, AND CONSTRUCTION SERVICES TO REPAIR THE WEST DIGESTER AS WELL AS FOR MATERIAL/SUPPLIES NEEDED TO ENSURE THAT THE SLUDGE HANDLING/ PROCESS FACILITIES REMAIN FULLY OPERATIONAL DURING THE TIME THAT THE WEST DIGESTER IS OFFLINE. (BRYAN ROMERO)**
- w) **REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON FEBRUARY 27, 2013:**
 - 1) *[Removed for discussion by Councilor Ives]*
 - 2) *[Removed for discussion by Councilor Ives]*
 - 3) **BILL NO. 2013-4: AN ORDINANCE RELATING TO THE CITY WATER BUDGET ORDINANCE, ARTICLE 25-9 SFCC 1987; AMENDING SECTION 25-9.5 TO DESIGNATE THE 12 MONTH EVALUATION OF THE CITY'S TOTAL WATER SYSTEM SUPPLY AND TOTAL WATER SYSTEM DEMAND BE FROM JANUARY 1 TO DECEMBER 31 (COUNCILOR CALVERT). (ALAN HOOK)**
 - 4) **BILL NO. 2013-5: AN ORDINANCE RELATING TO THE VOLUNTARY RIVER CONSERVATION FUND, ARTICLE 25-8 SFCC 1987; AMENDING SECTION 25-8.2 SFCC 1987, TO EXPAND THE USE OF THE DONATED FUNDS TO INCLUDE PROJECTS THAT WILL IMPROVE THE FLOW OF WATER IN THE SANTA FE RIVER AND ITS RIPARIAN CORRIDOR (MAYOR COSS AND COUNCILOR BUSHEE). (BRIAN DRYPOLCHER)**
 - 5) *[Removed for discussion by Councilor Wurzburger]*
 - 6) **BILL NO. 2013-6: AN ORDINANCE RELATING TO COMMUNITY WORKFORCE AGREEMENTS ("CWA"), SECTION 28.8 OF THE CITY OF SANTA FE PURCHASING MANUAL ("PURCHASING MANUAL"); CREATING A NEW SUBSECTION 28.8.5 OF THE PURCHASING MANUAL TO ESTABLISH THAT THE COMMUNITY WORKFORCE AGREEMENTS ORDINANCE SHALL ONLY APPLY TO THE MARKET STATION CONDOMINIUM AT THE SANTA FE RAILYARD PROJECT, UNTIL A REVIEW AND ASSESSMENT OF THE RESULTS OF THE PROJECT IS COMPLETED. (COUNCILOR WURZBURGER, COUNCILOR IVES AND COUNCILOR CALVERT). (NICK SCHIAVO AND**

ROBERT RODARTE) NOTE: THIS TITLE MAY BE AMENDED IN ACCORDANCE WITH THE AMENDMENT SHEET PROVIDED IN THE PACKET.

- a) **CONSIDERATION OF RESOLUTION NO. 2013- ____ (COUNCILOR WURZBURGER, COUNCILOR IVES AND COUNCILOR CALVERT). A RESOLUTION RELATING TO COMMUNITY WORKFORCE AGREEMENTS ("CWA"), SUBSECTION 28.8 OF THE CITY OF SANTA FE PURCHASING MANUAL; DIRECTING THAT THE BIDDING PROCESS FOR THE MARKET STATION CONDOMINIUM AT THE SANTA FE RAILYARD PROJECT COMPLY WITH THE CWA ORDINANCE; AND DIRECTING STAFF TO COLLECT DATA RELATED TO THE CWA FOR THE MARKET STATION PROJECT AND PRESENT AN ASSESSMENT TO THE GOVERNING BODY. (NICK SCHIAVO AND ROBERT RODARTE)**

7) *[Removed for discussion by Councilor Bushee]*

8. APPROVAL OF MINUTES: REGULAR CITY COUNCIL MEETING – JANUARY 9, 2013

MOTION: Councilor Dominguez moved, seconded by Councilor Wurzburger, to approve the minutes of the Regular City Council meeting of January 9, 2013, as presented.

VOTE: The motion was approved on a voice vote with Councilors Bushee, Calvert, Dimas, Dominguez, Rivera, Trujillo and Wurzburger voting for the motion, none voting against, and Councilor Ives abstaining because he was absent from this meeting.

9. PRESENTATIONS

- a) **MUCHAS GRACIAS – ST. MICHAEL'S HIGH SCHOOL STATE FOOTBALL TEAM CHAMPIONS.**
- b) **ST. MICHAEL'S HIGH SCHOOL – 2011 AND 2012 CITY FOOTBALL TEAM CHAMPIONS.**

Items 9(a) and 9(b) were combined for purposes of presentation, introduction and remarks from the Governing Body.

Mayor Coss, assisted by Councilor Rivera and Geno Zamora presented the St. Michaels High School State AAA Football champions and coach Joey Fernandez, and assistant coaches Andrew Martinez, Joaquin Garcia, Kevin Houck, Mike Mares, Patrick Walton, Joey Butler, Guy Fernandez and Manager Joe Joe Padilla, with a Muchas Gracias certificate, and trophies for being the 2011 and 2012 City Football Team Champions.

Councilor Rivera said there is a little competition between the St. Michael's alumnus and the Santa Fe High Demon alumnus on the Governing Body, and this team has given the St. Michael's alumnus bragging rights for at least another year. He said both he and the City Attorney Geno Zamora attended St. Michaels. He said everyone here is extremely proud of the team for an undefeated season, and they did a great job representing the City. He said Councilor Trujillo started the tradition of recognizing the City champions and asked him if he has any remarks.

Councilor Trujillo said the recognition of the City Champion competition was started 7 years ago. He congratulated them on being State Football Championship. He said he grew up with Coach Joey Fernandez, and congratulated him on taking the team where it is and where it can go.

Councilor Dominguez said he and Coach Fernandez worked in the bakery of the grocery store many years ago. He congratulated the team for their success and the parents and families for their sacrifices to make this possible. He said Coach Houck is a very good coach, and reminded everyone that he started at Santa Fe High.

Councilor Dimas said he would echo what has been said. He said the coaches and team are to be congratulated for their accomplishments and he is very proud of their success. He said he and Joey's dad go a long way back, and said his dad used to beat up on Santa Fe High when he was a Santa Fe Demon many years ago – in football and basketball.

Councilor Trujillo said at least we got to see State Champions playing on the Santa Fe High School field.

Councilor Rivera presented the City Championship trophies for 2011 and 2012, assisted by Councilor Trujillo.

Councilor Ives said his children attended St. Michaels, commenting that he helped coach at points in times and served on the Activities Association. He said there are many trophies adorning the hallways at St. Michaels. He asked Coach Fernandez to put these trophies front and center, because it is your City recognizing your team.

**c) MUCHAS GRACIAS – COMMON GROUND ART EXHIBIT AND COMPETITION
WINNER, JACK ARNOLD. (JULIE BYSTROM)**

Julie Berman, Arts Commission staff, presented Jack Arnold this year's winner of the Common Ground Art Exhibit and Competition, noting he was chosen from among more than 100 entries. She said the winner receives \$1,000 for the use of the image which is reproduced as a note card and used as a marketing tool nationally and globally.

Mayor Coss presented Mr. Arnold with the award, and a check for \$1,000, and congratulated him.

Mr. Arnold thanked the Mayor and Council, commenting he is fortunate to live in the Santa Fe area in New Mexico which truly is beautiful, and he was lucky to be able to capture a good photograph.

Councilor Wurzbarger said she had the privilege of attending the opening. She said the cards are beautiful, but the actual photograph was absolutely awe inspiring. She congratulated him for the work that he does.

d) PROCLAMATION – 2013 – THE YEAR OF THE UPSTANDERS IN SANTA FE. (SKY GRAY, EXECUTIVE DIRECTOR, SANTA FE MOUNTAIN CENTER)

Shelley Mann-Lev appeared on behalf of Sky Gray who is ill today.

Mayor Coss read the proclamation into the record and provided a copy to Ms. Mann-Lev.

Ms. Mann-Lev said the term Upstanders comes from the sense that bullying, disrespect, unkindness will be stopped by all of us instead of letting it happen. She said Judy Shepherd was here last night as part of Capital High's "Erase Hate Campaign," noting she is the mother of Matthew Shepard. She said Ms. Shepard gave a beautiful presentation last night. She said on Friday and Saturday nights the Learning Project will be presented courageously by the students and staff of Capital High, and she encouraged everyone to attend and support the students in their courageous year-long campaign to bring out the best in all of us.

e) PROCLAMATION – CHILDREN'S ORAL HEALTH MONTH – FEBRUARY 2013; AND CHILDREN'S ORAL HEALTH DAY – FEBRUARY 1, 2013. (ALEX PUGLISI)

Mayor Coss read the proclamation into the record, and provided a copy to Mr. Blea.

Alex Puglisi said the Resolution introduced by Councilor Calvert in 2012 helped to establish the Santa Fe Oral Health Coalition and the City's participation in that Coalition. He said the proclamation and this month's activities are a result of that effort. He introduced Rudy Blea, New Mexico Department of Health.

Mr. Blea said the members of the coalition are both private and public individuals and private practitioners in Santa Fe. He introduced the members of the coalition Dr. Romero, Barbara Sandoval, Coral Hanson, Cheri Dotson, Patricia Boise, JoAnn Salazar, Alex Puglisi, Teri Rodriguez, Michael Lopach, Michelle Quintana, Laura Alocca, Dolores Roybal, Michael Maxey, and private practitioners Dr. Morgan, Dr. Borrero, Dr. Peck, Dr. Hendricks and Dr. Balderamos. He said the other practitioners couldn't be her.

Mr. Blea thanked the Governing Body for recognizing February 1, 2013, as Children's Oral Health Day. He said there will be a special event on February 1, 2013 at Kearney Elementary School at 10:00 a.m., and Superintendent Joel Boyd will be visiting the school.

Mayor Coss congratulated them on the work they do in the community.

Councilor Ives saluted the group for its good efforts and Councilor Calvert for leadership on this issue which got the ball rolling.

CONSENT CALENDAR DISCUSSION

10. CONSENT CALENDAR:

w) REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON FEBRUARY 27, 2013:

- 1) BILL NO. 2013-2: AN ORDINANCE RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987, REGARDING TECHNICAL CORRECTIONS AND MINOR CLARIFICATIONS AMENDING SUBSECTIONS 14-2.3(C)(5)(a) CORRECT REFERENCE; 14-2-4(C) CORRECT REFERENCE; 14-2.8(K) REFERENCE STATUTES; 14-3.1(F)(2) APPLICABILITY OF ENN; 14-3.1(H) PUBLIC NOTICE; 14-3.3(A)(1)(a) TEXT AMENDMENT; 14-3.6(C)(3) AMENDED SPECIAL USE PERMITS; 14-3.6(E) SPECIAL USE PERMITS AND CROSS REFERENCES; 14-3.7(A)(6) CLARIFY COURT-ORDERED LAND DIVISIONS; 14-3.7(F)(5)(b) FAMILY TRANSFERS; 14-3.8(B) THREE-UNIT DEVELOPMENT PLAN; 14-3.8(C)(1)(g) CORRECT ERROR; 14-3.8(C)(5) NOTICE FOR DEVELOPMENT PLANS; 14-3.8(C)(6) CORRECT REFERENCE TO COUNTY CLERK; 14-3.12(B)(3) TEMPORARY CERTIFICATES OF OCCUPANCY; 14-3.13(D)(3)(c) REFERENCE TO STATE MEDICAL INVESTIGATOR; 14-3.16(D) CORRECT REFERENCE; 14-3.19(B)(6) CONTINUING ACTIVITY FOR MASTER AND DEVELOPMENT PLANS; 14-3.19(C)(2) TIME EXTENSIONS; 14-4.3(G) CORRECT OBSOLETE TEXT; 14-6.1(C) TABLE 14-6.1-1 VARIOUS MINOR AMENDMENTS AND CORRECTIONS TO TABLE OF PERMITTED USES; 14-6.2(C)(1)(b) CLARIFY COMMERCIAL PARKING; 14-6.3(D)(2)(c) CLARIFY HOME OCCUPATION RESIDENCY; 14-6.4(A) TEMPORARY STRUCTURES; 14-6.4(C) TEMPORARY STRUCTURES; 14-7.1(B) CLARIFY LOT COVERAGE; 14-7.2(A) TABLE 14-7.2-1 VARIOUS MINOR AMENDMENTS AND CORRECTIONS TO RESIDENTIAL DIMENSIONAL STANDARDS; 14-07-2(F) CLARIFY SPECIAL USE PERMIT IN 412 – R-29; 14-7.3(A) TABLE 14-7.3-1 MAXIMUM DENSITY C-1 AND C-4 DISTRICTS; 14-7.4(B)(2) CLARIFY REDEVELOPMENT SUBDISTRICT; 14-8.3(C)(2) TERRAIN MANAGEMENT SUBMITTALS; 14-8.2(D)(1)(a) CLARIFY CUT SLOPES; 14-8.3(A)(1) DATE OF FLOOD MAPS; 14-8.4(B)(1) LANDSCAPE STANDARDS; 14-8.4(G)(3) STREET TREES IN PARKWAY; 14-8.5(B)(2)(a) CLARIFY FENCE HEIGHTS; 14-8.6(B)(4)(c) JOINT PARKING IN BIP DISTRICT; 14-8.10(D)(5) CORRECT REFERENCE; 14-8.10(G)(8)(d) CORRECT REFERENCE; 14-8.14(E)(3) CORRECT ERRORS; 14-8.14(E)(5) CLARIFY IMPACT FEES; 14-9.2(C)(8) SUBCOLLECTOR PRIVATE STREETS; 14-9.2(E) SIDEWALK REPLACEMENT**

STANDARDS; 14-9.2(K) STREET IMPROVEMENT STANDARDS; 14-9.5(A) DEDICATIONS TO HOMEOWNER'S ASSOCIATIONS; 14-9.5(D) EXTENSION OF INFRASTRUCTURE WARRANTY; 14-10-1(C) NONCONFORMING TELECOMMUNICATION FACILITIES; 14-10.4(A) CLARIFY NONCONFORMING LOT USES; 14-11.5 CORRECT REFERENCE; ARTICLE 14-12 VARIOUS DEFINITIONS AMENDED AND INSERTED; APPENDIX EXHIBIT B PARKING SPACE STANDARDS RESTORED; AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES THAT ARE NECESSARY (MAYOR COSS). (GREG SMITH) NOTE: THIS TITLE MAY BE AMENDED IN ACCORDANCE WITH THE AMENDMENT SHEET PROVIDED IN THE PACKET.

A copy of *Proposed Amendments to Bill No. 2013- ____, corrected*, Technical Amendments, is incorporated herewith to these minutes as Exhibit "2."

Councilor Ives said he was not on the City Council when this began as a process. He asked if it is regular that an item like this would come up before it had been considered by the Planning Commission. He understands the Planning Commission will consider this item on February 7, 2013, and thinks they might have clarification and amendments. He said he is curious about the timing.

Mr. O'Reilly said, "Councilor, you are correct. We do generally bring these things through the Planning Commission, even for a Request to Publish at the Council. What happened was the Planning Commission did consider the first half of the bill, and due to a copying error, not all of the bill was included in the packet. They've already reviewed and approved the first 21 sections of the bill, and will be considering the rest of it on February 7, 2013, then it will go through the Public Works Committee and then on to the City Council. So before you consider the bill, it will have gone through the full Planning Commission and the Public Works Committee."

Councilor Ives asked if we have the recommendations from the Planning Commission on the changes based on their review of the first half of the bill. He said there is a short sheet of amendments which isn't very extensive, and asked if that reflects their thinking to date.

Mr. O'Reilly said the Planning Commission unanimously recommended the first 20 sections of the bill with a very minor amendment. He said since that time other issues have arisen which have been added as amendments, and the Planning Commission will see those on February 7, 2013, "as will you, when the Council considers the bill later."

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

DISCUSSION: Yolanda Vigil said, "For clarification, we will be publishing the amended title on this, so it didn't have a repeal clause."

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

10. CONSENT CALENDAR:

w) REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON FEBRUARY 27, 2013:

- 2) BILL NO. 2013-3: AN ORDINANCE RELATING TO POSSESSION OF CONTROLLED SUBSTANCES; REPEALING SECTION 16-15.1 SFCC 1987 AND ADOPTING A NEW SECTION 16-15.1 TO PROHIBIT THE INTENTIONAL POSSESSION OF MARIJUANA AND SYNTHETIC CANNABINOIDS (COUNCILOR TRUJILLO, COUNCILOR RIVERA AND COUNCILOR BUSHEE). (ALFRED WALKER)**

Councilor Ives said Subsection B beginning on page 1, line 25, states, "It is unlawful for a person intentionally to poss one ounce or less of synthetic cannabinoids for the purpose of causing...." He said it then goes into an explanation of some of the potential effects. He said his question earlier, if there are purposes, other than getting high or inducing these various mental states, that one would posses synthetic cannabinoids "for in the first instance."

Mr. Walker said, "One of the issues with synthetic cannabinoids is that it is often in the form of potpourri, or other items that people might use normally, but then it's been chemically treated to become a synthetic cannabinoid. So, just possessing potpourri for example, would not be a criminal act, but if you are possessing a vegetable matter that's been treated chemically for these purposes, then it would be criminal."

Councilor Ives said he was potentially going to propose an amendment to the end of that provision after the words "synthetic cannabinoids" to make it easier on the Police to divine possession. However, he said he won't make that amendment since there are these other uses which are legal and which we aren't trying to reach, thanking Mr. Walker for the explanation.

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

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

10. CONSENT CALENDAR:

w) REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON FEBRUARY 27, 2013:

- 5) BILL NO. 2012-38: AN ORDINANCE REPEALING THE COMMUNITY WORKFORCE AGREEMENTS ORDINANCE, SUBSECTION 28.8 OF THE CITY OF SANTA FE PURCHASING MANUAL (COUNCILOR BUSHEE, COUNCILOR DIMAS AND COUNCILOR RIVERA). (NICK SCHIAVO AND ROBERT RODARTE).**

A Substitute Bill with Councilor Bushee's Amendments (*italicized and highlighted*), is incorporated herewith to these minutes as Exhibit "3."

A copy of *Proposed amendments to Bill No. 2012-38 Repeal CWA*, is incorporated herewith to these minutes as Exhibit "4."

Councilor Wurzbarger said she pulled this item so she can include a series of amendments in the title that will reflect her work of the last few months in evaluating this. She understands this has to be done in order to have this as proper procedure so we avoid the fluoride issue problem at the next meeting.

Councilor Wurzbarger said the essence of the amendments is to have a new subsection that limits the Community Workforce Agreement only to the Market Station Condominium and a Section 2 which addresses the issues of evaluation and the kinds of measures that can be made on this project during its implementation, and Section 28.8 which is an automatic sunset after the completion of the Market Condominium Project, which is operationally defined as the date a Certificate Of Occupancy is issued for the Market Station Condominium.

MOTION: Councilor Wurzbarger moved, seconded by Councilor Calvert, to approve this request with the amendments.

DISCUSSION: Councilor Bushee said the amendments would be friendly to the sponsor, if you didn't want to have to vote.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

Explaining his vote: Councilor Calvert said, "Yes, just on the Request to Publish."

Councilor Ives said, "Obviously we have had a plethora of different proposals come before the Governing Body with regard to Community Workforce Agreements, and there have been many voices from the community that have been in attendance at multiple meetings of this body in the various committees to

address those various proposals. The intent now is to publish with an eye towards voting on February 27th, so I think it is important that we bring forward all those proposals, because at different points in time, they certainly reflected the opinion of both various members of this body as well as the community. So I look forward to having them finally before us for ultimate action.

10. CONSENT CALENDAR:

w) REQUEST TO PUBLISH NOTICE OF PUBLIC HEARING ON FEBRUARY 27, 2013:

- 7) BILL NO. 2013-7: AN ORDINANCE RELATED TO COMMUNITY WORKFORCE AGREEMENTS ("CWAs"); AMENDING SUBSECTION 28.8 OF THE CITY OF SANTA FE PURCHASING MANUAL; TO RAISE THE THRESHOLD FOR CWA PROJECTS FROM \$500,000 TO \$1,500,000; TO INCORPORATE MANDATORY TERMS WITH THE GOAL OF HIRING 100% OF SANTA FE COUNTY RESIDENTS AND TO REQUIRE THAT NECESSARY BENEFITS BE PROVIDED FOR WORKERS AND THEIR DOMESTIC PARTNERS. (COUNCILOR BUSHEE). (NICK SCHIAVO AND ROBERT RODARTE). NOTE: THIS TITLE MAY BE AMENDED IN ACCORDANCE WITH THE AMENDMENT SHEET PROVIDED IN THE PACKET.**

A copy of an Action Sheet from the Public Works/CIP and Land Use Committee meeting of Monday, January 28, 2013, is incorporated herewith to these minutes as Exhibit "5."

Councilor Bushee said she wanted to bring some amendments to the attention of the Councilors. She asked Mr. Zamora to review the amendments and then she will make one comment.

Mr. Zamora said a Substitute bill is proposed and the motion will be to publish the title of the substitute bill which is substantially the same. I will read that title, "*An Ordinance related to Community Workforce Agreements ("CWAs"); amending Subsection 28.8 of the City of Santa Fe Purchasing Manual to raise the threshold for CWA projects from \$500,000 to \$1,000,000; to mandate hiring 100% of Santa Fe County residents unless granted a variance and to require that benefits shall be provided to workers and their domestic partners in accordance with the City Ordinances.*" He said, "We can add to that, that's not in the title is requiring an annual review, and I can summarize those paragraph afterwards, and the apprenticeship piece is in the annual review."

Mr. Zamora continued reviewing the proposed amendments. Please see Exhibits "3" and "5," for specifics of this presentation.

Councilor Bushee said this is the "general gist." She said, "The amendments strengthen the mandate of 100%, adds the growth of an apprenticeship program, which is related to the already established program at the Community College; it does raise the threshold in the title, makes it clear. the one thing I want to clarify. And it's a great disappointment to me, and I'm still thinking about all this. The piece about the domestic partnership, I have learned that the parties that have signed onto the CWA, the

current unions, cannot support that. So when you hear the language according to Ordinance, it is because nothing in our Code currently allows for that. You'll see a change that I brought forward this evening, an Ordinance change, but I do have to express my disappointment on the union stand on that issue."

MOTION: Councilor Bushee moved, seconded by Councilor Calvert, to approve this request, as amended.

DISCUSSION: Councilor Dominguez said, "These changes are not changes that have been brought forward before Finance.

Mr. Zamora said, "The motion is to publish with these amendments in the title, but they will require consideration and adoption specifically at the February 27th meeting. What we're attempting to do with several of these motions, like the previous one, is to provide the public with the most up-to-date information as to what will be considered on the 27th."

Councilor Dominguez said, "The bill has been to Finance, but these specific changes that are highlighted, I guess, have not been to Finance."

Mr. Zamora said, "That is correct."

Councilor Bushee said, "The discussion.... I think a lot of what it does is clarify how the Ordinance was written that did go through Committee. We discussed it as if it were a mandate, but I... in redoing the language, it didn't really provide for a mandate, and so that's one big change. And again, learning that the unions don't support the provision of domestic partner benefits, required a change, and then an introduction of a new Ordinance, and that's really the only difference. Apprenticeship programs were just inserted, you know. If the groups desire... I think if we were going to hear any of these amendments in Committee, we would certainly need to hear the previous amendments in Committee as well, so I don't know how that's going to proceed, but..."

Councilor Trujillo said, "With this new one that you're bring up, is it.. I don't see anywhere, is this still making it mandatory that those that work on this must join the union."

Councilor Bushee said that's a part of the CWA.

Mayor Coss asked if all of the bills will go back to the Finance Committee.

Councilor Wurzbarger said, "Point of clarification on the one that was just up, that since the Councilor raised the question with respect to the one we just approved. If you would go back and look at... the essence of those did go through Committee as you've indicated on this bill, which I disagree with. But the points, with respect, are the same points that I brought up and they're even as an alternate, should this not pass next time."

Councilor Bushee said she doesn't understand what Councilor Wurzbarger is saying.

Councilor Wurzbarger said, "I'll try again. On the issue of the previous action, if you look at the essence of that which has to do with stopping providing it, this applies only to one project. The request for specific operational measures, those have gone through Committees in the form of one of the other, can you help me Geno, W(2) it's at that point, it's sponsored by Councilor Ives, myself and at one point Council Calvert, so it has been through committees. But I would want to speak to this point when it's my turn again."

Councilor Bushee said, "I guess I'm unclear if anything is going through committee again, but what I can say about the previous issue, is there was a separate bill which was tabled twice, I believe, at Finance that would have encompassed the repeal of the CWA. It's kind of a meshing of the original appeal bill which Councilor Wurzbarger was not a sponsor of, with her other bills that she has tabled, and did not choose to introduce those amendments to those bills at committee. So I'm happy... I think we've entertained the concepts in general, but we have not specifically.... and so if the Chair wants to see any of them back to committee, I'm fine. But I am asking that if we bring any of the bills that I am sponsoring, I'm sponsoring both, if we bring back the second bill, then we need to bring back the first bill so we have a discussion."

Councilor Dominguez said, "Mayor, if I may, as the Chair of Finance, I'm not interested in bringing anything back to Committee. I think that this is something that has already run its course, if you will. So I'll just make that statement unless there is other direction, or wishes from the Governing Body. That's my piece on that."

Councilor Bushee said, "And I just wanted to be really clear about the changes on the bill that I had brought back as a sort of substitute bill."

Councilor Ives said he has a few technical corrections, which he presumes would be appreciated before we publish.

FRIENDLY AMENDMENT: Councilor Ives said he would like to propose two amendments. On page 4, line 14, Subsection 28.8.5(3) provides, "In accordance with the City's ordinance," which should be changed to "ordinances." On line 24, correct as follows: "...Santa Fe County ~~apprentices residents~~ enrolled in ~~such~~ apprenticeship programs..." **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Mayor Coss said he appreciates Councilor Bushee's work, and she has come up with enhancements, because we were trying to get to the local workforce, noting the status quo was getting us less than 25% of the local workforce, and this will get this to 100%. He appreciates the unions being willing to agree to that. He said the unions aren't against domestic partners, and they are working with the national insurance plans. He said he is proud to be a cosponsor of Councilor Bushee's domestic partners legislation for all City contracts which will be coming forward.

Councilor Bushee suggested that the unions involved have a month to try to change their national policy. She doesn't feel it is fair or equitable to just consider that requirement for local contractors and the union needs to participate.

Mayor Coss said, "I second that emotion. And I also would like to be a cosponsor of your ordinance."

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

For: Councilor Bushee, Councilor Calvert and Councilor Ives.

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

Explaining his vote: Councilor Trujillo said, "I'm going to stay clear on the way I've been voting, until we allow for everyone, I'm going to vote no, but Councilor Bushee the 100% hiring of Santa Fe County residents should be everyone, I agree with that. And I too, when you bring up your thing for the domestic partnership, would like to be a sponsor of that as well, but on this one, I will vote no."

Explaining her vote: Councilor Wurzbarger said, "I too am voting no on this, because I don't think it moves us forward. I too am interested in domestic partnerships. I have consistently stated throughout the debate on CWA, that I think perhaps a better way to go forward is to bring together a coalition, a wide coalition to look at the issue of how we have a true workforce development activity, and that's something that we will be bringing forward to the next meeting. I just vote no on this. Thank you."

Explaining his vote: Councilor Calvert said, "Yes. And I thought the point here was to move these all forward for the public hearing, but that's okay. I just thought that was what was..."

Explaining his vote: Councilor Dimas said, "I still remain in the same stance as where I started with, and that was to repeal the CWA. Although I think there's some good points to what Councilor's Resolution and bill will come forward... and I think there's some good things in there, but I'm still of the belief that we don't need to fix something that's not broken. And my vote is no."

Ms. Vigil said, "Mayor, if I could please, just for clarification on Item w(6) on page 6 of the Agenda, it's Bill 2013-6. We will be publishing that with an amended title, that includes Councilor Wurzbarger's amendments that are in the packet."

END OF CONSENT CALENDAR DISCUSSION

11. **CONSIDERATION OF RESOLUTION NO. 2013-16 (COUNCILOR CALVERT). A RESOLUTION DIRECTING STAFF TO NEGOTIATE AND EXECUTE AN AMENDMENT TO ARTICLE 12 OF THE MASTER COMMUNITY WORKFORCE AGREEMENT ("CWA") TO REQUIRE THE HIRING OF ELIGIBLE SANTA FE COUNTY RESIDENTS PRIOR TO HIRING NON-RESIDENTS. (NICK SCHIAVO AND ROBERT RODARTE)**

Councilor Calvert said, "The reason I asked for this to be voted on tonight, is because, one I think the title says it all, 'require the hiring of eligible Santa Fe County residents prior to hiring non-residents. But also because I don't have a crystal ball and I don't know how the vote is going to come out in a month on all these other bills. And so I thought, we have the CWA now, if nothing else passes and we include this, then we at least have that in the current ordinance..

MOTION: Councilor Calvert moved, seconded by Councilor Wurzbarger, to adopt Resolution No. 2013-16.

DISCUSSION: Councilor Wurzbarger said, "I'm supporting this motion because, again, I think it is a good addition to the bill and the bill is in place, and so I think it's important to have this as a context for evaluating its effectiveness even in the short term that we will have it hopefully."

Councilor Bushee said, "I support this motion and this bill. I think it's important, and I want to make sure, Geno.... I understand from the last Finance Committee that we have moved forward with the effort to construct the City project at the Railyard that will fall under CWA. With the passage of this Resolution, if does this evening, will that mean that the definition of local will be changed from New Mexicans to Santa Fe, and that local employees will have to be contracted for."

Mr. Zamora said, "Because this is a Resolution, and not an Ordinance, there's not the publication delay, there's not the...."

Councilor Bushee said, "It changes the agreement, which is a contract."

Mr. Zamora said, "That is correct, and that contract has yet to be signed, and so, therefore, upon passage of this Resolution, it becomes applicable to the contract that will be signed on the Railyard."

Councilor Bushee said, "So any other project that might slide in under the deadline in the next month will also apply to that."

Mr. Zamora said, "That is correct."

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

Explaining his vote: Councilor Trujillo said, "I'm torn, because this looks a lot like the last one, but I've had my discussion with Councilor Calvert, and I'm going to vote yes, even though I don't know where it's going to go, but we'll see what happens next month."

Explaining her vote: Councilor Wurzbarger said, "I'm going to vote yes, and then I would like to ask a point of clarification on the process, if I may. It's not out of order just because of the question that Councilor Bushee just raised, or is that... can't ask. Okay. Well then, maybe... it's a vote."

Explaining his vote: Councilor Dimas said, "This may be a non-relevant question, maybe everybody else knows this, but I'm just going to ask you Councilor Calvert, what percentage of Santa Fe...." Mayor Coss said, "We're on the vote you just denied Councilor Wurzbarger." Councilor Dimas said, "I'll ask him afterwards then. I too am torn with this one, but I will vote yes."

12. REQUEST FOR APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF SANTA FE AND THE SANTA FE PUBLIC SCHOOLS PURSUANT TO ORDINANCE #2013-3. (MATTHEW O'REILLY)

A copy of a *Matrix Standard City of Santa Fe Process/Requirements vs MOU Process/Requirements*, entered for the record by Matthew O'Reilly, is incorporated herewith to these minutes as Exhibit "6."

Matthew O'Reilly presented information regarding this matter, noting the MOU is a companion piece to Ordinance No. 2013-3, which was approved by the Governing Body on January 9, 2013. He said without this MOU, Ordinance No. 2013-3 has no effect. He said the Governing Body should know that the Santa Fe School Board unanimously approved the MOU at its last meeting as it appears in the Council packet.

Mr. O'Reilly noted he prepared a matrix which was placed on the Councilors' desks [Exhibit "6."]. He received a comment from a Councilor who was concerned about, and understanding, the difference between the City's ENN process and that process through this MOU. He said the pertinent parts are highlighted in yellow. He said Exhibit A to the MOU was prepared by SF Public Schools, and the City takes no responsibility for typos or spelling errors in the Schools document.

Councilor Bushee asked how this will be a substitute for public input when it comes to a significant school project in the City limits.

Mr. O'Reilly reviewed Exhibit "6."

MOTION: Councilor Wurzbarger moved, seconded by Councilor Bushee, to approve the proposed Memorandum of Understanding between the City of Santa Fe and the Santa Fe Public Schools, pursuant to Ordinance #2013-3, as presented by staff.

DISCUSSION: Councilor Wurzbarger thanked Mr. O'Reilly for all of the hard work he did on this, and she believes he has met the best interest of having public input which wasn't required.

Councilor Calvert said, "I asked you, before the meeting started, just for the record... I know we all want to work cooperatively as best we can, but what if there is an impasse and how would that be resolved, if there is some issue that we just basically don't agree on, and can't seem to find a way to resolve, how would it get resolved."

Mr. O'Reilly said, "I think we could, in that instance, find ourselves right back where we are today, which is that we currently may not be able to resolve something with the schools. I will say that we have been successful working out things with other schools in other cases. Carlos Gilbert was an example of that, and it ended up that the Historic Districts Review Board gave them an award for that school. We've worked out issues regarding the Tierra Contenta K-8 School and some issues with the South Meadows School. Ultimately, I guess it would depend on how important those issues were to either side. In the City's case, we would then have to decide what, if any, legal action we might take in a case like that."

Councilor Calvert asked Mr. Zamora what action might be taken.

Mr. Zamora said, "What an MOU is, essentially, is a contract between two entities. And so each entity would have the ability to ask for contractual remedies, namely specific performance. So if someone chooses not to act under this agreement, the other party has the ability to enforce the agreement in the Courts."

Councilor Calvert said he sort of understands that, noting part of the process is to make sure that we can work out things which the City might require, but they don't necessarily want to follow totally. He said, "If it comes to the point where we just basically have a difference, despite all the cooperation and all that, that we tried to build into this, there's a position that the City has or an Ordinance and they think it needs to be, but that it doesn't want to, or think it needs to be, what is the resolution."

Mr. Zamora said, "The hope is that..."

Councilor Calvert said he knows what the hope is.

Mr. Zamora said, "Starting with what the hope is, that the MOU covers those points, provides an opportunity for both sides to come to an agreement. If it is not covered by the MOU, it would take a negotiated amendment, or would end up starting back at square one, by not having an agreement on what wasn't covered. If it falls within the agreement, we'll be in Court. If it doesn't fall within the agreement, we will negotiate and may wind up in Court. But again I believe, as with other municipalities and schools districts, the hope is to avoid the court system entirely."

Ms. Brennan said, "I just wanted to add that at that time, it's really the will of the Council, understanding the dynamic at the time, but also, we do have some tools. We do provide services like water and safety services that might help in any negotiations."

Councilor Calvert said the MOU provides that 'The City will use its best efforts to expedite the foregoing process,' and so on. He said he doesn't want to hold them up, but he would like a reasonable lead time for us to do a good review, and not overlook something we'll regret later. He asked if that is covered in the

MOU. He doesn't want to be put in the position of being seen as the bad guys because we're holding it up, but we weren't given sufficient time to do a good review."

Mr. O'Reilly said one thing the MOU does is to clearly lay out a way we communicate with the schools on these kinds of things. He said one of the first things we would do is to tell them what we think a sufficient amount of time is. He said our staff reviews so much, that they can see right away if there is a real major problem with something. He said sometimes, the biggest issue with schools are traffic issues, because of the high amount of congestion that takes place during pick-up and drop-off, and sometimes that can require a traffic study. He said the schools have been pretty good about getting with the City's Traffic Engineer quite early on, so we would expect them to continue to do that.

Responding to Councilor Bushee, Mr. O'Reilly said the one thing that is undisputed here is that the City does have subdivision authority and approval authority of subdivisions, so if an impasse were to happen, the City would not allow a subdivision plat to be recorded and lots to be created until we are satisfied that "our ordinances were complied with, with respect to affordable housing and anything else. The issue comes up where the school projects anticipated by the MOU are those that don't require divisions of land and so we don't have to go and record a plat, let's say. And that's really where we are trying, through the MOU to exert some control over that process."

Councilor Bushee said she thought it related to Councilor Ortiz's bill relating to any extension of City water, and asked if this triggers some of these ordinances.

Mr. O'Reilly said Ordinance 2013-3, is an amendment to that previous Ordinance, 2009-54, which required anyone getting water or signing a contract for water to comply with Chapter 14, so this Ordinance which the Council adopted on January 9, 2013, has modified that.

Councilor Bushee said then we've let them off the hook on that one.

Mr. O'Reilly said, "I think it depends how you look at it, Councilor. We've not necessarily let them off the hook. We have, through the MOU, negotiated an alternative process, at least for the ENNs, and we still, if you'll note on page 1 of the MOU, paragraph 1, the purpose of this is to address, again, vehicular, pedestrian traffic safety, fire and police protection, water rights and delivery of wastewater, all of these things. So those are all things that our Land Development Code is intended to address as well."

Councilor Bushee said this is a good step forward, and perhaps we need to consider this with some other institutions that feel they don't fall under some of the City's jurisdiction.

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

For: Councilor Bushee, Councilor Calvert, Councilor Dimas, Councilor Dominguez, Councilor Ives, Councilor Rivera, Councilor Trujillo and Councilor Wurzbarger.

Against: None.

13. MATTERS FROM THE CITY MANAGER

There were no matters from the City Manager.

14. MATTERS FROM THE CITY ATTORNEY

Mr. Zamora said the Governing Body will be receiving an email within the next day or two from Melissa Byers, which will outline a new process from Ms. Byers on legislation, updating you on what is on her desk currently, and timeframes and expectations for anything new that is being brought to her, and she will do that on a weekly basis.

Councilor Bushee said she wants to make sure there are other attorneys and paralegals who can assist Ms. Byers, because it is an overwhelming job. She said, "I would like you to maybe let us know how that's going to work."

15. MATTERS FROM THE CITY CLERK

There were no matters from the City Clerk.

16. COMMUNICATIONS FROM THE GOVERNING BODY

A copy of "Bills and Resolutions scheduled for introduction by members of the Governing Body," for the Council meeting of January 30, 2013, is incorporated herewith to these minutes as Exhibit "7"

Councilor Dimas

Councilor Dimas said he has no communications.

Councilor Calvert

Councilor Calvert said he has no communications.

Councilor Rivera

Councilor Rivera said on Saturday he spent some time at the GCCC with the person who drives the Zamboni operator who was very positive about his work and the management staff at the GCCC, noting "he didn't have any idea who I was, so he thought he was just talking to a regular old person, but he was very positive about his work, very positive about the City, felt like he had the greatest job in the world. And if you've ever seen the Zamboni, he probably does." He said it was refreshing to hear that. He said it

reminded him that the GCCC is getting old and have equipment needs that haven't been addressed in a while which will come up in different discussion. He asked Mr. Romero to pass this along to the Director of the GCCC, Liza Suzanne and the Ice Rink Director, he would appreciate that, and to the individual himself, Orlando Mendonca.

Councilor Rivera wished his aunt, Marina Ochoa, a happy birthday on February 1, 2013.

Councilor Ives

Councilor Ives said as a follow-up to earlier discussions regarding the difficulty the City has had collecting parking tickets, they have been looking at different ways to address this. He noted one of the proposals was to seek a local option at the Legislature. He said he has been exploring and will be bringing forth an Ordinance change to recharacterize certain parking violations in order to make them non-criminal civil matters and subject to disposition through an alternate side of the Courts with the goal of not leaving money on the table. He said we had about \$6 million in lost revenue over the past 11 years. He said he will be introducing legislation to address some fundamental unfairness to those of use who pay our tickets, which will encourage people to pay their tickets. He said it will be brought forward in the near future in accordance with new procedures for legislative initiatives.

Councilor Bushee

Councilor Bushee said there are concerns at Ft. Marcy that the City almost doubled the rates close to what a regular gym would cost, but our equipment is outmoded and outdated. She hears complaints that we do some things, noting some tile was fixed in the locker rooms. She understands money is available which could be spent on the pool, and some people would like to separate out the cost given the increases, and try to get a more reasonable rate. She said, "They don't use anything else in the facility other than the gym, which is small and fairly outmoded, outdated, so they really would like to go back to the policy we had before, was you could just pay to be a gym member, not necessarily the entire facility, so if we could try and address those things, that would be really helpful. Because I did notice that we had to shut down the pool for a little while last week, because it's not exactly some of the gyms I know. I've looked at gyms that were \$39 per month and offered all kinds of saunas and other things that we are unable to offer."

Councilor Bushee introduced the following:

1. A Resolution supporting proposed State legislation, Senate Bill 42 ("SB 42"), relating to an appropriation to the New Mexico State Economic Development Department for certified business incubators statewide. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "8."

2. A Resolution relating to the Santa Fe Resources Opportunity Center ("SFROC"); designating funding for SFROC that will be used for a management position that will create and maintain a management and accountability structure for SFROC; directing staff to explore the options for providing relief to the SFROC in either a discounted utility billing formula or free use of water; and directing staff to renegotiate the current lease with the new SFROC Lessee. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "9."
3. An Ordinance relating to benefits for domestic partners; amending Article 11-13 SFCC 1987, to require contractors of the City of Santa Fe to provide domestic partner benefits and creating a new Section 19-3.8 SFCC 1987, to require that the City of Santa Fe provide domestic partner benefits for all permanent employees of the City of Santa Fe.

Councilor Bushee said she thought we had already done this.

Mr. Zamora said it is in Personnel Rules, and this is just codifying it.

Councilor Bushee said, "Part of the efforts that I'm going to be bringing forward has to do with the poor rating the City of Santa Fe has recently been given on a municipal index when it comes to the quality for LGBT community, so this is one component I'll be bringing forward and hope for cosponsors. I have a commitment from Councilor Calvert, Councilor Ives and Councilor Trujillo and Councilor Dimas. I think the Mayor has added his name and Councilor Wurzbarger and anybody else. So Councilor Dominguez."

Councilor Bushee said she will be introducing a bill on a Human Rights Commission and Jamison Barkley is working on it. She wanted to bring it first to the HRA first so they could review the components.

Councilor said, "And graffiti of course, the usual. I've been on it with you."

Councilor Trujillo

Councilor Trujillo said the past weekend they were in El Paso Texas with Krystianna's cheer team and the New Mexico All-Stars, Little Red Hots took first place, and Krystianna's team Wildfire took second place. He said they did a heckuva job in El Paso representing New Mexico.

Councilor Dominguez

Councilor Dominguez thanked Robert Romero for the updates on the Legislature and the hearings. He doesn't know how regular updates will be done, and asked Mr. Romero to be sure the Council continues to be updated like that as the Legislature continues, which would be helpful.

Councilor Dominguez said last year, we had a verbal plan in place on how to deal with vegetation in the ROW and sidewalks on Camino Rojo. He asked Mr. Romero to ask Mr. O'Reilly's staff call him to relook at those plans we spoke about last year, commenting Councilor Rivera needs to be involved in this as well.

Councilor Dominguez said, "And then, speaking of Councilor Rivera, he didn't tell you that the reason he got on the Zamboni was because he was celebrating his birthday, so Happy Birthday to Councilor Rivera."

Councilor Wurzburger

Councilor Wurzburger thanked the City crews for clearing the snow by 7:00 a.m. the next business day. They did a great job.

Councilor Wurzburger said she understands there are no other projects in the pipeline which would be subject to the CWA within the next 1-2 months, and asked Geno Zamora to work with Robert Rodarte and let her know.

Mayor Coss

Mayor Coss introduced a Resolution directing the City of Santa Fe Office of Affordable Housing to design and implement a Housing Assistance Program specifically tailored for City of Santa Fe employees to use when renting, purchasing or repairing a home, noting it is cosponsored by Councilor Rivera and Councilor Dimas. A copy of the Resolution is incorporated herewith to these minutes as Exhibit "10."

Councilor Rivera said he would like to cosponsor the Resolution.

Councilor Bushee said, "We have those trailers in some areas and we were looking for other opportunities as well, and I never heard back on that."

Mr. Romero said he did get some information and he will send that to her.

END OF AFTERNOON SESSION AT 6:40 P.M.

EVENING SESSION

A. CALL TO ORDER AND ROLL CALL

The Evening Session was called to order by Mayor David Coss, at approximately p.m. Following the Pledge of Allegiance, salute to the New Mexico Flag, and Invocation, Roll Call indicated the presence of a quorum as follows:

Members Present

Mayor David Coss
Councilor Patti J. Bushee
Councilor Bill Dimas
Councilor Carmichael A. Dominguez
Councilor Peter N. Ives
Councilor Christopher M. Rivera
Councilor Ronald S. Trujillo

Members Excused

Councilor Rebecca Wurzbarger, Mayor Pro-Tem
Councilor Christopher Calvert

Others Attending

Robert P. Romero, City Manager
Geno Zamora, City Attorney
Yolanda Y. Vigil, City Clerk
Melessia Helberg, Council Stenographer

F. PETITIONS FROM THE FLOOR

Mayor Coss gave each person 2 minutes to petition the Governing Body.

Stefanie Beninato said she is here to talk about the improvement that is supposed to be happening at the intersection of Santa Fe Avenue and Galisteo Street. She said it is 20 months later and she found out that the City is going to increase the drains on the west side of Galisteo Street, but there is a vague date of "when it gets warmer." She said she sees City crews cutting concrete and digging into the ground, but is unsure why it has to be put off. She said until the City agrees to "change the type of grade out that's on the current drains" the problem will remain. She is also asking that the Mayor ask the City Attorney or an Assistant City Attorney to sit with her to work out a compromise on the damages that occurred in her home because of the weeds covering the drain. She said the City Public Works Department said it has a typical week schedule of cleaning that that street which is also rather vague, and "actually as I have observed is not true." She said the City does not maintain that street on any regular basis and thinks the City street sweeper and remove the weeds to prevent that problem from occurring is just not accurate. She reiterated she asking the Mayor to ask the City Attorney to sit with her to try to work

out some of settlement on the loss she experienced because of the flooding of her house, and she hopes she will ask the Mayor to ask the City Manager to give her a more definite date as to when the drain improvement will actually occur.

Anthony Mortillaro, Executive Director, NCRTD, said he wanted to inform the Governing Body of HB-30 which the RTD Board authorized to be introduced. He has heard there are concerns about this legislation, and thought it might be helpful if he explained it. He said, "The discussion with the RTD Board for legislation is to remove the additional step in the distribution of Transit GRT funds was discussed with our Board at their September 7th meeting, under Executive Director remarks, it was authorized by them. Then at the December 7, 2012 meeting the Board approved a Resolution adopting the District, State and Federal Legislative agenda, and they were again apprised of our legislation. During these discussions, none of our City, County or tribal members at that time, expressed any concern about the proposed legislation."

Mr. Mortillaro continued, "What is House Bill 30. The current process that is in place for the Department of Revenue to distribute the GRT tax requires them to collect the tax. They take their 3% fee, they remit the District's share to the counties, and then the counties send us a check for the amount. HB30 simply removes the counties from being an additional step in the distribution of the RTD transit tax. It is more efficient, one less process for the County and prevents them from having to account for it or amend their budgets or cut checks. It also treats the District like any other taxing authority. They are considered a subdivision of the State."

Mr. Mortillaro continued, "This legislation has no negative impact on the State or any county or city government. Tonight I am simply asking that the City of Santa Fe, if you have concerns about the legislation that we have the opportunity to engage in a dialogue on your concerns and attempt to address them."

Councilor Bushee said she is the most recent appointee to that Board, and she understands the discussion was not a thorough discussion. She said it would help the City if we could have some kind of contract written delineating those percentages, so there is an assurance that is not going to shift... She said memberships change. She said, "Previously when we had the RPA and the City and the County spoke their voices together, they wanted to go apart and separate, and so you see how this change through legislation would set off an alarm, given that there is nothing in writing that really delineates those percentages. That at least would come back to the City. I can't speak for the County at this point, but I imagine if I were in their shoes on the Commission, I would want something similar as well for.... but the City, with the operation of the Santa Fe Trails buses, it would help significantly, let's just say, if that was in place. And maybe we can have a dialogue outside of this with staff so that you understand exactly."

Mr. Mortillaro said he will try to set one up with the manager himself.

Councilor Bushee said, "That's again, just, I think where the City's coming from."

G. APPOINTMENTS

Mayor's Youth Advisory Board

Mayor Coss made the following appointments to the Mayor's Youth Advisory Board:

Kamon Tari – Reappointment – term ending 12/2014;
Eliana Ward-Lev – Reappointment – term ending 12/2013;
Adrian Salazar – Reappointment – term ending 12/2013;
Martin Soto – Reappointment – term ending 12/2013;
Jimmy Buchanan – Reappointment – term ending 12/2014;
Austin Basham – Reappointment – term ending 12/2014; and
Alison Valdez – Reappointment – term ending 12/2014.

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

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

Airport Advisory Board

Mayor Coss made the following appointments to the Airport Advisory Board:

Elizabeth Hunke – Reappointment – term ending 02/2016; and
William L. Sauter – Reappointment – term ending 02/2016.

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

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

Historic Districts Review Board

Mayor Coss made the following appointments to the Historic Districts Review Board:

John Kantner – Reappointment – term ending 01/2015;
Frank Katz – Reappointment – term ending 01/2015;
Cecilia Rios – Reappointment – term ending 01/2015; and
Edmund Arthur Boniface III – term ending 01/2015.

Councilor Bushee asked who is Ed Boniface replacing.

Mayor Coss said he is an architect, so he is replacing Rad Acton.

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

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

H. PUBLIC HEARINGS

- 1) **REQUEST FROM ALAMO WING SANTA FE, LLC, FOR A TRANSFER OF OWNERSHIP AND LOCATION OF DISPENSER LICENSE #2536 FROM RAYTONE, INC., D/B/A TIN STAR SALOON, 411-B WEST WATER STREET TO ALAMO WING, SANTA FE, LLC, D/B/A BUFFALO WILD WINGS, 3501 ZAFARANO DRIVE. (ON-PREMISE CONSUMPTION ONLY)
(YOLANDA Y. VIGIL)**

The staff report was presented by Yolanda Y. Vigil, City Clerk, noting that the business is not within 300 feet of a church or school. She said the Applicant does anticipate remodeling or doing tenant improvements in the building. Therefore, staff is requesting that a condition of approval be imposed that the business be required to submit for all of the applicable permits. There is a letter in the packet from Linda Akin, the Applicant's attorney, which has a revised floor plan which deletes the outdoor patio. In the future, if the Applicant wishes to add the patio, they will submit a revised request for consideration. There are reports regarding litter, noise and traffic in the packet, and staff does not anticipate any substantial change in litter and noise, or any unacceptable traffic impacts due to the approval of this request. Ms. Vigil said she is noting that Buffalo Wild Wings would be required to comply with all of the City's Ordinance as a condition of doing business in the City.

Public Hearing

There was no one speaking for or against this request.

The Public Hearing was closed

MOTION: Councilor Trujillo moved, seconded by Councilor Rivera, to approve the request for a transfer of ownership and location of Dispenser License #2536 from Raytone, Inc., d/b/a Tin Star Saloon, 411-B West Water Street to Alamo Wing Santa Fe, LLC, d/b/a Buffalo Wild Wings, 3501 Zafarano Drive, for on-premise consumption only, with the conditions of approval as recommended by the City Clerk.

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

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

Against: None.

- 2) **CONSIDERATION OF BILL NO. 2013-1: ADOPTION OF ORDINANCE NO. 2013-4. CASE #2012-104. AGUAFINA REZONING TO R-5. JENKINS GAVIN DESIGN AND DEVELOPMENT, AGENT FOR AGUAFINA DEVELOPMENT, LLC, REQUESTS TO REZONE 5.89± ACRES FROM R-1 (RESIDENTIAL, 1 DWELLING UNIT PER ACRE) TO R-5 (RESIDENTIAL 5 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED SOUTH OF AGUA FRIA STREET AND WEST OF CALLE ATAJO, AT 4702 RUFINA STREET AND 4262 AGUA FRIA STREET. (HEATHER LAMBOY, CASE MANAGER).**

A Memorandum dated January 14, 2013 for the January 30, 2013 City Council hearing, with attachments, to Mayor David Coss, Members of the City Council, regarding Case #2012-104 Aguafina Rezoning to R-5, is incorporated herewith to these minutes as Exhibit "11."

A copy of a power point presentation *Aguafina Rezone from R-1 to R-5*, entered for the record by Heather Lamboy, is incorporated herewith to these minutes as Exhibit "12."

A copy of the documents used by Jennifer Jenkins in her presentation is incorporated herewith to these minutes collectively as Exhibit "13."

A one page sheet of color photographs of the intersections for the proposed access[s] in this case, entered for the record by Cheryl Odom, is incorporated herewith to these minutes as Exhibit "14"

The staff report was presented by Heather Lamboy via power point. Please see Exhibit "11" for specifics of this presentation. She said, If approved, there will be a minimum of two more public hearings, with a subdivision review, first the preliminary subdivision plat and then the final subdivision plat, so there will be lot of opportunity for thorough vetting as well as another ENN meeting.

The Public Hearing was closed

MOTION: Councilor Trujillo moved, seconded by Councilor Rivera, to approve the request for a transfer of ownership and location of Dispenser License #2536 from Raytone, Inc., d/b/a Tin Star Saloon, 411-B West Water Street to Alamo Wing Santa Fe, LLC, d/b/a Buffalo Wild Wings, 3501 Zafarano Drive, for on-premise consumption only, with the conditions of approval as recommended by the City Clerk.

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

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

Against: None.

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Public Hearing

Presentation by the Applicant

Mayor Coss gave the Applicant 10 minutes to make their presentation.

Jennifer Jenkins, JenkinsGavin, was sworn. Ms. Jenkins Introduced Coleen Gavin and Mike Gomez, Traffic Consulting Engineer with Santa Fe Engineering.

Ms. Jenkins said, "I am going to be relatively brief. I think Heather covered all of the salient points very effectively. So, just kind of going back, we have the subject property. It's two parcels. It used to be one parcel, but when Rufina Street was built, it was divided up, so the northern piece is just under 3.5 acres, and the southern piece is just under 2.5 acres. And this is directly west of the existing Las Acequias Subdivision, but as you can see there are some large, undeveloped tracts in this area. As part of the central neighborhood area in the Southwest Area Master Plan, which of course we refer to regularly, in studying this of course as we move forward with these types of applications to understand what the intent was. So, we go there first and then we refer to the General Plan to see what is the City's visions for these particular parcels."

Ms. Jenkins continued, "So the General Plan is the bright yellow you see here, is low density residential with a density from 3 to 7 dwelling units per acre. And so based on the zoning that was around the property and the development plan that is around the property, was the impetus behind the request for R-5 zoning. As you can see here, the property directly north is already zoned R-5, and that was a recent action. This property, as Heather pointed out, is in the Phase 2 annexation area so it's part of the SPPAZO [Subdivision, Platting, Planning, And Zoning Ordinance] process. Zoning was assigned to the areas to be annexed, so that R-5 designation for that tract is a relatively recent occurrence. We also have R-6, we have R-5 and R-7 in the Las Acequias neighborhood. The MPH zoning in this area is developed at R-6 densities, on average. We calculated that, just so we could understand that. And as you move a little further west, we have more R-7, R-12, then... and so as you can see there is a nice mix of densities which is great, because in the central neighborhood area they talk about encouraging a mix of housing types and a mix of densities, because that is really the pattern that we see in this part of town and also with respect to Agua Fria Village. Agua Fria Village is our neighbor in this part of the City and so we have more of a rural pattern there."

Ms. Jenkins continued, "And so the vision we had for this related to really more generously sized lots for the project. Before our client even came to us to assist with this process, he did his own market research. He was interested in acquiring the property, what was the best use, what was appropriate here. And what his research told him is there was demand for some more generously sized lots in this area of the City that is so centrally located and access to services and jobs and schools and shopping and everything else, and because, as we see, a lot of things were being developed at much tighter densities. And interestingly, when we sent out the first Early Neighborhood Notice for our ENN meeting, we got a

rash of phone calls right away. All the calls we got were people who wanted to be put on the waiting list to buy a lot. So that was kind of encouraging, and our client was encouraged by that, and it's like, well maybe my market study was... there was some accuracy. So we have a list of people who were very interested in acquiring a lot in this area, and liking the idea of something a little more generously sized, a little more space around them, while being in town."

Ms. Jenkins continued, "So with respect to, obviously, the Southwest Area Master Plan which informs the General Plan designations in this area, we looked at how what we are proposing here is in compliance with the General Plan. The designation right now, we're out of compliance, with the designation of 3-7 dwellings per acre at R-1 zoning, so this request brings the property into compliance with the General Plan."

Ms. Jenkins continued, "Infill. We talk about infill a lot and this is a classic representation of infill in order to prevent sprawling at the edges of our City, utilizing our existing infrastructure in an efficient manner. Again, the compact urban form, that's also something that is a guiding policy that shows up throughout the City's General Plan and which infill is fundamental to the effort."

Ms. Jenkins continued, "And connectivity, neighborhood connectivity. It shows up in the Southwest Area Master Plan in the central neighborhood area. There is specific language that talks about attempts shall be made to connect existing neighborhoods, through the extension of local streets, that sense of connecting our neighborhood so not everything was a dead end, really, that shows up frequently throughout the Southwest Area Master Plan as well. And obviously affordable housing. We will obviously be in compliance with the Santa Fe Homes Program, so as new lots are created, new homes are built, there is obviously the creation of additional affordable homes for our community."

Ms. Jenkins continued, "So, when we first engaged in this process, our very first phone call to the City was to John Romero. First phone call, before we even scheduled our pre-application conference with Tamara and her staff, we went and met with John. We talked about access. We talked about do you need a traffic impact analysis. We talked about the scope of the project, and he said, you're dropping the bucket over here. We do not need a traffic impact analysis, based on the size of this project and the number of homes we're talking about, it's not really warranted at this point. And we talked about access and we talked about Power Line Road and he saw that as a wonderful opportunity to meet that provision for neighborhood connectivity. He loved the idea of not just forcing all of the cars onto the arterial of Rufina Street. That is stated throughout. We have to relieve some of the pressure from all of our arterials. And so, we took a look at traffic, and we're going to talk about traffic tonight. We're going to talk about it a lot, and so I want you to know we looked at it as well, and we looked at, as you probably know, the Metropolitan Planning Organization. They run annual counts all the time to keep track of the traffic volumes. And, interestingly, this right here is the exact point of our proposed access onto Rufina Street, right at the front door of the project."

Ms. Jenkins continued, "So the annual, daily traffic volumes at that location are about 11,500 cars. And that's a lot of cars. Rufina Street is an important arterial in this City. There is traffic on Rufina Street. Absolutely. And Rufina Street is classified as a secondary arterial. It is an important mover of people for our City, especially for that part of town. The City Code says, for secondary arterials, the capacity of those roadways is deemed to be up to about 15,000 cars a day. Once it gets beyond that, that's when the City starts look at, wow we need to improve this road, we need to widen this road, we need to up it to major arterial status, but Rufina is not there yet, based on its current level of improvements and its current traffic loads, it has secondary arterial status. So what this shows us is based on existing traffic volumes, there is still additional capacity on Rufina Street."

Ms. Jenkins continued, "So the projected average daily traffic for this proposed neighborhood is about 1.7% of the total, so as you can see, it's that metric.... when John Romero was looking at this and I don't want to put words into his mouth and I hope that you will speak with him this evening. Again, we're a drop in the proverbial bucket as far as the total volume of traffic that's happening in this area. And as we know, with roadways it's not about the road, it's about the intersections. Intersections are where the improvements need to be made over time to accommodate growth. And also we looked at the a.m. and p.m. peak [times], because when we talk about traffic, we talk about morning rush hour and evening rush hour. Those are the key times that must be looked at."

Ms. Jenkins continued, "Again our project looks at a total of 25 vehicles in an a.m. peak hour, p.m. peak hour, again about 1.7% of the total, so it's really a negligible amount of traffic when you looked at the context of what is happening in the neighborhood. So put that into context, it's about 1 car exiting the neighborhood every 3 minutes in those peak times. So here's a very important thing to understand. Although John Romero said it's part of this process based on the size of this project, the negligible traffic generation, I don't need a TIA right now. It's not warranted. However, we have a condition of approval that when we do our subdivision, absolutely John Romero is requiring a Traffic Impact Analysis. We have to appropriately design our access on Rufina Street. We have to understand what's happening at Calle Atajo. Are there additional improvements warranted at Calle Atajo. It's difficult to do a TIA until you know what your zoning is. It's difficult to do that until you know what your program is and what your [inaudible] count is, because all of that plays into those figures. So yes. A TIA will be conducted, but I think as we've shown here it is a negligible element to what is happening in the corridor."

Ms. Jenkins said, "And lastly, I just want to touch on a couple of other items is with respect to park dedication. You may hear this evening, concerns from the Las Acequias neighborhood about their park. They have a very popular, well attended park for this part of town. And of course, as part of our process, we will be dedicating land as well for park open space land. You know we talked to the city and we also talked to the Parks Department to say, well you could have land or you could have money – which makes the most sense. Do you want impact fees where you can make improvements to nearby parks, or would you rather have land. Parks said we'd rather have land, and we said okay. So as part of the subdivision process, we will be meeting with the Parks Department to identify the optimal location for that, so it makes

the most sense for the new little neighborhood we're creating, as well as for the surrounding neighbors. So that will definitely be a part of the process, and is a requirement."

Ms. Jenkins continued, "So with that, I would be happy to stand for any questions. Thank you for your attention."

Councilor Dominguez said he has a question for Ms. Lamboy. He said, "In your presentation, I didn't catch all of it, but you talked about the number of units being from 29 to 17 on the southern tract."

Ms. Lamboy said, "That is correct. For the tract that was outlined in red in my presentation, and I can get back there."

Councilor Dominguez said, "That's from Rufina down to Power Line. Is that considered the southern tract."

Ms. Lamboy said, "From power line to Rufina and then the tract that is just south of Rufina, which is approximately 3 acres. The tract to the north would allow approximately 25 dwelling units with its current R-5 zoning."

Speaking to the request

Mayor Coss gave each person 3 minutes to speak to the request.

All those speaking were sworn en masse

Liddy Padilla, President, Las Acequias Neighborhood Association [previously sworn], said they are an established neighborhood for 30 years, with 600 homes in the neighborhood. She said they realize development will happen and they are not opposed to development, but they would like for anything that comes in to reflect the same image they have in the Las Acequias Subdivision. She lives directly across from the park, and would be completely impacted by Power Line Road being made an entrance to Aguafina. She said there are 200 plus vehicles that come to the park, and it would be difficult for the people on the northern side of Las Acequias to get to and from Rufina into their homes. She said currently Las Acequias does not have two entrances/exits, and have only one from Rufina. She said the other neighbors are very concerned about Power Line Road being made a main entrance into that property.

Cheryl Odom, [previously sworn], said she has been a neighbor of the neighborhood for 15 years. She provided a photograph of the intersection of Calle Atajo and Rufina to show that it is a blind intersection. She doesn't know how many accidents have happened at that intersection, but she hears the crashes, and said that information could be interesting. She asked if every development does its own traffic study, and asked if it would be possible to do the entire stretch of Rufina now that it goes all the way

to Meadows and then to the bypass. She would presume traffic in that area has increased, so it is a concern. She is unsure when that traffic count was done. She said they aren't against development, but they are a little gun shy because of what happened on Zafarano and the development there. She said a lot of people use the urban trail on the southern end of the tract. She said they don't have urban trails in their area and it would be nice to have that, and asked if this is approved, what happens to that area. It is a nice little pocket with trees and such. She questions the advantageous quality of a denser zoning with this. She asked if you sell single lots, can all those lots be covered by the same covenants, or does it have to be piecemeal.

Ruth Solomon, 1076 Avenida Line, said Power Line Road runs behind her house. She has owned her home in Las Acequias for 18 years, and has seen the south side develop during that time. Her main concern is having Power Line Road turned into a major artery. She said she doesn't think you know what happens at the Park in the summer. She said people come in big trucks and stand in the middle of the street and talk to one another. She said she would suggest that you forfeit the idea of Power Line Road becoming the entrance, because people will come in through Rufina and cut through your development to get to the park. She said there is only one access into Las Acequias which is Calle Atajo, and there is a lot of activity on that street to service their community which is substantial. She said to have another entrance accessed through Las Acequias will impact them greatly. She said the park is beautiful, but during the summer it is a very big magnet for a lot of activity. She said people play volleyball there, mothers come with their children, but the traffic that comes through their community to get there has been very stressful for the people living there. She said to make Power Line another access to the park would influence your community as well. She said they know development is happening. They are glad to know the Planning Commission supported R-3 instead of R-5, which is a separate issue. She said the traffic and what is going on in their community, because of the park, is of great concern, opening Power Line will be a big big mistake. Power Line should be an access for emergency vehicles, and nothing else.

Katy Douthit [previously sworn], said her neighbor, Ruth Solomon, has said it all. She just wants to reinforce the issues about Power Line Road. They are not opposed to the development, but they are very opposed to opening Power Line Road. She said this is a very small, narrow, dirt road at the moment, and is the driveway for the gentleman in back. She said to have a minimum of 25 additional cars a day on that road is huge. Her back yard is against Power Line, which is a narrow dirt road between her back yard and the park, which already has a "lotta lotta" traffic on it, as Ms. Solomon said, in the summer months during the nice weather. So it's mostly a traffic concern that all of the Las Acequias residents are worried about, and people cutting-through from Rufina, through this new development into their park is their main concern.

Sidney R. Davis [previously sworn], said she has lived in Santa Fe for 28 years, and for the last 7.5 years she has owned and resided in a condominium at 1220 Senda del Valle, Apartment A. She said tonight, she is representing both HOAs for compounds 1 and 2, located respectively at 1220 and 1222

Senda del Valle. She said she has been a member of the Las Acequias Neighborhood Association since 2005, she has been involved in all of the efforts to preserve the character of our community here on the south side. To the south and west of their property, the current zoning is R-1 and they are concerned the about the zoning to R-5, now R-3 for the following reasons: 1) Traffic increase has been significant over the last 6 years causing noise, congestion and increased air pollution. There is gridlock, with increasing regularity, at Lopez and Calle Atajo. No traffic study has been done, but they know there's one on the way, and when done, it should be reviewed to study these kinds of population impacts, because there already is high density, and increasing units per acre will exacerbate the current conditions. 2) Families crossing Rufina from Senda del Valle on foot have more and more difficulty as cars go by at speeds making it dangerous for citizens to access the park. Rezoning to increase the units per acre will make this worse. She has a physical disability and she purchased her unit so she could walk to the park ½ block away. The park has fallen into disrepair. During peak usage there are so many people accessing the park so it is more difficult for someone like herself to walk without worrying about volleyballs and bicycles on the pathways which are so narrow two people can't pass shoulder to shoulder. The walkways are narrowing. Rezoning will make this worse. 3) If the goal is to preserve the character of the neighborhood, then increasing the zoning isn't part of the solution. Besides a traffic study, it would be advisable to take account the green spaces. The proposed development will take place near El Camino Real, and it behooves the community to give attention to managing the increasing populations, traffic and the green spaces or it will lose its character, once and for all.

Rick Martinez, President, Neighborhood Network, [previously sworn], said the Network voted to support Las Acequias neighborhood on this development, saying that Power Line Road is not an option, and the neighborhood has drawn a line in the sand saying Power Line Road should not be a throughway to the park. The park is important and the kids are important in the neighborhood and this should not be developed. He said Power Line Road is an easement that goes across to Calle Cielo, and is concerned it could be a throughway all the way to Lopez Lane. He said you need to consider the safety of the park and the safety of the kids that are there. He said Power Line should be used only as an emergency road, and never be opened for traffic. He thinks the Council should support the whole neighborhood and stay away from opening Power Line Road.

Paul Lucero, 1068 Avenida Linda, [previously sworn], said his property is against the north side of the proposed development and he lives near the park. He is concerned about the traffic congestion, and at times, Calle Atajo is the only entrance to the park. He said part of this development would be adding more traffic and congestion. He said the second issue is crime, noting there is a lot of graffiti, and there have been fights, and at night people are partying and there are a lot of beer bottles in the morning, along with a lot of trash. He asked the Council to consider this in making its decision.

Stefanie Beninato, P.O. Box 1601, Santa Fe, New Mexico [previously sworn], said she understood from the representative for the Applicant that there are supposed to be mixed densities in this

area. And what she heard and saw on the map, is that there is a lot of R-5 and R-6, particularly in this area already, and it's supposed to range from R-3 to R-7. The Planning Commission has recommended that it range from R-1 to R-3, and that is in the plan for the area and in the larger City plan. She said the Planning Commission is your resident expert group and you should rely on their opinion, rather than the Applicant's opinion which is driven by economic gain rather than the best interest of the neighborhood. She said the Planning Commission's decision, hopefully, is based on the best interest of the community, looking at the larger picture and long-term development. She thinks it behooves the City Council to give great weight to the Planning Commission's recommendation which is for R-3 zoning, which would help fulfill the goal of the plan

Linda Flatt, 950 Vuelta del Sur, Board of Las Acequias and Perfect Watch coordinator

[previously sworn], said, "I think that I'm the summary, so I'm going to summarize. You've heard that the traffic is really bad, you all know that. I'm going to refer to Councilor Dominguez's statement that in the 4.5 square mile area of Airport Road there are 20,000 people and we are right in the middle of it. We have a lot of people in our community, we have 600 homes. We have one street that services right straight down through the center of our long, narrow community. It is congested. It is heavily trafficked, and it is one that is at a maximum right now. And you know that the park is really bad. Power Line Road, unfortunately, is right beside it. To meet the requirements for the Fire Department, I know that they are saying that there needs to be two entrances. Rufina could be the main entrance and Power Line Road could be only an entrance for emergencies or exits for emergencies. And also Agua Fria also has an emergency entrance and exit. So that would be two of those with the main entrance on Rufina. So if I travel from my house all the way down to Rufina, there is no other exit. I go straight down Calle Atajo to get out of the community, so I see there would be no difference in this community if they were to start and travel down to Rufina to exit."

Ms. Flatt continued, "Las Acequias agrees with the Planning Commission on the R-3. We feel that the zoning should be that. The density is high. What we agree with is that we know this will be a new community. We are asking that it be a community that will have strong deed restrictions, a community to be similar to our established community of over 30 years. Thank you."

Response/Clarification by Applicant

Ms. Jenkins said, "A couple of things I would like to clarify. With respect to... let me just pull up a better image here.... Okay, so this is a very zoomed-in of the Power Line Road easement. So what we have here, this is the Power Line Road easement which is 58 feet wide. It runs from 'here' all the way down to 'here.' This is the Las Acequias Park. This is Calle Atajo. This is the north end of the subject of the rezone. The Power Line Road easement ends right 'here,' and this is Mr. Tapia's home. I'm going to back up to something that maybe... okay. So here it is again. 'Here' is the Power Line Road easement. Mr. Tapia uses this driveway to access his residence, which is right 'here.' It does not extend 'this' way. it

stops. I have plats I would be happy to show you. Power Line Road has nowhere to go, unless it's through Mr. Tapia's living room. It stops right here."

Ms. Jenkins continued, "In the northern section of Las Acequias, that is north of Rufina, there's almost 200 homes there with one way in and one way out. Let's put the emergency issue aside. The City says if you have over 30 homes, you need two ways in and two ways out, and that is from a traffic flow standpoint. In order to give cars more than one way, the Power Line Road connection coming 'here' down to Rufina, actually will relieve congestion at Calle Atajo. That's the point of connectivity. That's the point of not sending all 200 households to one point of access. So, this is a.. if you look at this from a bigger... forget this little project, put that aside. The opportunity here for this level of connectivity is a service to the broader community, and I just want to reiterate the 58 foot easement stops here.'

The Public Hearing was closed

Councilor Bushee said, "It seems a misnomer to call Power Line Road a road. So, what's your sense of how this easement is used."

John Romero said, "It's not currently a road. Currently, it is a right-of-way reservation. The condition would be that they would turn it into a road that would be dedicated to the City. It is a reservation of right-of-way that is dedicated to the City, all 58 feet."

Councilor Bushee said, "That little dirt tract that is in there is how wide now."

Mr. Romero said, "The actual roadway that's on there now, I'm not sure, but they will be required to build a City standard road."

Councilor Bushee said, "This is reminiscent to me of Montano Street, which we just assured those neighbors that they would not have a new road bringing traffic into an already very dense neighborhood, and almost an over-used recreational area. So, what I would like to understand and maybe that's where I need Tamara, help me out. For this subdivision to go forward, they need two access points, is that correct."

Tamara Baer said, "That's correct. That's what the Fire Marshal has asked for Mayor and Councilor."

Councilor Bushee said, "Rufina Street doesn't cut it, and so what are the other options if Power Line Road is off the table."

Ms. Baer said, "The way that it was looked at, is that there would be an access all the way out to Agua Fria, but currently, we are looking at that as an emergency access only. And perhaps John Romero can speak to that. The property is owned by a single owner, that includes not just the area that's being

asked to rezone, but the portion above that, as well, which is currently zoned R-5. It's all under single ownership.

Councilor Bushee asked, "Why don't they develop them both at the same time, and give everybody an understanding of what they're intending to put in there."

Ms. Baer said, "I believe that is their intent."

Councilor Bushee asked, "Why are we dealing with it in a piecemeal fashion now?"

Ms. Baer said, "Because this is only is for rezoning. The upper portion is already been zoned R-5."

Councilor Bushee said, "I guess my point is, and you said that was done recently."

Ms. Baer said, "It was done at the time of SPPAZO [Subdivision, Platting, Planning, And Zoning Ordinance] that was approved by ELUC and ELUA."

Councilor Bushee said, "I really do feel for these people. I live in an R-5 zone on the West side. It's very dense, but the traffic concerns are real for people. I have a hard time getting in and out of West Alameda, people are always having accidents. But it sounds like there are no pedestrian amenities whatsoever. There's very little open space and green space for the neighborhood. And so you're asking us to rezone and compound an existing, I consider, problem. And so personally, I don't even consider Power Line a Road. I would suggest the developer look at developing the whole thing together with access from Agua Fria, so they can proceed. I know you want us to determine the rezoning issue here tonight. For my standards, R-3 would be sufficient."

MOTION: Councilor Bushee moved, seconded by Councilor Dominguez, to adopt Ordinance No. 2013-4, approving the Aguafina Rezoning no higher than an R-3 zoning, that we eliminate the option of Power Line easement as an access point, with all conditions of approval as recommended by staff and the Planning Commission.

DISCUSSION: Councilor Bushee said she can't designate Power Line as an emergency access point, because there is no Fire Marshal here to tell me that they will want to build an emergency access there. She asked if that is what they want.

Ms. Baer said, "The Fire Marshal is happy with emergency access on Agua Fria."

Councilor Bushee said, "Then I am not asking for it there at Power Line at all, because once you start with an emergency access, it somehow sneaks itself into something else, so that would be my motion along with all other recommendations and that the Planning Commission recommended."

Councilor Dimas said, "I'm an expert in that area. I used to live just a block away. For 16 years I lived there. And I can tell you that Power Line Road not a road. My sympathy goes out to Mr. Tapia, if that actually is used, because it's going to be like a major highway going through, right by his house there. And I know he uses that driveway to get in and out of his house, so I have a real problem with that. I don't see any way possible of using Power Line Road, even as an emergency access or anything else. So I think I agree with Councilor Bushee and the motion for R-3. I don't have a problem with that, as long as the emergency access is Agua Fria or there is another access. Calle Tajo, I can tell you the traffic on that street is horrible, and we finally got it paved over there, so it's not a dirt road anymore. That was just a little extra thing I thought of to throw in there. The traffic in that area, if you've ever been in there early in the morning or late in the evening, is very heavy. And the park itself, there's a lot of kids in there that are playing, and in Power Line Road they're running out there chasing balls a lot of time and stuff, and we're just asking for a major accident to happen there. Those are my comments, but I would support the R-3."

Councilor Rivera said he agrees that Power Line Road is probably not an option, not even for emergency access. He said, "However, John, I was looking, just thinking of the normal flow of traffic coming out of that neighborhood. Most people would probably take, that are on the north side of that, probably would take a left to go to their work place. I've been on Rufina early in the morning and know that at that light, traffic is usually backed up beyond where this property is at. Have there been any studies as to how people would maneuver coming out of the north side of that property, taking a left onto Rufina."

Mr. Romero said, "When the study occurs, we will most definitely restrict left outs onto Rufina, directly onto Rufina, so that would have one point of the Power Line Access – people would have been able to utilize a signalized intersection to make a left turn onto Rufina."

Councilor Rivera said, "So then, really, the intention was to encourage people to use Power Line Road and then come up Atajo to the signal."

Mr. Romero said, "Yes. In addition to the General Plan, I think it's just good practice to utilize all of our signals to try to get as many people to... the ability to access our signals as possible. So that was the thought behind utilizing that right-of-way reservation.."

Councilor River said, "That makes sense. I also happen to agree with.. I've been in the Park in the evenings when traffic is almost at a stop, so to encourage people then to take Power Line Road onto Atajo to a busy park that has hundreds of kids in it doesn't make sense to me. So, for that, I don't think Power Line Road should be used either. My intention, my hope would be that this stays zoned R-1, but again, I don't want to restrict property owners from doing what they want with their property. I would be okay with R-3, but again, I would prefer that it just stays zoned R-1. That's all I have, Mr. Mayor."

Councilor Dominguez said, "I'm not sure there's much more to add. I know that, Jennifer, I've spoken with you in previous cases about the concern that I have with regard to density. I'm not asking you a question. I also feel like this really should be an R1 development. I said, for discussion, I have no problems, but

anyways, if I was interrupted... You have property to the south of this project that will need to be considered as well, and you're going to have some ingress and egress issues with that one."

Councilor Dominguez said, "So, the question that I have Jennifer for you, it's kind of confusing in the testimony at the Planning Commission. Are these going to be stick built homes, or are you leaving the option open to put manufactured homes in there."

Ms. Jenkins said, "Our client is looking to create and sell lots to individual homeowners."

Councilor Dominguez said, "There could be manufactured houses."

Ms. Jenkins said, "There could be, but there will definitely be stick-built homes here, in addition to, obviously, our affordable homes will be stick-built homes. And in addition to the communications we've had with our waiting list, you know, there will be stick-built homes. But we have developed restrictive covenants that require stucco, and require driveways, require landscaping, I mean, subdivision covenants, that actually, I kind of compared our covenants with Las Acequias and they're very similar in a lot of ways. And so, we want to create a quality community and neighborhood here."

Ms. Jenkins continued, "And if we could turn on the screen real quick, I can just give you a sense of, because Councilor Bushee asked about the vision out here. And so this Plan here, this is Rufina. The subject of the rezone is here. We have 7 lots that are about 1/3 acre each on the south side of Rufina. We have about, on the north side of Rufina in this area, 12 lots that are about 1/4 acre each. So we talk about a variety of housing types, in a variety of density. Our client had a vision, and his desire here, is to not mirror the Las Acequias neighborhood, which one could argue that would not be inappropriate, but to do larger lots. And up here, we have lots that reach up to 1/2 acre in size on the north side, and we are closer to Agua Fria Village. We see this as a transitional neighborhood between the more rural character of Agua Fria Village and R-7 frankly, and R-6."

Councilor Dominguez said, "So speaking of transition, because really the question was whether or not you were going to leave the option to have manufactured homes."

Ms. Jenkins said, "And the answer is yes."

Councilor Dominguez said, "So speaking of transition, I think this is even referenced in the Planning Commission minutes, why wasn't there an attempt then to do a lot split, although it will take an extra step, or a few extra steps, maybe, to facilitate and encourage that transition from high density to low density."

Ms. Jenkins said, "A lot split..."

Councilor Dominguez said, "I can remember at the Planning Commission they were talking about splitting, because it is one lot."

Ms. Jenkins said, "This area here, the northern piece that's been referenced, is a separate tract."

Councilor Dominguez asked if it is north from Power Line.

Ms. Jenkins said, "Between Power Line and Agua Fria, that is a separate tract of land. It has been split. It is zoned R-5."

Councilor Dominguez said, "I'm talking about the southern piece from Power Line."

Ms. Jenkins said, "And so the piece between Power Line and Rufina is a separate tract of land, just under 3.5 acres. It is independent. It is R-1 currently, and the piece on the south side of Rufina is just under 2.5 acres."

Councilor Dominguez asked, "So, why didn't you do a lot split at Rufina."

Ms. Jenkins said, "Rufina already splits these. There's already two tracts as the Rufina right-of-way. Am I not understanding the question. I apologize. The Rufina right of way splits that parcel."

Councilor Dominguez said, "Okay, I guess the other question that I have with regards to Power Line Road and the impact that it might have to the dwelling that's there already at the end of Power Line Road."

FRIENDLY AMENDMENT: Councilor Dominguez would like to amend the motion to require the developer to build a block wall or something in that area just to provide that protection." **THE AMENDMENT WAS FRIENDLY TO THE MAKER, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Councilor Dominguez asked John Romero, "I'm not a traffic engineer, but when you consider traffic, when you think about the number of trips that a development is going to have, I know that you look at all kinds of stuff – adjacent roads, feeders, everything that has to do with a particular requirement. Do you also take into consideration uses, in other words, the park. It's not just the traffic that is going to be generated from the project, but the traffic that is already generated by the park, and the space for vehicles in the area, although people shouldn't be using vehicles so much."

John Romero said, "When the study is performed, they will take existing traffic counts. For this type of development, the peak hours are in the morning when you leave for work and the afternoon when you come home from work. So those would be the hours that would be looked at. Those hours may not correlate with the peak hours of the park. If the peak hours of the park are in the evening, more than likely, the peak hours when this is going to affect are not going to overlap that. So these cars, if Power Line Road is opened, would not be using Atajo at the same time as the park-goers."

Councilor Dominguez asked, "Will the Applicant be looking at, when they do the traffic study, they're only going to do it at those two times. Can we mandate that they look at other times where the park is at its peak."

Mr. Romero said, "We can ask to do that, the only thing is we'd have to research to see if there is a way to project residential counts during those times. As it is, like in the p.m. peak, it's about a one to one ratio. For every house, there's one car that is generated. I would think during those off-peaks, it's going to be drastically lower. I don't know if they've ever come up with those. Maybe we'd have to do counts throughout the City...."

Councilor Dominguez said the park is getting vehicles from the neighborhood to that park. That's really the only park on the south side, so you're getting folks from all over Rufina and other places. He said hopefully we get other parks built and continue moving in that direction, so that we can relieve some of that traffic, but if that doesn't happen, we're going to continue to have excess traffic from other places to that park. And so, I just want to make sure that during the traffic study that is considered, and I have no idea how you would do it as a traffic engineer, but I think it needs to be considered."

Mr. Romero said they can ask the Applicant at a minimum, to look at current traffic conditions during the park's peak hours, and see what's happening, and see what we can do to improve it, at least at the signal, if there's a backup at the signal or something like that.

FRIENDLY AMENDMENT: Councilor Dominguez wants to mandate that the traffic study includes park peak hours – whatever traffic study they are going to need to provide. **THE AMENDMENT WAS FRIENDLY TO THE MAKER, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

FRIENDLY AMENDMENT: Councilor Rivera said he would ask the sponsor, the maker of the motion, to amend the motion to provide that the zoning remain at R-1 zoning. **THE AMENDMENT WAS FRIENDLY TO THE MAKER AND SECOND, AND THERE WERE NO OBJECTIONS BY THE OTHER MEMBERS OF THE GOVERNING BODY.**

Councilor Bushee said it sounds as if I should have deferred to the Councilors from that District to make the motion.

Councilor Bushee said, "I'm wondering out loud how you get more pedestrian amenities, and not at the developers cost necessarily. Do folks use Power Line easement for pedestrian access to the park currently. [There was an inaudible response from the audience] Not really. Is it not comfortable."

The response was from the audience and inaudible.

Mayor Coss asked people to come to the microphone to comment.

Liddy Padilla [previously sworn] said, "People from around the area access actually through the Applicant or the Aguafina. They cut across through that property from all the mobile home parks on foot, because the City actually opened a gate, because they were knocking down the chain link fence all the time to access the park.

Councilor Bushee said, "That's probably going to change if they develop this."

Ms. Padilla said, "Because there aren't any trails."

Councilor Bushee said, "I see, but what I would ask, John, and I know traffic means cars to you, but I would really like the planners that we have to look... and I've been asking for this City-wide..., you know, some kind of analysis on pedestrian... we're not a very pedestrian friendly City. And since the density there, and the park there, it looks like... I know at one point this neighborhood looked at how to have some traffic calming measures, so I think that the City, on its dime, needs to be looking... and I expect the District 3 Councilors to follow up, but I really... It just really looks like... I mean I know, I use Atajo. I'm guilty to cut through to Rodeo Road and I know it's a primary kind of thoroughfare, and so you can't put speed humps, but there has to be better pedestrian access and ways to slow down the existing traffic. And I think that's why you'll see the reason up here tonight that people are willing to keep this at an R-1 zoning, is that it already has plenty of traffic impacts. And so, I'm just looking for a more comprehensive analysis of that area of how to make folks... they deserve to have a safe way to get to the only green spot they have, so I would just add, in whatever way, and we don't have that Trails and Open Space Planner position yet, but I really hope that we can do something out there."

Mr. Romero said the Santa Fe MPO is gearing up to do their pedestrian master plan City-wide, so he will be sure to forward your concerns to them when they look at this are."

Councilor Trujillo asked, "So, okay, if this stays at R-1, how many homes would be allowed on this parcel."

Ms. Jenkins said, "It's just under 6 acres, so it would be 6."

Councilor Trujillo asked if that is with rounding up.

Ms. Jenkins said, "Yes, that's rounding up, so with the density bonus, maybe 6 or 7."

Councilor Trujillo said, "Six at the most I think."

Ms. Jenkins said, "Or seven. Yes."

Councilor Trujillo said, "I'm going to go on with the Councilors from District 3." He said the way we, at the City, over the past few years, taking it back, we put the burden of traffic on ourselves. He said he was looking a buying a home in Las Acequias, and the traffic put me off and that's why he ended up moving to Bellamah. You look at some of these subdivisions we have built, and the biggest one is Tierra Contenta.

He said, "You have these tiny, tiny, tiny streets that one car can fit through. And I think that's something we as a Council need to start looking at when we're building subdivisions. Let's build some roads where cars can actually fit through. You look at Bellamah, we have 24 foot wide roads. We've got roads, and that's the way subdivisions should have built all the time. Bellamah is probably one of the best subdivisions built in the City and it was built right. We try to put so much into such a small space and that's the problem that I think that we as a City, as Councilors need to look at. Nobody wants all this huge development. The East side seems not to [inaudible] and shift everything to the South side. And I hate that. I've always hated that. I'm not a NIMBY – Not In My Back Yard. And Las Acequias was once in somebody's back yard, and it's a thriving community. I'm going to go along with the R-1 as proposed now."

Mayor Coss said, "Clarification, Geno. I think for an R-1 we just take no action, or deny the request. Right now the motion is for R-3."

Councilor Trujillo said, "But I have one question John. And I don't want to open up the can of worms, but via Calle Atajo, for years there has been, as it's going [inaudible] it just stops right there. And we're talking about connectivity in making the traffic flow throughout here. Are there plans to connect Calle Atajo with Agua Fria. Have we even discussed that. I'm not trying to open up a can of worms, but I just want to know – is that in the plan, because that's the whole plan, making Santa Fe work for everybody. I don't know where this is going to be somewhere in the future, I just don't know what are the plans for that section of District 3."

Mr. Romero said there are no current plans to connect Atajo to Agua Fria. The two planned connections, one of them for South Meadows, the second one is Calle P'o-Ae'Pi. That one is in the MPO's Master Transportation Plan."

Councilor Trujillo said Rufina is going to be exceeding in a few years, and we just built it up, and he already sees the traffic on it. He wants to look at ways to move traffic throughout the City, because everybody knows the grill is heavy to the south side.

Councilor Bushee said, "We made these narrow roads for Tierra Contenta, that was the wave of the day. But you go back to Casa Solana in the 1950's, they made these wide boulevards, and they're all complaining that the traffic's too fast and we had to start traffic calming programs, so we really have to... the planners change the vision from year to year it seems, so I don't know what is the highest and best practice on that front.

WITHDRAWAL OF THE MOTION: Councilor withdrew her Motion, and said she needs to restate her motion, given that she accepted a friendly amendment.

RESTATED MOTION: Councilor Bushee moved to deny this request.

EXPLAINING HER MOTION: Councilor Bushee said, "This way it will stay the same, and it does not have to accept then the Planning Commission conditions, because there is no rezoning if this motion passes.

DISCUSSION PRIOR TO SECOND. Councilor Bushee said, "And for the record, I don't believe I have to do anything around Power Line easement, because it is the City's easement, and so, it's in the future when you have those plans and studies through the MPO, it wants to be looked at for pedestrian access or something else, but do I need to do anything to make sure that it does not turn into a road.

Mr. Zamora said, "You are not able to do so in a denial."

Councilor Bushee said, great, but down the road, the Councilors from District 3 could look at something there. Okay, that's the restatement.

SECOND: Councilor Dominguez seconded the motion, commenting he wants to make sure that when the subdivision plan gets considered that these comments and that these potential conditions get considered by the Planning Commission at that time.

CLARIFICATION OF ACTION: Mayor Coss said Councilor Bushee has withdrawn her Motion, and restated it as a motion to deny the request.

CONTINUATION OF DISCUSSION ON THE RESTATED MOTION: Councilor Ives said he has questions of staff. He said, "I think you fairly effectively covered this, but I just want to go back to it. As part of the master planning process, what were properties like this to be zoned.

Ms. Lamboy said the area that is under consideration, the General Plan Amendment that was conducted after the Southwest Area Master Plan was adopted for a variety of densities, varying between 3 and 7 dwelling units per acre. So the resulting zoning would vary, according to the Southwest Area Master Plan, in that range, therefore the Planning Commission considered an R-3 zoning district as appropriate, given that information."

Councilor Ives said then the R-1, in that sense, would not comply with was called for under that master plan, and asked if this correct.

Ms. Lamboy said that is correct.

Councilor Ives noted the zoning of the properties surrounding this parcel to the east, he sees R-7 PUD, and asked what density that allows for.

Ms. Lamboy said that would be 7 dwelling units per acres, so in some areas of Las Acequias, in that portion of the neighborhood, there are some areas which are a little more dense, and some a little less dense. The MHP zoning district was analyzed by the Southwest Master Plan with 9.3 dwelling units per acre.

Councilor Ives said, "Then we have R-7 dwelling units to the east, 9 to the west in a Master Plan that calls for R-3 as a minimum. I will say that my own point of view is that compelling this landowner to continue at

an R-1 does not see appropriate, given all those considerations, especially as the property to the north, which I was believe was indicated to be part of the annexation, has already been zoned preliminarily as R-5 and R-6. Is that correct."

Ms. Lamboy said, "The zoning for the tract that is owned by the same property owner is R-5, just simply R-5, 5 dwelling units per acre."

Councilor Ives asked if Mr. Tapia's property is zoned R-4, and Ms. Lamboy said that is correct.

Councilor Ives said, "And I note that the Planning Commission, when they were considering this matter, indicated that... to reconsider a rezoning, one of the following conditions had to exist: *'that there was a mistake in the original zoning, there had been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning, or a different use category is more advantageous to the community as articulated in the plan or other adopted City plans'*."

Councilor Ives continued, "And the Findings of Fact noted that there has been a change in the surrounding area with an increase in density as the City has expanded southward. It goes on to state that, *'With the plan policy supporting residential development within the future growth areas, is built at a minimum gross density of 3 dwelling units per acre and an average of 5 dwelling units per acre where topography allows.'* What does the topography allow here, out of curiosity."

Ms. Lamboy said, "There's a lot of things that go into how density can be determined. Topography can impact where you're going to place the roads. It can impact where you can place your lots and how you organize the lots. So the highest and best use is expressed in the zoning, and then typically you get less of an actual layout in the end, but that's the highest and best use."

Councilor Ives said, "Presumably the topography immediately to the east, allows for an R-7, and the topography to the immediate west allows for an R-9."

Ms. Lamboy said that is correct.

Councilor Ives asked, "Is the topography here any different to your knowledge."

Ms. Lamboy said, "No. It is not."

Councilor Ives said, "I note that the findings indicated that impacts on traffic and other public facilities, especially parks, which are inadequate to serve the area at existing densities, mitigate against R-5 zoning for the property, which I presume was why they opted for the R-3 density in the particular instance. The inadequacy of parks in area have nothing to do with this particular property, do they."

Ms. Lamboy said, "The only way it has affected this particular subdivision, is that there is a condition on this rezoning that it comply with a zoning requirement there either be impact fees or park lands that we dedicated. We consulted with Ben Gurule of our Parks Division, to determine whether lands or impact fees would be the better option. And he suggested land, and we are going to follow up on that when we get a subdivision phase."

Councilor Ives asked how much does the amount of land to be dedicated to parks relate to the density that is allowed on the property.

Ms. Lamboy said it is determined based on the density, so the more units you have, the larger the area that is required.

Councilor Ives said, "Allowing an R-3 or R-5 zoning for this property would actually increase the amount of park space the Applicant would have to set aside for park uses. Am I understanding that correctly."

Ms. Lamboy said, "You are correct."

Councilor Ives said, "By allowing the greater density, we'd actually be, presumably, increasing the amount of park space available in this area."

Ms. Lamboy said this is correct.

Councilor Ives said, "I'm interested in the impact on traffic here, just generally. The Applicant indicated that Rufina Street, as a secondary arterial, is designed for a capacity of 15,000 cars per day. And they indicated the effect of building out this subdivision, and I presume it was at the R-5 level, although I'm not totally clear on that, would increase the traffic impact by 1.7%."

Ms. Lamboy said that is correct.

Councilor Ives said, "And increasing 11,000 odd cars by 1.7% will not put you anywhere close presumably to its designed capacity of 15,000 cars. Is that correct."

Ms. Lamboy said, "We will still meet our levels of service for Rufina with this subdivision."

Councilor Ives asked when Power Line Road was created and dedicated to the City as a public street.

Ms. Lamboy said, "The Las Acequias Subdivision was developed in the 1980s, and Power Line was actually dedicated to the City. And a long time ago it was initially, possibly visualized as our western connection, and I think Rufina and its construction sort of made things change for that part of the City. And Power Line also is associated with the power lines as well, so there are certain limits on construction in that area. Now, just for your information, there is a multi-purpose trail that is proposed on the Master Plan. It's

called the Acequia Trail, and it's already been indicated on other master plans in the area like the Cielo Azul master plan, and would continue through this section of the right-of-way the City already."

Ms. Lamboy continued, "And for your information, with the lot split that the Applicant did to split the R-5 from the R-1 tract, there was no legitimate connection to Mr. Tapia's property. It was just sort of a gentleman's agreement, and now that right-of-way has been extended and dedicated to the City so that however it's going to be used, Mr. Tapia is guaranteed access to his property in perpetuity."

Councilor Ives said, "And so the Applicant, essentially, provided permanent secure access to Mr. Tapia is that correct."

Ms. Lamboy said that is correct.

FRIENDLY AMENDMENT: Councilor Ives said, "I will only say that I don't think that R-1 is appropriate here, given all those factors. The Southwest Area Plan calls for a minimum density of R-3, and that would be below the R-7 to the east and the effective R-9 through the Mobile Home Park designation to the west. Increased densities would result in additional park space. Additional park space was one of the issues that the Planning Commission indicated was lacking here. So, I can't support the motion as indicated, and would propose an amendment to allow for R-3 zoning there, as recommended by the Planning Commission, as called for by the Southwest Area Master Plan, and would make that as a friendly amendment."

MAYOR COSS SAID THAT AN AMENDMENT CAN'T BE MADE TO A MOTION TO DENY. He said we would have to have the motion fail and then make another motion.

Councilor Dominguez said, "I certainly respect and appreciate Councilor Ives your comments, and I certainly also respect and appreciate the work that Jennifer has done for many, many, many years. My problem though with some of this is that if we continue to allow density based on adjacent densities that exist, we are behind the 8-ball big time. Then we're going to not be able to build enough of anything for the amount of people that we will have in that area. At one time there was almost 50% of the property that was in the Southwest Area Master Planning Area, was vacant. And I would assume that it's, although it's probably decreased, there's still a lot of vacant land in the area that needs to be developed. And again, if we continue with the existing densities that are there now, we certainly will not be able to support that amount of people, that population."

Councilor Dominguez continued, "And with regard to the park space, what I submit is that again, I'm not sure where you're going to put more park space. They already have additional park space to the north of the existing park and what they need are resources or revenue or cash, really, to develop that park. So, I appreciate the argument that you're making that with higher density you're going to get more park space, but the reality is that in that particular area, there's not really much place you can put additional park space. So I just wanted to make those comments just for the record."

Councilor Ives said, "On that point. Really what, in my mind, is being proposed here, are amendments to the Southwest Area Master Plan to remove the minimum R-3 zoning that was recommended and adopted in that plan. I think considering it at that larger level will probably bring in all the folks who have undeveloped property who might have something to say to us about that as a group, rather than imposing it upon this one landowner, where I think and R-3 at a minimum is certainly appropriate."

Councilor Bushee said, "I just want to clarify a few things, and I'm sure that the attorneys will be writing new Conclusions of Law and Findings of Fact for this if there is an appeal of some sort. I think you started off Councilor, with saying this landowner had a right to more of some sort, or the implication was there. I don't know what the exact wording was."

Councilor Ives said, "I simply was pointing out that the Southwest Area Master Plan for this area calls for a minimum R-3 zoning, so in moving to that, it seemed to be complying with the requirements that we, as a City, had in fact imposed."

Councilor Bushee said, "Yeah, but, you made another statement and I don't recall exactly, I should have written it down, but it had more to do with, you know, depriving the landowner of something. When the landowner bought this land, it was R-1. And so, he was well aware of what the current zoning was. And when you look at the criteria, which you did list again for us, you will read, it says, *'There needs to be certain criteria in order to qualify for a rezoning.'*

Councilor Bushee continued, "So certainly, the attempt was to rezone on the basis that the Southwest Area Plan or the General Plan would encourage higher densities, more affordable housing and such. But when you look at, it says, the main reason they relied on for criteria in order to approve a rezoning is, *'The most significant change to the surrounding area is the pending annexation of many County properties along Rufina and Airport Road Corridors based on the future land use designations approved for this area by the City.'* And remember this is the City, not the County, part of the annexation process. *'The primary intent is to encourage low density residential development along the Rufina Corridor.'* I think R-1 is absolutely apropos here."

Councilor Bushee continued, "So I would say... and staff... and then, when you get back in the packet, when it says, then there's another one that says, *'Rezoning the southern portion of Tract C and B to R-5 will bring them into compliance with the General Plan.'* Well you can pretty much, if you read that General Plan of ours, you can find anything you want to justify one way or the other. But then it says, *'The two tracts that comprise the subject property are bordered by the Las Acequias Subdivision to the east, undeveloped property to the west, Agua Fria Village to the north and Roadrunner West Mobile Park to the west and south. The proposed generously sized lots [this is from the applicant] will serve as a transition between the semi-rural environment of Agua Fria Village and the dense surrounding subdivisions.'* So I think you can find what you want to find in that area, and think we're completely in line in terms of trying to recognize the intense development that's already gone on in that area, and that R-1 zoning is particularly appropriate to this lot."

Councilor Bushee continued, "And so I would suggest Councilor, when you go back and look. Forever, I've always wondered how Sol y Lomas stayed as wide open as it is, what is it, R-2 zoning or R-1. R-1. And large large lots, really lovely for folks that live there, very kind of rural in many ways. Right in the heart of the City, over near the hospital in kind of a busy area. And so I would just suggest that the R-1 zoning is very appropriate here."

Councilor Ives said, "And on that point, I would simply note that..."

Councilor Bushee said, "We're having a debate."

Councilor Ives said, "It's presumably why we're here. It does state in the Findings and Conclusions that, *'The General Plan Future Land Use Designation for the property of low density residential (3-7 dwelling units per acre), and with the Plan policy supporting residential development within the future growth areas is built at a minimum gross density of 3 dwelling units per acre.'* So, while I agree R-1 is certainly lower than that, my point was it's lower than what's called for in the master plan that was adopted."

Councilor Bushee said, "Mayor, I had not finished with my first statement, and that the rezoning criteria that the Applicant chose not to apply was that there was a mistake in the original zoning, that said not applicable here. So I just... and staff also said not applicable. So I would just be really clear about that for the record."

Councilor Rivera said, "Again in looking at the property, I think had the property in question been the only property that the owner had in the area, I think I would have been a little more inclined to go to R-3, but in hearing that this same property owns all the property to the north, all the way to Agua Fria, that is already zoned R-5, I think keeping the property at R-1 gives quite adequate mixed use for the same property owner for the entire piece of land owned all the way to Agua Fria. So I just wanted to make that clear."

Mayor Coss said, "And I just would add onto that, I think Councilor Rivera makes a good point. And perhaps, if this going to be denied, the landowner might want to look at matching mixed zoning and take the R-5 down to R-3 and look at the overall thing. Why would he do that. To get that done, to spread the density out, to spread the housing out. That's okay, no responses, just a suggestion."

Mayor Coss continued, "The other thing I want to point out is what kind of flipped me, is hearing that we might need to broaden Calle Atajo, because I think that neighborhood has been through enough. And the one thing I'll point out, is when the Fire Marshal says I'm happy with an exit onto Agua Fria, then that's a County decision. Because then you're going into Agua Fria Village. And the reason that Las Acequias is one way in and one way out, is because of Agua Fria Village and what the County imposed back in the eighties. And I don't expect that will change. So, if my suggestion was illegal, okay. You'll have R-5 here and R-1 there, if the vote goes the way it looks like it's going to."

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

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

Against: Councilor Ives.

Councilor Rivera said, "In talking to the City Attorney, and having voted in the majority on Item 10(w)(7), again and this is just a motion to publish."

MOTION: Councilor Rivera moved, seconded by Councilor Bushee, to reconsider Item 10(2)(7), in an attempt to keep everything open for consideration with regard to the CWA.

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

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

Against: None.

MOTION: Councilor Bushee moved, seconded by Councilor Ives, to approve publication of Item 10(w)(7) from the afternoon agenda, with the amendments and the substitute bill that was proposed.

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

For: Councilor Bushee, Councilor Dimas, Councilor Ives and Councilor Rivera.

Against: Councilor Trujillo and Councilor Dominguez.

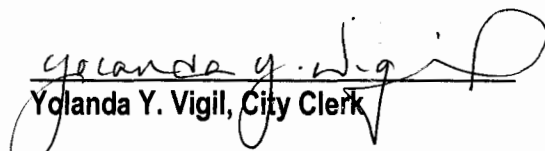
I. ADJOURN

There was no further business to come before the Governing Body, and upon completion of the Agenda, the meeting was adjourned at approximately 9:05 p.m.

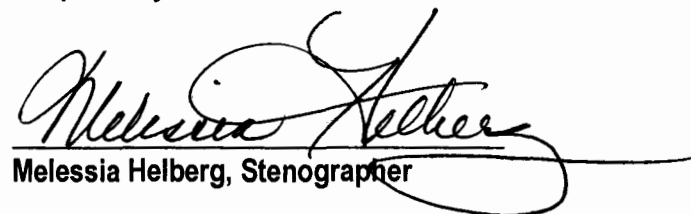
Approved by:


Mayor David Coss

ATTESTED TO:


Yolanda Y. Vigil, City Clerk

Respectfully submitted:


Melessia Helberg, Stenographer

Item:
10-S

SANTA FE HOMES PROGRAM PRICING SCHEDULE

Effective January 2013

<i>Income Tier</i>	<i>Two Bedrooms 1-2 person HH (900 sq ft min)</i>	<i>Three Bedrooms 3-4 person HH (1,150 sq ft min)</i>	<i>Four Bedrooms 4-5 person HH (1,250 sq ft min)</i>
2 (50-65%AMI)	Max. Price: \$122,750	Max. Price: \$138,000	Max. Price: \$153,250
3 (65-80%AMI)	Max. Price: \$159,500	Max. Price: \$179,500	Max. Price: \$199,250
4 (80-100%AMI)	Max. Price: \$196,250	Max. Price: \$220,750	Max. Price: \$245,250

SANTA FE HOMES PROGRAM FRACTIONAL FEE SCHEDULE

Requirement - Based on Income Tier 2 three BR Home

# of units in development	2	3	4	5	6	7	8	9	10
20% afford. unit calculation	0.4	0.6	0.8	1	1.2	1.4	1.6	1.8	2
2012* Fee	\$12,263	\$18,394	\$24,525	\$30,656	\$36,788	\$42,919	\$49,050	\$55,181	\$61,313
2013** Fee	\$12,420	\$18,630	\$24,840	\$31,050	\$37,260	\$43,470	\$49,680	\$55,890	\$62,100

*Based on 2012 home price of \$136,250

**Based on 2013 home price of \$138,000

Note that the 2013 fractional fee schedule will be in effect as of July 1, 2013.

Shirley 1/1/13

CORRECTED

**CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO BILL NO. 2013-__
(Chapter 14 – Technical Amendments)**

Mayor and Members of the City Council:

We propose the following amendment(s) to Bill No. 2013-__:

1. On page 1, line 22, after “REFERENCE;” *insert* “REPEAL 14-3.17(E)(3)”
2. On page 20, line 3, *insert* a new Section 18 that reads as follows:

“Section 18. [REPEAL] Subsection 14-3.17(E)(3) SFCC 1987 (being Ord. No. 2011-37, §3) is repealed.”

Editor’s Note: Renumber Code Paragraph #s accordingly
 Renumber Bill Sections accordingly

3. On page 41, line 17, after “effective” *delete* “[~~June 17, 2008~~ February 18, 2011])” and insert “June 17, 2008 and December 4, 2012” in lieu thereof.

Respectfully submitted,

Staff

ADOPTED: _____
NOT ADOPTED: _____
DATE: _____

Yolanda Y. Vigil, City Clerk

Exhibit "2"

SUBSTITUTE BILL
With Bushee Amendments (*Italicized and highlighted*)

ITEM #: w) 5)

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2013-7

INTRODUCED BY:

Councilor Patti Bushee

AN ORDINANCE

RELATED TO COMMUNITY WORKFORCE AGREEMENTS ("CWAs"); AMENDING
SUBSECTION 28.8 OF THE CITY OF SANTA FE PURCHASING MANUAL TO RAISE
THE THRESHOLD FOR CWA PROJECTS FROM \$500,000 TO ~~/\$1,500,000/~~ \$1,000,000; TO
~~INCORPORATE MANDATORY TERMS WITH THE GOAL OF~~ MANDATE HIRING 100%
OF SANTA FE COUNTY RESIDENTS UNLESS GRANTED A VARIANCE AND TO
REQUIRE ~~[NECESSARY]~~ THAT BENEFITS SHALL BE PROVIDED TO WORKERS AND
THEIR DOMESTIC PARTNERS IN ACCORDANCE WITH THE CITY ORDINANCES.

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

Section 1. Subsection 28.8.1 of the Purchasing Manual (being Ord. #2012-12, §1) is
amended to read:

28.8.1 Legislative Findings. The Governing Body finds that:

- (1) The use of community workforce agreements for construction projects in
excess of [\$500,000] ~~[\$1,500,000]~~ \$1,000,000, is in the best interest of the
City, in building large capital outlay projects funded by Gross Receipts Tax

SUBSTITUTE BILL
With Bushee Amendments (*Italicized and highlighted*)

and General Obligation bonds.

(2) Community workforce agreements will ensure that:

- (a) Time schedules are met for large-scale construction projects;
- (b) Large-scale construction projects will be completed with highly qualified workers;
- (c) The project will meet the highest standards of safety and quality;
- (d) There are peaceful, orderly, and mutually binding procedures for resolving labor issues to:
 - (i) Avoid labor conflicts; and
 - (ii) Promote overall stability throughout the duration of the project by providing legally enforceable guarantees that the projects will be carried out in an orderly and timely manner without strikes, lockouts, or slowdowns in light of complex project elements and diversity or numerosity of contractors.
- (e) Residents of Santa Fe County shall be given preference in the hiring process.
- (f) [Necessary benefits] In accordance with the city's ordinances, benefits shall be provided to workers and their domestic partners.

(3) Community workforce agreements will allow the City to more accurately predict the costs of large-scale construction projects and ensure fair and reasonable working conditions for all workers for large-scale City construction projects.

Section 2. Subsection 28.8.2 of the Purchasing Manual (being Ord. #2012-12, §1) is amended to read:

28.8.2 Applicability; Contracts Over ~~/\$1,500,000/~~ \$1,000,000. Public works Construction

SUBSTITUTE BILL
With Bushee Amendments (*Italicized and highlighted*)

contracts in excess of [\$500,000] [~~\$1,500,000~~] \$1,000,000 shall be governed by a Community Workforce Agreement ("CWA") and shall be known as "Covered Projects."

Section 3. Subsection 28.8.4 of the Purchasing Manual (being Ord. #2012-12, §1) is amended to read:

28.8.[4]3 Variable Terms. The terms of any construction project CWA may vary in accordance with the scope, duration, cost, or other characteristics of any Covered Project and such terms shall be determined by the City in any Invitation for Bid Packet on a project-by-project basis. Provided, however, that any CWA shall incorporate terms to promote the following objectives:

- (1) Make available a ready and adequate supply of highly trained and skilled trade and craft workers;
- (2) Accurately determine project labor costs at the outset of any construction project;
- (3) Establish working conditions for all construction trades and crafts for the duration of the project;
- (4) Negotiate legally enforceable commitments with all parties to a construction project to ensure labor stability and labor peace over the life of the project;
- (5) Facilitate increases in the number of trained and skilled local construction workers through cooperative procedures and apprenticeship programs; and
- (6) Promote the hiring of local subcontractors in the construction of large-scale public works projects funded by gross receipts tax and general obligation bonds.

~~[(7) Strive to develop a local workforce and use at least fifty percent (50%) of local workers in public works projects.]~~

SUBSTITUTE BILL
With Bushee Amendments (*Italicized and highlighted*)

Section 4. A new Subsection 28.8.4 of the Purchasing Manual is ordained to read:

28.8.4 **[NEW MATERIAL]** **Mandatory Terms.** Every CWA shall include the following terms:

- (1) Employment of Santa Fe County Residents.
 - (a) For the purposes of employment on a Covered Project, under a CWA, union and non-union residents of Santa Fe County, as defined below, shall receive preference in the hiring process.
 - (b) A "resident" of Santa Fe County shall be defined in accordance with Section 1-1-7 NMSA 1978, and the cases interpreting such provision.
- (2) *CWAs covered projects shall hire 100% Santa Fe County resident work force, unless granted a variance in accordance with the City's CWA Policies and Procedures Manual. [With the goal of hiring a 100% Santa Fe County resident work force, all CWAs will give a preference for local subcontractors. The percentage for local subcontractor preference shall be based on the amount of work to be performed by the various subcontractors. Qualified local subcontractors are defined in the Purchasing Manual § 15.4.6.]*
- (3) *In accordance with the city's ordinance, [Necessary]* benefits shall be provided to workers and their domestic partners.

Section 5. A new Subsection 28.8.5 of the Purchasing Manual is ordained to read:

28.8.5 **[NEW MATERIAL]** **Annual Review.** Subsection 28.8 of the Purchasing Manual shall be reviewed on annual basis, with the first review occurring one year from the date of adoption of this subsection, *including a review of new apprenticeship programs created in collaboration with local educational entities and the number of Santa Fe county apprentices enrolled in such programs as a result of any CWAs during this*

SUBSTITUTE BILL
With Bushee Amendments (*Italicized and highlighted*)

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period.

APPROVED AS TO FORM:

GENO ZAMORA, CITY ATTORNEY

CAO/M/Melissa/Bills 2013/CWA (\$1__5k)(Sub Bill)

CITY OF SANTA FE, NEW MEXICO
PROPOSED AMENDMENT(S) TO BILL NO. 2012-38
Repeal CWA

Mayor and Members of the City Council:

I propose the following amendment(s) to Bill No. 2012-38:

1. On page 1, lines 12 after "MANUAL" *insert* "AND CREATING A NEW SUBSECTION 28.8 TO ESTABLISH THAT A COMMUNITY WORKFORCE AGREEMENT SHALL ONLY APPLY TO THE MARKET STATION CONDOMINIUM AT THE SANTA FE RAILYARD PROJECT."

2. On page 2, line 17, *insert* the following:

"Section 2. A new Subsection 28.8 of the Purchasing Manual is ordained to read:

28.8 [NEW MATERIAL] COMMUNITY WORKFORCE AGREEMENTS; MARKET STATION CONDOMINIUM PROJECT.

28.8.1 A Community Workforce Agreement shall only apply to the Market Station Condominium covered project, a city-owned property and city-funded project at the Santa Fe Railyard.

28.8.2 The governing body shall, no later than ninety (90) days from the completion of the Market Station project, review the following data related to the project:

- The number of workers employed on the Market Station Project;
- The number of workers who reside in the city of Santa Fe and Santa Fe county, with evidence of the worker's name and residential address;
- The number of hours Santa Fe county and/or City workers actually worked on the Market Station Project compared to the total number of hours;
- The number of workers employed by the contractor who were union members prior to the award of the contract to the contractor compared to the total number of workers employed by the contractor for the duration of the Market Station Project and whether or not they were Santa Fe County and/or City residents.
- The number of workers who reside in the city of Santa Fe and Santa Fe County that are participating in an apprenticeship or pre-apprenticeship program and identifying the provider of the apprenticeship programs involved;
- The actual construction cost of the Market Station Project compared to the projected budget for the project

For purposes of this Subsection, completion means the date a certificate of occupancy is issued for the Market Station Condominium.

28.8.3 Subsection 28.8 shall automatically sunset ninety (90) days from completion of the Market Station Condominium project."

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

2 **BILL NO. 2012-38**

3 **INTRODUCED BY:**

4 Councilor Patti Bushee

5 Councilor Bill Dimas

6 Councilor Chris Rivera

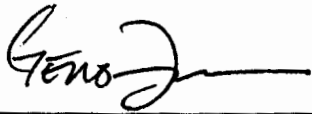
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10 **AN ORDINANCE**

11 **REPEALING THE COMMUNITY WORKFORCE AGREEMENTS ORDINANCE,**
12 **SUBSECTION 28.8 OF THE CITY OF SANTA FE PURCHASING MANUAL.**

13
14 **BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:**

15 **Section 1. [REPEAL] Subsection 28.8, Community Workforce Agreements, of the**
16 **City of Santa Fe Purchasing Manual (being Ord. #2012-12) is repealed.**

17 **APPROVED AS TO FORM:**

18 
19 _____

20 **GENO ZAMORA, CITY ATTORNEY**

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25 *M/Melissa/Bills 2012/Community Workforce Agreements (repeal)*

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, JANUARY 28, 2013**

ITEM 11

REQUEST FOR APPROVAL OF AN ORDINANCE RELATED TO COMMUNITY WORKFORCE AGREEMENTS ("CWAs"); AMENDING SUBSECTION 28.8 OF THE CITY OF SANTA FE PURCHASING MANUAL TO RAISE THE THRESHOLD FOR CWA PROJECTS FROM \$500,000 TO \$1,500,000; TO INCORPORATE MANDATORY TERMS WITH THE GOAL OF HIRING 100% OF SANTA FE COUNTY RESIDENTS AND TO REQUIRE NECESSARY BENEFITS SHALL BE PROVIDED TO WORKERS AND THEIR DOMESTIC PARTNERS (COUNCILOR BUSHEE) (NICK SCHIAVO/ROBERT RODARTE)

PUBLIC WORKS COMMITTEE ACTION: Approved on Consent

SPECIAL CONDITIONS OR AMENDMENTS:

STAFF FOLLOW UP:

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON WURZBURGER			
COUNCILOR CALVERT	X		
COUNCILOR IVES	X		
COUNCILOR RIVERA	X		
COUNCILOR TRUJILLO	X		

Exhibit "5"

14-3.1(F) Early Neighborhood Notification Procedures**Intent**

Early neighborhood notification (ENN) is intended to provide for an exchange of information between the applicant and residents and property owners in affected neighborhoods before plans become too firm to respond meaningfully to community input and before changes in plans might cause major financial losses by the applicant. Notification set forth in this section is in addition to notification required elsewhere in Chapter 14, unless the other notification procedures are duplicative with the requirements of this section.

Applicability to Projects Reviewed by Land Use Boards

- (a) **ENN is required for certain types of projects, if a public hearing before a land use board or the governing body is required by other provisions of Chapter 14.**

ENN Meeting Scheduling; Notice Required

ENN meetings shall be scheduled with the land use director prior to issuing notice. Notice of meeting shall be given in accordance with Subsection 14-3.1(H).

MOU (with SFPS Neighborhood Notification Process (NNP))**Intent**

"The Neighborhood Notification Process outlined hereinafter is intended to keep the neighbors of school sites aware of the pending projects and the possible implications to the neighborhood. This is a three-step process whereby the neighbors will have the opportunity to become educated in the design and construction process at key points though the life of a school construction project."

Applicability (MOU Paragraph 2)

Applies to: "...a property within the zoning jurisdiction of the City for the construction of a School facilities project..."

"Project Kickoff Meeting – Design" Scheduling

- ***Once an A/E Team has selected an[d] is under contract, a Project Kickoff Meeting is scheduled. The meeting agenda should be coordinated with the project site administration, representatives of SFPS, and the A/E Team.***
- ***It is encouraged that the Project Kickoff Meeting be scheduled concurrent with a regularly scheduled PTC Meeting so as to involve and educate the maximum number of concerned citizens.***

Exhibit "C"

14-3.1(H) Notice Requirements

H) Notice Requirements

The notices required by this section **shall indicate the nature of the change proposed; the property affected; the time, date and place of the hearing or meeting;** and the deadline for receiving written comments regarding the request, if applicable. The notice shall be approved by the land use director. **Neighborhood associations that wish to receive notifications of hearings and meetings and copies of agendas, including email notifications, must register with the land use director.**

- (1) Notice of Public Hearing Before Land Use Boards and ENN Meetings.

(d) Mailing and Emailing Requirements

Notice of a public hearing or ENN meeting shall be mailed via the United States postal service by the applicant at least fifteen calendar days prior the public hearing or meeting as follows:

- (i) notices shall be mailed by first class mail with certificate of mailing, to the owners of properties within three hundred (300) feet of the subject property, exclusive of rights of way, as shown in the records of the county treasurer, and by first class mail to the physical addresses of such properties where such address is different than the address of the owner;
- (ii) notices shall also be mailed by first class mail with certificate of mailing, to neighborhood associations that have registered with the land use director and that will be directly affected by the proposed action or that have a boundary within three hundred (300) feet of the subject property, exclusive of public rights of way. Email notices to the neighborhood associations shall be provided on the same day the applicant sends postal notices;

Notice (MOU Paragraph 4 and SFPS NNP)

*"...SFPS will coordinate with the City so that a **notice of Project Design Kickoff Meeting can be posted by the City on its weekly meeting list and mailed at least fifteen [15] days prior to such Design Kickoff Meeting by SFPS to residents and addresses and neighborhood associations within 300 feet of the Project property, using a list provided to SFPS by the City.**"*

The meeting should be announced as follows:

- Public Service Announcement in the local newspapers;
- A temporary site sign (similar to that utilized by the City of Santa Fe for public hearings;
- Handouts sent home with students;
- Announcements in School Newsletters and Bulletins

Posting

(c) Posting Requirements

- (i) For all ENN meetings and public hearings required before a land use board, except appeals, **the property shall be posted by the applicant with posters obtained from the land use director** at the applicant's expense. At least one poster shall be prominently displayed, visible from each public and private street and road abutting the property, and securely placed on the **property at least fifteen calendar days prior to the scheduled meeting**. Placement of the posters shall be in such a manner as to not compromise public safety.

ENN Meeting

The announced meeting shall take place at least ten days before the development project application is submitted. Attendees should make a good-faith effort to communicate with the applicant. The meeting shall be attended by a representative of the land use director whose role at the meeting shall be to acquaint the applicant and community with provisions of city ordinances, applicable requirements of city codes and the development review process. At the meeting, **the applicant shall present schematic or preliminary plans for the proposed project** and a drawing or other graphical representation suitable to reasonably indicate streets and structures within a two hundred (200) foot radius from the perimeter of the property that is the subject of the application.

Posting (MOU and SFPS NNP)

"The City will provide to SFPS at its request temporary site signs for posting."

"A temporary site sign (similar to that utilized by the City of Santa Fe for public hearings."

"Project Kickoff Meeting – Design"

The meeting should address the following items as a minimum:

Project Scope

Project Budget

Project Funding Source

Possible Neighborhood Implications (including environmental issues)

Role of the School Building Committee

The solicitation of one possible neighborhood representative to site on the School Building Committee

Other Meetings

Construction/Kickoff Meeting

Project Scope;

Construction Schedule, including hours of operation;

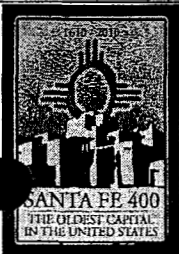
Possible Neighborhood Implications (including any environmental issues, delivery of materials, heavy equipment use, noise, etc.

Contact Information for questions and concerns during construction period

Project Completion Open House

A tour of the facility; and

A discussion outlining the process for possible after-hours use for the facility



**CITY COUNCIL MEETING OF
JANUARY 30, 2013
BILLS AND RESOLUTIONS SCHEDULED FOR INTRODUCTION
BY MEMBERS OF THE GOVERNING BODY**

Mayor David Coss		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION DIRECTING THE CITY OF SANTA FE OFFICE OF AFFORDABLE HOUSING TO DESIGN AND IMPLEMENT A HOUSING ASSISTANCE PROGRAM SPECIFICALLY TAILORED FOR CITY OF SANTA FE EMPLOYEES TO USE WHEN RENTING, PURCHASING, OR REPAIRING A HOME.	Finance – 2/18/13 Council – 2/27/13
Councilor Patti Bushee		
Co-Sponsors	Title	Tentative Committee Schedule
	A RESOLUTION SUPPORTING PROPOSED STATE LEGISLATION, SENATE BILL 42 (“SB 42”), RELATING TO AN APPROPRIATION TO THE NEW MEXICO STATE ECONOMIC DEVELOPMENT DEPARTMENT FOR CERTIFIED BUSINESS INCUBATORS STATEWIDE.	Council – 2/13/13
Ives Calvert	A RESOLUTION RELATING TO THE SANTA FE RESOURCES OPPORTUNITY CENTER (“SFROC”); DESIGNATING FUNDING FOR SFROC THAT WILL BE USED FOR A MANAGEMENT POSITION THAT WILL CREATE AND MAINTAIN A MANAGEMENT AND ACCOUNTABILITY STRUCTURE FOR SFROC; DIRECTING STAFF TO EXPLORE THE OPTIONS FOR PROVIDING RELIEF TO THE SFROC IN EITHER A DISCOUNTED UTILITY BILLING FORMULA OR FREE USE OF WATER; AND DIRECTING STAFF TO RENEGOTIATE THE CURRENT LEASE WITH THE NEW SFROC LESSEE.	Public Works – 2/11/13 Finance – 2/18/13 Council – 2/27/13
	AN ORDINANCE RELATING TO BENEFITS FOR DOMESTIC PARTNERS; AMENDING ARTICLE 11-13 SFCC 1987 TO REQUIRE CONTRACTORS OF THE CITY OF SANTA FE TO PROVIDE DOMESTIC PARTNER BENEFITS AND CREATING A NEW SECTION 19-3.8 SFCC 1987 TO REQUIRE THAT THE CITY OF SANTA FE PROVIDE DOMESTIC PARTNER BENEFITS FOR ALL PERMANENT EMPLOYEES OF THE CITY OF SANTA FE.	Finance – 2/18/13 Council (request to publish) – 2/27/13 Council (public hearing) – 3/27/13

Councilor Chris Calvert		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Bill Dimas		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Carmichael Dominguez		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Peter Ives		
Councilor Chris Rivera		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Ron Trujillo		
Co-Sponsors	Title	Tentative Committee Schedule
Councilor Wurzbarger		
Co-Sponsors	Title	Tentative Committee Schedule

Introduced legislation will be posted on the City Attorney's website, under legislative services (<http://www.santafenm.gov/index.asp?nid=320>). If you would like to review the legislation prior to that time or you would like to be a co-sponsor, please contact Melissa Byers, (505)955-6518, mdbyers@santafenm.gov.

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2013-____

INTRODUCED BY:

Councilor Patti Bushee

A RESOLUTION

**SUPPORTING PROPOSED STATE LEGISLATION, SENATE BILL 42 ("SB 42"),
RELATING TO AN APPROPRIATION TO THE NEW MEXICO STATE ECONOMIC
DEVELOPMENT DEPARTMENT FOR CERTIFIED BUSINESS INCUBATORS
STATEWIDE.**

WHEREAS, the 60 day session of the 2013 Legislative Session began on January 15, 2013;
and

WHEREAS, SB 42, has been introduced for consideration by the 51st Legislature - State of
New Mexico - First Session, 2013; and

WHEREAS, SB 42 would appropriate funding in the amount of \$200,000 from the general
fund to the New Mexico economic development department for expenditure in fiscal year
2014 to support certified business incubators statewide; and

WHEREAS, such funding is intended to be equally divided between the five certified
incubators in New Mexico for programs and client services; and

1 **WHEREAS**, the funding is very important to the Santa Fe Business Incubator as it prepares
2 to launch the new bio-science shared laboratory.

3 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
4 **CITY OF SANTA FE** that the Governing Body hereby supports SB 42.

5 **BE IT FURTHER RESOLVED** that the City Clerk is directed to forward a copy of this
6 resolution to the City of Santa Fe lobbyist and the City of Santa Fe State Legislative Delegation.

7 PASSED, APPROVED, and ADOPTED this ____ day of _____, 2013.

8
9 _____
10 DAVID COSS, MAYOR

11 ATTEST:

12
13 _____
14 YOLANDA Y. VIGIL, CITY CLERK

15 APPROVED AS TO FORM:

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17 _____
18 GENO ZAMORA, CITY ATTORNEY

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25 *M/Melissa/Resolutions 2013/Incubators*

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2013-____

INTRODUCED BY:

Councilor Patti Bushee

Councilor Peter Ives

Councilor Chris Calvert

A RESOLUTION

RELATING TO THE SANTA FE RESOURCES OPPORTUNITY CENTER ("SFROC");
DESIGNATING FUNDING FOR SFROC THAT WILL BE USED FOR A MANAGEMENT
POSITION THAT WILL CREATE AND MAINTAIN A MANAGEMENT AND
ACCOUNTABILITY STRUCTURE FOR SFROC; DIRECTING STAFF TO EXPLORE THE
OPTIONS FOR PROVIDING RELIEF TO THE SFROC IN EITHER A DISCOUNTED
UTILITY BILLING FORMULA OR FREE USE OF WATER; AND DIRECTING STAFF TO
RENEGOTIATE THE CURRENT LEASE WITH THE NEW SFROC LESSEE.

WHEREAS, the City of Santa Fe has invested many resources to assist people in finding
help to end homelessness; and

WHEREAS, a collaboration, expansion and restructuring of services was initially to be
determined by involved agencies in order to provide a welcoming as well as a productive one-stop for
homeless services at the SFROC; and

WHEREAS, because of Santa Fe's current economic climate, it is necessary to involve many
separate entities, beyond the current service provider agencies; and

1 **WHEREAS**, it has become equally clear that the SFROC is currently not functioning as the
2 envisioned “seamless and welcoming” one-stop provider of multi-faceted services to a challenged and
3 challenging client base which includes individuals and families; and

4 **WHEREAS**, after many meetings with the current service providers it is has been
5 determined and deemed necessary to assign a single point of management accountability to develop
6 and execute a clearly articulated strategic plan and a monthly management accountability reporting
7 structure for the current provider-community and the City of Santa Fe; and

8 **WHEREAS**, a clearly articulated single-point accountability management structure is
9 necessary for sustainability of the SF ROC; and

10 **WHEREAS**, the Santa Fe Community Foundation has offered a matching grant to fund a
11 program manager this fiscal year with \$20,000 and will continue that offer for the next two fiscal
12 years, along with technical assistance; and

13 **WHEREAS**, the Governing Body finds that it is necessary for the SFROC to continue as a
14 one-stop resource center for the homeless and desires to assist in funding for a management position
15 that will provide accountability for the resources and services that are provided at the SFROC.

16 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
17 **CITY OF SANTA FE** that staff is directed to:

18 1. Collaborate with the new SFROC management team to establish a management
19 position that will create and maintain a management and accountability structure to run the one-stop
20 for homeless services according to the proposed management plan.

21 A. The Governing Body hereby designates for the management position:

- 22 ▪ \$40,000 for the current Fiscal Year 2012/2013; and
- 23 ▪ \$70,000 for Fiscal Year 2013/2014.

24 B. The Governing Body hereby requests that for Fiscal Year 2014/2015 that the
25 budget include a designation of \$70,000 for the management position.

2. Explore the options for providing relief to the SFROC for its City of Santa Fe utility bill in either a discount formula or free use of water.

3. Renegotiate the terms of the current SFROC lease with the current lessee for the use of the facility to ensure that services are supported by having the necessary operation costs as reasonable as possible and incorporating the new management plan into the lease.

PASSED, APPROVED and ADOPTED this ____ day of _____, 2013.

ATTEST:

DAVID COSS, MAYOR

YOLANDA Y. VIGIL, CITY CLERK

APPROVED AS TO FORM:

GENO ZAMORA, CITY ATTORNEY

M/Melissa/Resolutions 2013/SFROC

CITY OF SANTA FE, NEW MEXICO

RESOLUTION NO. 2013-__

INTRODUCED BY:

Mayor David Coss

A RESOLUTION

**DIRECTING THE CITY OF SANTA FE OFFICE OF AFFORDABLE HOUSING TO
DESIGN AND IMPLEMENT A HOUSING ASSISTANCE PROGRAM SPECIFICALLY
TAILORED FOR CITY OF SANTA FE EMPLOYEES TO USE WHEN RENTING,
PURCHASING, OR REPAIRING A HOME.**

WHEREAS, Resolution No. 2012-63 directed the Office of Affordable Housing to educate
City employees about housing opportunities in Santa Fe so that more employees can live where they
work; and

WHEREAS, as documented in Resolution 2012-63, recent statistics generated by the City's
Finance Department show that, except for non-union employees, more employees reside outside the
city limits of Santa Fe, than inside the city limits; and

WHEREAS, there are demonstrated economic benefits of employees living closer to their
work place in the form of lowered commuting costs, captured tax revenues due to local spending, and
reduced absenteeism; and

WHEREAS, the fair market rent, determined by HUD, for a two-bedroom unit in Santa Fe is

1 25% higher than for the same unit in the Albuquerque metropolitan area; and

2 **WHEREAS**, any renter household in Santa Fe earning less than \$35,200 cannot afford the
3 fair market rent of \$880 for a two-bedroom unit without being cost burdened (paying more than 1/3 of
4 their income for rent); and

5 **WHEREAS**, according to the Homewise report released in April 2012 entitled *Now is the*
6 *Time*, “home prices have dropped significantly from their peak and interest rates are at a historic low”
7 with the result being “that the income needed to purchase the median priced home has dropped 50%
8 in Santa Fe and 39% nationally since their respective peaks;” suggesting there is an unprecedented
9 financial opportunity in today’s housing market; and

10 **WHEREAS**, the City recently made available Capital Improvement Program funds for down
11 payment assistance for which the high rate of absorption suggests a rising demand for ongoing
12 homebuyer assistance; and

13 **WHEREAS**, one in three Santa Fe homes was built before 1970, of which those owned by
14 moderate income homeowners are likely to need repair and energy efficiency upgrades to lower
15 energy costs and improve long-term affordability; and

16 **WHEREAS**, the Governing Body desires that City of Santa Fe employees who have been
17 employed by the City of Santa Fe for five or more years be given the opportunity to receive assistance
18 towards rent, a down payment on a home, or to repair an existing home.

19 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**
20 **CITY OF SANTA FE** that the City of Santa Fe Office of Affordable Housing is directed to design
21 and implement a housing assistance program specifically tailored for City of Santa Fe employees with
22 the objective of broadening housing opportunities in Santa Fe for renters, prospective homebuyers,
23 and current homeowners.

24 **BE IT FURTHER RESOLVED** that the Employee Housing Assistance Program shall
25 include, at a minimum, the following criteria:

1. An employee may apply for assistance if s/he has been employed with the City of Santa Fe for a continuous period of five years.
2. An employee may apply for assistance if s/he earns less than 120% of the area median income, as defined by HUD.
3. Funds will be allocated for the following: rental/utility payments, home purchase, energy efficiency upgrades and home repair in the form of low- or no-interest, potentially forgivable loans or grants subject to certain conditions such as continued employment with the City, length of tenure, and transfer of real estate ownership.

PASSED, APPROVED and ADOPTED this ____ day of _____, 2013.

DAVID COSS, MAYOR

ATTEST:

YOLANDA VIGIL, CITY CLERK

APPROVED AS TO FORM:

GENO ZAMORA, CITY ATTORNEY

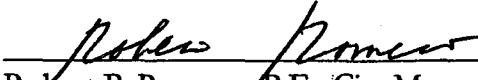


CAO/Melissa/Resolutions 2013/Downpayment Assistance


City of Santa Fe, New Mexico

memo

DATE: January 14, 2013 for the January 30, 2013 City Council hearing

TO: Mayor David Coss
Members of the City Council

VIA: 
Robert P. Romero, P.E., City Manager
Matthew S. O'Reilly, P.E., Director, Land Use Department 
Tamara Baer, ASLA, Planning Manager, Current Planning Division 

FROM: Heather L. Lamboy, AICP, Senior Planner, Current Planning Division 

Case #2012-104. **Aguaфина Rezoning to R-5.** JenkinsGavin Design and Development, agent for Aguaфина Development, LLC, requests to rezone 5.73± acres from R-1 (Residential, 1 dwelling unit per acre) to R-5 (Residential, 5 dwelling units per acre). The property is located south of Agua Fria Street and west of Calle Atajo, at 4702 Rufina Street and 4262 Agua Fria Street. (Heather Lamboy, Case Manager)

I. RECOMMENDATION

The Planning Commission recommends **APPROVAL OF REZONING TO R-3 (RESIDENTIAL, 3 DWELLING UNITS PER ACRE)** with conditions as outlined in this report.

On December 6, 2012, the Planning Commission found that all criteria for a rezoning have been met with the recommendation that the tract be rezoned to R-3 (Residential, 3 dwelling units per acre) instead of the requested R-5 (Residential, 5 dwelling units per acre).

II. APPLICATION OVERVIEW

The applicant is requesting to rezone a tract of land that is bisected by Rufina Street between Calle Atajo and Camino del Griego. The tract of land is generally surrounded by low density residential housing, with the exception of the Roadrunner and Sierra Vista

Manufactured Home communities (which have MHP zoning, with a maximum of 8 dwelling units per acre).

Staff found that the proposed zoning category of R-5 was comparable and compatible with the surrounding densities in the area and recommended the rezone to R-5 to the Planning Commission. At the Planning Commission hearing, public comment from adjoining property owners related to increased traffic, impacts on the Las Acequias neighborhood and increased use of the Las Acequias Park, opposition to the use of Powerline Road to access the new development, and concerns about the quality of the housing proposed in the development. Based on this testimony, the Planning Commission recommended a lower density for the application. In explaining their motion, members of the Commission stated that there will be several more reviews of the property if the rezoning is successful, including the preliminary and final subdivision plat reviews that will give the public more opportunity for review and comment.

The following conditions are recommended by the Planning Commission:

1. Rezone the parcel to R-3 (3 dwelling units per acre).
2. The developer shall provide access to Tract "C" from Rufina Street, aligning the access with Tract B, and the accesses shall be partial right-in, right-out and left-in turns only.
3. A traffic analysis shall be provided at the time of subdivision review to determine the design of the access points to the development.
4. An emergency access shall be provided to the site from Agua Fria Street.
5. Twenty percent (20%) of future residential development must be affordable, and a Santa Fe Housing Program (SFHP) Agreement shall be signed and recorded with a final subdivision plat. All affordable lots shall be designated on a subdivision plat.
6. Section 14-8.15(C)(2) SFCC 1987 requires land to be dedicated for neighborhood parks. The conceptual site plan that has been provided does not address any park dedication. The applicant shall provide park area for the development as part of the subdivision plat process, or commit to payment of park impact fees, in order to comply with this Land Development Code requirement.

III. ATTACHMENTS:

EXHIBIT 1:

- a) Findings of Fact and Conclusions of Law
- b) Conditions of Approval
- c) Bill

EXHIBIT 2: Planning Commission Minutes December 6, 2012

EXHIBIT 3: Planning Commission Staff Report Packet

City of Santa Fe, New Mexico

Exhibit 1

**Findings of Fact
Conditions of Approval
Bill**

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

Case #2012-104 – Aguafina Rezoning
Owner's Name – Aguafina Development, LLC
Applicant's Name – JenkinsGavin Design & Development, Inc.

THIS MATTER came before the Planning Commission (Commission) for hearing on December 6, 2012 upon the application (Application) of JenkinsGavin Design & Development, Inc. as agent for Aguafina Development, LLC (Applicant).

The Applicant seeks to rezone 5.73± acres of land (Property) that comprises the southern part of a single tract of land (the Tract) west of Calle Atajo that runs south from Agua Fria Street to south of Rufina Street. The Property is bisected by Rufina Street and is zoned R-1 (Residential – 1 dwelling unit/acre). The remainder of the Tract (the Remainder) is zoned R-5 (Residential – 5 dwelling units/acre). The Applicant seeks to rezone the Property from R-1 to R-5 so that the Tract is within a single zoning district. The Property is designated as Low Density Residential (3-7 dwelling units/acre) on the General Plan Future Land Use Map.

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

FINDINGS OF FACT

General

1. The Commission heard testimony and took evidence from staff, the Applicant, and members of the public interested in the matter.
2. Under SFCC §14-3.5(A)(1)(d) any individual may propose a rezoning.
3. SFCC §§14-3.5(B)(1) sets out certain procedures for rezonings, including, without limitation, a public hearing by the Commission and recommendation to the Governing Body based upon the criteria set out in SFCC §14-3.5(C).
4. SFCC §14-3.5(C) establishes the criteria to be applied by the Commission in its review of proposed rezonings (Rezoning Criteria).
5. Code §14-3.1 sets out certain procedures to be followed on the Application, including, without limitation, (a) a pre-application conference [§14-3.1(E)(1)(a)(i)]; (b) an Early Neighborhood Notification (ENN) meeting [§14-3.1(F)(2)(a)(iii)]; and (c) compliance with Code Section 14-3.1(H) notice and public hearing requirements.
6. A pre-application conference was held on May 10, 2012.
7. SFCC §14-3.1(F) establishes procedures for the ENN meeting, including, without limitation:
 - (a) Scheduling and notice requirements [SFCC §14-3.1(F)(4) and (5)];
 - (b) Regulating the timing and conduct of the meeting [SFCC §14-3.1(F)(5)]; and
 - (c) Setting out guidelines to be followed at the ENN meeting [§14-3.1(F)(6)].

8. An ENN meeting was held on the Application at 5:30 p.m. on July 30, 2012 at the Southside Library at 6599 Jaguar Road.
9. Notice of the ENN meeting was properly given.
10. The ENN meeting was attended by the Applicant, City staff and other interested parties and the discussion followed the guidelines set out in SFCC §14-3.1(F)(6).
11. Commission staff provided the Commission with a report (the Staff Report) evaluating the factors relevant to the Application and recommending approval by the Commission of the Rezoning, subject to those conditions contained in the Staff Report (the Conditions).
12. The Commission has considered the Rezoning Criteria and finds, subject to the Conditions, the following facts:
 - (a) *One or more of the following conditions exist: (i) there was a mistake in the original zoning; (ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning; or (iii) a different use category is more advantageous to the community, as articulated in the Plan or other adopted City plans [SFCC §14-3.5(C)(1)(a)].*

There has been a change in the surrounding area, with an increase in density as the City has expanded southward, altering the character of the Rufina Street corridor. Rezoning will bring the Property into compliance with the General Plan future land use designation for the Property of Low Density Residential (3-7 dwelling units/acre) and with the Plan policy supporting residential development within the future growth areas is built at a minimum gross density of 3 dwelling units/acre, and an average of 5 dwelling units/acre where topography allows.
 - (b) *All the rezoning requirements of SFCC Chapter 14 have been met [SFCC §14-3.5(C)(1)(b)].*

All the rezoning requirements of SFCC Chapter 14 have been met.
 - (c) *The proposed rezoning is consistent with the applicable policies of the General Plan [Section 14-3.5(A)(c)].*

The proposed rezoning is consistent with the General Plan's Low Density future land use designation for the Property.
 - (d) *The amount of land proposed for rezoning and the proposed use for the land is consistent with City policies regarding the provision of urban land sufficient to meet the amount, rate and geographic location of the growth of the City [SFCC §14-3.5(C)(1)(d)].*

The proposed rezoning is consistent with the Plan's Low Density future land use designation for the Property and with the General Plan policy supporting the preservation of the scale and character of established neighborhoods while promoting appropriate infill development in an area already served by public water and wastewater facilities.
 - (e) *The existing and proposed infrastructure, such as the streets system, sewer and water lines, and public facilities, such as fire stations and parks, will be able to accommodate the impacts of the proposed development [Section 14-3.5(C)(e)].*

Existing infrastructure, including water and sewer is sufficient to serve the increased density resulting from the rezoning. However, impacts on traffic and on other public facilities, especially parks, which are inadequate to serve the area at existing densities, mitigate against R-5 zoning for the Property.

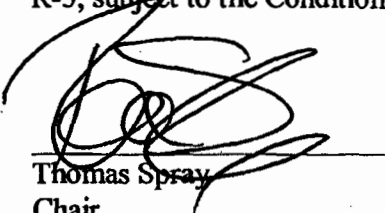
CONCLUSIONS OF LAW

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

1. The Rezoning was properly and sufficiently noticed via mail, publication, and posting of signs in accordance with SFCC requirements.
2. The ENN meetings complied with the requirements established under the SFCC.
3. The Applicant has the right under the SFCC to propose the rezoning of the Property.
4. The Commission has the power and authority at law and under the SFCC to review the proposed rezoning of the Property and to make recommendations regarding the proposed rezoning to the Governing Body based upon that review.
5. The proposed rezoning meets the Rezoning Criteria, although the impacts on traffic and on other public facilities, especially parks, which are inadequate to serve the area at existing densities, mitigate against R-5 zoning for the Property.

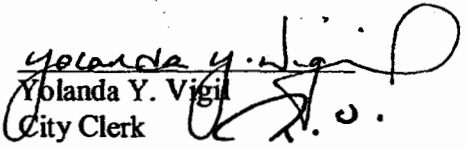
WHEREFORE, IT IS ORDERED ON THE 10TH OF JANUARY 2013 BY THE PLANNING COMMISSION OF THE CITY OF SANTA FE:

That for the reasons set forth in the foregoing Findings of Fact and Conclusions of Law, the Commission recommends to the Governing Body that it approve the rezoning of the Property to R-3, subject to the Conditions.


Thomas Spray
Chair

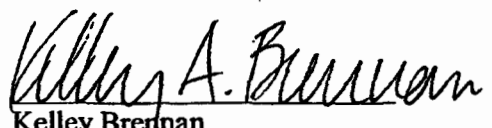
1/19/12
Date:

FILED:


Yolanda Y. Vigil
City Clerk

1.14.13
Date:

APPROVED AS TO FORM:


Kelley Brennan
Assistant City Attorney

1/10/13
Date:

Aguafina Rezoning to Conditions of Approval

City Council

Case #2012-104 – Aguafina Rezoning to R-5

Conditions	Department	Staff
<p>Review comments are based on submittals received on August 15, 2012. The comments below should be considered as Conditions of Approval to be addressed prior to subsequent submittal unless otherwise noted:</p> <ol style="list-style-type: none"> 1. The Developer shall provide an access from Tract "C" to Rufina Street, aligning the intersection with the proposed access to Tract B. Both accesses shall be partial accesses providing Right-in, Right-out, and Left-in turns only; 2. The Developer shall provide a traffic analysis of the access points to Rufina Street to determine if deceleration and/or acceleration lanes are needed and if so how long they should be; 3. The Developer shall plan this development so that it allows future access to the west that corresponds with proposed access to the east from the approved Cielo Azul Subdivision. We required the Cielo Azul developers to provide stub-outs so that their roadway network can connect to the east. The Developer shall indicate on the subdivision plat and development plan, the locations of these future Right-of-Way accesses and stub-outs (ghost lines) to the west; 4. We have reviewed a conceptual design of a subdivision that indicates a proposed access and utility easement. At such time as a submittal is made for a subdivision plat and/or a development plan, the proposed roads shall be built to City of Santa Fe standards and dedicated as public right-of-way. 	Traffic Engineering	John Romero/ Sandra Kassens
<p>The Fire Marshal conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) 2009 Edition. Below are the following requirements that shall be addressed prior to final approval of a subdivision plat.</p> <ol style="list-style-type: none"> 1. Shall Comply with International Fire Code (IFC) 2009 edition. 2. Shall meet fire department access for R-5 zoning as per IFC 2009 edition, and have two points of access. 3. Shall meet fire protection requirements for R-5 zoning as per IFC 2009 edition. 	Fire	Rey Gonzales
<p>The subject property is accessible to the City sanitary sewer system and connection to the City sewer system is mandatory and shall be made prior to any new construction. Additionally, the following notes shall be included on the plat:</p> <p>Wastewater Utility Expansion Charges (UEC) shall be paid at the time of building permit application.</p>	Wastewater	Stan Holland
<p>Based on the latest SFHP requirements, 20% of the proposed 21 lot subdivision must be designated affordable which is 4.2 (21x.2=4.2). The 0.2 lot can be satisfied by providing another lot or paying a fractional fee. The affordable lots must be spread out and not clustered.</p> <p>A completed SFHO proposal is required prior to review of the plans by staff prior to Planning Commission approval of the Final Plat. A Santa Fe Housing Program (SFHP) Agreement shall be signed and recorded with the Final Plat. The affordable lots shall be designated on the plat.</p>	Affordable Housing	Kym Dicome/ Alexandra Ladd

Aguafina Rezoning to -Conditions of Approval

Ci uncil

Case #2012-104 – Aguafina Rezoning to R-5

Conditions	Department	Staff
There is no location shown for stormwater ponding as required by the Land Development Code. All applicable requirements of Article 14-8.2 must be met if the project goes forward after the rezoning.	Technical Review	Risana "R.B." Zaxus
Section 14-8.15(C)(2) SFCC 1987 requires land to be dedicated for neighborhood parks. The conceptual site plan that has been provided does not address any park dedication. The applicant shall provide park area for the development as part of the subdivision plat process, or commit to payment of park impact fees, in order to comply with this Land Development Code requirement.	Current Planning	Heather Lamboy

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2013-1

AN ORDINANCE

**AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE;
CHANGING THE ZONING CLASSIFICATION FOR 2.453± ACRES IDENTIFIED AS
TRACT B AND THE SOUTHERN 3.432± ACRES OF TRACT C (IDENTIFIED AS
TRACT C-2), A PORTION OF SMALL HOLDING CLAIM 435 TRACT 3 WITHIN
SECTION 6, TOWNSHIP 16 NORTH, RANGE 9 EAST, NEW MEXICO PRIME
MERIDIAN, WHICH IS LOCATED WEST OF CALLE ATAJO BETWEEN AGUA FRIA
STREET AND RUFINA STREET, FROM R-1 (RESIDENTIAL, 1 DWELLING UNIT
PER ACRE) TO R-5 (RESIDENTIAL, 5 DWELLING UNITS PER ACRE), AND
PROVIDING AN EFFECTIVE DATE. ("AGUAFINA REZONING," CASE #2012-
104).**

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

Section 1. That a certain parcel of land comprising 5.89± acres (the "Property")
located within Section 6, Township 16N, Range 9E, New Mexico Prime Meridian, Santa Fe
County, State of New Mexico, of which totals approximately 5.89 ± acres are located within the

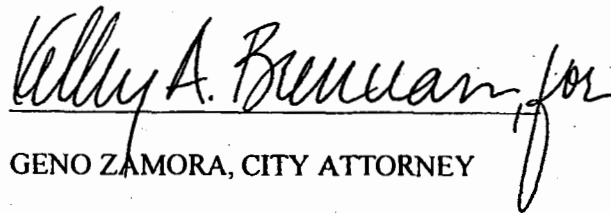
1 municipal boundaries of the City of Santa Fe, and is restricted to and classified as R-5
2 (Residential, 5 dwelling units per acre) as described in the legal description zoning map attached
3 hereto [EXHIBIT A] and incorporated herein by reference.

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

7 **Section 3.** This rezoning action and any future development plan for the Property is
8 approved with and subject to the conditions set forth in the table attached hereto [EXHIBIT B]
9 and incorporated herein summarizing the City of Santa Fe staff technical memoranda and
10 conditions recommended by the Planning Commission on December 6, 2012.

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

13
14
15 **APPROVED AS TO FORM:**

16 
17
18 GENO ZAMORA, CITY ATTORNEY

LEGAL DESCRIPTIONS

TRACT C-2

A TRACT OF LAND LYING AND BEING SITUATE WITHIN SECTIONS 6, T16N, R9E, AND BEING A PORTION OF S.H.C. 435, TRACT 3, N.M.P.M., DESIGNATED AS TRACT "C-2" IN SANTA FE COUNTY, STATE OF NEW MEXICO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THIS TRACT FROM WHENCE A U.S.G.L.O. BRASS CAP MARKING TR1 OF P.C. 1255 1/2 AND CLOSING CORNER OF SECTION 6, T16N, R9E, N.M.P.M. BEARS N02°22'20"E, A DISTANCE OF 1646.34 FEET;

THENCE FROM SAID POINT AND PLACE OF BEGINNING S15°28'47"E, A DISTANCE OF 786.35 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 1423.08, AND AN ARC LENGTH OF 250.87 FEET TOGETHER WITH A CENTRAL ANGLE OF 10°06'02" TO A POINT; THENCE N16°19'25"W, A DISTANCE OF 563.54 FEET TO A POINT; THENCE N65°27'52"E, A DISTANCE OF 94.09 FEET TO A POINT; THENCE N16°36'58"E, A DISTANCE OF 59.12 FEET TO A POINT; THENCE N64°20'19"E, A DISTANCE OF 135.87 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING AN AREA OF 3.432 ACRES. MORE OR LESS.

TRACT B

A TRACT OF LAND LYING AND BEING SITUATE WITHIN SECTIONS 6, T16N, R9E, AND BEING A PORTION OF S.H.C. 435, TRACT 3, N.M.P.M., DESIGNATED AS TRACT "B" IN SANTA FE COUNTY, STATE OF NEW MEXICO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

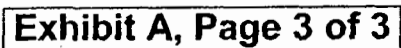
BEGINNING AT THE NORTHEAST CORNER OF THIS TRACT FROM WHENCE A U.S.G.L.O. BRASS CAP MARKING TR1 OF P.C. 1255 1/2 AND CLOSING CORNER OF SECTION 6, T16N, R9E, N.M.P.M. BEARS N07°01'17"W, A DISTANCE OF 2532.16 FEET;

THENCE FROM SAID POINT AND PLACE OF BEGINNING S15°29'21"E, A DISTANCE OF 439.82 FEET TO A POINT; THENCE S73°27'17"W, A DISTANCE OF 206.45 FEET TO A POINT; THENCE N16°32'43"W, A DISTANCE OF 564.11 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 1321.08 FEET AND AN ARC LENGTH OF 248.36 FEET, TOGETHER WITH A CENTRAL ANGLE OF 10°46'17" TO THE POINT AND PLACE OF BEGINNING.

CONTAINING AN AREA OF 2.453 ACRES. MORE OR LESS.



Exhibit A, Page 1 of 3



Aguaфина Rezoning t --Conditions of Approval

ouncil

Case #2012-104 – Aguaфина Rezoning to R-5

Conditions	Department	Staff
<p>Review comments are based on submittals received on August 15, 2012. The comments below should be considered as Conditions of Approval to be addressed prior to subsequent submittal unless otherwise noted:</p> <ol style="list-style-type: none"> 1. The Developer shall provide an access from Tract "C" to Rufina Street, aligning the intersection with the proposed access to Tract B. Both accesses shall be partial accesses providing Right-in, Right-out, and Left-in turns only; 2. The Developer shall provide a traffic analysis of the access points to Rufina Street to determine if deceleration and/or acceleration lanes are needed and if so how long they should be; 3. The Developer shall plan this development so that it allows future access to the west that corresponds with proposed access to the east from the approved Cielo Azul Subdivision. We required the Cielo Azul developers to provide stub-outs so that their roadway network can connect to the east. The Developer shall indicate on the subdivision plat and development plan, the locations of these future Right-of-Way accesses and stub-outs (ghost lines) to the west; 4. We have reviewed a conceptual design of a subdivision that indicates a proposed access and utility easement. At such time as a submittal is made for a subdivision plat and/or a development plan, the proposed roads shall be built to City of Santa Fe standards and dedicated as public right-of-way. 	Traffic Engineering	John Romero/ Sandra Kassens
<p>The Fire Marshal conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) 2009 Edition. Below are the following requirements that shall be addressed prior to final approval of a subdivision plat.</p> <ol style="list-style-type: none"> 1. Shall Comply with International Fire Code (IFC) 2009 edition. 2. Shall meet fire department access for R-5 zoning as per IFC 2009 edition, and have two points of access. 3. Shall meet fire protection requirements for R-5 zoning as per IFC 2009 edition. 	Fire	Rey Gonzales
<p>The subject property is accessible to the City sanitary sewer system and connection to the City sewer system is mandatory and shall be made prior to any new construction. Additionally, the following notes shall be included on the plat:</p> <p>Wastewater Utility Expansion Charges (UEC) shall be paid at the time of building permit application.</p>	Wastewater	Stan Holland
<p>Based on the latest SFHP requirements, 20% of the proposed 21 lot subdivision must be designated affordable which is 4.2 (21x.2=4.2).The 0.2 lot can be satisfied by providing another lot or paying a fractional fee. The affordable lots must be spread out and not clustered.</p> <p>A completed SFHO proposal is required prior to review of the plans by staff prior to Planning Commission approval of the Final Plat. A Santa Fe Housing Program (SFHP) Agreement shall be signed and recorded with the Final Plat. The affordable lots shall be designated on the plat.</p>	Affordable Housing	Kym Dicome/ Alexandra Ladd

Aguafina Rezoning to Conditions of Approval

City Council

Case #2012-104 – Aguafina Rezoning to R-5

Conditions	Department	Staff
There is no location shown for stormwater ponding as required by the Land Development Code. All applicable requirements of Article 14-8.2 must be met if the project goes forward after the rezoning.	Technical Review	Risana "R.B." Zaxus
Section 14-8.15(C)(2) SFCC 1987 requires land to be dedicated for neighborhood parks. The conceptual site plan that has been provided does not address any park dedication. The applicant shall provide park area for the development as part of the subdivision plat process, or commit to payment of park impact fees, in order to comply with this Land Development Code requirement.	Current Planning	Heather Lamboy

City of Santa Fe, New Mexico

Exhibit 2

**Planning Commission Minutes
December 6, 2012**

The Tierra Contenta Subdivision, Phase 2B, Tract 50 Final Subdivision and Development Plans are incorporated herewith to these minutes by reference, and are on file with and can be obtained from the Planning and Land Use Department.

The Staff Report was presented by Heather Lamboy. Please see Exhibits "10" and "11," for specifics of this presentation.

RECOMMENDATION: The Land Use Department recommends approval with conditions as outlined in this report [Exhibit "10"].

Public Hearing

Presentation by the Applicant

David Thomas, Project Engineer, Tierra Contenta Corporation, agent for the Community Housing Trust, was sworn. Mr. Thomas said the Community Housing Trust is doing the development on this particular subdivision. He said they have reviewed the conditions of approval imposed by staff and accept "every last one of them and will comply."

Speaking to the Request

There was no one speaking for or against this request.

The Public Testimony Portion of the Public Hearing Was Closed

MOTION: Commissioner Lindell moved, seconded by Commissioner Pava, to recommend to the City Council the approval of Case #2012-117 Arroyo Central (Tierra Contenta Tract 50) Final Subdivision Plat, with all conditions of approval as recommended by staff.

VOTE: The motion was approved unanimously on a voice vote, with Commissioners Bemis, Lindell, Ortiz, Pava, Schackel-Bordegary and Villarreal voting in favor of the motion and no one voting against [6-0].

5. **CASE #2012-104. AQUAFINA REZONING TO R-5. JENKINS GAVIN DESIGN AND DEVELOPMENT, AGENT FOR AQUAFINA DEVELOPMENT, LLC, REQUESTS TO REZONE 5.73± ACRES FROM R-1 (RESIDENTIAL, 1 DWELLING UNIT PER ACRE) TO R-5 (RESIDENTIAL, 5 DWELLING UNITS PER ACRE). THE PROPERTY IS LOCATED SOUTH OF AGUA FRIA STREET AND WEST OF CALLE ATAJO, AT 4702 RUFINA STREET AND 4262 AGUA FRIA STREET. (HEATHER LAMBOY, CASE MANAGER)**

A Memorandum dated November 16, 2012, for the December 6, 2012 Meeting, with attachments, to the Planning Commission, from Heather L. Lamboy, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "12."

A copy of a power point presentation *Aguafina Rezone from R-1 to R-5*, is incorporated herewith to these minutes as Exhibit "13."

A Memorandum dated December 6, 2012, with attached letter of concern from William Mee, President, Agua Fria Village Association dated December 5, 2012, to the Planning Commission, from Current Planning Division, is incorporated herewith to these minutes as Exhibit "14."

A copy of *Aguafina Rezone Conceptual Site Plan* is incorporated herewith to these minutes as Exhibit "15."

A copy of an email dated December 5, 2012, from Ken Kast to Liddy Padilla, entered for the record by Joanna Nesboy, is incorporated herewith to these minutes as Exhibit "16."

A copy of the documents used by Hillary Wells in her presentation is incorporated herewith to these minutes as Exhibit "17."

The Staff Report was presented by Heather Lamboy via power point. Please see Exhibits "12" and "13," for specifics of this presentation. Ms. Lamboy reminded the Planning Commission that a zoning is not a final action for the Planning Commission to recommend to the Governing Body, so there will be an additional hearing beyond this one tonight.

RECOMMENDATION: The Land Use Department recommends approval with conditions as outlined in this report [Exhibit "12"].

Ms. Baer said there is a letter on the Commissioners' desk from the Agua Fria Village Association [Exhibit "14"] regarding this case, which was received this morning by email.

Public Hearing

Presentation by the Applicant

Jennifer Jenkins previously sworn, said she is here this evening on behalf of the property owner and said the request is for the rezoning which was most adequately described by Ms. Lamboy.

Ms. Jenkins presented information via power point. Please see Exhibit "17" for specifics of this presentation.

Ms. Jenkins said, "This is an aerial that shows the vicinity, and the subject property is outlined in blue. The subject of the rezone this evening relates to the southern portion here. A couple of things I would like to point out. This tract of land that is north of Rufina is one lot. It has split zoning. The Northern 2/3 of that lot is zoned R-5 right now. The lower 1/3 here is zoned R-1, and this property on the south side of Rufina, about 2½ acres is also zoned R-1. So what we have here is a need to correct a split zoning issue that was in place when the current owner purchased the property. As you know, City Code does not

allow properties to maintain two different zoning categories if they are to be developed comprehensively as one neighborhood, and that is our intent."

Ms. Jenkins continued, "So what you see here is the City zoning map. And as you can see, this parcel has R-5 zoning to the north, so our request here is really to correct a split zoning to bring this entire 9 acres into compliance with City Code to bring it all into R-5 zoning and to also place R-5 zoning on the parcel south of Rufina. So this is what the General Plan Land Use Designation Map looks like. And as you can see, the yellow that you see predominately in this area is residential low density, calling for a range of density from 3 dwellings per acre to 7 dwellings per acre. And so the R-1 zoning.... the subject property is out of compliance with your General Plan. It doesn't even comply. So we have a two-fold intent here. Correct a split zoning issue on an existing lot of record and bring these parcels into compliance with the City's General Plan."

Ms. Jenkins continued, "So, Heather touched on some of these points. I will just reiterate a few of them. Again, we are bringing the property into compliance with the General Plan. It is currently not in compliance. We're talking about one of the ideas and themes which you've seen in the General Plan which are transitional neighborhoods. This part of town has a lot of variety in land use and types and densities. We have Agua Fria Village to the north on the other side of Agua Fria, that is also developed at a variety of densities, but could be described as semi-rural in some areas. We have residential suburban densities in the Las Acequias neighborhood to our east. We have pretty significantly denser mobile home communities to our west. The Cielo Azul project is zoned R-6. Our vision here is to create more generous sized lots than you see in our neighboring communities. And we see this as creating a transitional neighborhood that can bridge among a variety of land use intensities that we have in this area."

Ms. Jenkins continued, "Connectivity. We worked very closely with City staff to determine how this property is going to be addressed, and I imagine it will be some of our focus of our discussion this evening. And we are proposing a connection to an existing neighborhood, as well as a connection to an existing arterial. So in addition to Power Line Road, we also are connecting at Rufina Street. And then, with respect to the urban form here, although we are proposing lots that are a little more generously sized than what you see as typical in neighborhood communities, this is classic infill development and very sensitive infill development in terms of trying to relate to what is around us in a very sensitive way. We have availability of infrastructure in Agua Fria as well as in Rufina. It is a very efficient use of the City's infrastructure resources. And obviously there is affordable housing, more opportunities for affordable housing in our community. So this is not a comprehensive list, but I think these are the high points."

Ms. Jenkins continued, "With respect to the vision, this is just a rezone, but I think it's important to be transparent about, once you get the rezone, then what are you going to do. And so we felt it was important as we engage with the neighborhood to share with them what we were thinking as far as a residential community here. Just so we have our bearings, this is Rufina Street here, this is Agua Fria, as I mentioned, our access points. Again we worked very closely, and the first phone call I made when we started working on this was to John Romero, to talk about what we were going to do here. And we talked about it, and then we submitted, and there were modification and dialogue with staff and we worked very

closely with them. Where we are now as far as accessing this future neighborhood is Rufina here, and obviously the little 2.5 acre piece down on the south side of Rufina, that's the only opportunity for access which is pretty obvious."

Ms. Jenkins continued, "We worked very closely with staff to see if that point of connection would be appropriate and advisable. And they were like, yes we like that. Neighborhood connectivity is something we hear about a lot. It was in the General Plan, most of the time and most of the places, the City saw this as an appropriate connection point in addition to Rufina. And right now, as you can see, it's kind of a dirt road that's been there a long time. It's on the north side of Las Acequias Park."

Ms. Jenkins continued, "We had our original ENN and subsequently we were invited to speak to the Las Acequias Neighborhood Association, which we were happy to do. So we were able to have some follow up discussions with Las Acequias. Some of the concerns expressed about Power Line Road, of course, is a connection to a new neighborhood and what does that mean in terms of traffic and how is that potentially going to impact our neighborhood and those are all legitimate questions and concerns. But interestingly, a lot of what we also heard about Power Line Road, is Power Line Road the way it is right now is a problem. People park there to get access to the park. They're not suppose to park there. These are peoples' back yards right here. There are activities of ill repute that go on there. People dump trash there. People park and drink beer and there's beer bottles. And that little section here can be somewhat problematic. And what we shared with the neighborhood is that, in my experience doing this work for many many years, places like this that don't have a sense of place and don't have a purpose, tend to attract that kind of activity, but when you purpose it and very strategically purpose it, you can really eliminate a lot of those issues. Our vision here, as far as creating a developed, true City roadway connection from Calle Tajo into the neighborhood is a City standard, two-lane road, no parking. There is a City standard street that does not allow on-street parking, with street trees, so there's no way to get off the road to park. And so the cars can't stop. So as we go through the subdivision process, we want to work closely with the neighborhood to design something here that solves a lot of the concerns that they have been experiencing in its current condition."

Ms. Jenkins continued, "And so, like we are... as you can see these lots are very generously sized. We have 1/4 acre lots, 1/3 acre lots, things that go up to 4/10 of an acre lot. My client did his market analysis and what he discovered is that this right in the middle of town, it's very populated, but there was a desire for larger lots and to be close to services, jobs, schools, close to all those things in the City. Interestingly, when the notices for the ENN meeting first went out, we got a rash of phone calls in the first week. All the phone calls we got were from people who wanted to be on the waiting list, because they were interested in a lot when the signs went up. So it was interesting, and of course the client was delighted and we kept a list. And was, like maybe my market research was accurate. Maybe this is something that is going to be desirable. So obviously the final configuration... we have a preliminary plat process, we have a final plat process with a lot of details to work out. We're not at the place. This is not about details here tonight. This is about is R-5 zoning appropriate in this location."

Ms. Jenkins continued, "And also, I wanted to point out, in the Staff Report there was mention of how are we going to address our park dedication requirements. For a small project like this, there's a couple of options. We can actually dedicate some land, and some of the neighbors suggest it would be

nice maybe you dedicated some land that maybe could augment and enlarge our existing park. And so we talked about that. Also there's impact fees as another alternative. We want the opportunity to work closely with Parks & Recreation as well as the neighborhood as we move into the subdivision process, to say what makes more sense. If we're paying impact fees upwards of \$30,000 to \$40,000, that could go a long way to improving amenities in the existing Las Acequias Park, or in this little more passive open space area, where there aren't any amenities in that. Maybe that money could be earmarked and dedicated to that. Or maybe a piece of land is a better option, but we want the opportunity to explore that and come up with a solution that really makes the most sense and we get the most bang for our buck. And with that, I will be happy to stand for any questions, and I appreciate your time."

Speaking to the Request

All those speaking were sworn en masse

Chair Spray gave everyone two minutes to speak to the request.

Liddy Padilla, President, Las Acequias Neighborhood Association [previously sworn], asked if the Commissioners received their letter of November 28, 2012, with regard to the proposed rezoning, and Chair Spray said yes.

Ms. Padilla said she attended the ENN and made a presentation to address this process and there are several people here who want to speak this evening to share their concerns.

Sidney Davis, 1220, Senda del Valle, Apartment #A [previously sworn], said she owns her apartment. She is here to speak on behalf of the Homeowners Association for both Senda del Valle Compounds 1 and 2, located at 1220 Senda del Valle. She is also a member of the Las Acequias Neighborhood Association. The owners of HOA Compounds 1 and 2 are opposed to the zoning request at this time as proposed by the developers. To the west or south of Rufina the zoning is R-1. They feel it needs to remain there for the following reasons:

- (1) traffic increase has been significant over the last 10 years, causing noise, congestion and pollution. They have witnessed gridlock with increasing regularity at Lopez and Calle Tajo. No traffic study has been made at this point. Increasing units per acre would exacerbate this existing study, and a traffic study is imperative before further development can be considered.
- (2) families crossing Rufina from Senda del Valle on foot have more and more difficulty as cars go by at speed making it dangerous for citizens to access the park, and more traffic will make it worse for the neighborhood. The park has fallen into disrepair as the result of increased use by rising populations and they legitimately need a place to gather on hot afternoons during the summer. The increase has made it difficult for senior citizens like herself, noting she has a physical disability, to walk without worrying about sports objects hitting her. The walkways are narrowing and in some places two people can't walk side by

side on the walkway. Increased population will burden the small park even more.

- (3) the developer has stated they need to increase the number of lots per acre because they do not have the funds with which to meet the City's requirement for standard improvements such as gutters, sidewalks, etc. If the developer does not have the funds to meet these requirements, it isn't their neighborhood's problems. She said for these reasons they are opposed to any change in zoning at this time.

Cheryl Odom, 1152 Vuelta de Las Acequias, the Las Acequias Subdivision [previously sworn], said she attended the ENN and read the letter of suggested covenants proposed by the developer. She has several major concerns, including the park over use. She understands there would be no parking on Power Line Road which will cause all of the traffic which would have parked there to now park on Calle Tajo which already on the weekends is solid traffic parked all the way up and down the street. She is the next street over from Calle Tajo and her back yard backs onto Calle Tajo, and once a month there is a collision, noting she is a pedestrian in the neighborhood. The NE corner of that intersection, even though there is a traffic signal, is a blind corner. No one coming down Rufina can see traffic or pedestrians on Calle Tajo. She said increasing traffic from Power Line Road to Rufina will increase the likelihood of a problem with the traffic in that neighborhood. She asked if a traffic study has been done of that intersection. She said she hears from the developer that the new category is more advantageous to our community. However, based on the covenants they have seen, there is a mention of exteriors being metal siding, which says to her that these will be mobile homes and trailers.

Amy Caplan, 915 Vuelta de Sur [previously sworn], said she lives at the very end of the establishment of the neighborhood, and has lived in her house for 17 years. When she first moved in it was considered a pretty fine home, and it still is. Within the past year, she refinanced her house, an appraisal was done, and the value of her home has gone down considerably. One, because from her back yard you can see Agua Fria, and on the other side of the fence there is now a big trailer, which is not within their neighborhood. That trailer is a very big part of the reason her property value went down. Also, when she first moved there, none of the trailers were there. They were all moved once they closed John's Trailer Park which previously located where they now have PetSmart and all those place. Those people all moved to the park.

Ms. Caplan continued, "And now the park, you see the park and you look all the way down and there's, I mean... and it's all mobile homes and trailers. And you go down Rufina toward the elementary school, when my kids went there, there wasn't overcrowding, but now they have kids in portables and they're popping out of the windows and everything else because the neighborhood is packed. And the supposed Power Line Road is not a road, to me it is a walking path, okay. And just bear with me... And Power Line Road is about this wide, maybe a little wider to the beginning of that step. And on one side of it are all homes with a fence and they're all backed up on the park and they really have problems from the over-use of the park and the noise and all that. And this past summer, we've had a lot more police come in to help that, but there's cars parked all the way up and down Calle Tajo, people that want to use our tiny little park, which is the only park on the south side. So if you want to put in a vision and you have this

wonderful vision for the south side of Santa Fe, this completely blows it, because the park boundary ends right there. So, basically it's a little buffer zone between the houses and the park where you could ride a bike, I could ride my bicycle down there and I can turn around and come back without hitting anything. I'm not an athlete, and that's about as wide as it is and they don't have any access road and they want to make this into an access road, which I don't think can safely be done because they're going to have to cut into part of the park and they're going to have to be backed up against all those backyards of all those neighbors who now have a hard time enjoying their back yard."

Joanna [inaudible], Vice-President of the Las Acequias Neighborhood Association [previously sworn] said she has lived there since 1991, when she had an affordable house built. She is representing Kenneth Kast a Board member who couldn't be here this evening, but he sent a letter via email (Exhibit "16"). Joanna read his letter into the record expressing his concerns with this proposal. Please see Exhibit "16" for the text of this communication. Joanna said her concern is the amount of traffic since Rufina has opened, and because of this the traffic has become so intense on Calle Tajo it is impossible to cross the road at times when she walks her dog.

Elizabeth Wilds, 1130 Senda del Valle [previously sworn], said she lives next to the northern portion where the development is proposed. She said she has programmed the emergency number for the police into her phone so she can report the animals she has seen get hit on the road, noting she has seen a child on a bicycle get hit on the road. This is where they are proposing a 4-way intersection, and with the speeds and the design with a curve and an elementary school down the road, there is a lot of precariousness about this. She thinks the population and traffic have not been looked at very well. She is concerned with what she sees out her back window. She doesn't live by Power Line Road, but she does know people walk through that area through these properties as a walkway. She asked how the City's General Plan incorporates green space, noting on Siringo they have nice park benches, paths, etc. She said if this property is to be developed in a way that is attractive to people – healthy lifestyles and such – she wants to incorporate more green space on this or other properties in the area and consider the traffic, safety, pollution and the lifestyle they want to incorporate in the City. She said there are other proposals and they've come up with a number of houses if this is approved. A cul de sac is proposed. She has visited other areas where these things are developed and these things become thoroughfares and gridlike structures. She is from California and she has seen places bought by the cities and they would tear down places. She doesn't see a photo shop from stopping a thoroughfare from Airport all the way to Agua Fria. She said the developer said it will be a road only for emergencies now, but that may change 10 years from now with another Council that might decide differently. She doesn't want any more four-way intersections.

Paul Lucero, 1068 Avenida Linda, Las Acequias Subdivision [previously sworn], said he has lived there for 18 years and he lives close to the park and Power Line Road. He said the road is a one lane dirt road which is the access for 3 houses across from the short, narrow strip of land, and the north side of the project that we're talking about, which is accessed constantly. He said there was a mobile home there but it was updated. There are people living in the back side area. The traffic has really grown and it has to be addressed. He attended the Neighborhood Planning meetings, and the developer has

said Power Line will be a dirt road, and also the roads to the proposed homes also will be dirt. He said it is dusty and it will bring a lot of dust and dirt if it isn't addressed correctly. He said he just wanted to bring this to the attention of this Commission.

Linda Flatt, 950 Vuelta del Sur, Board of Las Acequias [previously sworn], said they live in Phase 4, and they "are past going north from the Power Line Road." She also is the coordinator for the Neighborhood Watch for the past 10 years. She said the park is a problem. Every summer cars are parked for blocks on both sides. She has counted up to 200 people in that park in one evening. Power Line Road is right beside it, which is their main concern. She said they know what happens in the summers, but it is not as bad in the winter -- in the summer it is horrendous. There are police there all the time. She is working with several officers to do as much as they can to protect the people in the neighborhood from all that happens in and around the park. She said if Power Line Road is put through as the main entrance into this development, it is going to create a massive problem. She said the part they're talking about is the part being rezoned from R-1 to R-5 which is 11.5 acres. She said there may be as many as 50 to 60 cars once it is all developed, and those cars will begin going in and out, and in the summer it will be a big problem.

Ms. Flatt continued, "A lot of people had to leave, they had families here. We had 16 people representing Las Acequias. One of the women did mention, and it's a very good point, if they develop Power Line Road, it sounds lovely, to make it a double lane road. It is quite narrow, but they perhaps could squeeze it out and put trees on either side. The problem that we're going to have is we have what they call cruisers that go by the park continually every night during the week. They have their radios loud. They go back and forth and back and forth, and how do they get back and forth, they come past the park and make a U-turn right in front of our poor neighbors to the north -- they make a U-turn and go back around. So what are they going to do if Power Line goes through as a major thoroughfare. They're going to go through and Rufina will also be an entrance to this development. They're going to come down past the park, zoom down that road, go down through the community that they're trying to develop, go back out on Rufina, come back around and make a big circle, continually, because I know how those guys are. The mentality is let's cruise. Power Line Road is a very serious problem. I want you to think about that."

Chair Spray said Ms. Flatt's two minutes are up and asked her to wrap up.

Ms. Flatt said, "The point is Carmichael Dominguez made a very good presentation about trying to build higher quality communities in the south side. That's what Las Acequias is looking for. We don't mind having neighbors. We like having houses there, that's fine, but we want high quality houses that are equal to what we have, which are stick built homes. Thank you."

Chair Spray said he would give Ms. Jenkins 3 minutes to respond, and then he will declare the Public Hearing closed.

Response by the Applicant

Ms. Jenkins said, "A couple of points I want to make, just really clarifications. The public access

and easement that is in Power Line Road is 58 feet wide. In addition, there is a 20 foot power line easement adjacent to that for a total of 78 feet, but the public access and utility easement portion is 58 feet wide which is plenty, and actually exceeds City standards for a collector like this, a two-lane road, a neighborhood street, frankly is what we're talking about. Because there was some concern about, is there enough room to even build the extension of a neighborhood street here, and so I just wanted to clarify that. And I have documentation if any of you are interested in seeing that."

Ms. Jenkins continued, "And with respect to how that neighborhood street connection gets designed, like I said, we can design it where you can't park on it. But if they want to be able to park on it, we can design it so they can park on it. These are the types of details that we look forward to designing as we move forward with a subdivision process. And, as was mentioned, the way discussions have gone with staff with the Fire Marshal, as well as John Romero, is that access to Agua Fria will be emergency only. Everybody recognizes that Agua Fria is overly accessed, so there is agreement among the Traffic Engineer and the Fire marshal that there is no need for any kind of regular access connection to Agua Fria, and what we are showing with the two access points is adequate. And that was really it. I'd be happy to stand for further questions."

The Public Testimony Portion of the Public Hearing Was Closed

The Commission commented and asked questions as follows:

- Commissioner Lindell said we are looking at a stated 21 lots here, and asked if that is correct.

Ms. Jenkins said, "I would like to clarify that. When they originally submitted the application, we had a conceptual site plan of that, but it turned out that the way we were calculating our affordable housing requirement, we had to recalculate that, because we were treating the 7 lots on the south side of Rufina, this area here, as a stand-alone project, so we did an affordable calculation on that. And then we had a separate one on the portion of the project north of Rufina. And so it was explained that this is being looked at as one comprehensive subdivision, so we had to recalculate that. And originally, when we first... our initial conversations prior to an ENN, our initial conversations with John Romero, we looked at just Power Line Road for being the access for a very reasonable number of lots, only 15 lots on the north side of Rufina. And 15 lots and one point of access is considered adequate, and reducing the amount of access points on Rufina seemed to be of interest."

Ms. Jenkins continued, "But after we submitted, and there was more discussion among the Land Use staff and John Romero, it was determined that in addition to Power Line we should also access at Rufina Street. So that changed our program a little bit, so we had to take a step back and say, okay, we have two access points and we're looking at a different level of infrastructure standards that would need to be built to accommodate those two access points. So, when we went back to the Las Acequias Neighborhood Association, we showed a variety of site plan options of how this property might be subdivided and built in the future, depending on the roadway requirements, the connection requirements, the improvements on Rufina Street and such. So those are factors that we don't have all the answers for right now. We will be conducting the

Traffic Impact Analysis for Rufina when we do the subdivision. So that was our initial proposal, but it's likely that we will be looking at more lots than that, but I think our density is probably going to be about 3 lots per acre when all is said and done, is probably the range we're going to be in."

Commissioner Lindell said that wasn't her question. She said her question is are these stick built house.

Ms. Jenkins said the developer isn't a homebuilder, and is creating a neighborhood. He did a market study about offering larger lots. She said these obviously will be stick built homes in the neighborhood because of the affordable housing requirement. She said with respect to the restrictive covenants, if this neighborhood is going to have stick built homes that may be 100% stick built homes. It may have a manufactured housing element if there is a homeowner who chooses to buy a lot and chooses to put a manufactured home or pre-fabricated home on the lot. She said they have restrictive covenants to govern that.

Ms. Jenkins said when they talked about the metal siding, that was to allow more contemporary style architecture to allow it as an architectural element. It was not intended to allow for substandard housing. They will bring lots to the market with the requisite infrastructure and street trees in place, and the lots will be for sale. The lots will be governed restrictive covenants -- landscaping, fencing, architectural standards, home maintenance. However, it is possible there may be manufactured homes in this. She said their goal is to establish a livable neighborhood that is well maintained.

Commissioner Pava said Cielo Azul is the large undeveloped parcel to the west, and there was reference in the Staff Report that there is a development plan for that. He asked, if Power Line Road is to be used as the ingress/egress, and Cielo Azul is required to build tub-outs for when this property is developed, what kind of traffic would be generated from this area. He asked if it will be resolved if and when Cielo Azul will be developed,

Ms. Lamboy said the Cielo Azul Subdivision is already is on an extension which is due to expire in early 2013, noting she had inquired recently. She said it is coming to a point where they either are going to do it or not, commenting they may be before this Commission again. She said the comments in the development review process at that time, as you can see, the roadway at the center part near the open space, there is intended connection across the property to the east. The intent was to provide connectivity, because we don't want to funnel all the traffic onto Agua Fria and Rufina, and there is a request for a stub-out on the subject property for Agua Fria as well. She said there is an intervening property which hasn't been part of this whole discussion, so they are uncertain as to when that would occur.

Commissioner Pava asked, regarding manufactured homes, if it is true that one can place a manufactured home on a lot in any residential district in the City.

Ms. Lamboy said, "That is correct. And it's also considered a single family residence, and so the references in the proposed covenants does not really clearly define whether it's going to be stick

built or whether it's going to be a manufactured home. And a manufactured home could comply with the architectural standards as well. It would be reviewed further in the subdivision approval process, if we ever get to that point."

- Commissioner Pava asked if there is a zone we could use or consider that would specify that manufactured homes would not be permitted, or does that contravene State law.

Ms. Brennan said, "It contravenes federal law. You cannot discriminate against manufactured housing. If the lot is qualified for a single family home, a manufactured housing unit can be put on it."

- Responding to Commissioner Pava, Ms. Brennan said the covenants could [prohibit manufactured housing], but the City cannot require or regulate that type of discriminatory home choice."

- Commissioner Pava noted we received, at the 11th hour, something from the Agua Fria Village Association from Mr. Mee. He said he checked people who were copied on the letter against the ENN notice, and Ms. Odom did attend the ENN and she was copied on the letter. He asked Ms. Odom if the statement, "Our neighborhood received no notification on the proposed rezoning," is accurate in her mind and asked how she found out about this meeting.

Ms. Odom said she is involved in a different project with Agua Fria Village, and has gotten to know Mr. Mee in that capacity. And in that capacity, she attended their Neighborhood Association meeting on Monday. She said, "I'm not aware of any of this. I don't know if they got notification. I have no way of knowing that."

Ms. Baer said, with regard to notice, the part that is being rezoned is not within 300 feet of that Neighborhood Association. She said when the entire project comes back for subdivision, that Neighborhood Association and anyone who lives within 300 feet of the Agua Fria property line would be notified.

- Chair Spray said Ms. Jenkins mentioned that one of the things they are trying to do here is correcting a split zoning. He asked if we are under any obligation to correct any zoning. He said, "The fact that there is R-1 here and R-5 there, that could be developed by her client today."

Ms. Baer said, "That's correct. Typically we don't like to see split zoning on any piece of land, but it's not your issue to correct. You don't have to."

- Chair Spray asked, with regard to being in compliance with the General Plan; where we talk about 3-7 units per acre, we're not obligated to make any change to comply with the plan. He asked if this is correct.

Ms. Baer said, "That is correct. It would have been incumbent on the applicant to request to change to the General Plan if that had been necessary."

Chair Spray said the proposal is for 11.5 acres with 21 lots, and asked Ms. Jenkins if this correct.

Ms. Jenkins said she tried to clarify that with Commissioner Lindell. She said, "Initially, when they submitted a conceptual site plan... we don't have a proposal for lots. We have a conceptual site plan."

Chair Spray quoted from the 4th paragraph on page 5, 6 of the ENN report, "A neighbor asked why Ms. Jenkins chose the R-5 zoning district, if the goal is only for 18 lots on the 9 acres. Why not R-3 or R-2 if that was truly the intention. Ms. Jenkins responded that it just seemed to make sense to continue the R-5 zoning like that which is already in place in the northern portion. She said that she would discuss the possibility of a lower density zoning district with her client." Chair Spray asked Ms. Jenkins if she has had that discussion.

Ms. Jenkins said, "Here's what we discovered, is that this is the current General Plan designation that you see there. And on this, the northern 2/3 of the property, and it has two General Plan designations. A General Plan designation of 3 to 7 dwellings per acre is the yellow. And up at the top, along Agua Fria, there's a General Plan designation of transitional mixed use. And so, if we were to... I can't just rezone this portion here to R-3, because I would be creating a split zoning, so I would have to downzone the rest of the property. And I would have to amend the General Plan which would be based on the transitional mixed use designation at the top. And typically in my field, I avoid General Plan designations unless they are necessary."

Ms. Jenkins continued, "And secondly, with respect to zoning and looking down the road at a future subdivision, it is pretty much impossible to design a subdivision in terms of what is your lot count, what is your density, what is your access points, how are your roads going to be developed, to what standard are your roads going to be developed, are they going to be public or are they going to be private. There are a myriad of issues that get resolved at the subdivision stage. I would not be representing my client if I had to back him into a corner in terms of his lot count, if we did not know what our infrastructure requirements and expenses are going to be. Okay. That would not be being... I have my fiduciary responsibility to my client. We have been transparent, unbelievably transparent about our intention here to create the most lots in the entire neighborhood. The largest lots in the entire neighborhood. That is our intent. That is our vision, and we have been very transparent about that. However, I'm not in a position to tell my client to leave density on the table until I can tell him what his infrastructure costs are going to be. I hope... that's kind of a long winded answer to your question."

Chair Spray said if the section is 3-7, 3 seems to fit within that, so that could be changed for the General Plan at that point. It all could be at R-3. So any change like that would make the property less valuable to your client, which he thinks is the real essence, commenting that is what he would do. If he was looking to go to R-5, he would try to make as much on them as he possibly could, because he could make as much money as possible.

Ms. Jenkins said, "That's never been our intent, to put as much... if we were going to put as much on here as we possibly could, then I would just mirror the Las Acequias development pattern. I would just put houses and back yards up against back yards. That would be the approach if we were trying to milk every lot out of this project. That has never been our intention."

Chair Spray said, "I would never suggest that. It's just that you can get more on R-5 than you could on R-3, that's all. That's the point of that. I guess my feeling on those kinds of rezonings is that we do have an obligation, in my opinion, to do not only do what's right for the City but to do what's right by the neighborhood which has an expectation, in most cases, of having stable zoning. And we always talk about, well the area has changed, but who changes that. We change that right here by adding to it and that's what makes it... every time we make a change someone like yourself or another developer comes through and says, the neighborhood has changed, it's all different, so that's why you should do it. So I guess my personal feeling is that I think at an R-5 and R-1, I think your client could still be well served and could still make some money off it. And even at a lower density, it seems to me, could do extremely well. And that's all I've got for that one."

Commissioner Villarreal asked Traffic Engineer John Romero if he knows about a thorough traffic study, not just for this particular neighborhood area, but for Rufina, Agua Fria and capturing the situation and future growth – has there been a comprehensive traffic study for this area.

John Romero, Traffic Engineer said, "No. I think Rufina was... that was the intent on Rufina was to do that." He said on all these streets – Rufina, Agua Fria, Alameda – we have infill, and infill does add more traffic to our streets. He said, "I don't what a comprehensive study would tell us, other than you build more houses, you make more babies, you create more people you get more cars. That's just the way it goes."

Commissioner Villarreal said the letter the Commission received from the Agua Fria Village Association referenced a study done by the BBER at UNM and they were referring to a commissioned study on the annexation studies. She asked Mr. Romero if he is aware of that, or has staff seen the study to which they refer.

John Romero said, "Yes. That study was really to analyze the physical effect on the City of annexing in the County, including operation, maintenance, staff. All that type of stuff."

Commissioner Villarreal, "And not necessarily having a focus on traffic."

Mr. Romero said no.

Commissioner Villarreal said, "This is a difficult situation because there have been multiple opportunities for development in this area, because we need areas for more people to live in Santa Fe. That's really what it comes down to. And I guess I'm always curious and interested in what people say about, well we don't any more people to live in our area because it's at capacity. Well, I prefer to have more of a robust community, rather than seeing the areas in northeast Santa Fe

where we have part time residents. To me, that's pretty depressing. But I guess I'm still worried about this traffic issue and it's always coming up every time we look at this area for possible development. One of the residents, or a few of the residents said that the park in this area, Las Acequias Park, is over-used. I don't think there's such a thing as an over-used park. The issue is... the issue is... listen to me, the issue is that we don't have enough green space, open space in the south side part of town. And that, to me, is the bigger issue. And I'm hoping when the Southwest Area Park comes to fruition, that that will alleviate the situation. They are going to that park, because there's no other park to go to. So I think it's not an over-used park, I think it's that we don't have enough parks in this area. And I actually find it offensive saying cruisers are problematic. I think if people don't have enough to do, and there's not enough for community, it's not because cruisers are the problem. We had the problem in the downtown area of cruising, they eliminated it, and now there's no local people that actually go downtown, so to speak."

Commissioner Villarreal continued, "But back to the main issue. I'm having a problem with this traffic thing and it keeps coming up and so I'm feeling like there needs to be more analysis of how this is going to develop, particularly if we have this pending Cielo Azul development. So, I'd like to hear from other Commissioners. I'll yield to them."

Commissioner Schackel-Bordegary said, "Spurred by my fellow Commissioner's comments, I just want to echo her sentiment, concerns about traffic and the park. And I have less objection to a rezoning in this case, because I recognize that it would go through rigorous development review further. But I'm troubled by these proposals we keep seeing for this side of town, and it's like we can't figure out how to grow more places for our people to live. And so, it sort of broadens the scope to the need for greater planning. We heard earlier this evening about an overlay vision for the Airport Road corridor. This is that. And I am troubled that we would even call a park over-used. I share that. We have acres and acres of Ragle Park at Yucca and Zia."

Commissioner Schackel-Bordegary continued, "What I'm getting at, is this is an issue for all of us to think about how we grow. I'm also troubled to not hear a definitive answer that these won't be stick built homes. I have my own opinions about longevity, and so I'm troubled by that. And I don't like that possibility, and I don't want to put residents of this part of our City in the position of having more manufactured housing shoe-horned in. That said, I don't believe this is the intent, from what I've heard about development standards, but we don't have guarantees of that. That's it. I am troubled by the fact that we have a community of people that want to use a park and we don't have enough green space. What is wrong with our City if we aren't providing enough park spaces for our children and families, that some people would actually think a park is over-used. I'm going to go home a little sad about that tonight."

Chair Spray said we are at the point where we would have to either choose to make a recommendation or choose not to recommend this to the City Council. He asked the wishes of the Commission.

Ms. Lamboy said, "I would just offer up an idea that I've been brainstorming back here, as I've been hearing all these comments. And one of the things that the applicant can also do, is a lot

split for that Tract C which is north of Rufina, if she were to choose to do so. And that would give, possibly, the opportunity for the R-5 zoning to stay where it is, and potentially an opportunity for a lower zoning category to be looked at for the southern tract. But of course, the lot split would be an extra action that would have to take place. Additionally, if this committee were to consider a lower zoning category, I would just like to let the Commission know it would not have to be rezoned because it is a lower category. Only if they were to go higher, would we have to start the whole process again."

- Chair Spray asked if she is suggesting a modification in terms of a motion. He asked Ms. Brennan if we don't have to deal with the matter right in front of us here.

Ms. Brennan said, "Certainly, if there were a lot split proposed, action would have to be postponed so the lot split could be advertised independently, so that would be the outcome of a desire to do that."

Chair Spray said then we wouldn't take action on this at this time, if they're even interested in doing that in any way, and Ms. Brennan said this is correct.

Mr. O'Reilly said to the second question, or Ms. Lamboy's suggestion, this Commission could choose to recommend this to a different zoning category lower than R-5. The Commission has done that in the past. This is an option.

- Chair Spray said that would be on the R-5, to downzone that.

Ms. Baer said the matter before the Commission tonight is the lower piece that is R-1. They're asking for rezoning for that piece.

- Commissioner Pava asked Ms. Jenkins if the Commission would propose a recommendation to Council of a lesser zoning, say R-3; if she is in a position to speak as to whether or not that would be acceptable on behalf of her client.

Ms. Jenkins said, "Probably not technically, but I think that we would be open to that. Like I said, we've been very clear about what our vision is here for this property, and so I appreciate Ms. Lamboy trying to think creatively so we can all move forward, and I like that. I like the opportunity to collaborate and come up with a win-win solution. What does trouble me a little bit, is when we look at zoning and we look at consistency, and we look at connectivity, to be surrounded by R-6, R-7, R-5, R-4 Mobile Home Park, and then to somehow designate this little acreage as somehow different and less worthy of this is... I'm interested in your thoughts on, because I need to come back to my client to weigh that. I'm very curious, when you look at this map and it's like hmmm, you know. And so I would love to hear your thoughts on what about this little piece here in the midst of a fully developed community is somehow unique when we're talking about 20, 15, 25 lots, is a small little neighborhood. So I would be very interested in that and very open to ideas."

Commissioner Pava said, "Since you asked, it's late, but okay. I heard that there's 220 lots proposed on Cielo Azul, for example. And when I look at this as a planner, from my training, I see this as the last piece in a puzzle. And it's not altogether a great puzzle at this point, based on what we've been hearing, whether you think parks are over subscribed, or there are cruisers or this and that. And I've heard this throughout my career, that it's too many people, over-subscribed and what are we going to do about the street and this and that. And yet, something here rings true to me that there's a problem. This is unique because it is about the last piece in the puzzle. If I could wave a magic wand I would probably say, let the City buy it. Wouldn't that be nice. And we'll extend and make this part of a park and a parkway, but that's not going to happen. Absent that, what I think I would like to propose, Chair Spray, is to make a motion based on Ms. Jenkins' response.

MOTION: Commissioner Pava moved, seconded by Commissioner Schackel-Bordegary, to recommend the approval of Case #2012-104, Aquafina Rezoning to R-5, with a recommendation for R-3 zoning, with all conditions of approval as recommended by staff.

VOTE: The motion was approved on a roll call vote, with the Chair voting in favor of the motion to break the tie vote, [4-3] as follows:

For: Commissioner Ortiz, Commissioner Pava, Commissioner Schackel-Bordegary and Chair Spray.

Against: Commissioner Bemis, Commissioner Lindell and Commissioner Villarreal.

6. **CASE #2012-123. WINDMILL HILL AT LAS PLACITAS COMPOUND PRELIMINARY SUBDIVISION PLAT WITH VARIANCE. JENKINS GAVIN DESIGN AND DEVELOPMENT, AGENT FOR DOUG AND PEGGY McDOWELL, REQUESTS PRELIMINARY SUBDIVISION PLAT APPROVAL FOR FOUR SINGLE FAMILY RESIDENTIAL LOTS ON 1.48± ACRES. A VARIANCE IS REQUESTED TO REDUCE THE MINIMUM STREET WIDTH FROM 38 FEET TO THE WIDTH OF EXISTING ACCESS EASEMENTS OF 29 FEET AND 20 FEET. THE PROPERTY IS LOCATED AT 623½ GARCIA STREET, AND IS ZONED R-3 (RESIDENTIAL, THREE DWELLING UNITS PER ACRE). (DONNA WYNANT, CASE MANAGER)**

A Memorandum dated November 26, 2012 for the December 6, 2012 meeting, with attachments, to the Planning Commission, from Donna Wynant, Senior Planner, Current Planning Division, is incorporated herewith to these minutes as Exhibit "18."

A copy of a power point presentation *Windmill Hill Preliminary Subdivision Plat*, is incorporated herewith to these minutes as Exhibit "19."

The Preliminary Subdivision Plat with attachments, is incorporated herewith to these minutes by reference, and copies are on file with and can be obtained from the Planning and Land Use Department.

City of Santa Fe, New Mexico

Exhibit 3

**Planning Commission Staff Report Packet
December 6, 2012**

City of Santa Fe, New Mexico

memo

DATE: November 16, 2012 for the December 6, 2012 Meeting

TO: Planning Commission

VIA: Matthew S. O'Reilly, P.E., Director, Land Use Department *MSO*
Tamara Baer, ASLA, Planning Manager, Current Planning Division *TB*

FROM: Heather L. Lamboy, AICP, Senior Planner, Current Planning Division *HL*

Case #2012-104. Aguafina Rezoning to R-5. JenkinsGavin Design and Development, agent for Aguafina Development, LLC, requests to rezone 5.73± acres from R-1 (Residential, 1 dwelling unit per acre) to R-5 (Residential, 5 dwelling units per acre). The property is located south of Agua Fria Street and west of Calle Atajo, at 4702 Rufina Street and 4262 Agua Fria Street. (Heather Lamboy, Case Manager)

I. RECOMMENDATION

The Land Use Department recommends **APPROVAL WITH CONDITIONS** as outlined in this report.

The Planning Commission will make a recommendation to the City Council for final action.

II. APPLICATION OVERVIEW

The applicant is requesting to rezone a portion of a tract of land that is bisected by Rufina Street, between Agua Fria Road and Airport Road. Currently, the tract has split zoning. This application is requesting a rezoning of the tract only, a subdivision plat will be reviewed in the future if this rezoning is approved. The northern portion of the Tract is zoned Residential-5 (R-5) and the southern portion of the property is zoned Residential-1 (R-1). This parcel is located in a part of Santa Fe that has experienced dramatic growth over the past decade. The northern portion of the tract is part of the Phase 2 Annexation Area.

The area includes single family residential development, large lot residential development, and mobile home parks in the immediate vicinity. Zoning districts surrounding the subject property include Residential-7 PUD (R-7 PUD) in the Las Acequias neighborhood, Mobile Home Park (MHP) on either side of Rufina to the west (maximum density permitted in MHP zoning is 8 dwelling units per acre), and Residential-5 and Residential-6 to the north of the site. The

proposed R-5 zoning category will be compatible with and comparable to the existing development pattern in the vicinity.

In initial meetings with Development Review Team staff, the City's Traffic Engineer discussed the need to limit access on Agua Fria due to the large amount of traffic on that roadway. Access was determined appropriate via Rufina Street, with additional access via Powerline Road. In order to comply with the International Fire Code, the access point at Agua Fria Street will be for emergency vehicles only.

The Early Neighborhood Notification (ENN) meeting was held on July 30, 2012. Those in attendance exhibited concern about the character of the development and how it would integrate with adjoining neighborhoods. Questions were asked about the access, and concerns were raised about utilizing Powerline Road as an access point. Additional discussion included the type of housing permitted. For additional detailed information regarding the meeting, refer to the ENN Meeting Summary in Exhibit C.

III. APPROVAL CRITERIA

14-3.5 REZONINGS

(C) Approval Criteria

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

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

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

Applicant Response: Not applicable.

Staff Response: Not applicable. This property was zoned residential by Santa Fe County. It is part of the Phase 2 Annexation area as established by the Subdivision, Planning, Platting and Zoning Ordinance (SPPAZO). When it was zoned R-1, the density was appropriate for the area. However, the density of the area has changed as the City has expanded southward.

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

Applicant Response: The most significant change to the surrounding area is the pending annexation of many County properties along the Rufina Street and Airport Road corridor. Based on the Future Land Use designations approved for this area by the City as part of the annexation process, the primary intent is to encourage low density residential development along the Rufina Corridor.

Staff Response: As noted by the applicant, the character of the Rufina Corridor has changed. Additionally, the General Plan, which is the long-range guiding policy plan, indicates a future land use of Low Density Residential (3-7 dwelling units per acre). The proposed rezoning request to 5 dwelling units per acre is consistent with the General Plan.

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

Applicant Response: Rezoning the southern portion of Tract C and all of Tract B to R-5 will bring both lots into compliance with the City's General Plan designation of Low Density Residential. The two tracts that comprise the subject property are bordered by the Las Acequias subdivision to the east, undeveloped property to the west, Agua Fria Village to the north, and Roadrunner West Mobile Home Park to the west and south. The proposed generously-sized lots will serve as a transition between the semi-rural environment of Agua Fria Village and the dense surrounding subdivisions. From the standpoint of connectivity, the General Plan encourages roadway connections between neighborhoods, which reduces stress on the arterial road network and promotes community integration. Accessing Tract C via Powerline Road complies with the General Plan by promoting a connection with the neighboring Las Acequias subdivision.

Staff Response: As stated by the applicant, the General Plan provides for a more dense land development pattern than one dwelling unit per acre within the City limits. While the proposed R-5 zoning district increases the permitted density on the subject property, it will be compatible with surrounding densities in the vicinity. The development of the tract will include more opportunities for affordable housing within the city. The Land Development Code also requires park amenities either through a land dedication or payment of impact fees. The applicant is encouraged to dedicate park area in the Aguafina development adjacent to one of the Las Acequias parks in order to complement these existing park facilities. If the impact fee option is chosen, an estimate of park impact fees for 24 single-family dwelling units (approx. size 1500-2000 square feet each) would total \$29,136.

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

Applicant Response: Yes.

Staff Response: All requirements for rezoning, including public notice requirements, have been met.

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

Applicant Response: The proposed project exemplifies a compact urban form as encouraged by the General Plan, while respecting the semi-rural nature of nearby properties with the Low Density Residential Designation. Section 17.1 of the General Plan calls for the development of more affordable housing in Santa Fe. The General Plan also calls for the City to actively participate in the creation of affordable housing: "Opportunities are provided for housing of all income segments of the population in all areas of the city, while restricting the supply of large lot housing, which belongs in rural areas outside the city and not inside it. Housing affordability will also be aided by not artificially limiting the supply of land or the rate of growth. Active efforts to increase the supply of affordable housing are outlined. Affordable housing is provided close to jobs to promote transit use." In addition, Section 9.1.6 states, "The city should take a proactive role to ensure an adequate supply

of land is available so there are no artificial constraints on easily developable land.”

Staff Response: *In addition to the applicant’s response, other General Plan policies support this rezoning, including Policy 4.4-I-3, which states, “Ensure that all residential development within the future growth areas is built at a minimum gross density of three units per acre, and an average of five units per acre, where topography allows.”*

The site is part of the Central Neighborhood Pattern Area of the Southwest Santa Fe Area Master Plan. The Plan identified this area as having the greatest potential to integrate future development with existing residential development. That is why it is critical that this application integrates with its surrounds through parks, pedestrian and vehicular connections. Additionally, the Master Plan calls for a broad range of residential densities in these areas in an effort to promote diversity, housing affordability, and community identity.

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

Applicant Response: *The southwest sector of Santa Fe has been the epicenter of population growth in Santa Fe for many years. The addition of newly annexed, vacant tracts only increases the likelihood of this trend continuing. In addition, per Section 4.4 of the General Plan, the subject property is located within the Urban Area Boundary and is also in Staging Area One, which “encompasses the highest priority for urban growth.” (Section 4.5.1)*

The area surrounding the subject property comprises high density mobile home communities, single family homes, and semi-rural residential. The proposed subdivision and accompanying Future Land Use Designation of Low Density is an appropriate bridge between the two extremes of existing residential development and is consistent with the City’s intent to encourage this type of development pattern along Rufina Street. Furthermore, the project is adjacent to Rufina Street, a minor arterial roadway that contains the water and sewer infrastructure necessary to serve the project.

Staff Response: *The General Plan prioritizes growth for infill areas that are already served by public water and wastewater facilities. In the case of Aguafina, an opportunity is presented for infill development that provides for efficient use of City infrastructure.*

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

Applicant Response: *There is adequate public infrastructure available adjacent to the site to serve the proposed subdivision.*

Staff Response: *Staff agrees with the applicant, the site is served by City streets, water and wastewater facilities.*

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

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

Staff Response: *The proposal will not change the character of the area will be consistent with the prevailing uses in the area.*

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

Staff Response: *Not applicable. The size of the site proposed for rezoning is 11.51± acres.*

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

Staff Response: *With the construction of adequate infrastructure as required by the Land Development Code, this proposal will not benefit one or few landowners at the expense of surrounding landowners.*

IV. CONDITIONS OF APPROVAL

Many of the conditions presented by staff relate to future development on the property. An important issue that was raised by the Traffic Engineer was access to the site via a newly-constructed Powerline Road and a Rufina Street access for both tracts that are bisected by Rufina. The applicant has agreed to the Traffic Engineer's requirements for these access points, in addition to dedicating right-of-way for future cross access to properties to the west. The Fire Marshal asked for access to the site from Agua Fria due to the location of the closest fire station. The applicant has agreed to emergency access only via Agua Fria Street in order to address concerns from the Agua Fria Village Association regarding the number of access points along Agua Fria Road.

Many of the aforementioned issues will be further refined as part of the subdivision plat review. This application only requests the rezoning of the property from R-1 to R-5, and the applicant has provided a conceptual site plan in order to help the Commission understand how future single-family residential development may look on the site. In order to further control the character of development on the site, the applicant has provided proposed restrictive Covenants that will be recorded with the Final Subdivision Plat.

V. ATTACHMENTS:

EXHIBIT A: Conditions of Approval

1. Conditions of Approval

EXHIBIT B: Development Review Team Memoranda

1. Request for Additional Information, Heather Lamboy
2. Traffic Engineering Comments, John Romero
3. Fire Marshal Comments, Reynaldo Gonzales
4. Affordable Housing Comments, Kym Dicome
5. Technical Review Division Memorandum, Risana "RB" Zaxus
6. Metropolitan Transportation Organization, Keith Wilson
7. Solid Waste Division Memorandum, Randall Marco
8. Wastewater Division Memorandum, Stan Holland

EXHIBIT C: ENN Meeting Materials

1. ENN Public Notice Materials
2. ENN Meeting Notes

EXHIBIT D: Maps

1. Future Land Use Map
2. Zoning Map
3. Aerial
4. Aerial with Phase 2 Annexation Area

EXHIBIT E: Applicant Submittals

1. Transmittal Letter
2. Proposed Subdivision Covenants
3. Conceptual Site Plan

EXHIBIT F: Correspondence from the Public

1. Las Acequias Neighborhood Association Letter 11-28-12

City of Santa Fe, New Mexico

Exhibit A

Conditions of Approval

Aguaфина Rezoning to Conditions of Approval

Planning Commission

Case #2012-104 – Aguaфина Rezoning to R-5

Conditions	Department	Staff
<p>Review comments are based on submittals received on August 15, 2012. The comments below should be considered as Conditions of Approval to be addressed prior to subsequent submittal unless otherwise noted:</p> <ol style="list-style-type: none"> 1. The Developer shall provide an access from Tract "C" to Rufina Street, aligning the intersection with the proposed access to Tract B. Both accesses shall be partial accesses providing Right-in, Right-out, and Left-in turns only; 2. The Developer shall provide a traffic analysis of the access points to Rufina Street to determine if deceleration and/or acceleration lanes are needed and if so how long they should be; 3. The Developer shall plan this development so that it allows future access to the west that corresponds with proposed access to the east from the approved Cielo Azul Subdivision. We required the Cielo Azul developers to provide stub-outs so that their roadway network can connect to the east. The Developer shall indicate on the subdivision plat and development plan, the locations of these future Right-of-Way accesses and stub-outs (ghost lines) to the west; 4. We have reviewed a conceptual design of a subdivision that indicates a proposed access and utility easement. At such time as a submittal is made for a subdivision plat and/or a development plan, the proposed roads shall be built to City of Santa Fe standards and dedicated as public right-of-way. 	Traffic Engineering	John Romero/ Sandra Kassens
<p>The Fire Marshal conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) 2009 Edition. Below are the following requirements that shall be addressed prior to final approval of a subdivision plat.</p> <ol style="list-style-type: none"> 1. Shall Comply with International Fire Code (IFC) 2009 edition. 2. Shall meet fire department access for R-5 zoning as per IFC 2009 edition, and have two points of access. 3. Shall meet fire protection requirements for R-5 zoning as per IFC 2009 edition. 	Fire	Rey Gonzales
<p>The subject property is accessible to the City sanitary sewer system and connection to the City sewer system is mandatory and shall be made prior to any new construction. Additionally, the following notes shall be included on the plat:</p> <p>Wastewater Utility Expansion Charges (UEC) shall be paid at the time of building permit application.</p>	Wastewater	Stan Holland
<p>Based on the latest SFHP requirements, 20% of the proposed 21 lot subdivision must be designated affordable which is 4.2 (21x.2=4.2). The 0.2 lot can be satisfied by providing another lot or paying a fractional fee. The affordable lots must be spread out and not clustered.</p> <p>A completed SFHO proposal is required prior to review of the plans by staff prior to Planning Commission approval of the Final Plat. A Santa Fe Housing Program (SFHP) Agreement shall be signed and recorded with the Final Plat. The affordable lots shall be designated on the plat.</p>	Affordable Housing	Kym Dicome/ Alexandra Ladd

Aguaфина Rezoning to -Conditions of Approval

Planning Commission

Case #2012-104 – Aguaфина Rezoning to R-5

Conditions	Department	Staff
There is no location shown for stormwater ponding as required by the Land Development Code. All applicable requirements of Article 14-8.2 must be met if the project goes forward after the rezoning.	Technical Review	Risana "R.B." Zaxus
Section 14-8.15(C)(2) SFCC 1987 requires land to be dedicated for neighborhood parks. The conceptual site plan that has been provided does not address any park dedication. The applicant shall provide park area for the development as part of the subdivision plat process, or commit to payment of park impact fees, in order to comply with this Land Development Code requirement.	Current Planning	Heather Lamboy

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2012-__

AN ORDINANCE

**AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SANTA FE;
CHANGING THE ZONING CLASSIFICATIONS FOR TRACT B AND THE
SOUTHERN 9.06± ACRES OF TRACT C, A PORTION OF S.H.C. 435 TRACT 3
WITHIN SECTIONS 6 & 7, TOWNSHIP 16 NORTH, RANGE 9 EAST, NEW MEXICO
PRIME MERIDIAN, FROM RESIDENTIAL-1 (RESIDENTIAL, 1 DWELLING
UNIT PER ACRE) TO RESIDENTIAL-5 (RESIDENTIAL, 5 DWELLING UNITS
PER ACRE), AND PROVIDING AN EFFECTIVE DATE. ("AGUAFINA
REZONING," CASE #2012-104).**

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

Section 1. That a certain parcel of land comprising 11.51± acres (the "Property")
located within Township 16N, Range 9E, Sections 6 & 7, New Mexico Prime Meridian, Santa Fe
County, State of New Mexico, of which approximately 11.51± acres are located within the
municipal boundaries of the City of Santa Fe, and are restricted to and classified as Residential-5
(R-5) as described in the zoning map attached hereto [EXHIBIT A] and incorporated herein by
reference.

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

4 **Section 3.** This rezoning action and any future development plan for the Property is
5 approved with and subject to the conditions set forth in the table attached hereto [EXHIBIT B]
6 and incorporated herein summarizing the City of Santa Fe staff technical memoranda and
7 conditions recommended by the Planning Commission on [December 6, 2012].

8 **Section 4.** This rezoning action is subject to the time restrictions set forth in Section
9 14-3.5(D)(1) SFCC 1987 (Two-year Review/Rescission). Resolution 2011-26 has extended
10 zoning approvals for a limited duration of time.

11 **Section 5.** This Ordinance shall be published one time by title and general summary
12 and shall become effective five days after publication.

13
14
15 **APPROVED AS TO FORM:**

16
17 _____
18 GENO ZAMORA, CITY ATTORNEY
19
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25

City of Santa Fe, New Mexico

Exhibit B

Development Review Team Memoranda



City of Santa Fe Land Use Department Request for Additional Submittals

Project Name

Aguafina

Project Location

West of Rufina and Calle Atajo

Project Description

Case #2012-104. Aguafina Rezoning to R-5. JenkinsGavin Design and Development, agent for Aguafina Development, LLC, requests to rezone 5.73± acres from R-1 (Residential, 1 dwelling unit per acre) to R-5 (Residential, 5 dwelling units per acre). The property is located south of Agua Fria Street and west of Calle Atajo, at 4702 Rufina Street and 4262 Agua Fria Street. (Heather Lamboy, Case Manager)

Applicant / Owner

Jennifer Jenkins, JenkinsGavin Design and Development

Application Type

Rezone to R-5

Land Use Staff

Heather L. Lamboy, AICP

Comments:

In general, the request to rezone the parcel from R-1 to R-5 is not inconsistent with the general plan or the general development pattern in the neighborhood. With the public comment given at the Early Neighborhood Notification (ENN) meeting, it became obvious that a lower density than 5 dwelling units per acre was desired by the neighborhood.

The concept plan proposal initially submitted with this application called for lot sizes varying from 0.15-acre to 0.90-acre. Attached in the comments the need has been identified to provide more access points than just the proposed Powerline Road access to the northern tract. Other possible access points include a right-in, right-out at Rufina Street and access via Agua Fria Road. To be consistent with General Plan policies regarding roadway and pedestrian connectivity throughout the city, it is suggested that the roadway connect from Agua Fria through the northern and southern tracts (across Rufina Street) to a hammerhead which can be extended in the future to Airport Road.

The Traffic Engineer has identified the need for a Traffic Analysis of the access points to Rufina Street to determine whether deceleration and/or acceleration

lanes will be required. The engineer has also identified the need to provide connectivity to the west with the Cielo Azul development.

The Affordable Housing Planner has identified a higher number of affordable units than provided on the plan. Review the math and ensure that the affordable units are distributed evenly throughout the development.

The City Engineer commented that no stormwater ponding has been provided. As this is a rezoning request without an accompanying Development Plan or Plat, no requirement to illustrate stormwater ponding will be made at this time. However, it is important to plan accordingly when undertaking the platting process for the parcel.

Please provide revised submittals by September 7, 2012 so we can stay on track for the October 4, 2012 Planning Commission public hearing. Two (2) copies of the traffic analysis must be provided, one for the master file and another for the traffic engineer. With reference to the drawings, please provide four (4) paper copies and one (1) CD copy for distribution to the Development Review Team.

If you have any questions, please feel free to contact me at 955-6656.

City of Santa Fe, New Mexico

memo

DATE: August 22, 2012

TO: Heather Lamboy, Planning and Land Use Department

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

FROM: Sandra Kassens, Traffic Engineering Division *SMK*

SUBJECT: Aguaфина Rezoning to R-5. (Case #2012-104)

ISSUE

JenkinsGavin Design and Development, agent for Aguaфина Development, LLC, requests to rezone 5.73± acres from R-1 (Residential, 1 dwelling unit per acre) to R-5 (Residential, 5 dwelling units per acre). The property is located south of Agua Fria Street and west of Calle Atajo, at 4702 Rufina Street and 4262 Agua Fria Street.

RECOMMENDED ACTION:

Review comments are based on submittals received on August 15, 2012. The comments below should be considered as Conditions of Approval to be addressed prior to subsequent submittal unless otherwise noted:

1. The Developer shall provide an access from Tract "C" to Rufina Street, aligning the intersection with the proposed access to Tract B. Both accesses shall be partial accesses providing Right-in, Right-out, and Left-in turns only;
2. The Developer shall provide a traffic analysis of the access points to Rufina Street to determine if deceleration and/or acceleration lanes are needed and if so how long they should be;
3. The Developer shall plan this development so that it allows future access to the west that corresponds with proposed access to the east from the approved Cielo Azul Subdivision. We required the Cielo Azul developers to provide stub-outs so that their roadway network can connect to the east. The Developer shall indicate on the subdivision plat and development plan, the locations of these future Right-of-Way accesses and stub-outs (ghost lines) to the west;
4. We have reviewed a conceptual design of a subdivision that indicates a proposed access and utility easement. At such time as a submittal is made for a subdivision plat and/or a development plan, the proposed roads shall be built to City of Santa Fe standards and dedicated as public right-of-way.

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

City of Santa Fe, New Mexico

memo

DATE: August 22, 2012

TO: Case Manager: Heather Lamboy

FROM: Reynaldo Gonzales, Fire Marshal 

SUBJECT: Case #2012-104. Aguaфина Rezoning to R-5.

I have conducted a review of the above mentioned case for compliance with the International Fire Code (IFC) 2009 Edition. Below are the following requirements that shall be addressed prior to approval by Planning Commission. If you have questions or concerns, or need further clarification please call me at 505-955-3316.

1. Shall Comply with International Fire Code (IFC) 2009 edition.
2. Shall meet fire department access for R-5 zoning as per IFC 2009 edition, and have two points of access.
3. Shall meet fire protection requirements for R-5 zoning as per IFC 2009 edition.

City of Santa Fe, New Mexico

memo

DATE: August 16, 2012
TO: Heather Lamboy, Case Manager
FROM: Kym E. Dicome, Senior Housing Planner, OAH
SUBJECT: Case #2012-104 Aquafina Rezoning to R-5

The applicant submitted a Letter of Application (dated August 13, 2012) that states that three of the 21 lots will be affordable based on the Santa Fe Homes Program (SFHP). Based on the latest SFHP requirements, 20% of the proposed 21 lot subdivision must be designated affordable which is 4.2 ($21 \times .2 = 4.2$). The 0.2 lot can be satisfied by providing another lot or paying a fractional fee. The affordable lots must be spread out and not clustered.

A completed SFHO proposal is required prior to review of the plans by staff or plat by the City's Planning Commission. After final approval has been granted by the City's Planning Commission, a SFHP Agreement is signed and recorded with the plat or development plan. The affordable lots will be designated on the plat or plan.

These comments apply to the plan or platting phase of the project which is contingent upon approval of the rezoning request.

City of Santa Fe, New Mexico

memo

DATE: August 22, 2012

TO: Heather Lamboy
Case Manager

FROM: Risana "RB" Zaxus, PE
City Engineer for Land Use Department

RE: Case # 2012-104
Aquafina Rezoning to R-5

I reviewed a 1-sheet Rezone Plan and the Letter of Application, and have the following review comment:

*There is no location shown for stormwater ponding as required by the Land Development Code. All applicable requirements of Article 14-8.2 must be met if the project goes forward after rezoning.

LAMBOY, HEATHER L.

From: WILSON, KEITH P.
Sent: Friday, August 24, 2012 8:52 AM
To: LAMBOY, HEATHER L.
Cc: MARTINEZ, ERIC B.
Subject: Case #2012-104 Aguafina Rezoning to R5

Hi Heather

RE: Case #2012-104. Aguafina Rezoning to R-5. \\file-svr-1\Public\$Land Use\2012-104 Aguafina Subdivision Plat

We have no Multi-Use trails in the Bicycle Master Plan that impact this project.

Let me know if you have additional questions.

Keith P. Wilson
MPO Senior Planner
Santa Fe Metropolitan Planning Organization
P.O. Box 909
Santa Fe, NM 87504-0909
Phone: 505-955-6706
Fax: 505-955-6332
kpwilson@santafenm.gov

Please Visit Our Website at: www.santafemppo.org



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City of Santa Fe, New Mexico

Exhibit C

**Early Neighborhood Notification (ENN)
Meeting Materials**



Early Neighborhood Notification Meeting

Request for Staff Attendance

Submittals must be completed before the City will schedule the meeting date and staff for an ENN meeting. Meetings should be coordinated with the Land Use Department to ensure staff attendance, and meetings will not be scheduled on public hearing days including Board of Adjustment, BCD-DRC, Planning Commission and City Council hearing days.

DEVELOPMENT/PROJECT NAME: Aguafina Rezoning
(The same name shall be used throughout the ENN & application submittal process)

PROJECT LOCATION/ADDRESS: Tract B 4702 Rufina St. & Tract C 4262 Agua Fria St.
(Attach vicinity map and site plan)

APPLICATION TYPE:

- ☐ General Plan Amendment: From: _____ To: _____ ☐ Annexation: _____
- ☒ Rezoning From R-1 To: R-5 ☐ Preliminary Subdivision: Number of lots _____
- ☐ Preliminary Development Plan ☐ Final Subdivision: Number of lots _____
- ☐ Final Development Plan ☐ Variance _____
- ☐ Development Plan ☐ Special Exception _____
- ☐ Amended Development Plan ☐ Other _____

Detailed Project Description: Rezone the southern portion of Tract C & all of Tract B so zoning is consistent with the northern portion of Tract C.

DEVELOPMENT/PROJECT INFORMATION:

Neighborhood Association(s) w/in 200' of project (exclude R-O-W): Las Acequias NA & Roadrunner West HOA

Acreage: ± 11.51 Zone District: R-5, R-1 Future Land Use: Transitional mixed use / Low Density Residential

Date of Pre-application meeting: May 10, 2012

AGENT/OWNER INFORMATION:

AGENT: Jenkins Gavin Address: 130 Grant Avenue, Suite 101

City: Santa Fe State: NM Zip Code: 87501 Phone: 505-820-7444

OWNER: Aguafina Development LLC Address: _____

PROPOSED ENN MEETING DATES: (Provide three (3) options)

	Preferred Option	Alternative 1	Alternative 2
DATE:	<u>July 30, 2012</u>	_____	_____
TIME:	<u>5:30 p.m.</u>	_____	_____
LOCATION:	<u>Southside Library 6599 Jaguar Drive Santa Fe, NM 87507</u>	_____	_____

Received by LUD on: Current Date 6/20/12

LUD Initials: _____

REYNALDO VARELA

2A Los Tres Vecinos
Santa Fe, New Mexico 87507
(505) 690-5965

June 7, 2012

RE: 4262 Agua Fria St. (Tract C)
4702 Rufina St. (Tract B)

To Whom It May Concern:

This letter shall serve as authorization for JenkinsGavin Design & Development, Inc. to act on my behalf with respect to the referenced properties regarding land use applications to be submitted to the City of Santa Fe.

Please call should you have any questions or need additional information.

Thank you.

Sincerely,


Reynaldo Varela
for Aguafina Development LLC



jenkinsgavin
DESIGN & DEVELOPMENT INC

EARLY NEIGHBORHOOD NOTIFICATION MEETING

July 13, 2012

Dear Neighbor:

This letter is being sent as notice of a neighborhood meeting to discuss an application to rezone 4702 Rufina St. (Tract B, totaling ± 2.45 acres) and a portion of the property at 4262 Agua Fria Street (Tract C, totaling ± 9.06 acres). The northern portion of Tract C is zoned R-5 (5 dwelling units per acre), while the southern portion of Tract C and all of Tract B are zoned R-1 (one dwelling unit per acre). To resolve the split zoning issue, the applicant is requesting a change to R-5 zoning for the southern 3.2 acres of Tract C and all of Tract B, with the intent to create an 18-lot single family subdivision.

In accordance with the requirements of the City of Santa Fe's Early Neighborhood Notification regulations, this is to inform you that a meeting is scheduled for:

Time: 5:30 PM
When: Monday, July 30, 2012
Where: Southside Library
6599 Jaguar Drive
Santa Fe, NM 87507

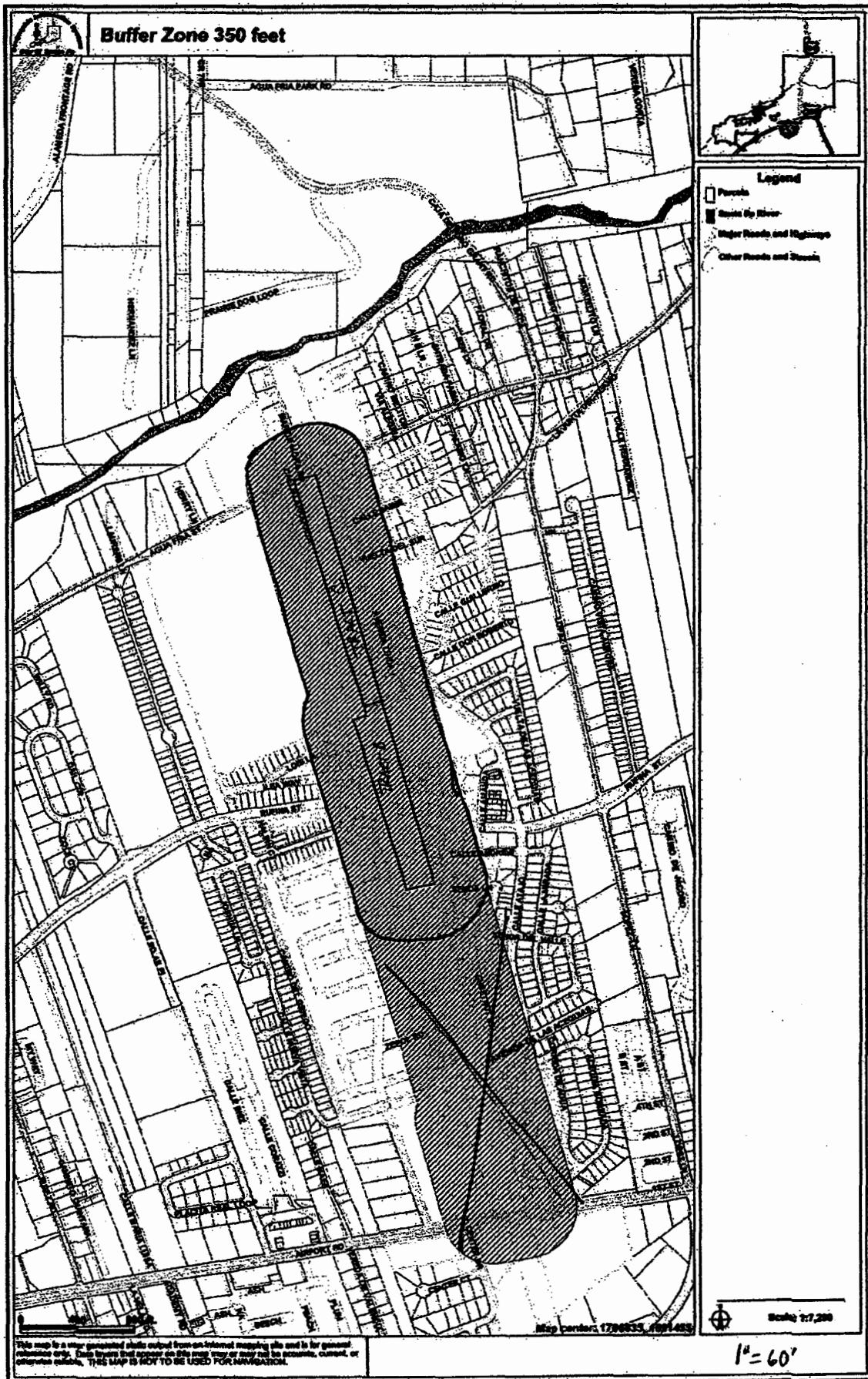
Early Neighborhood Notification is intended to provide for an exchange of information between prospective applicants for development projects and the project's neighbors before plans become too firm to respond meaningfully to community input.

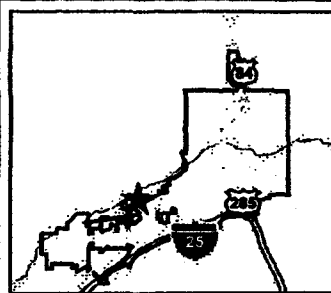
Attached please find a vicinity map and proposed site plan. If you have any questions or comments, please contact Jennifer Jenkins at 505-820-7444 or jennifer@jenkinsgavin.com.

Sincerely,

Jennifer Jenkins

Attachments: Vicinity map
Site plan





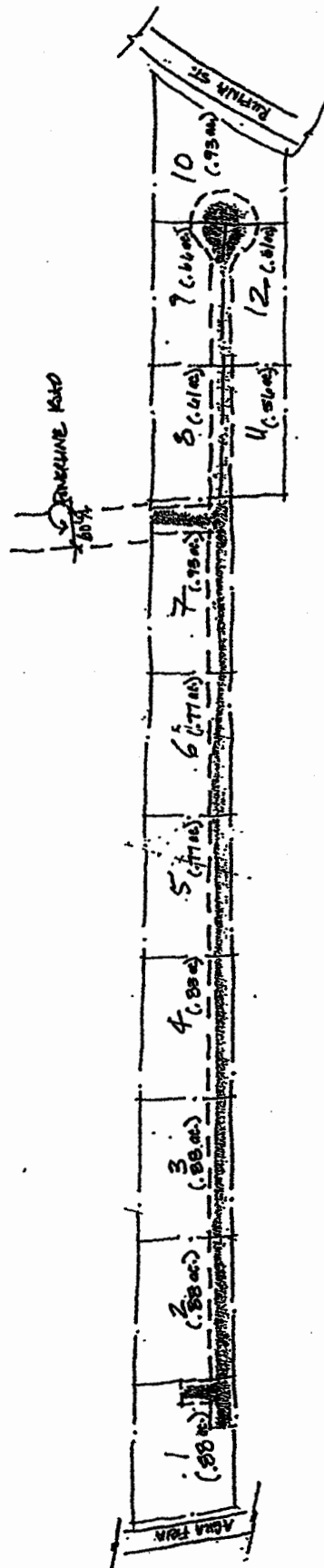
Legend

- Parcels**
Santa Fe River
Major Roads and Highways
Other Roads and Streets

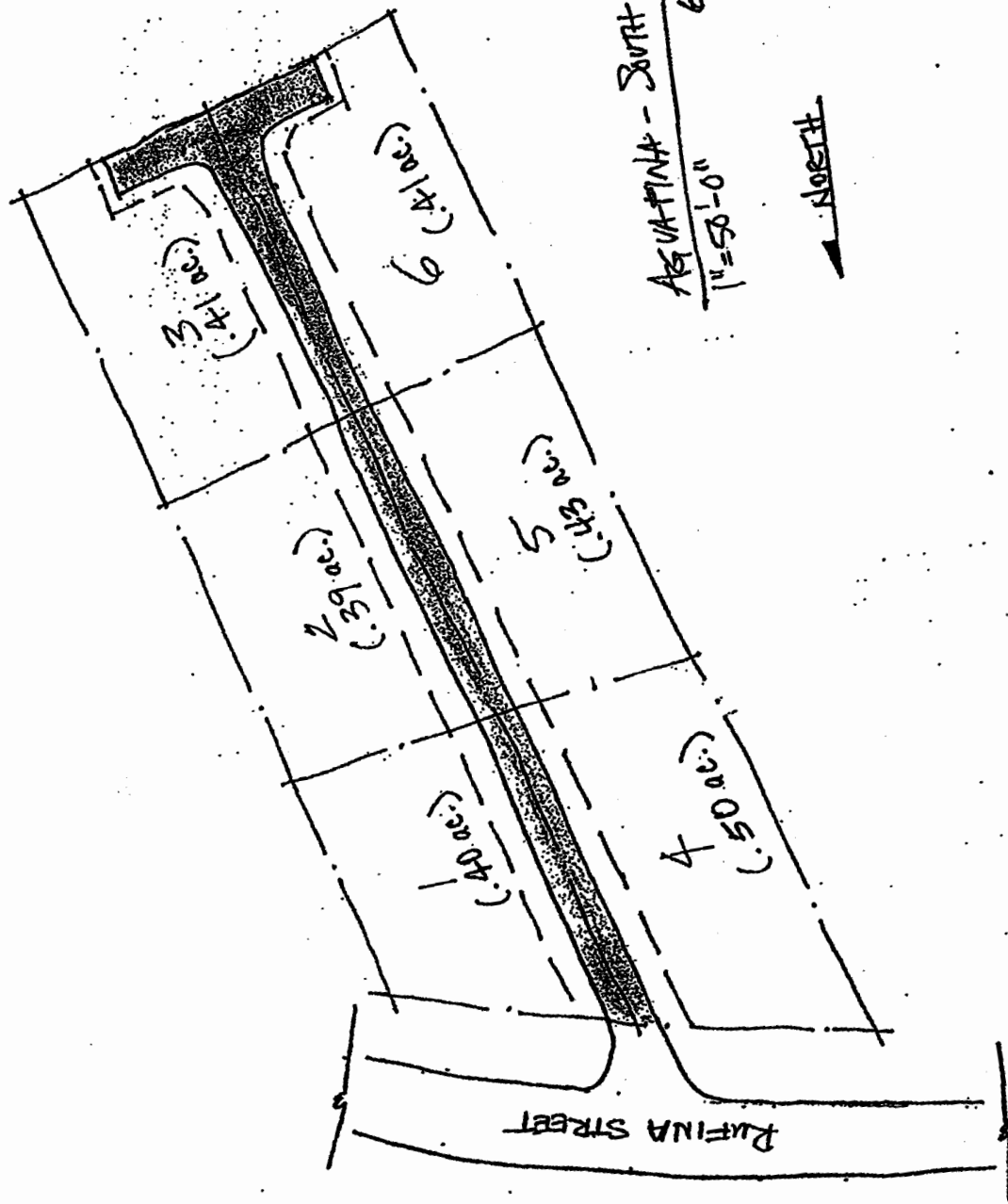
Map center: 1706635, 1691455

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





ASUMPTION - NORTH PHASE (TRACT C)
 1° 16' 0" 6.812
 NORTH



AQUATINA - SOUTH PHASE (TRACT B)

1" = 50'-0" 6.20.12





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)*

A rezone is requested for 4702 Rufina St. (Tract B, totaling ± 2.45 acres) and a portion of the property at 4262 Agua Fria Street (Tract C, totaling ± 9.06 acres). The northern portion of Tract C is zoned R-5 (5 dwelling units per acre), while the southern portion of Tract C and all of Tract B are zoned R-1 (one dwelling unit per acre). To resolve the split zoning issue, the applicant is requesting a change to R-5 zoning for the southern 3.2 acres of Tract C and all of Tract B, with the intent to create an 18-lot single family subdivision. This change to R-5 zoning will not only resolve the split zoning issue but will bring the property into greater compliance with surrounding density, which includes R-5, R-7, MHP (Mobile Home Park), and R-6 zoning. The requested rezone is less dense than the surrounding neighborhoods.

(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.*

All terrain management regulations will be met. The lots are generously sized, providing open space and outdoor recreation opportunities. The property is not in an escarpment, flood plain, or environmentally sensitive area. Trash and fire will be under the jurisdiction of the City of Santa Fe. There will be no hazardous materials onsite.

(c) IMPACTS ON ANY PREHISTORIC, HISTORIC, ARCHAEOLOGICAL OR CULTURAL SITES OR STRUCTURES, INCLUDING ACEQUIAS AND THE HISTORIC DOWNTOWN *For example: the project's compatibility with historic or cultural sites located on the property where the project is proposed.*

Most of Tract C is in the River and Trails Archaeological Review District. Per Land Development Code requirements, an archaeological clearance permit will be obtained prior to final plat approval. Tract B and a small portion of Tract C are located in the Suburban Archaeological Review District. Since Tract B comprises only ± 2.45 acres, no archaeological clearance permit will be necessary.

(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.*

Surrounding and adjacent parcels are variously zoned R-5, R-7, MHP (Mobile Home Park), R-6, RMLD (Multiple Family-12 dwelling units per acre), C-1 (Office and Related Commercial), and C-2 (General Commercial). The City's General Plan designations for the surrounding neighborhood include Transitional Mixed Use and Low Density Residential (3-7 dwelling units per acre). Therefore, a rezone to R-5 is consistent with the land use and density of the surrounding areas and complies with the General Plan's Future Land Use designation.

(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.*

Agua Fria and Rufina streets are already overly accessed. In an effort not to exacerbate the existing access issues on Rufina and Agua Fria, the proposed subdivision will concentrate access at the signalized intersection at Calle Atajo and Rufina Street. The lots on Tract C will be accessed via Calle Atajo to Powerline Road. Since there will be only 12 lots with no through traffic between Rufina and Agua Fria streets, no significant traffic impact is anticipated. Powerline Road will be improved and will connect to a driveway ending in a "Y" turnaround to the north and a cul-de-sac to the south. Tract B will be accessed via Rufina Street via a short driveway ending in a hammerhead turnaround. Access to these 6 lots will not significantly impact the traffic patterns on Rufina. Adequate parking will be provided for all 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 positively impact the economic base of Santa Fe by providing needed housing in the Rufina/Agua Fria area, which will in turn positively impact local businesses. Initially, the Project will provide jobs in the construction and real estate services.

(g) EFFECT ON THE AVAILABILITY OF AFFORDABLE HOUSING AND AVAILABILITY OF HOUSING CHOICES FOR ALL SANTA FE RESIDENTS
For example: creation, retention or improvement of affordable housing; how the project contributes to serving different ages, incomes and family sizes; the creation or retention of affordable business space. (Ord. No. 2005-30(A) § 4)

The Project will contribute to housing choices for Santa Fe residents by serving families of varying incomes. The Project will provide affordable units in compliance with the Santa Fe Homes Program, thereby increasing the availability of affordable housing in the neighborhood.

(h) EFFECT UPON PUBLIC SERVICES SUCH AS FIRE, POLICE PROTECTION, SCHOOL SERVICES AND OTHER PUBLIC SERVICES OR INFRASTRUCTURE ELEMENTS SUCH AS WATER, POWER, SEWER, COMMUNICATIONS, BUS SYSTEMS, COMMUTER OR OTHER SERVICES OR FACILITIES *For example: whether or how the project maximizes the efficient use or improvement of existing infrastructure; and whether the project will contribute to the improvement of existing public infrastructure and services.*

There is currently adequate fire and police protection. The Project will be served by existing utility infrastructure, which is available adjacent to the site.

(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 the City's Water Budget Ordinance, thereby offsetting any increased demand on the water system.

(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.*

The Project will link to the existing Las Acequias neighborhood. The generously sized lots will provide ample outdoor recreation areas.

(k) 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 is consistent with the City's policies regarding infill, which support a compact urban form.

ADDITIONAL COMMENTS (Optional)



Santa Fe Public Schools

Property & Asset Management

Residential Development Impact Information Form

School Notification as required by City Ordinance 14-8.18 AFCC 1987

Required for all projects that create six or more new residential lots or dwelling units.

1. Project Name: Agua Fria Rezoning
2. Location of Property: 4702 Rufina St & 4262 Agua Fria St.
3. Owner/Agent Name: Jenkins Garin
Mailing Address: 130 Grant Ave, Ste 101, Santa Fe 87501
Phone & Fax: 820-7444
4. Unit Matrix

PROJECT EFFECT ON STUDENT POPULATION		
Unit Type	Unit Quantity	Average Price
Single Family (detached)	18	\$200,000
Single Family (attached)		
Townhome/ Apartment		
Multi-Family		
Commercial		

5. Elementary School Zone for Proposed Development: Ramirez Thomas
6. Middle School Zone for Proposed Development: Ortiz
7. High School Zone for Proposed Development: Capital
8. Build-out Timeline (i.e. year(s); #/yr):

2017 - 3.6 units/year

Educational Services Center
610 Alta Vista
Santa Fe, NM 87505
Telephone (505) 467-2000
www.sfps.info

Submit completed form directly to:
Justin Snyder, Property & Asset Management,
Santa Fe Public Schools, 610 Alta Vista, Santa Fe, NM 87505



City of Santa Fe Land Use Department Early Neighborhood Notification Meeting Notes

<i>Project Name</i>	Aguafina
<i>Project Location</i>	4702 Rufina Street & 4262 Agua Fria Street
<i>Project Description</i>	Rezone from R-5 and R-1 to R-5
<i>Applicant / Owner</i>	Jennifer Jenkins, JenkinsGavin Design and Development
<i>Pre-App Meeting Date</i>	May 10, 2012
<i>ENN Meeting Date</i>	Monday, July 30, 2012
<i>ENN Meeting Location</i>	Southside Library
<i>Application Type</i>	Rezoning
<i>Land Use Staff</i>	Heather L. Lamboy, AICP
<i>Other Staff</i>	
<i>Attendance</i>	49 members of the public

Notes/Comments:

Ms. Lamboy began the meeting by introducing herself and explaining the Early Neighborhood Notification process. She encouraged meeting participants to feel free to ask questions and offer suggestions. She explained that the applicant has not yet applied for the rezoning and now was a good time to have input on the project. Then Ms. Lamboy explained the public hearing review process and gave estimated hearing dates. Finally, she introduced Ms. Jennifer Jenkins.

Ms. Jenkins started the meeting by stating that she would give a short overview of the proposal, and then would open up a question and answer period. She noted that there were a lot of people present, and asked that the question and answer period be handled in an orderly manner. She stated that she would do her best to ensure that everyone had been heard. Ms. Jenkins gave an overview of the project.

The project straddles Rufina Street, with the piece north of Rufina consisting of 9 acres and south of Rufina 2.5 acres. At the northern portion of the tract, the current zoning district is R-5 (Residential, 5 dwelling units per acre) and the

southern portion of the tract is R-1 (Residential, 1 dwelling unit per acre). Ms. Jenkins stated that the City has a requirement that zoning should follow parcel boundaries, which it does not in this case. She stated that it was the applicant's intent to "fix this problem," and rezone so that the entire site will have an R-5 zoning district. Ms. Jenkins reviewed the zoning districts around the site, which includes R-5 and R-7. Ms. Jenkins stated that she felt that there was a strong sense of neighborhood on this part of Rufina.

A neighbor asked for clarification on the zoning change request. Ms. Jenkins clarified that the request was to change the R-1 portion of the property to R-5, to match that existing portion already zoned R-5. Ms. Jenkins further clarified that the City of Santa Fe has a General Plan which calls for a residential land use of 3 to 7 dwellings per acre. She commented that the proposal would be right in the middle of the General Land Use category.

Ms. Jenkins then oriented the group to the location of Calle Atajo in Las Acequias.

A neighbor commented that when Rufina was opened Calle Atajo had become very loud, and cars can be heard at all times of the day and the impact has been enormous, especially for those who live close to Rufina.

Ms. Jenkins then provided a conceptual site plan to illustrate the vision for the property. She stated that the first step in the review process will be to change the zoning, which involves a public hearing in front of the Planning Commission and City Council, and then there will be additional review on the details of the site plan through the subdivision review process, which involves two public hearings in front of the Planning Commission.

A neighbor asked the width of the parcel, and Ms. Jenkins stated that she would have Ms. Gavin get that information and report back.

Ms. Jenkins then commented that, at the preapplication meeting with the City, the City's traffic engineer commented on how to access the site. The Traffic Engineer stated that Powerline Road is a dedicated right-of-way, and recommended that the northern site be accessed via an improved Powerline Road (which is located on the northern portion of Las Acequias Park, currently a dirt road). Ms. Jenkins stated that the Traffic Engineer is looking for alternate routes to access properties in order to reduce the overcrowd both on Rufina and Agua Fria.

Ms. Jenkins stated that 18 lots are planned, ranging in size from ½ to 1 acre. There will be a lane to serve the 12 lots on the north (which will only be accessed through Powerline Road, no access via Agua Fria or Rufina Road) and a cul-de-sac on the south to serve 6 lots. The parcel south of Rufina will be accessed via Rufina. Ms. Jenkins commented that there is already access to all public utilities

and infrastructure. She added that her client wanted to create larger lots in order to have a more rural character within the City.

A neighbor asked who the property owner is for the parcels. Ms. Jenkins responded that Mark Zappelin is her client. The neighbor asked if Ms. Jenkins' client had any relationship with Jeff Branch or his company. Ms. Jenkins responded that there was no relationship between Mr. Zappelin and Mr. Branch. The neighbor asked how long had Mr. Zappelin owned the property and Ms. Jenkins responded not very long.

A neighbor asked whether Ms. Jenkins had been to Powerline Road. The neighbor commented that the road was not very wide and it did not appear that there would be enough room to build a proper road. The neighbor asked why not access both the north and south tracts via Rufina. Ms. Jenkins responded that she could look into that.

A neighbor commented about the large amount of trash on this site and the Cielo Azul site, and commented that no land use applications should be permitted until the sites are cleaned up. The neighbor complained that the City has done nothing to address the sound problem from the traffic along Rufina.

Ms. Jenkins responded to an earlier question that the easement width is 58 feet for Powerline Road. She stated that the proposal would be to widen to 20 feet with base course. She commented that she did not want to change the character of the area with a large roadway.

A neighbor asked whether there would only be one unit/house per lot. Ms. Jenkins responded that was correct. The neighbor asked whether there would be a turnaround at the end of the road, and Ms. Jenkins responded yes. Ms. Jenkins added that the road is proposed on the west side of the homes. A neighbor asked whether any house plans were available. Ms. Jenkins responded that, at this point, her client was only creating lots and is not a builder. She commented that the City would require her to develop restrictive covenants.

A neighbor asked why not make the entire property R-1 instead of R-5. Ms. Jenkins responded that they are proposing 12 lots on 9 acres, and that already a portion of the property is zoned R-5.

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The meeting concluded at 7:00pm.

COMMENT CARD

Early Neighborhood
Notification Meeting

Date: 7-31-12 Project: ALQUAFINA

Please let us know your thoughts:

I would be opposed to
accessing property through
powerlines. I would like to see access
through a public road.

Your Contact Information (optional):

Name: KATHY DOUTHETT
Phone: 505-690-0619
Email: kathy.douthett@att.com



COMMENT CARD

Early Neighborhood
Notification Meeting

Date: _____ Project: _____

Please let us know your thoughts:

Not to develop Pajarito Rd.
reduce traffic on the Arroyo Rd.

Your Contact Information (optional):

Name: Kathy Douthett
Phone: 505-690-0619
Email: kathy.douthett@att.com



COMMENT CARD

Early Neighborhood
Neighborhood Meeting

Date: 7/31/2012 Project: Agave Fina
Please let us know your thoughts.

The two organizers, Mythology & Mythology
Mythology said to personally with
person. Calo Mythology and Mythology
and Mythology Mythology Mythology Mythology
Mythology Mythology Mythology Mythology
Mythology Mythology Mythology Mythology

Your Contact Information (optional)

Name: _____
Phone: _____
Email: _____



COMMENT CARD

Early Neighborhood
Neighborhood Meeting

Date: 7/31/2012 Project: Agave Fina
Please let us know your thoughts.

Mythology Mythology Mythology Mythology
Mythology Mythology Mythology Mythology
Mythology Mythology Mythology Mythology
Mythology Mythology Mythology Mythology

Your Contact Information (optional)

Name: Mythology
Phone: Mythology
Email: Mythology



COMMENT CARD

Early Neighborhood
Neighborhood Meeting

Date: 7/31/2012 Project: Agave Fina
Please let us know your thoughts.

This area is Too dense already
is dense already is dense already is dense already
is dense already is dense already is dense already
is dense already is dense already is dense already
is dense already is dense already is dense already

Your Contact Information (optional)

Name: Mythology
Phone: Mythology
Email: Mythology



COMMENT CARD

Early Neighborhood
Neighborhood Meeting

Date: 7/31/2012 Project: Agave Fina
Please let us know your thoughts.

Mythology Mythology Mythology Mythology
Mythology Mythology Mythology Mythology
Mythology Mythology Mythology Mythology
Mythology Mythology Mythology Mythology

Your Contact Information (optional)

Name: Mythology
Phone: Mythology
Email: Mythology





City of Santa Fe Early Neighborhood Notification Meeting Sign-In Sheet

Project Name: **Aguafina Rezoning**

Meeting Date: **July 30, 2012**

Meeting Place: **Southside Library, 6599 Jaguar Drive**

Meeting Time: **5:30 p.m.**

Applicant or Representative Check Box below

↓		Name	Address	Email
<input type="checkbox"/>	1	Maria M. Padilla	1091 Avenida Linda	Tafogam@2001yahoo.com
<input type="checkbox"/>	2	Richard L. Martinez	5204 Joshua Lane	
<input checked="" type="checkbox"/>	3	Hilary Welles	130 Grant Ave #101	hillary@jenkinsgeniv.com
<input checked="" type="checkbox"/>	4	Colleen Quinn	" "	colleen@ " " "
<input checked="" type="checkbox"/>	5	Jeannette Jenkins	" "	jeannette@ " " "
<input type="checkbox"/>	6	LeeAnne Clokey	935 Vuelta Del Sur	lclokey@aol.com
<input type="checkbox"/>	7	Cheryl Odom	1152 Vuelta de las Arbores	cheryldee@aol.com
<input type="checkbox"/>	8	Dwight Ramos	4421 Calle Jaime	dwrightramos@gmail.com
<input type="checkbox"/>	9	MARTIN SANCHEZ	3665 Cerillos Rd #12	Martsnch6@aol.com
<input type="checkbox"/>	10	Michelle Montman	4424 Calle Jaime	mlmontman@msn.com
<input type="checkbox"/>	11	JOANNA NEDBOY	1297 Chestnut St	yaszmina@gmail.com
<input type="checkbox"/>	12	Nadia Rincon	1201 Zepol Rd. SE NM	cierravista@shipton.com

For City use: I hereby certify that the ENN meeting for the above named project took place at the time and place indicated.

Heather Lamboy

Printed Name of City Staff in Attendance

Signature of City Staff in Attendance

7/30/12

Date

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		Name	Address	Email
<input type="checkbox"/>	1	Amy Kaplan	915 Vuelta Del Sur	—
<input type="checkbox"/>	2	Sharon Demcsak	925 Vuelta Del Sur	Demcsaksa@comcast.net
<input type="checkbox"/>	3	Daniel Forrest	1443 Arroyo Barrada W	—
<input type="checkbox"/>	4	ELFA ARCHULETA	923 Vuelta del Sur	elfa_archuleta@msn.com
<input type="checkbox"/>	5	MARIA Yamashin	1238 Senda An.	—
<input type="checkbox"/>	6	TOMAS CLOKEY	935 VUELTA DEL SUR	—
<input type="checkbox"/>	7	ADAMINA Pineda	1164 Vuelta de las Acequias	—
<input type="checkbox"/>	8	ROSEMARY JERET MONTANA	1139 7a SENDA DEL VALLE	—
<input type="checkbox"/>	9	Sydney Davis	1220 Senda Del Valle 'A'	mediuse@comcast.com
<input type="checkbox"/>	10	Liddy Pachillo	4304 Arroyo Loma	liddy.p@q.com
<input type="checkbox"/>	11	FRANCES MARTINEZ	917 Vuelta del Sur	francesm@cuddy-mccarthy.com
<input type="checkbox"/>	12	Chip Conway	1019 Calle del Roberto	—

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Applicant or Representative Check Box below

	Name	Address	Email
<input type="checkbox"/>	1 Katie Dougherty	1080 Avenida Linda	KDMANUP@AOL.COM
<input type="checkbox"/>	2 Michael Demcsak	925 Vuelta Del Sur	michael@artisan-santafe.co
<input type="checkbox"/>	3 Holly Randall	1296 Chestnut St	rivercanyon@earthlink.net
<input type="checkbox"/>	4 Carmen Celisado	1280 Chestnut	cmcelisado2@hotmail.com
<input type="checkbox"/>	5 Monty Morales	" "	" "
<input type="checkbox"/>	6 Richard Russell	" "	" "
<input type="checkbox"/>	7 Loretta Martinez / Mike Saly	1253 Senda del Valle	brettmartinez@gmail.com
<input checked="" type="checkbox"/>	8 Wren Propp	1084 Ave. N. 2000	WrenPropp@yahoo.com
<input type="checkbox"/>	9 KARL FMOFFAT	" "	KARLFMOFFAT@GMAIL.COM
<input type="checkbox"/>	10 Maria Padilla	1274 Senda del Valle SF	mapjfh@gmail.com
<input type="checkbox"/>	11 Lita Pacheco	1299 Zepol Rd Sp 115	MAYKA@YASU.COM
<input type="checkbox"/>	12 Josh Rappaport	942 Vuelta del Sur SF, NM	JOSH@SINGINGTURTLE.COM

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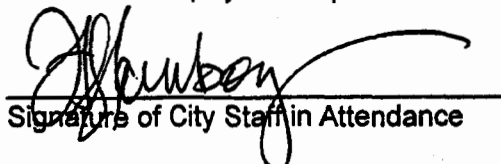
Applicant or Representative Check Box below

	Name	Address	Email
<input type="checkbox"/>	1 Paul Lucero	1068 Avenida Linda	
<input type="checkbox"/>	2 Abe Tapia	268 159444 SFNM 87592	
<input type="checkbox"/>	3 Veronica Flores	1299 Zepel Rd #120	Guineps@hotmail.com
<input type="checkbox"/>	4 EVA TAYLOR	4416 Calle Lince	etemail@comcast.net
<input type="checkbox"/>	5 RUTH Solomon	1076 AVENIDA LINDA	ruthsol2@comcast.net
<input type="checkbox"/>	6 Susan Crespi	1064 Avenida Linda	screspi@a.com
<input type="checkbox"/>	7 LARRY HUDGINS	1443 ACEQUIA BORRADA W	HLARRY005@Q.COM
<input type="checkbox"/>	8 Terence Malone	1343 Arroyo Barrada	terence.malone+ma@gmail.com
<input type="checkbox"/>	9 LINDA WILDER FLETCHER	950 VUELTA del SUR	linda@safequarant.com
<input type="checkbox"/>	10 Alfred Flatt	450 Vuelta del Sur St.	
<input type="checkbox"/>	11 Anabel a Lois Avitia	2957 Lois Ln #24	avitinaanabel@yahoo.com
<input type="checkbox"/>	12 Doug Taylor	947 Vuelta del Sur	tdetaylor@cs.com

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City of Santa Fe Land Use Department Early Neighborhood Notification Meeting Notes

<i>Project Name</i>	Aguafina
<i>Project Location</i>	4702 Rufina Street & 4262 Agua Fria Street
<i>Project Description</i>	Rezone from R-5 and R-1 to R-5
<i>Applicant / Owner</i>	Jennifer Jenkins, JenkinsGavin Design and Development
<i>Pre-App Meeting Date</i>	May 10, 2012
<i>ENN Meeting Date</i>	Monday, July 30, 2012
<i>ENN Meeting Location</i>	Southside Library
<i>Application Type</i>	Rezoning
<i>Land Use Staff</i>	Heather L. Lamboy, AICP
<i>Other Staff</i>	
<i>Attendance</i>	49 members of the public

Notes/Comments:

Ms. Lamboy began the meeting by introducing herself and explaining the Early Neighborhood Notification process. She encouraged meeting participants to feel free to ask questions and offer suggestions. She explained that the applicant has not yet applied for the rezoning and now was a good time to have input on the project. Then Ms. Lamboy explained the public hearing review process and gave estimated hearing dates. Finally, she introduced Ms. Jennifer Jenkins.

Ms. Jenkins started the meeting by stating that she would give a short overview of the proposal, and then would open up a question and answer period. She noted that there were a lot of people present, and asked that the question and answer period be handled in an orderly manner. She stated that she would do her best to ensure that everyone had been heard. Ms. Jenkins gave an overview of the project.

The project straddles Rufina Street, with the piece north of Rufina consisting of 9 acres and south of Rufina 2.5 acres. At the northern portion of the tract, the current zoning district is R-5 (Residential, 5 dwelling units per acre) and the

southern portion of the tract is R-1 (Residential, 1 dwelling unit per acre). Ms. Jenkins stated that the City has a requirement that zoning should follow parcel boundaries, which it does not in this case. She stated that it was the applicant's intent to "fix this problem," and rezone so that the entire site will have an R-5 zoning district. Ms. Jenkins reviewed the zoning districts around the site, which includes R-5 and R-7. Ms. Jenkins stated that she felt that there was a strong sense of neighborhood on this part of Rufina.

A neighbor asked for clarification on the zoning change request. Ms. Jenkins clarified that the request was to change the R-1 portion of the property to R-5, to match that existing portion already zoned R-5. Ms. Jenkins further clarified that the City of Santa Fe has a General Plan which calls for a residential land use of 3 to 7 dwellings per acre. She commented that the proposal would be right in the middle of the General Land Use category.

Ms. Jenkins then oriented the group to the location of Calle Atajo in Las Acequias.

A neighbor commented that when Rufina was opened Calle Atajo had become very loud, and cars can be heard at all times of the day and the impact has been enormous, especially for those who live close to Rufina.

Ms. Jenkins then provided a conceptual site plan to illustrate the vision for the property. She stated that the first step in the review process will be to change the zoning, which involves a public hearing in front of the Planning Commission and City Council, and then there will be additional review on the details of the site plan through the subdivision review process, which involves two public hearings in front of the Planning Commission.

A neighbor asked the width of the parcel, and Ms. Jenkins stated that she would have Ms. Gavin get that information and report back.

Ms. Jenkins then commented that, at the preapplication meeting with the City, the City's traffic engineer commented on how to access the site. The Traffic Engineer stated that Powerline Road is a dedicated right-of-way, and recommended that the northern site be accessed via an improved Powerline Road (which is located on the northern portion of Las Acequias Park, currently a dirt road). Ms. Jenkins stated that the Traffic Engineer is looking for alternate routes to access properties in order to reduce the overcrowd both on Rufina and Agua Fria.

Ms. Jenkins stated that 18 lots are planned, ranging in size from ½ to 1 acre. There will be a lane to serve the 12 lots on the north (which will only be accessed through Powerline Road, no access via Agua Fria or Rufina Road) and a cul-de-sac on the south to serve 6 lots. The parcel south of Rufina will be accessed via Rufina. Ms. Jenkins commented that there is already access to all public utilities

and infrastructure. She added that her client wanted to create larger lots in order to have a more rural character within the City.

A neighbor asked who the property owner is for the parcels. Ms. Jenkins responded that Mark Zappelin is her client. The neighbor asked if Ms. Jenkins' client had any relationship with Jeff Branch or his company. Ms. Jenkins responded that there was no relationship between Mr. Zappelin and Mr. Branch. The neighbor asked how long had Mr. Zappelin owned the property and Ms. Jenkins responded not very long.

A neighbor asked whether Ms. Jenkins had been to Powerline Road. The neighbor commented that the road was not very wide and it did not appear that there would be enough room to build a proper road. The neighbor asked why not access both the north and south tracts via Rufina. Ms. Jenkins responded that she could look into that.

A neighbor commented about the large amount of trash on this site and the Cielo Azul site, and commented that no land use applications should be permitted until the sites are cleaned up. The neighbor complained that the City has done nothing to address the sound problem from the traffic along Rufina.

Ms. Jenkins responded to an earlier question that the easement width is 58 feet for Powerline Road. She stated that the proposal would be to widen to 20 feet with base course. She commented that she did not want to change the character of the area with a large roadway.

A neighbor asked whether there would only be one unit/house per lot. Ms. Jenkins responded that was correct. The neighbor asked whether there would be a turnaround at the end of the road, and Ms. Jenkins responded yes. Ms. Jenkins added that the road is proposed on the west side of the homes. A neighbor asked whether any house plans were available. Ms. Jenkins responded that, at this point, her client was only creating lots and is not a builder. She commented that the City would require her to develop restrictive covenants.

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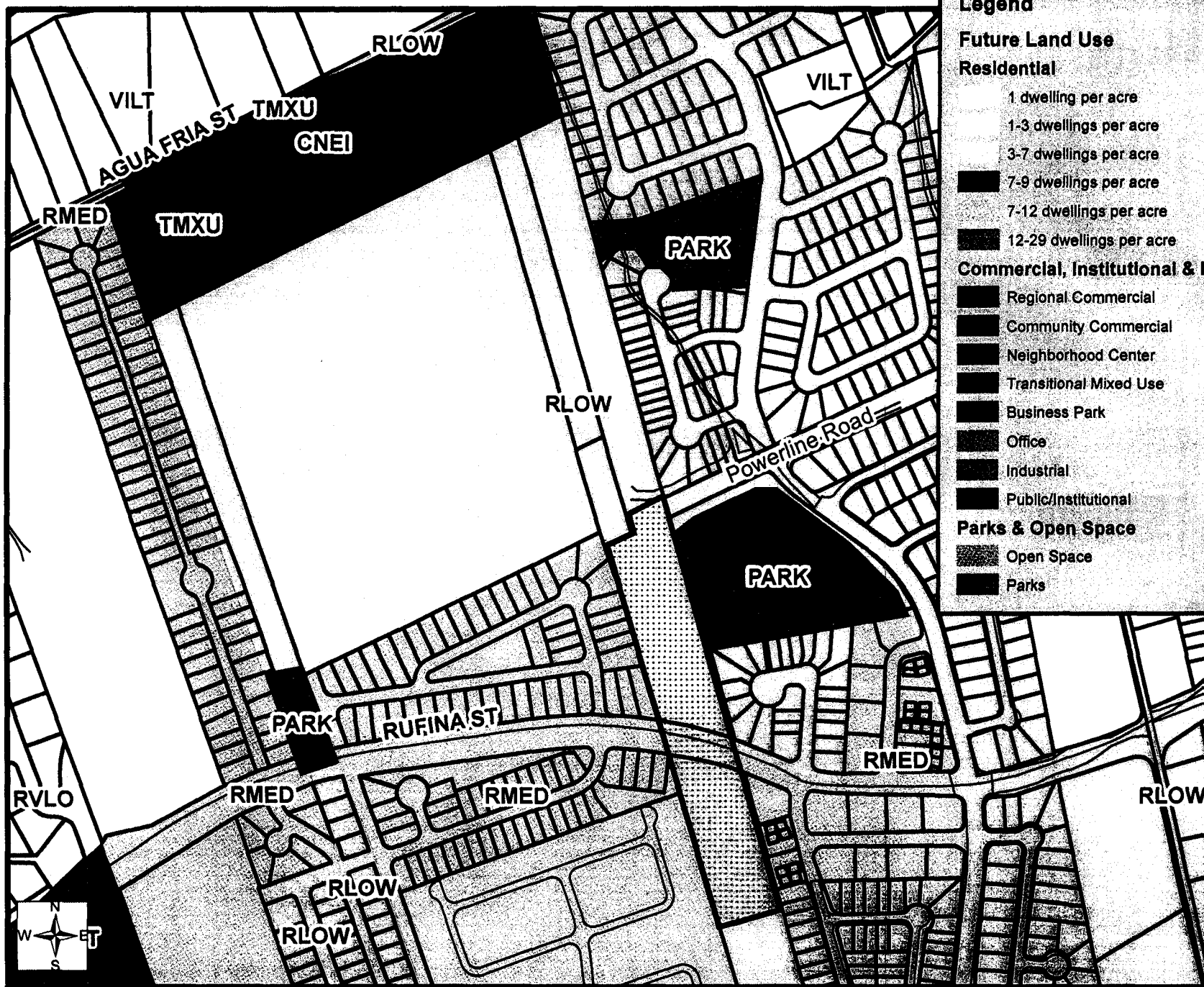
Note: The applicant met with the neighborhood at their regular annual meeting to present a refined version of the proposed plan in order to have additional dialogue before the public hearing.

City of Santa Fe, New Mexico

Exhibit D

Maps

AGUAFINA FUTURE LAND USE



Legend

Future Land Use

Residential

- 1 dwelling per acre
- 1-3 dwellings per acre
- 3-7 dwellings per acre
- 7-9 dwellings per acre
- 7-12 dwellings per acre
- 12-29 dwellings per acre

Commercial, Institutional & Industrial

- Regional Commercial
- Community Commercial
- Neighborhood Center
- Transitional Mixed Use
- Business Park
- Office
- Industrial
- Public/Institutional

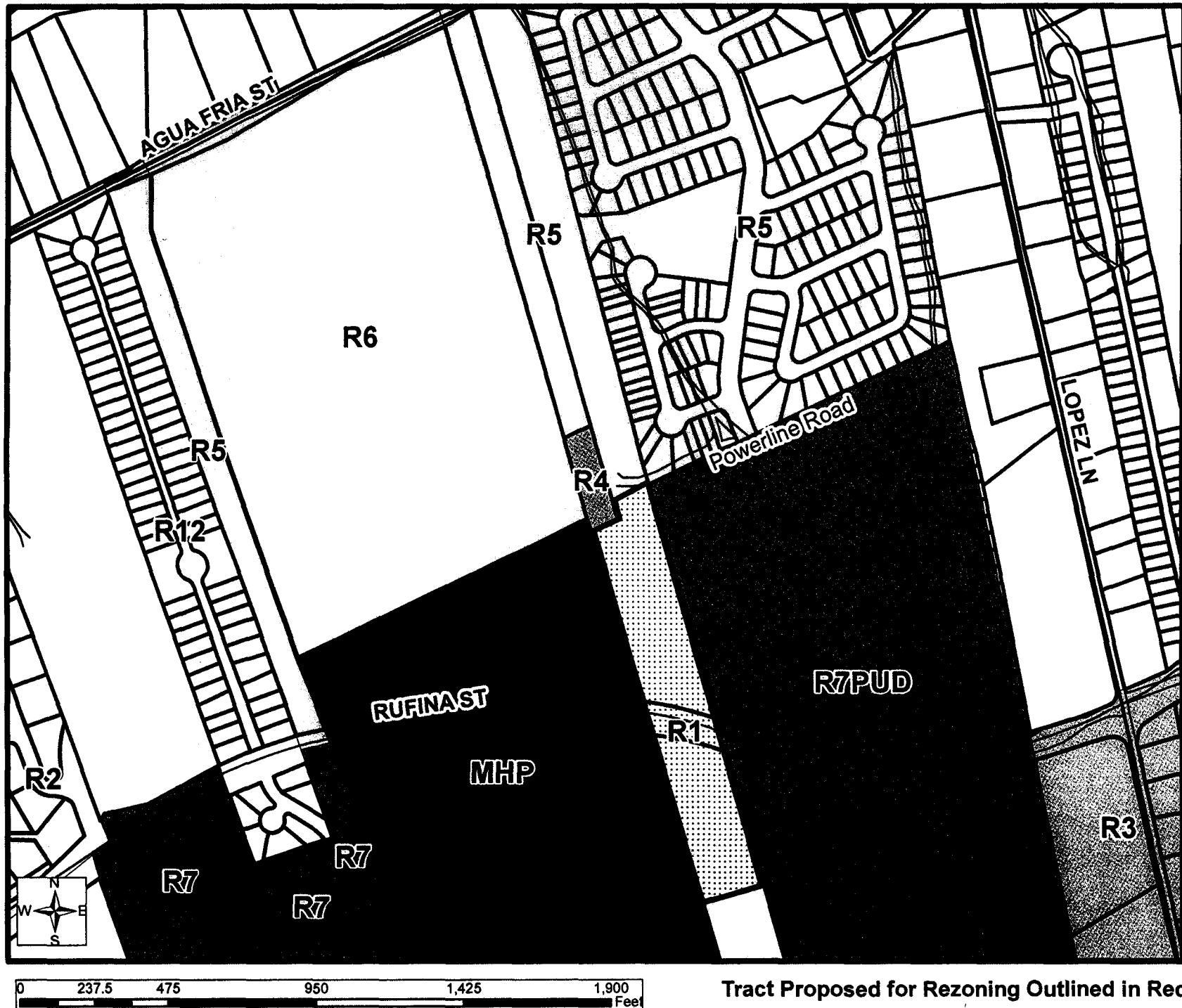
Parks & Open Space

- Open Space
- Parks



Tract Proposed for Rezoning Outlined in Red

AGUAFIN. ZONING



Tract Proposed for Rezoning Outlined in Red

AGUAFINA AERIAL WITH PHASE 2 ANNEXATION AREAS



Tract Proposed for Rezoning Outlined in Red

City of Santa Fe, New Mexico

Exhibit E

Applicant Submittals



jenkinsgavin
DESIGN & DEVELOPMENT INC

August 13, 2012

Tamara Baer, Planner Manager
City of Santa Fe Current Planning Division
200 Lincoln Ave.
Santa Fe, NM 87501

**RE: Letter of Application
Aguafina Rezone**

Dear Tamara,

This letter is respectfully submitted on behalf of Aguafina Development, LLC in application to to rezone 4702 Rufina St. (Tract B, totaling ± 2.45 acres) and a portion of the property at 4262 Agua Fria Street (Tract C, totaling ± 9.06 acres), for consideration by the Planning Commission on October 4, 2012. We are requesting a rezone to R-5 (five dwelling units per acre) for the southern portion of Tract C and all of Tract B.

Property Description

The northern portion of Tract C is in the Presumptive City Limits, Phase 2 Annexation Area. The remainder of Tract C and all of Tract B are within the City Limits. Tract C currently has split zoning; the northern portion of the tract is zoned R-5 (5 dwelling units per acre), while the southern portion of Tract C and all of Tract B are zoned R-1 (one dwelling unit per acre). The Future Land Use Designation for both tracts is Low Density Residential (3-7 dwellings per acre), with a small section of Transitional Mixed Use at the northern boundary of Tract C (see attached Future Land Use map). To resolve the split zoning issue and bring the property into compliance with the General Plan, the applicant is requesting a change to R-5 zoning as stated above.

Conceptual Development Scenario

A Conceptual Site Plan is submitted herewith describing how the owner intends to subdivide the property in accordance with the requested R-3 zoning. A 21-lot single family subdivision is proposed. This low density subdivision will maintain a semi-rural environment while providing appropriate connectivity with the Las Acequias neighborhood to the east. Per discussions with City Traffic Engineer John Romero, the 14 lots on Tract C will be accessed from Calle Atajo via Powerline Road, providing signalized access to Rufina Street at Calle Atajo. The 7 lots on Tract

B will be accessed directly from Rufina Street. Lastly, pursuant to the provisions of the Santa Fe Homes Program, three affordable lots (20%), two on Tract C and one on Tract B, will be provided as part of the Project.

Rezone Criteria

This request is to rezone the southern portion of Tract C and all of Tract B to R-5 zoning (please see attached Zoning Map). The responses to the approval criteria are outlined below:

(a) *One or more of the following conditions exist:*

(i) there was a mistake in the original zoning. N/A

(ii) there has been a change in the surrounding area, altering the character of the neighborhood to such an extent as to justify changing the zoning. The most significant change to the surrounding area is the pending annexation of many County properties along the Rufina Street and Airport Road corridor. Based on the Future Land Use designations approved for this area by the City as part of the annexation process, the primary intent is to encourage low density residential development along the Rufina Corridor.

(iii) a different use category is more advantageous to the community, as articulated in the general plan or other adopted city plans. Rezoning the southern portion of Tract C and all of Tract B to R-5 will bring both lots into compliance with the City's General Plan designation of Low Density Residential. The two tracts that comprise the subject property are bordered by the Las Acequias subdivision to the east, undeveloped property to the west, Agua Fria Village to the north, and Roadrunner West Mobile Home Park to the west and south. The proposed generously sized lots will serve as a transition between the semi-rural environment of Agua Fria Village and the dense surrounding subdivisions. From the standpoint of connectivity, the General Plan encourages roadway connections between neighborhoods, which reduces stress on the arterial road network and promotes community integration. Accessing Tract C via Powerline Road complies with the General Plan by promoting a connection with the neighboring Las Acequias Subdivision.

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

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

The proposed Project exemplifies a compact urban form as encouraged by the General Plan, while respecting the semi-rural nature of nearby properties with the Low Density Residential designation.

Section 1.7.1 of the General Plan calls for the development of more affordable housing in Santa Fe. The General Plan also calls for the City to actively participate in the creation of affordable housing: *"Opportunities are provided for housing for all income segments of the population in all areas of the city, while restricting the supply of large lot housing, which belongs in rural areas outside the city and not inside it. Housing affordability will also be aided by not artificially limiting the supply of land or the rate of growth. Active efforts to increase the supply of affordable housing are outlined. Affordable housing is provided close to jobs to promote transit use."* In addition, Section 9.1.6 states, *"The city should take a proactive role to ensure an adequate supply of land is available so there are no artificial constraints on easily developable land."*

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

The southwest sector of Santa Fe has been the epicenter of population growth in Santa Fe for many years. The addition of newly annexed, vacant tracts only increases the likelihood of this trend continuing. In addition, Per Section 4.4 of the General Plan, the subject property is located within the Urban Area Boundary and is also in Staging Area One, which *"encompasses the highest priority for urban growth"* (Section 4.5.1).

The area surrounding the subject property comprises high density mobile home communities, single family homes, and semi-rural residential. The proposed subdivision and accompanying Future Land Use Designation of Low Density is an appropriate bridge between the two extremes of existing residential development and is consistent with the City's intent to encourage this type of development pattern along Rufina Street. Furthermore, the Project is adjacent to Rufina Street, a minor arterial roadway that contains the water and sewer infrastructure necessary to serve the Project.

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

There is adequate public infrastructure available adjacent to the site to serve the proposed subdivision.

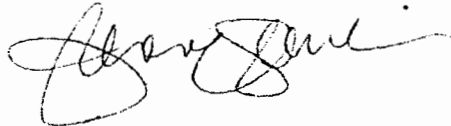
In support of these requests, the following documentation is submitted herewith for your review and consideration:

- Rezone Application
- Letter of Owner Authorization
- Warranty Deed
- Lots of Record
- Zoning Map
- Future Land Use Map
- Conceptual Site Plan
- Application fees in the amount of \$2,241.00, as follows:
 - Rezone \$2,151.00
 - Posters \$90.00

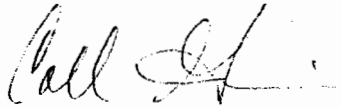
Please let us know if you have any questions or need additional information. Thank you.

Sincerely,

JENKINS GAVIN DESIGN & DEVELOPMENT, INC.

A handwritten signature in cursive script, appearing to read "Jennifer Jenkins".

Jennifer Jenkins

A handwritten signature in cursive script, appearing to read "Colleen Gavin".

Colleen Gavin, AIA



Aerial Map

Legend

— Roads

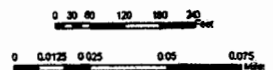
— Parcels

2008 Orthophotography



1:1,200

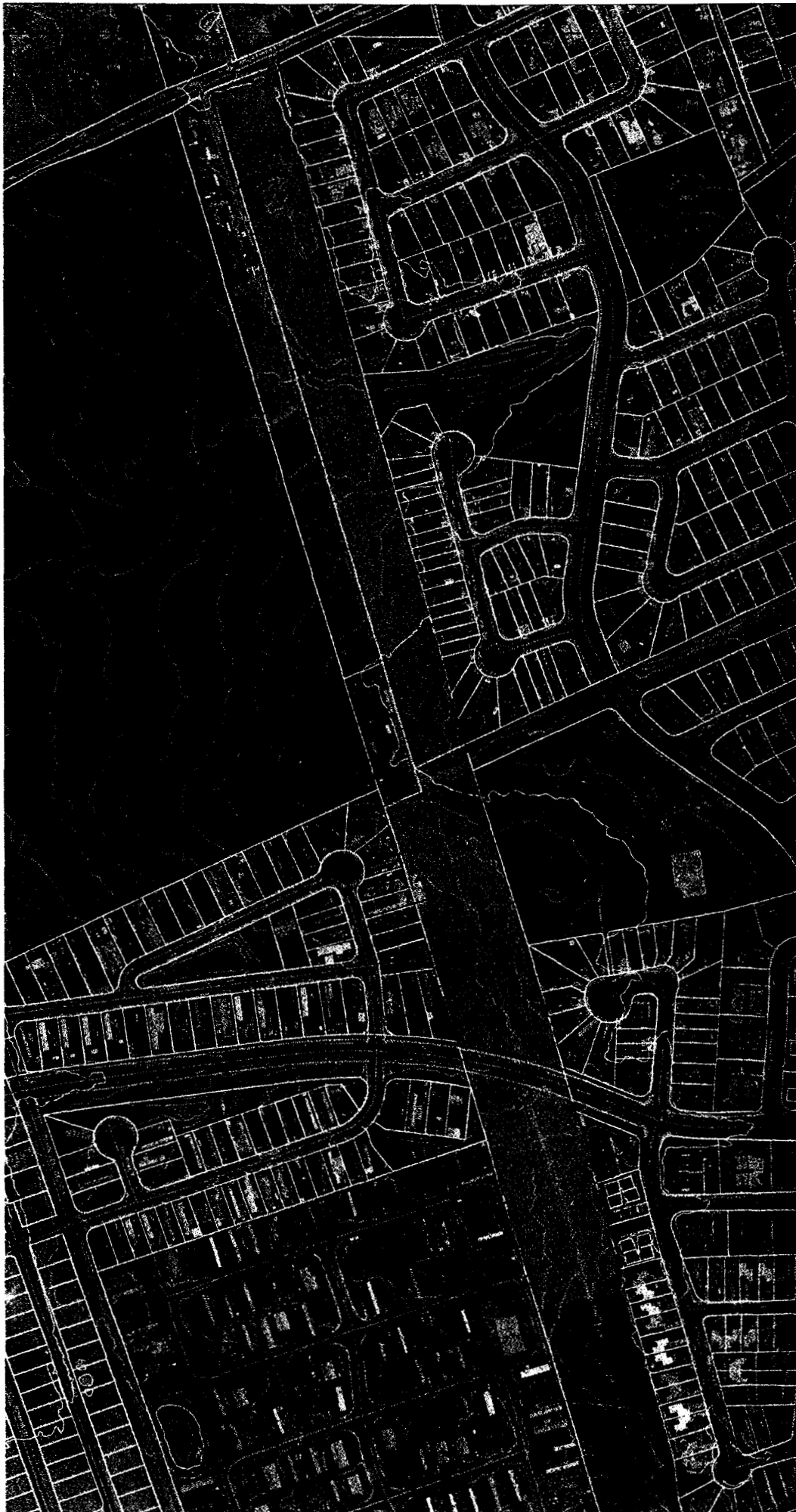
1 inch = 100 feet



This information is for reference only.
Santa Fe County assumes no liability for
errors associated with the use of these data.
Users are solely responsible for
confirming data accuracy.



May 8, 2012



Aerial Map

Legend

— Roads

▬ Parcels

2008 Orthophotography



1:1,200

1 inch = 100 feet

0 30 60 120 180 240 Feet

0 0.0125 0.025 0.05 0.075 Miles

This information is for reference only.
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confirming data accuracy.



May 8, 2012

Aguafina
Proposed Restrictive Covenants

Use and Occupancy. All Lots and dwellings will be used and occupied primarily for single-family residence purposes only. No Lot or dwelling may be used for commercial, institutional or other non-residential purpose, except for permissible home occupations approved and licensed by the City of Santa Fe. This prohibition will not apply to "yard sales" conducted entirely on an Owner's Lot.

Architectural Standards. All dwellings constructed on any Lot shall comply with the following standards:

1. Building exteriors, including that of detached accessory structures, shall be stucco, metal siding (i.e. corrugated panels, stainless steel, galvanized panels, etc.), natural wood siding, or a combination of these materials.
2. Exterior colors shall be predominantly earth-toned (except for permissible metal materials). Accent colors for window and door trim are permitted.
3. Roofs may be flat, shed, or pitched. Shed and pitched roofs shall have a minimum pitch of 3:12. Roofing materials shall be non-reflective.
4. The maximum allowable height for primary dwellings is twenty-four feet. Detached accessory structures shall be single story and limited to fourteen feet in height.

Rezoning Prohibited. No Lot may be rezoned to any classification allowing commercial, institutional or other non-residential use without the express consent of the Association and Declarant, which may be withheld in Declarant's sole discretion. Declarant or the Association may enforce this covenant by obtaining an injunction against any unapproved rezoning at the expense of the enjoined party.

Drainage Alteration Prohibited. The surface water drainage contours of each Lot will conform to the grading plan established by the Declarant and approved by the City of Santa Fe. No Owner will fill or alter any drainage swale or structure established by the Declarant, nor will any Owner install landscaping or other improvements that may damage or interfere with the installation and maintenance of utilities or which may obstruct or divert surface water runoff from the drainage patterns, swales and easements established by the Declarant.

Nuisances. No noxious or offensive activity will be carried on upon any Lot, nor will anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood. No Owner shall engage in any activity which materially disturbs or destroys the vegetation, wildlife, or air quality within the Community or which results in unreasonable levels of sound or light pollution. Nothing shall be done or maintained on any part of a Lot which emits foul or obnoxious odors outside the Lot or creates noise or other conditions which tend to disturb the

peace, quiet, safety, comfort, or serenity of the occupants and invitees of other Lots. No noxious, illegal, or offensive activity shall be carried on upon any portion of the Community, which in the Board's reasonable determination tends to cause embarrassment, discomfort, annoyance, or nuisance to the occupants and invitees of other Lots.

Vehicles. No abandoned, derelict or inoperable vehicles may be stored or located on any Lot.

Animals and Pets. Each Unit shall be permitted a reasonable number of usual and common household pets, as determined in the Board's discretion. Pets which are permitted to roam free, or, in the Association's sole discretion, endanger the health, make objectionable noise, or constitute a nuisance or inconvenience to other Owners or residents of any portion of the Community shall be removed upon the Board's request at the Owner's expense. If the Owner fails to honor such request, the Board may cause the pet to be removed at the Owner's expense. No pets shall be kept, bred, or maintained for any commercial purpose.

Garbage and Refuse Disposal. No Lot will be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall be kept in enclosed containers designed for that purpose. Materials incident to construction of improvements may be stored on Lots during construction by Declarant and Owners.

Driveways. Prior to or upon completion of the construction of the dwelling, a driveway must be constructed on each Lot, that will accommodate a minimum of two vehicles parked either side-by-side or in tandem. Driveways must be surfaced with base course, gravel, concrete, or asphalt and must be constructed to maintain positive drainage.

Parking. Vehicles may only be parked in a Lot's designated driveway and/or garage or on the street where on-street parking is permitted. Vehicles may not be parked in any yard area on a Lot.

Commercial or Institutional Use. No Lot, and no building erected or maintained on any Lot, will be used for manufacturing, industrial, business, professional, commercial, institutional or other non-residential purposes, except for permissible home occupations approved and licensed by the City of Santa Fe.

This Section shall not apply to restrict Declarant's activities in the Community, nor shall it restrict the activities of persons approved by Declarant involved with the development and sale of property in the Community.

Detached Buildings. Detached accessory buildings, such as detached garages, storage buildings and greenhouses, must be compatible with the dwelling to which it is appurtenant in terms of its

design and material composition. Exterior materials and roofing materials of such outbuildings shall be consistent with the existing exterior and roofing materials of the dwelling.

Fences. All fences and walls must comply with City requirements. The maximum allowable height for fences and walls is six feet. No chain-link, metal cloth or agricultural fences may be built or maintained on any Lot unless such fence is located within the perimeter fence in such a manner that it is not visible from any street. Unless otherwise agreed between Owners, side and rear yard fences that separate adjacent Lots will be owned and maintained by the Owner on whose Lot the fence exists, or if the location is indefinite, such fence will be maintained by the Owners whose Lots are involved jointly with expenses being shared equally. All block walls must be stuccoed to match the color of the dwelling.

Sidewalks. All sidewalks will conform to City specifications and regulations. If a homeowner, its representative, agent or employee, causes damage to any sidewalk located on or adjacent to such homeowner's Lot, the homeowner must repair or replace the sidewalk so that it will be returned to its original condition.

Landscaping and Exterior Maintenance. The Declarant will install street trees along each Lot frontage in accordance with City requirements. The Lot Owner is responsible for maintaining and watering street trees on or adjacent to the Owner's Lot. Prior to or upon completion of construction of an Owner's residence on a Lot, the Owner shall install front yard landscaping on the Lot. All landscaping located on any Lot will be properly maintained at all times by the Lot Owner. Each Lot Owner will keep all shrubs, trees, grass, and plantings of every kind on his Lot cultivated, pruned, free of trash, and other unsightly material. The minimum front yard landscaping requirements are as follows:

1. Ground surfacing in the form of native grasses, plant ground cover, sod, gravel, or combination thereof. A maximum of 30% of a front yard, exclusive of the driveway, may be covered in gravel.
2. A minimum of one shrub per 100 square feet and one tree per 500 square feet.

All improvements upon any Lot, including driveways, fences, and walls, must be kept in good condition and repair and adequately painted or otherwise maintained by the Lot Owner at all times. Declarant and the Association will have the right at any reasonable time to enter upon any Lot to replace, maintain, and cultivate shrubs, trees, grass, or other plantings as deemed necessary; and to paint, repair, or otherwise maintain any improvements in need thereof, and to charge the cost thereof to the Lot Owner.

Antennae, Satellite Dishes and Solar Collectors. Except with the written permission of the Association Board or as provided herein, no Owner may erect or maintain (a) any direct

broadcast satellite ("DBS") antenna greater than one meter (39 inches) in diameter, or (b) any multi-channel multipoint distribution service (wireless cable) ("MMDS") antenna greater than one meter (39 inches) in diameter; provided, however, such DBS or MMDS antenna being less than one meter in diameter may be placed in the least conspicuous location on a Lot where an acceptable quality signal can be received as long as such DBS or MMDS antenna is screened from view (for aesthetic reasons) of any street, unless otherwise approved in writing by the Association Board. Solar collector panels may be placed on or around the residential structure, as long as they are screened from view by the roof parapet or, in the case of ground mounted panels, screened by landscaping or walls/fencing or a combination thereof.

Clothes Hanging Devices. No clothes hanging devices exterior to a dwelling are to be constructed on the Lot except those of a temporary nature that are screened from view from the front of the Lot.

Window Treatment. No aluminum foil, reflective film or similar treatment will be placed on windows or glass doors. Temporary window treatments must be removed within forty-five (45) days.

Burning. Except for enclosed outdoor fireplaces and outdoor cooking, no burning of anything will be permitted anywhere on the Property.

Utilities. Except as to special street lighting or other aerial facilities which may be required by the City or by the franchise of any utility company or which may be installed by the Declarant pursuant to its subdivision approval, no aerial utility facilities of any type (except meters, risers, service pedestals, transformers and other surface installations necessary to maintain or operate appropriate underground facilities) will be erected or installed on the Property, whether upon individual Lots, easements, streets or rights-of-way of any type, either by the utility company or any other person or entity, including, but not limited to, any person owning or acquiring any part of the Property, and all utility service facilities (including, but not limited to, water, sewer, gas, cable, electricity and telephone) will be buried underground unless otherwise required by a public utility. No individual water supply system or sewage disposal system will be permitted on any Lot, including, but not limited to, water wells, cesspools or septic tanks.

Construction Activities. This Declaration will not be construed so as to unreasonably interfere with or prevent normal construction activities during the remodeling of or making of additions to improvements by a Lot Owner (including Declarant) upon any Lot within the Property. Specifically, no such construction activities will be deemed to constitute a nuisance or a violation of this Declaration by reason of noise, dust, presence of vehicles or construction machinery, posting of signs or similar activities, provided that such construction is pursued to completion with diligence and conforms to usual construction practices in the area. If construction upon any

Lot does not conform to usual practices in the area as determined by the Association Board or the Declarant in their sole good faith judgment, the Association Board or the Declarant will have the authority to obtain an injunction to stop such construction. In addition, if during the course of construction upon any Lot, there is an excessive accumulation of debris of any kind that is offensive or detrimental to the Property or any portion thereof, then the Association Board or the Declarant may contract for or cause such debris to be removed, and the Lot Owner will be liable for all expenses incurred in connection therewith.

City of Santa Fe, New Mexico

Exhibit F

Public Correspondence

L.A.N.A.
Las Acequias Neighborhood Association
P.O. Box 28062
Santa Fe NM 87592
(505) 424-6929

November 28, 2012

Planning Commission
City of Santa Fe
Santa Fe, New Mexico

To Whom It May Concern:

The Las Acequias Neighborhood Association (LANA) and Board recognize that Jenkins Gavin Design and Development are presenting the proposal for the Agua Fina Rezoning. We feel there are many questions that need to be answered. We would like to clarify the issues that still concern us about the proposed project and their "proposed restrictive covenants". We realize that at this time the only concern is the proposed change in zoning so that the entire parcel is R-5. The Las Acequias Neighborhood Association would agree to this change in zoning if the Planning Commission and City Council address our concerns.

1. Clarify what type of structures will be allowed in the community and that all dwellings be built on permanent foundations; hopefully this community will be all permanent stick built homes.
2. Guaranteeing that the north section of the project, which is presently in the county, will be covered by the City's regulations, ordinances and infrastructure. If for some reason, annexation does not go forward and lots are sold in Agua Fina, what happens?
3. The maximum height for primary dwellings should be single story and limited to 14 feet in height because many of the homes in Las Acequias are just one story, especially at the northern end, and two story structures would block the view and the afternoon sun.
4. The Agua Fina developers should be responsible for providing an open park or green area.
5. The Planning Commission and City Council will protect the existing communities surrounding this new proposed community by helping enforce the covenants of the planned community.
6. The District 3 Councilors and the City of Santa Fe Police are very aware of the problems that exist within the Las Acequias Community and the Las Acequias city park and the issues that come into play with Powerline Road being made an access road for this development. The L.A. community does not want that road to be the access road for Agua Fina because it is so vulnerable being right next to the park. This would cause even more traffic and congestion in that area. The families who live around the park put up with enough, as it is. We request that the access road into the development be off of Rufina and if a second entrance is required for safety, that Powerline Road ONLY be used for an Emergency entrance/exit.
7. In the developer's covenants they state that pets are permitted to roam free, isn't that against city code?

The Planning Commission meeting is just the first step in the approval process of this property and there will be more opportunities to discuss the details of their proposal. The purpose of this letter is to inform you officially and to go on record that the Las Acequias Community has concerns which need to be addressed.

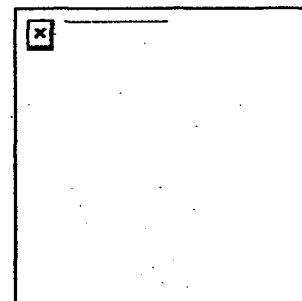
Thank you for taking our points into consideration and reviewing them as we proceed through these steps in the coming weeks and months.

Sincerely,

JANA Officers: Liddy Padilla, Pres., Joanna Nedboy, Vice Pres., Sharon Shaheen, Secretary and Larry Hudgins, Treas. and The Las Acequias Executive Board

LAMBOY, HEATHER L.

From: William Mee <williamhenrymee@aol.com>
Sent: Wednesday, December 05, 2012 9:32 PM
To: GURULE, GERALDINE A.; LAMBOY, HEATHER L
Cc: cdGonzales@comcast.net; LoisBMee@aol.com; Ray.Olguin@state.nm.us; marie.anaya@state.nm.us; cheryldee@aol.com; gjmontano@msn.com; catsfe@msn.com
Subject: Opposition to Case 2012-104 Agua Fina



Agua Fria Village Association

2073 Camino Samuel Montoya
Santa Fe, NM 87507

City Planning Commission Members
City of Santa Fe
P.O. Box 909
Santa Fe, NM 87504-0909

December 5, 2012

Dear Honorable Planning Commission Members:

The Agua Fria Village Association (AFVA) is the County-recognized neighborhood association for the state-authorized Agua Fria Village Traditional Historic Community (THC) requests that you deny Case# Case 2012-104 for the Agua Fina Rezoning.

Denial should be based on the following factors:

1. Our neighborhood received no notification on the proposed rezoning or the Early Neighborhood Notification meeting although we are bordering the subject lot on the north and are on file as a neighborhood association with the City.
2. The City-commissioned study of the annexation areas by UNM's Bureau of Business and Economic Research released 3-2012 states that the City is not in a position to provide adequate services to the Proposed Annexation Area 2 where the subject property exists. Increasing the density from R-1 to R-5 will exacerbate these problems.
3. City and County have begun a series of Annexation negotiations that the AFVA has requested to be a part of in our letter of July 15, 2012 to the City and County Managers, the Mayor, and the 8 City Councilors and 5 County Commissioners. We do not get an invitation to the meetings and they are not noticed in the legal ads or under the city or county meeting notice bulletins in the New Mexican. We have written to the City and County Managers and the City and County Land Use Administrators requesting that a "Gap Plan" be done jointly by City and County staffs to see what long term traffic control should be done on Rufina Street. City Engineering staff had recommended to residents that they contact the County and City to request such a study back in 2008. Case #2012-104 should be denied or tabled until such joint planning is done.

4. There are a number of impacts that this development will make on the surrounding neighborhoods and community at large: traffic, solid waste, litter, school crowding, increased water and sewer use, temporary construction jobs, increased park usage, an increase to the base rate of property taxes for the subject property and adjoining properties. It is interesting to note that these factors all negatively impact the quality of life of the surrounding neighbors (they take something away from existing taxpayers), but they all increase the need for bureaucratic systems provided for by the City of Santa Fe, which from the perspective of city officials mean this is positive and progress; leading to the adage of: growth for growth's sake.

Something we can agree on is making Agua Fria Street an emergency only access.

Thank you for your attention to this matter.

Sincerely,

William Henry Mee, President AFVA
(505) 473-3160
WilliamHenryMee@aol.com

CITY OF SANTA FE:

Chairperson Tom Spray
Vice Chair Renee Villareal
Secretary Lisa Bemis
Signe I. Lindell
Angela Schackel Bordegaray
Lawrence Ortiz
Michael Harris
Dan Pava

Planning Commission Liaison:
Geraldine Gurule
gagurule@santafenm.gov

Case Manager hllamboy@santafenm.gov

CC:

AGUA FRIA ASSOCIATION MEMBERS:
cdGonzales@comcast.net, LoisBMee@aol.com,
Ray Olguin, Marie Anaya, Cheryl Odom, Catherine Baca



Aguafina

Rezone from R-1 to R-5



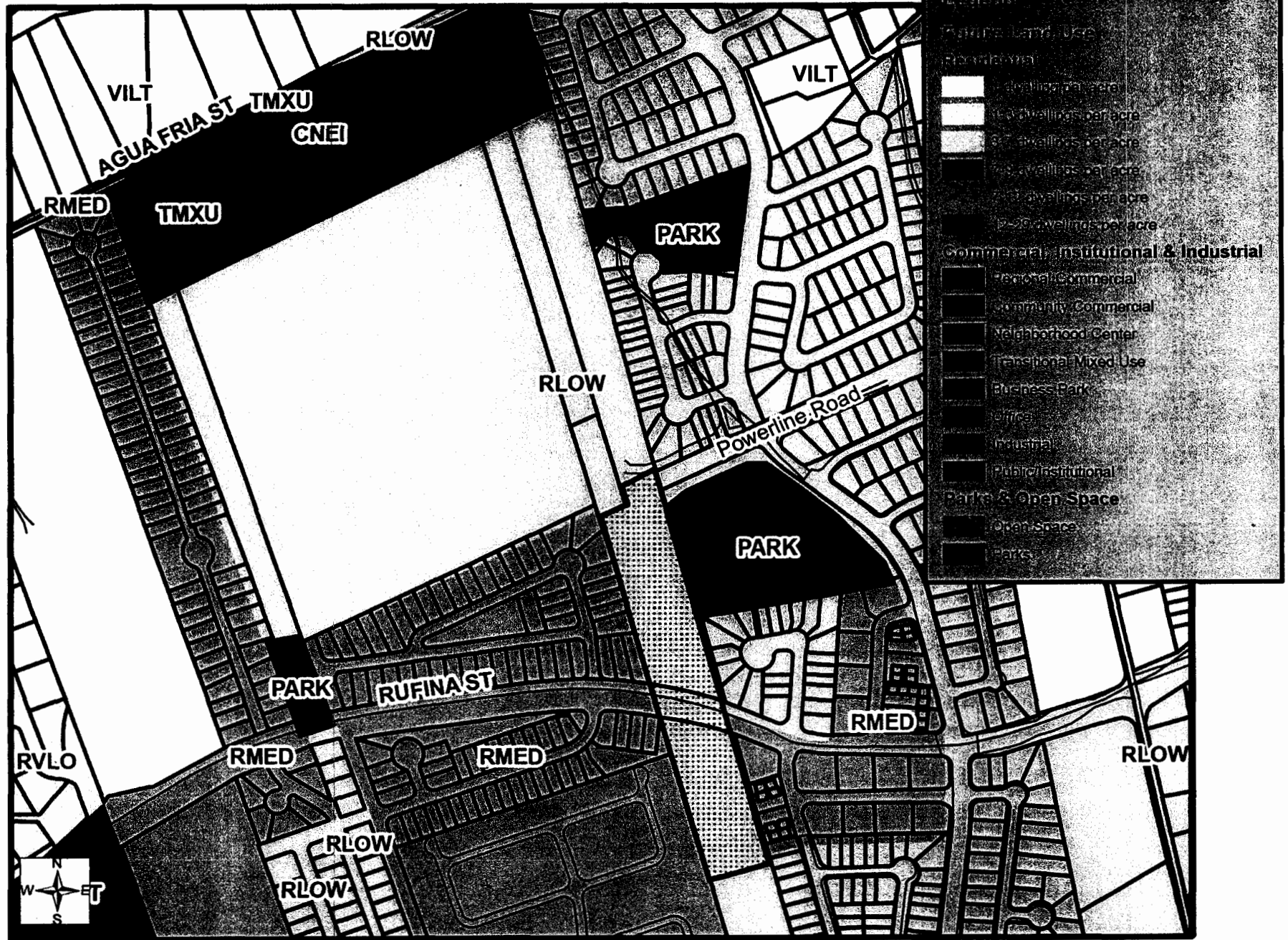
Exhibit "12"



Request:

- **Rezone 5.89 ± acres from R-1 to R-5**
- **Central Neighborhood Plan Area of Southwest Master Plan**
- **Northern tract that is adjacent to the site is in the Phase 2 Annexation Area**

AGUAFINA FUTURE LAND USE



237.5 475 950 1,425

Tract Proposed for Rezoning Outlined in

AGUAFINA ZONING



0 237.5 475 950 1,425 1,900 Feet

Tract Proposed for Rezoning Outlined in Red

AGUAFINA AERIAL WITH PHASE 2 ANNEXATION AREAS



Aguafina

- Traffic Engineer states northern site accessed via Rufina & Powerline Road
- Agua Fria Road access point for emergency access only



Aguafina

+ Criteria for judging whether a rezoning is appropriate:

- Mistake in original zoning
- Change in the area
- Is the new category more advantageous to the community?



Aguafina



- Consistent with General Plan
- Infrastructure can accommodate proposed growth

- All criteria for a rezoning have been met



Aguafina



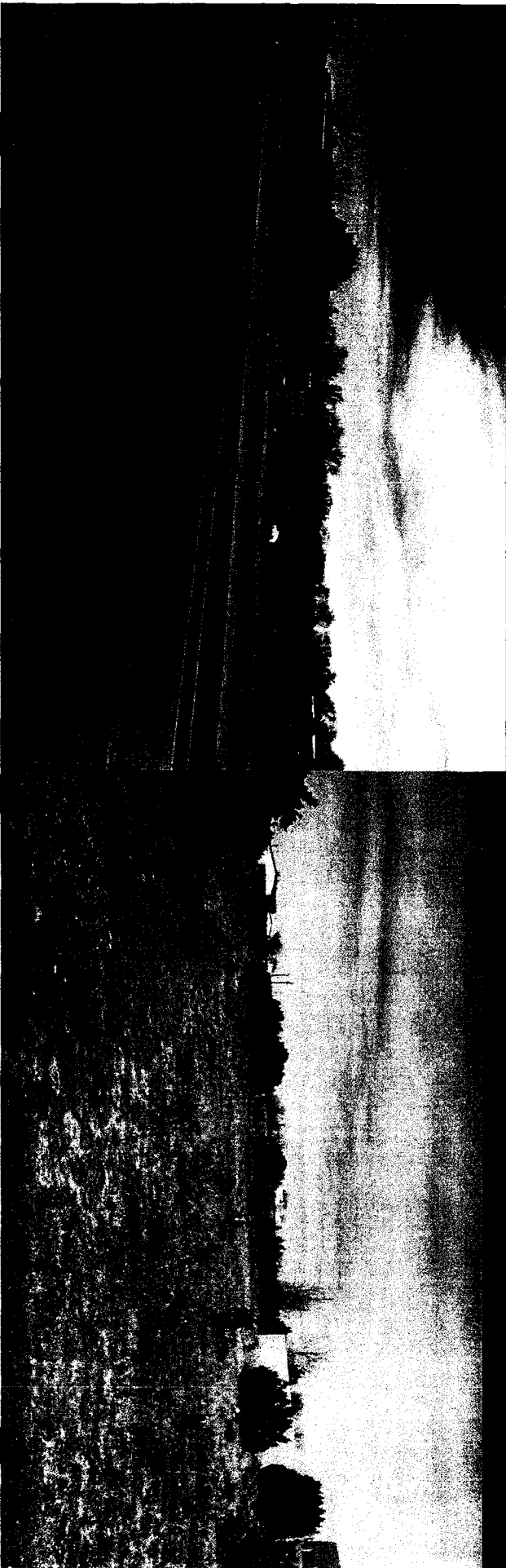
Planning Commission Action:

- Comments on traffic, density, access, and design of the development
- The R-3 recommendation reduced the allowable density from 29 units to 17 units

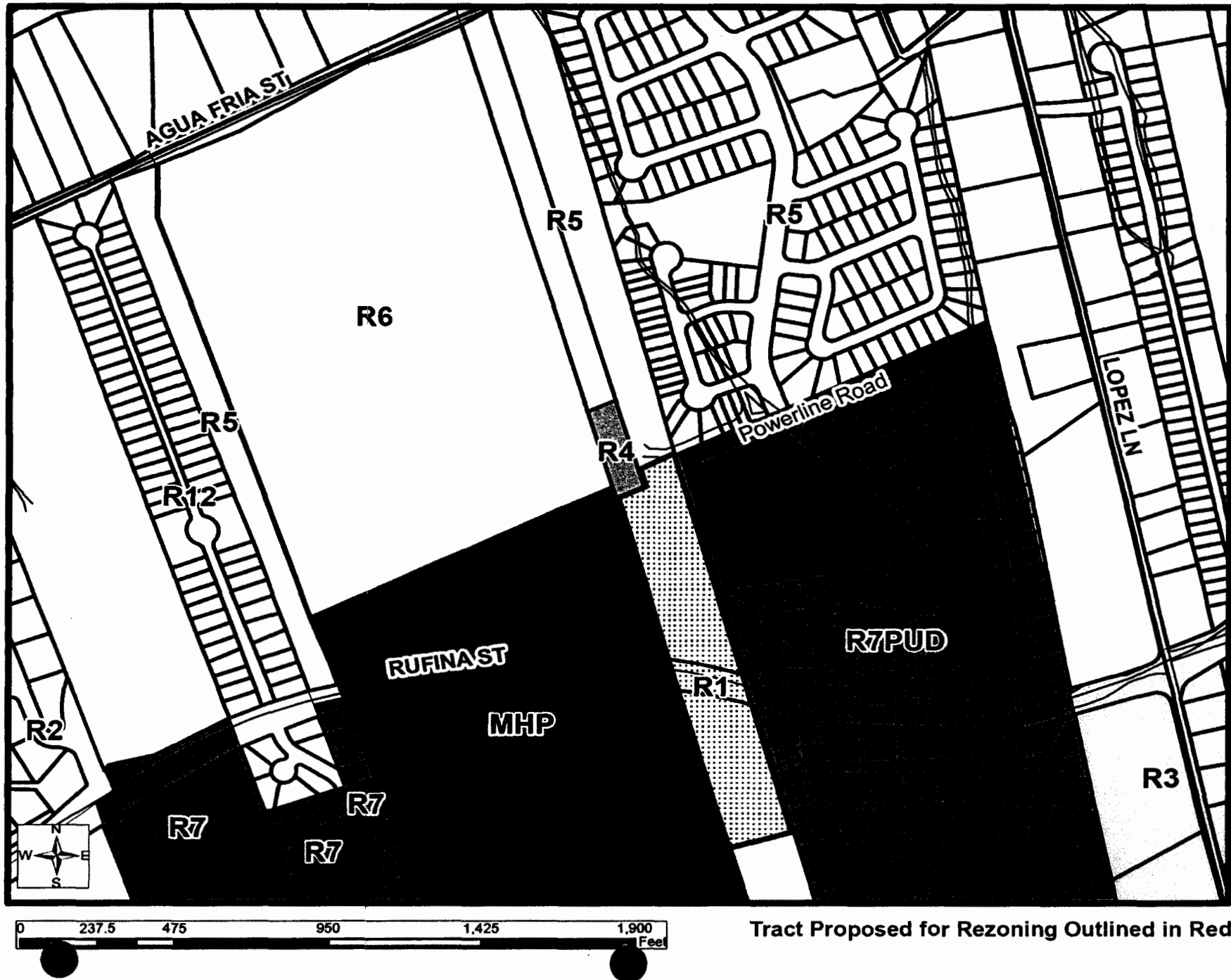


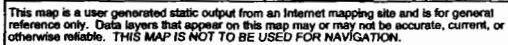
Aguafina

+ Planning Commission
recommended **CONDITIONAL**
APPROVAL to the Governing Body
for an R-3 zoning district



AGUAFINA ZONING





-

Scale: 1:7,311

Exhibit "13"

Aguafina Rezone

Traffic Data

Rufina Street is classified as a Secondary Arterial according to the City Code, allowing an Average Daily Traffic ("ADT") of up to 15,000 vehicles. Per the MPO, the ADT at the proposed Rufina access is 11,482 vehicles, confirming Rufina has additional roadway capacity.

The projected ADT for the proposed rezone is approximately 200 trips, or **1.7%** of the current traffic volume on Rufina.

AM/PM Peak Hour volumes on Rufina are estimated at approximately 1,400 vehicles per hour. The estimated Peak Hour trips generated by Aguafina are 25 vehicles or **1.7%** of the total. For example, one car would exit the neighborhood every three minutes during peak hours.

Aguafina Rezone

General Plan Compliance

General Plan Designation

The rezone will bring the property into compliance with the General Plan Designation of Low Density Residential.

Infill

"There shall be infill development at densities that support the construction of affordable housing..."(3-G-3)

"Promote infill residential development...to make more efficient use of existing infrastructure."(4-4-G-1)

Urban Form

"Promote a compact urban form and encourage sensitive/compatible infill development."(1.7.9)

Connectivity

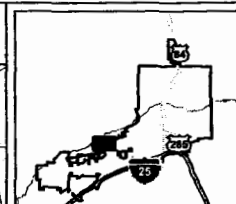
The General Plan encourages roadway connections between neighborhoods, which reduces stress on the arterial road network and promotes community integration.

Affordable Housing

The rezoning will allow for additional affordable housing opportunities in Santa Fe.



Future Land Use



Legend

- Parcels
- Santa Fe River
- Future Land Use
 - Mountain/Corridor (1 dwelling per 10+ acres)
 - Very Low Density (1-3 dwellings per acre)
 - Low Density (3-7 dwellings per acre)
 - Moderate Density (7-9 dwellings per acre)
 - Medium Density (7-12 dwellings per acre)
 - High Density (12-25 dwellings per acre)
- Regional Commercial
- Community Commercial
- Neighborhood Center
- Transitional Mixed Use
- Business Park
- Office
- Industrial
- Public/Institutional
- Open Space
- Parks
- Major Roads and Highways
- Other Roads and Streets



Scale: 1:7,311

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

Aerial Map

Legend

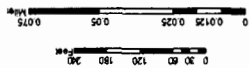
_____ Roads

Parcels

2008 Orthophotography



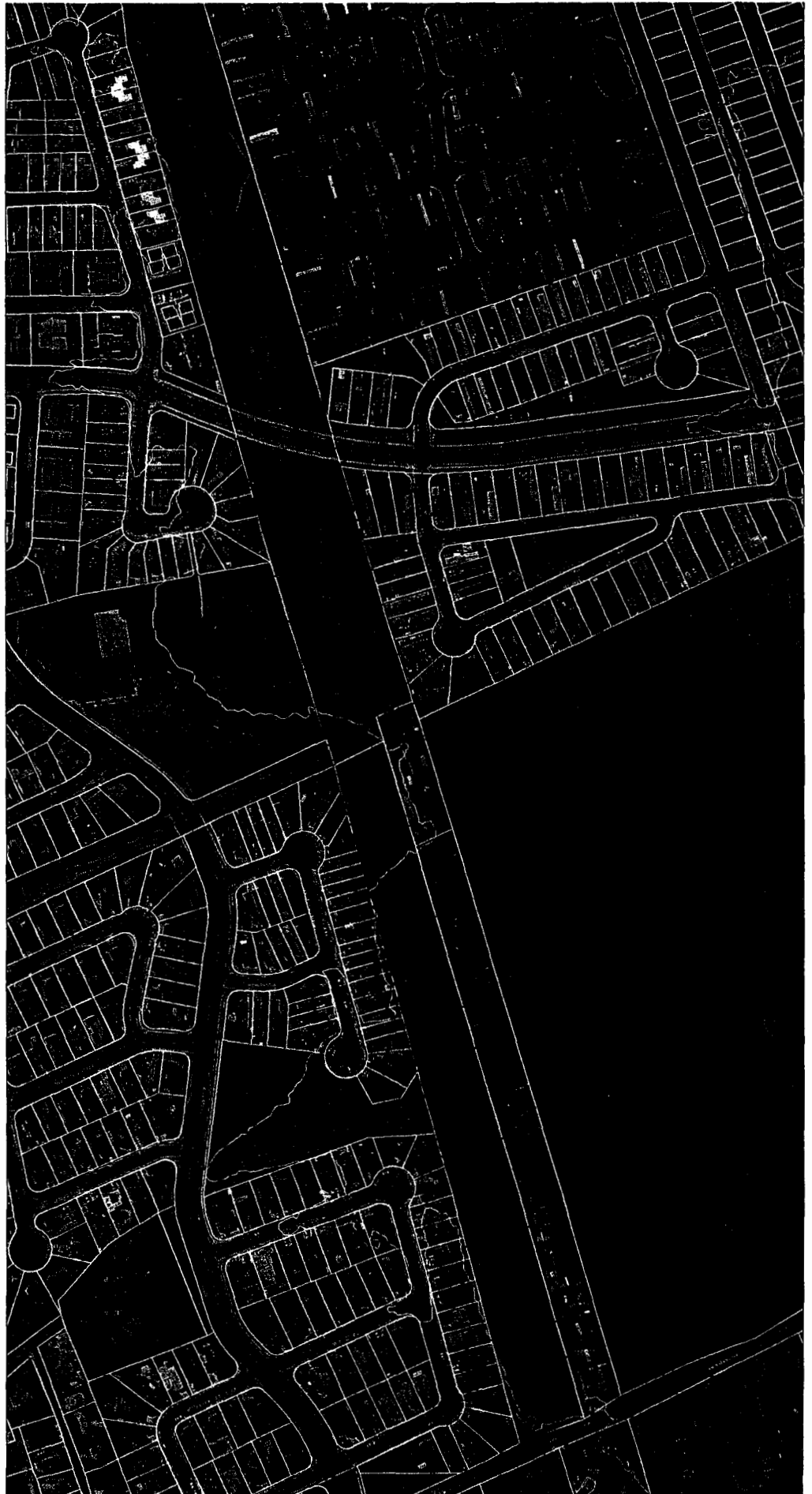
1:1,200
1 inch = 100 feet

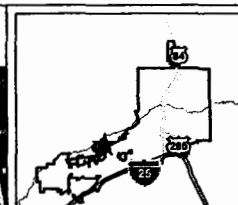


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errors associated with the use of these data.
Users are solely responsible for
confirming data accuracy.





May 8, 2012





Legend

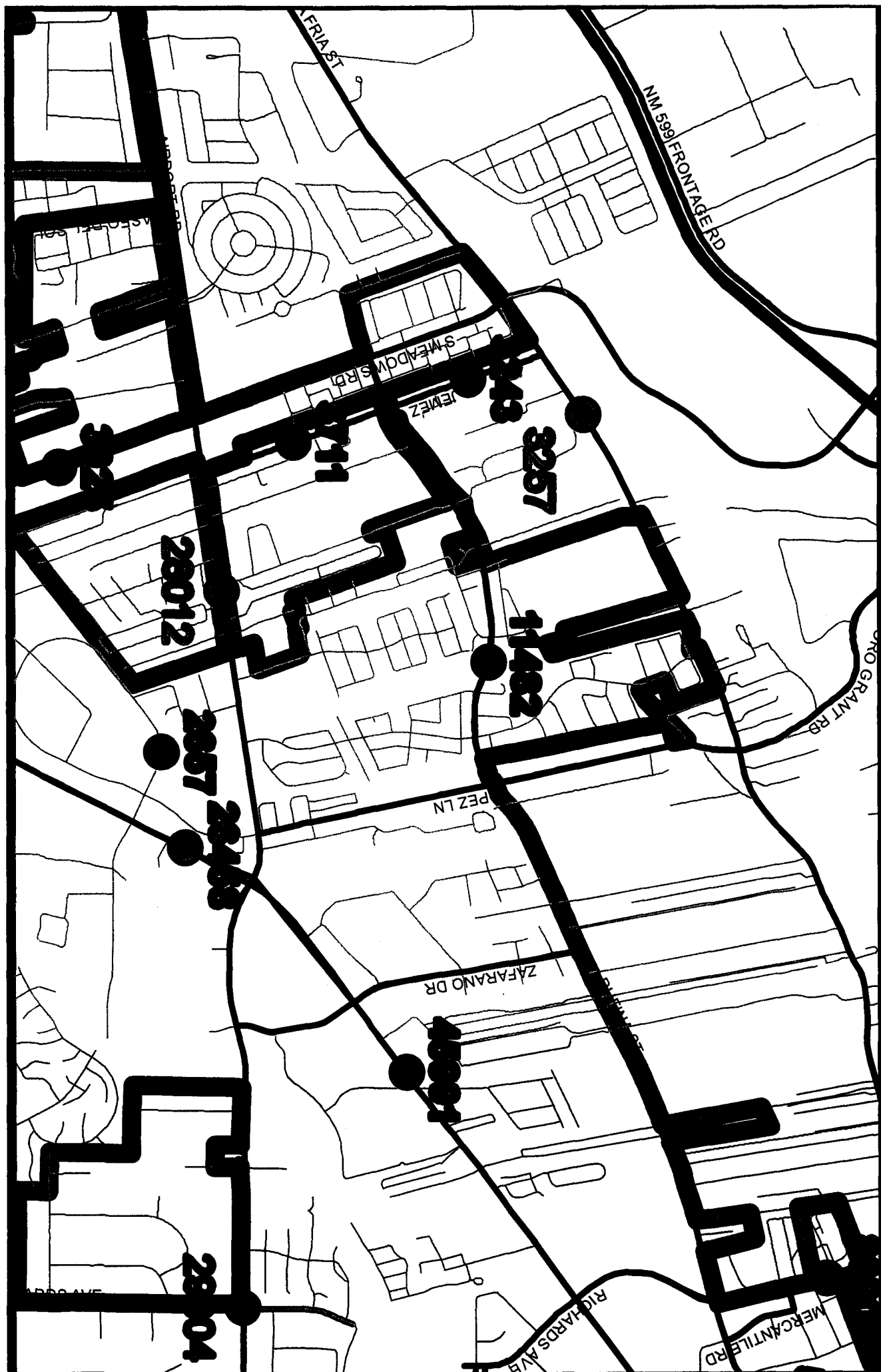
-  Parcels
 Santa Fe River
 Major Roads and Highways
 Other Roads and Streets
 2011 Aerial Photography - 1 foot resolution



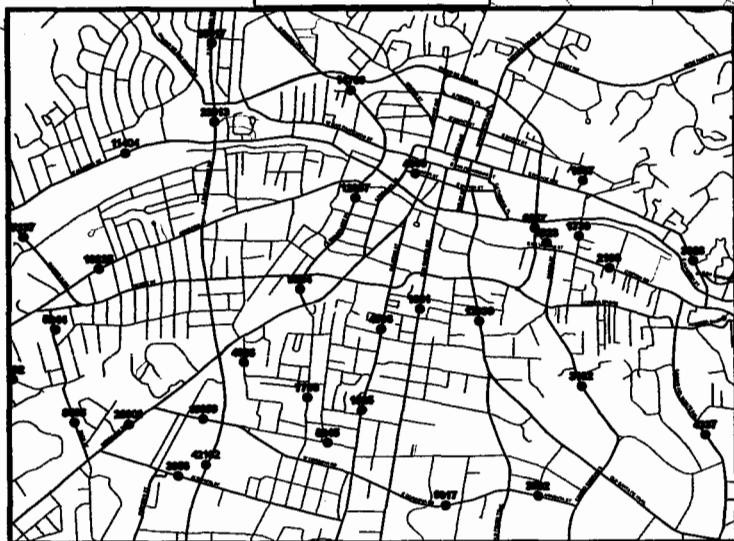
Scale: 1:4,800

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Map cent



DOWNTOWN SANTA FE



Santa Fe, New Mexico 2011 Annual Average Daily Traffic Volumes

Legend

● MPO Tube Count Station*

● NMDOT Count Station**

□ City Limits

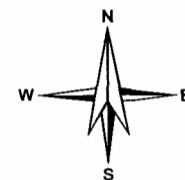
~ Major Roads

~ Minor Streets & Roads

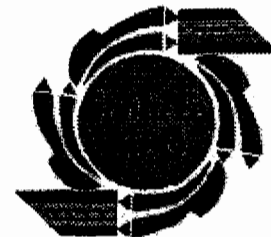
*MPO Tube Count data is collected on weekdays for a 48 hour period and adjusted by the New Mexico Department of Transportation (NMDOT) in accordance with the Traffic Monitoring Standards.

**NMDOT Count Station data is collected 24 hours a day, 365 days per year and reflects a true Annual Average Daily Traffic volume for the location.

Volumes reflect total vehicles per day (vpd) (i.e. both directions added together)



0 0.2 0.4 0.8 Miles

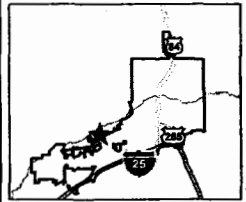
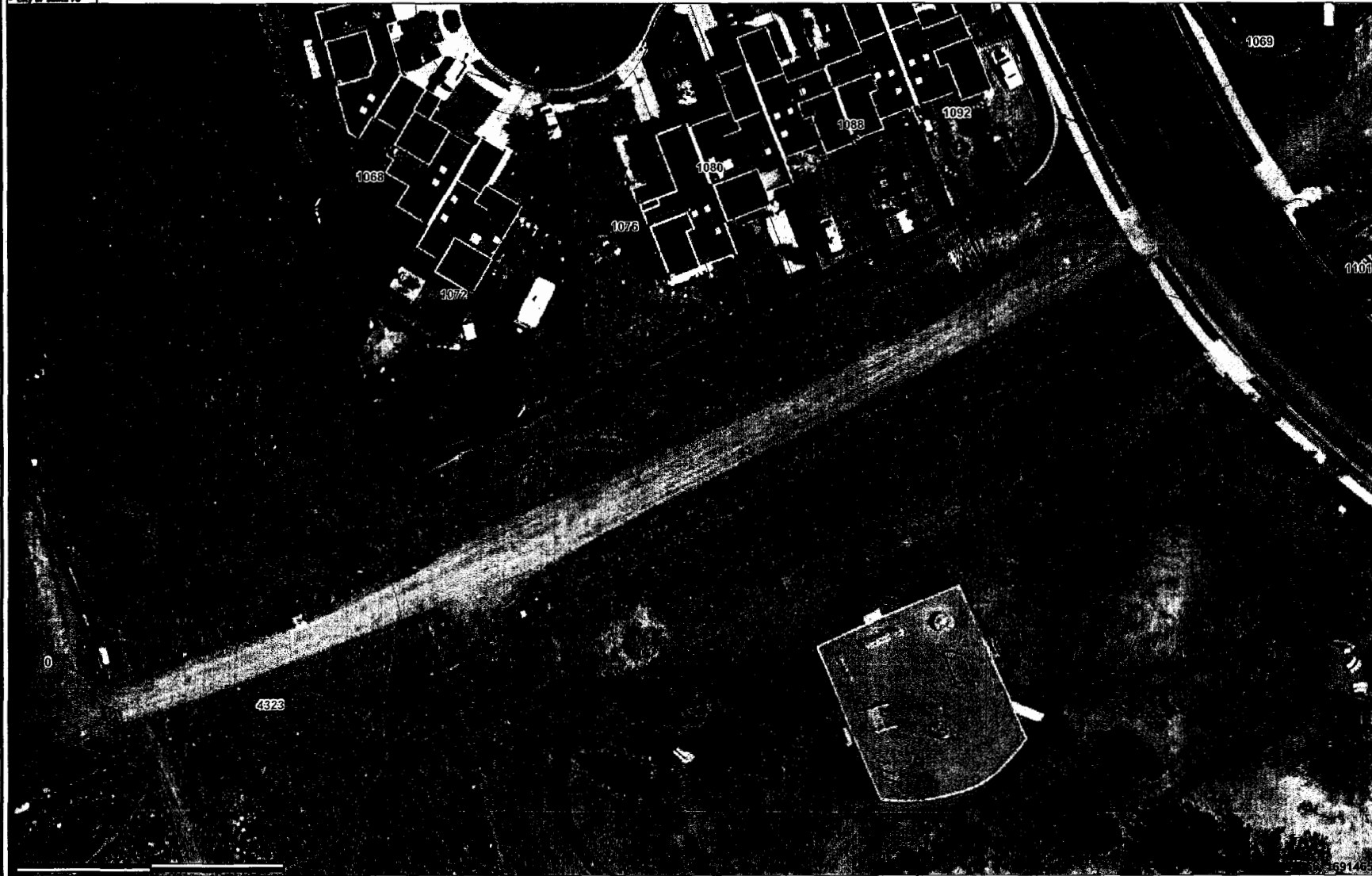


Prepared by the
Santa Fe Metropolitan Planning Organization
in cooperation with the
New Mexico Department of Transportation,
the local governments in the
Santa Fe Metropolitan Planning Area,
and the U.S. Department of Transportation,
Federal Highway Administration

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when necessary.



Powerline Road



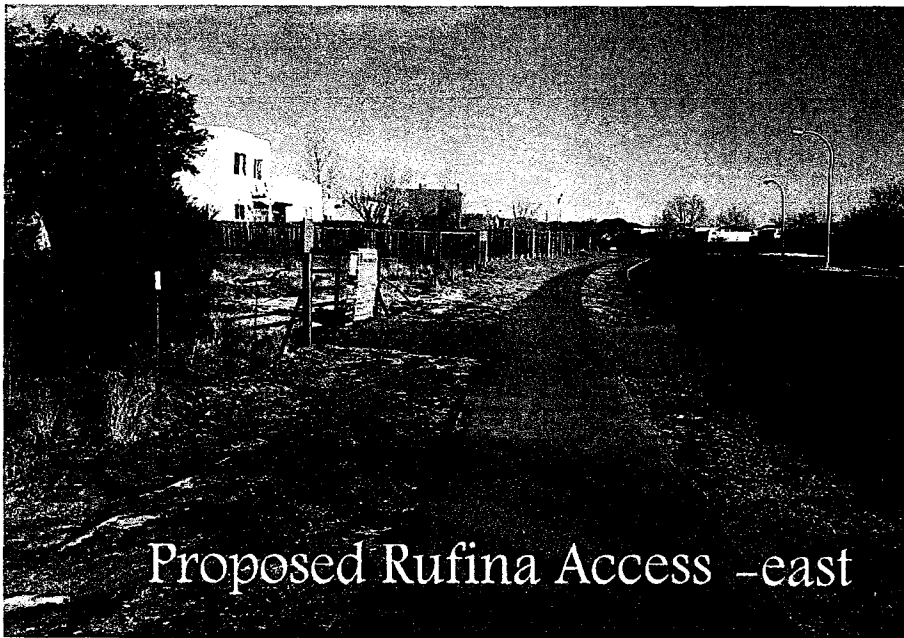
Legend

- Parcels
- Santa Fe River
- 2000 Aerial Photography - 6 inch resolution



Scale: 1:487

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Proposed Rufina Access -east



Rufina/Calle Atajo intersection-east



Rufina/Calle Atajo intersection-west

Exhibit "144"